CAS 2024/A/11051 Natalia Rok v. Polish Anti-Doping Agency

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

Sole Arbitrator: Prof. Stefano Bastianon, Professor in Bergamo, Italy and Attorney-at-Law in Busto Arsizio, Italy

in the arbitration between

Natalia Rok, Poland

Represented by Mr Piotr Klepuszewski and Mr Lukasz Klimczyk, Klepuszewski Klimczyk i Wspólnicy, Wroclaw, Poland

Appellant

and

Polish Anti-Doping Agency, Poland

Represented by Mr Michael Rynkowski, Director, and Mr Lukasz Krych, Attorney-at-law, Warszawa, Poland

Respondent

I. PARTIES

1. Ms Natalia Rok (the "Appellant" or the "Athlete") is a Polish professional boxer.

2. The Polish Anti-Doping Agency (the "Respondent" or "POLADA") is the National Anti-Doping organisation in Poland and a signatory to the World Anti-Doping Code ("WADC"). Its registered office is in Warszawa, Poland.

II. FACTUAL BACKGROUND

A. Background facts

3. Below is a summary of the relevant facts and allegations based on the Parties' written submissions and the evidence produced. Additional facts and allegations may be set out, where relevant, in connection with the legal discussion that follows. While the Sole Arbitrator has considered all the facts, allegations, legal arguments, and evidence submitted by the Parties in the present proceedings, this Award refers only to the submissions and evidence he considers necessary to explain his reasoning.

4. On 10 December 2023, the Athlete was subject to an in-competition anti-doping control by POLADA. The anti-doping control reported an Adverse Analytical Finding ("AAF") for the presence of Cocaine and its metabolite Benzoylecgonine.

5. Cocaine is a non-Specified Substance listed under class S.6 (stimulants) of the 2023 WADA Prohibited Lists, which is prohibited in competition.

6. On 2 January 2024, POLADA decided to provisionally suspend the Athlete.

7. On 4 January 2024, the Athlete submitted a preliminary explanation to POLADA, in which she indicated that her attendance at a nightclub during the night of 8 to 9 December 2023 may have been the source of the presence of the prohibited substance detected.

8. According to the Athlete, during the course of that evening, she was approached by an unknown man, and she suspects that he may have spiked her drink without her knowledge or consent.

9. On 16 January 2024, the Athlete was charged with an Anti-Doping Rule Violation ("ADRV") pursuant to the POLADA Anti-Doping Rules ("POLADA ADR") in relation to the AAF.

B. The proceedings before the POLADA Disciplinary Panel

10. On 10 October 2024, the POLADA Disciplinary Panel ruled that the Athlete had violated Articles 2.1 and 2.2 of the POLADA ADR and imposed a four-year period of ineligibility.

11. On 6 November 2024, the POLADA Disciplinary Panel issued its reasoned decision (the "Appealed Decision"). In finding against the Appellant, the POLADA Disciplinary Panel held, *inter alia,* that the Athlete gave conflicting accounts during the proceedings (i.e. spiking or sabotage) and presented no convincing evidence to support any of them. Moreover, the witnesses did not confirm any team conflicts or behaviours that might indicate sabotage.

III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT ("CAS")

12. On 27 November 2024, pursuant to Article R47 of the Code of Sports-related Arbitration (the "CAS Code"), the Appellant filed a Statement of Appeal against the POLADA with respect to the Appealed Decision. In accordance with Article R48 and Article R50 of the CAS Code, the Appellant proposed that the Appeal be submitted to a Sole Arbitrator. The Appellant also requested that (i) the time limit to file her Appeal Brief be suspended until her application for legal aid was considered; (ii) the proceedings be conducted in Polish, given that both Parties have their registered office or residence in Poland, or, in the alternative, in English; and (iii) POLADA be required to submit the English version of the Appealed Decision.

13. On 5 December 2024, the CAS Court Office initiated the present CAS proceeding and informed the Parties as follows:

(i) the Respondent was invited to state, by 9 December 2024, whether it consented to the suspension of the Appellant's time limit to file her Appeal Brief until the Athletes' Commission of the International Council of Arbitration for Sport had decided on the Appellant's request for legal aid;

(ii) in the meantime, the deadline for the appellant to file her Appeal Brief was suspended as from 27 November 2024 until further notice;

(iii) the Respondent was invited to inform the CAS Court Office, within 5 days, whether it agreed to the appointment of a Sole Arbitrator;

(iv) as Polish is not a CAS working language, pursuant to Article R29 of the Code, the language of the proceedings shall be English;

(v) the Appellant's evidentiary request was duly noted.

14. On 10 December 2024, the Athlete received information from POLADA concerning the estimated concentration of the prohibited substance in her A sample (i.e. Cocaine 24.2 ng/ml; Benzoylecgonine 23.9 ng/ml).

15. On 11 December 2024, the CAS Court Office informed the Parties that, in view of the Respondent's silence, the Appellant's request for the suspension of the time limit to file her Appeal Brief was granted and, accordingly, such time limit was suspended as from 27 November 2024 until further notice.

16. On 18 December 2024, the CAS Court Office informed the Parties that, in view of the Respondent's silence on the Appellant's request to appoint a Sole Arbitrator, pursuant to Article R50 of the CAS Code it was for the President of the CAS Appeals Arbitration Division, or her Deputy, to decide the issue.

17. On 8 January 2025, the CAS Court Office informed the Parties that the Appellant's request for legal aid had been granted and, accordingly, the Appellant's deadline to file her Appeal Brief was lifted with immediate effect.

18. On 16 January 2025, the CAS Court Office informed the Parties that, in view of the Appellant's request, the deadline to file her Appeal Brief was extended by five days in accordance with Article R32 of the CAS Code.

19. On 17 January 2025, pursuant to Article R54 of the CAS Code, the CAS Court Office, on behalf of the President of CAS Appeals Arbitration Division, informed the Parties about the constitution of the Panel in this procedure as follows:

    Sole Arbitrator: Prof. Stefano Bastianon, Professor in Bergamo, Italy, and Attorney-at-Law in Busto Arsizio, Italy.

20. On 23 January 2025, the CAS Court Office informed the Parties that, in view of the Appellant's request, the deadline to file her Appeal Brief was extended by a further five days.

21. On 28 January 2025, the Appellant filed her Appeal Brief.

22. On 25 February 2025, the Respondent filed its Answer.

23. On 5 March 2025, the Appellant requested a hearing to be held, whereas it did not request a Case Management Conference ("CMC").

24. On the same date, the Respondent informed the CAS Court Office that it did not consider either a hearing or a CMC necessary.

25. On 12 March 2025, the CAS Court Office, pursuant to Article R57 of the CAS Code, informed the Parties that the Sole Arbitrator had decided to hold a hearing by videoconference and invited the Parties to confirm their availability on 19 or 28 May 2025. Separately, on behalf of the Sole Arbitrator and pursuant to Article R29 of the CAS Code, the CAS Court Office invited the Appellant to provide the CAS Court Office with a translation into English of the exhibits 2.1, 2.2 and 2.3 submitted with her Statement of Appeal and exhibits 3, 4, 5, 6, 7, 8, 9, 10, 14, 15 and 18 submitted with her Appeal Brief on or before 26 March 2025.

26. On 17 March 2025, the Appellant informed the CAS Court Office that she was available for a hearing on 28 May 2025 and that she "*will provide all translations in due time*".

27. On 25 March 2025, the Appellant informed the CAS Court Office as follows:

"*In reference to the CAS letter dated 12 March 2025, please find attached the English translation of Exhibit No. 10 (Expert Opinion).*
With regard to all other documents indicated by the Sole Arbitrator, we have already kindly requested that the Sole Arbitrator order POLADA to submit complete case file in English to CAS (as case file should be translated into English and submitted by POLADA to WADA - certainly some of the attachments such as the charge, decision and reasoning).
Therefore, we respectfully request that the Sole Arbitrator order POLADA to provide information as to whether the case file has been translated into English and, if so, to submit it as part of the case file to CAS and, if not, whether any of the documents in the case file have been translated into English and, if so, to submit them as part of the case file to CAS.
The above request is motivated by the Athlete's lack of financial resources to pay for translation of all documents.
Notwithstanding the foregoing, in the event that the above request is deemed inadmissible or POLADA does not have English translations of the documents, I respectfully request an extension of time for the Athlete to provide translations until 18 April 2025".

28. On 31 March 2025, the CAS Court Office, on behalf of the Sole Arbitrator, informed the Parties that, in view of the Appellant's availability and of the Respondent's silence on the proposed dates, a hearing will be held by video-conference on 28 May 2025.

29. On 3 April 2025, the CAS Court Office, on behalf of the Sole Arbitrator, invited the Parties to sign and return a copy of the Order of Procedure to the CAS Court Office, by 10 April 2025.

30. On 9 April 2025, the Respondent signed the Order of Procedure.

31. On 10 April 2025, the Appellant signed the Order of Procedure.

32. On 10 April 2025, the CAS Court Office, on behalf of the Sole Arbitrator, pursuant to Article R29 of the CAS Code, asked the Respondent if it could provide the English translation of the requested documents indicated in the CAS Court Office letter of 12 March 2025, by 17 April 2025.

33. On 25 April 2025, since the Respondent had not provided the requested English translations, the CAS Court Office invited the Appellant to provide such English translations on or before 2 May 2025.

34. On the same day, upon the Appellant's request for an extension until 7 May 2025 of the deadline to provide the CAS Court Office with the requested English translations due to national holidays in Poland on 1 and 3 May 2025, the CAS Court Office granted the requested extension.

35. On 7 May 2025, the Appellant provided the CAS Court Office with the requested English translations.

36. On 28 May 2025, a hearing was held by videoconference (via Cisco Webex).

37. In addition to the Sole Arbitrator and Ms Andrea Sherpa-Zimmermann (CAS Counsel), the following persons attended the hearing:

- For the Appellant:

  - Ms Natalia Rok (athlete)
  - Mr Lukasz Klimczyk (counsel)
  - Mr Andrzej Kwásnica (expert witness)
  - Mr Krisztof Rok (witness)
  - Ms Blanka Kuźniak (witness)
  - Mr Maciej Reda (interpreter)

- For the Respondent:

  - Mr Lukasz Krych (counsel)

38. At the outset of the hearing, the Parties confirmed that they had no objection to the appointment of the Sole Arbitrator.

39. During the hearing, the Parties were given a full opportunity to present their case, submit their arguments and submissions, and answer the questions posed by the Sole Arbitrator. The Parties and the Sole Arbitrator had the opportunity to examine and cross-examine the witnesses and the expert, who were informed by the Sole Arbitrator to tell the truth subject to sanction of perjury under Swiss law.

40. After the Parties' final arguments, the Parties' counsels confirmed that they were satisfied with the hearing and that their right to be heard had been fully respected.

41. On 21 August 2025, the Appellant's father filed an unsolicited email to the CAS Court Office together with a Toxicological Opinion prepared by Dr Milena Majchrzak-Stalik.

42. On 4 September 2025, the Respondent objected to the admissibility of the Appellant's unsolicited submission dated 21 August 2025.

43. On 10 September 2025, the CAS Court Office informed the Parties that the Sole Arbitrator decided the Appellant's unsolicited submission of 21 August 2025 was inadmissible, and that the grounds of such decision would be given in the arbitral award.

IV. SUBMISSION OF THE PARTIES

A. The Appellant

44. The Appellant requested the following reliefs:

"1) the Appeal of the Appellant is admissible;

2) that the challenged decision is set aside (annulled) and Sole Arbitrator rules on merits of the case by finding that:

a) the sanction imposed on the Athlete was excessive;

b) the 4 (four) year period of ineligibility for a first violation is rescinded;

c) there are grounds for reduction of period of ineligibility imposed on the Athlete to 3-month period, on the basis that the Athlete established that prohibited substance entered her specimen in out-of-competition period and in a context unrelated to sport, which justifies the application of the 'Substance of Abuse' clause provided in the Article 10.2.4.1 of POLADA ADR;

- or alternatively –

d) there are grounds for reduction of period of ineligibility imposed on the Athlete to 2-years period, on the basis that the Athlete established that prohibited substance entered her specimen in a context unrelated to sport, which justifies the application of the 'Substance of Abuse' mechanism provided in the Article 10.2.4.2 of the POLADA ADR;

e) credit period of provisional suspension imposed on Athlete (starting from 2 January 2024) to the final penalty imposed by the Sole Arbitrator;

3) that the Respondent shall bear all the costs of the arbitral proceedings (if any) and contribute an amount to the legal costs and other expenses of the Athlete incurred in connection with the present proceedings;

4) that the Respondent shall bear the additional costs of the proceedings which occur due to the proceedings before the Disciplinary Panel;

5) any other prayers for relief that the Sole Arbitrator deems fit in the facts, and circumstances of the present case".

45. In support of her position, the Appellant relied on the following main arguments:

(a) The Athlete has never intentionally used any prohibited substance, including the one detected in her body.

(b) During her sports career the Athlete has always been diligent and has taken care to avoid any possible risk of violation of anti-doping rules, as shown by the numerous anti-doping controls which have never revealed the presence of any prohibited substance.

(c) According to Annex 1 of POLADA ADR, the terms "In-Competition" and "Out-of-Competition" are defined as follows:

"*In-Competition: The period commencing at 11:59 p.m. on the day before a Competition in which the Athlete is scheduled to participate through the end of*

such Competition and the Sample collection process related to such Competition. Provided, however, WADA may approve, for a particular sport, an alternative definition if an International Federation provides a compelling justification that a different definition is necessary for its sport; upon such approval by WADA, the alternative definition shall be followed by all Major Event Organizations for that particular sport.

Out-of-Competition: Any period which is not In-Competition".

(d) The competition in which the Athlete participated and during which the anti-doping control was conducted was scheduled on 10 December 2024; accordingly, the "Out-of-Competition" period is the period prior to 23.59 on 9 December 2024.

(e) From the beginning of this proceedings, the Athlete has argued that the possible source of the prohibited substance in her body could be a drink she had at the HEX club in Toruń on the night of 8-9 December 2024.

(f) Such argument is supported by Dr Andrzej Kwaśnica's opinion which states that: *"(i) Cocaine in concentrations above 10 ng(mL could be detected in urine in more than 50 hours, while Benzoyl[ec]gonine in concentrations above 20 ng/mL could be detected in urine in more than 100 hours; and (ii) taking into account the pharmacokinetic parameters of Cocaine and Benzoyl[ec]gonine and the available experimental data, it can be concluded that in the case in question the ingestion occurred at least tens of hours prior to the collection of the urine sample for anti-doping control (i.e. in 'out-of-competition' period), and therefore it can be ruled out that the Athlete used Cocaine 'in-competition' period*".

(g) It is undisputed that the substance was used during a visit to a club that has no connection with the sport practiced by the Appellant.

(h) The Appellant went to the club alone approximately one and a half day before her next scheduled fight.

(i) Cocaine is a typical Substance of Abuse used for recreational, not sporting, purposes, prohibited only in-competition period and therefore its use out-of-competition period "*is not criminalized under the anti-doping rules*".

(j) The principle of proportionality plays a key role in determining the severity of punishment in cases involving ADRVs and the introduction of mechanisms allowing for the reduction of penalties based on the criterion of fault into the provision of the WADC and POLADA ADR "*does not eliminate the obligation on the part of adjudicating panels to ensure that the penalty imposed is commensurate with the violation and takes into account all the circumstances of the case*".

(k) In assessing the proportionality of the sanction, it should be considered that (i) "*information about the Athlete's ADRV made its way to the public, so that even before this case was finally heard, the Athlete had been regarded by the public as*

someone with a 'doping problem'. Such a situation (...) constitutes a significant element of punishment in the form of a negative reputation in the media"; and (ii) "*the Athlete remains suspended as of 2 January 2024, and thus for a period of time more than 12 months (which is four times the length of her sanction compared to other athletes who have used exactly the same Substance of Abuse out-of-competition and for recreational purposes*".

B. The Respondent

46. The Respondent requested the following reliefs:

- "*the Appeal Brief is dismissed in its entirety.*
- *[T]he decision dated 10 October 2024 rendered by the Disciplinary Panel of the first instance is upheld.*
- *[T]he entire arbitration costs shall be borne solely by the Athlete.*
- *POLADA is granted a significant contribution to its legal and other costs".*

47. In support of its position, the Respondent relied on the main following arguments:

(a) In her Appeal Brief the Athlete based her defence on the hypothetical scenario that an unknown man spiked her alcohol drink in a club.

(b) However, during the proceedings before the POLADA Disciplinary Panel the Athlete excluded the possibility of drink spiking and concluded that sabotage during the competition was the only explanation. In particular, during the hearing before the POLADA Disciplinary Panel the Athlete argued that (i) she drank only one sip of the drink and therefore the drink could not be the source of the prohibited substance; (ii) she did not leave her drink without supervision; and (iii) the man from the club gave no details on how the drink could have been "strengthened".

(c) The Athlete has never stated that she knowingly took cocaine, including for recreational use. Moreover, there is no evidence of the time and amount of the substance allegedly used.

(d) The Athlete has not presented any evidence to support her explanation, and the witnesses listed in the Appeal Brief are not relevant, since they were not present at the club and their knowledge is based solely on what the athlete told them.

(e) The fact that the ADRV concerns a substance of abuse does not change the standard of proof (balance of probability).

(f) The expert's opinion filed by the Athlete is not relevant, given that it describes and evaluates a hypothetical situation not supported by clear and established facts.

(g) Factors such as stigma to the Athlete's name, stress and mental health treatment are irrelevant and do not warrant an additional reduction of sanction based on proportionality.

V. JURISDICTION OF THE CAS

48. Article R47.1 of the CAS Code provides as follows:

"*An appeal against the decision of a federation, association or sports-related body may be filed with the CAS if the statutes or regulations of the said body so provide or if the parties have concluded a specific arbitration agreement and if the Appellant has exhausted the legal remedies available to it prior to the appeal, in accordance with the statutes or regulations of that body*."

49. Article 13.2 of the POLADA ADR provides as follows:

"*A decision that an anti-doping rule violation was committed, a decision imposing Consequences or not imposing Consequences for an anti-doping rule violation (…) may be appealed exclusively as provided in this Article 13.2*"

50. Article 13.2.1 of the POLADA ADR provides as follows:

"*In cases arising from participation in an International Event or in cases involving International-Level Athletes, the decision may be appealed exclusively to CAS*".

51. Article 13.2.3.1 of the POLADA ADR provides as follows:

"*In cases under Article 13.2.1, the following parties shall have the right to appeal to the CAS:*

(a) the Athlete or other Person who is the subject of the decision being appealed;

(…)"

52. The Panel notes that it is not disputed by the Parties that (i) the Athlete is an International-Level Athlete; and (ii) the Athlete is a party with a right to appeal to CAS.

53. The Panel also notes that the jurisdiction of the CAS is not contested by the Parties and is confirmed by the signature of the Order of Procedure.

54. It follows that CAS has jurisdiction to adjudicate and decide on the present appeals.

VI. ADMISSIBILITY OF THE APPEAL

55. Article 13.6.1 of POLADA ADR provides that "*the time to file an appeal to CAS shall be twenty-one (21) days from the date of receipt of the decision by the appealing party*".

56. The Appealed Decision was taken on 10 October 2024 and notified to the Appellant,

with grounds, on 6 November 2024. Her Statement of Appeal was filed on 27 November 2024 and therefore within the twenty-one-day deadline set out in Article 13.6.1 of POLADA ADR.

57. In the absence of any objection to the admissibility of this Appeal, the Sole Arbitrator confirms that the Appeal is admissible.

VII. APPLICABLE LAW

58. Article R58 of the CAS Code provides as follows:

"The Panel shall decide the dispute according to the applicable regulations and the rules of law chosen by the parties or, in the absence of such a choice, according to the law of the country in which the federation, association or sports-related body which has issued the challenged decision is domiciled or according to the rules of law, the application of which the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision."

59. In the present case, the "*applicable regulations*" for the purposes of Article R58 of the CAS Code are those of POLADA ADR because the appeal is directed against a decision issued by POLADA in application thereof. Moreover, in view of the fact that POLADA has its seat in Warszawa (Poland), the Sole Arbitrator holds that, in principle, Polish law shall apply on a subsidiary basis.

VIII. RELEVANT POLADA ADR

60. Article R58 of the CAS Code provides as follows:

"The Panel shall decide the dispute according to the applicable regulations and the rules of law chosen by the parties or, in the absence of such a choice, according to the law of the country in which the federation, association or sports-related body which has issued the challenged decision is domiciled or according to the rules of law, the application of which the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision."

61. Article 10.2 of POLADA ADR on Ineligibility for Presence, Use or Attempted Use or Possession of a Prohibited Substance or Prohibited Method reads as follows:

"*The period of ineligibility for a violation of Article 2.1, 2.2 or 2.6 shall be as follows, subject to potential elimination, reduction or suspension pursuant to Article 10.5, 10.6 or 10.7:*

10.2.1 The period of ineligibility, subject to Article 10.2.4, shall be four (4) years where:

10.2.1.1 The anti-doping rule violation does not involve a Specified Substance or a Specified Method, unless the Athlete or other Person can establish that the anti-doping rule violation was not intentional.

10.2.1.2 The anti-doping rule violation involves a Specified Substance or a Specified Method and POLADA can establish that the anti-doping rule violation was intentional.

10.2.2 If Article 10.2.1 does not apply, subject to Article 10.2.4.1, the period of ineligibility shall be two (2) years.

10.2.3 As used in Article 10.2, the term "intentional" is meant to identify those Athletes or other Persons who engage in conduct which they knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk. An anti-doping rule violation resulting from an Adverse Analytical Finding for a substance which is only prohibited In-Competition shall be rebuttably presumed to be not "intentional" if the substance is a Specified Substance and the Athlete can establish that the Prohibited Substance was Used Out-of-Competition. An anti-doping rule violation resulting from an Adverse Analytical Finding for a substance which is only prohibited In-Competition shall not be considered "intentional" if the substance is not a Specified Substance and the Athlete can establish that the Prohibited Substance was Used Out-of-Competition in a context unrelated to sport performance

10.2.4 Notwithstanding any other provision in Article 10.2, where the anti-doping rule violation involves a Substance of Abuse:

10.2.4.1 If the Athlete can establish that any ingestion or Use occurred Out-of-Competition and was unrelated to sport performance, then the period of Ineligibility shall be three (3) months Ineligibility.

In addition, the period of Ineligibility calculated under this Article 10.2.4.1 may be reduced to one (1) month if the Athlete or other Person satisfactorily completes a Substance of Abuse treatment program approved by POLADA. The period of Ineligibility established in this Article 10.2.4.1 is not subject to any reduction based on any provision in Article 10.6.

10.2.4.2 If the ingestion, Use or Possession occurred In-Competition, and the Athlete can establish that the context of the ingestion, Use or Possession was unrelated to sport performance, then the ingestion, Use or Possession shall not be considered intentional for purposes of Article 10.2.1 and shall not provide a basis for a finding of Aggravating Circumstances under Article 10".

62. Article 4.2.3 of POLADA ADR concerns substances of abuse and reads as follows:

"*For purposes of applying Article 10 Substances of Abuse shall include those Prohibited Substances which are specifically identified as Substances of Abuse on the Prohibited List because they are frequently abused in society outside of the context of sport*".

63. Annex 1 of POLADA ADR defines the term In-Competition as follows:

"*In-Competition: The period commencing at 11:59 p.m. on the day before a Competition in which the Athlete is scheduled to participate through the end of such Competition and*

the Sample collection process related to such Competition. Provided, however, WADA may approve, for a particular sport, an alternative definition if an International Federation provides a compelling justification that a different definition is necessary for its sport; upon such approval by WADA, the alternative definition shall be followed by all Major Event Organizations for that particular sport".

IX. PRELIMINARY ISSUES

64. The only preliminary issue to be addressed concerns the Appellant's unsolicited submission of 21 August 2025.

65. The Sole Arbitrator recalls that, pursuant to Article R56 of the CAS Code, unless the parties agree otherwise or the President of the Panel orders otherwise on the basis of exceptional circumstances, the parties are not authorized to supplement or amend their requests or their arguments, to produce new exhibits, or to specify further evidence on which they intend to rely after the submission of the appeal brief and of the answer.

66. In the present case, the Appellant submitted, by way of an unsolicited letter dated 21 August 2025, a new toxicological opinion authored by Dr Milena Majchrzak-Stalik and filed by the father of the Athlete.

67. The Sole Arbitrator notes that there is no agreement between the parties to allow such a late submission and, to the contrary, that the Respondent has formally objected to the admission of this new evidence by letter dated 4 September 2025. Nor does the Sole Arbitrator consider that any exceptional circumstances exist to justify admitting this additional evidence after the closure of the evidentiary phase. In particular: (a) the submission was introduced by the father of the Athlete, who is not a party to these proceedings; (b) the Appellant has not put forward any exceptional circumstance that might justify the late filing; and (c) the fact, admitted by the Athlete's father, that the toxicological opinion was only prepared after the hearing does not amount to a valid justification, since the Appellant could have sought and produced such an opinion before the conclusion of the evidentiary measures.

68. Accordingly, the Sole Arbitrator rules that the Appellant's unsolicited submission of 21 August 2025 is inadmissible and shall not form part of the case file in these proceedings.

X. MERITS

69. The Sole Arbitrator notes that the Appellant does not dispute that she has committed an ADRV pursuant to Articles 2.1 and 2.2 of the POLADA ADR.

70. By contrast, the Parties disagree on what sanction shall be imposed on the Appellant.

71. According to the Appellant, there are grounds for reduction of the period of ineligibility imposed on the Athlete to 3-month period or, alternatively, to 2-year period pursuant to Article 10.2.4 of the POLADA ADR. Conversely, the Respondent requests to uphold the Appealed Decision and the 4-year period of ineligibility.

72. In the light of the above, the Sole Arbitrator will address the following issues:

A. Has the Athlete established the prerequisites for the application of Article 10.2.4 of the POLADA ADR ("The Substance of Abuse Clause")?

B. Should the answer be negative, what is the appropriate sanction ("The Appropriate Sanction")?

A. The Substance of Abuse Clause

73. The Appellant's argument is twofold. On one hand, she argues that, according to Dr. Andrzej Kwaśnica's report "*Cocaine in concentrations above 10 ng/mL could be detected in urine more than 50 hours, while Benzoylgonine in concentrations above 20 ng/mL could be detected in urine in more than 100 hours*". Accordingly, it can be concluded that in the case at hand "*the ingestion occurred at least tens of hours prior to the collection of the urine sample for anti-doping control (i.e. in out-of-competition period), and therefore it can be ruled out that the Athlete used Cocaine in-competition period*". On the other hand, Ms Rok argues that "*the substance was used during a visit to a club that had no connection with the sport she practiced*" and therefore in a context unrelated to sports performance.

74. By way of introduction, the Sole Arbitrator notes that WADA's Guidance Notice for Anti-Doping Organizations "Substances of Abuse under the 2021 World Anti-Doping Code" considers the presence of cocaine parent compound at an estimated urinary concentration above (>) 10 ng/mL likely to correspond to an In-Competition use of cocaine and that "*Cocaine in the absence of reported BZE (i.e. below MRL of 50 ng/mL) could indicate very recent use*".

75. In the case at hand, it is not disputed by the Parties that the estimated concentration of the prohibited substance found in the Athlete's A sample was Cocaine 24.2 ng/mL and Benzoylecgonine 23.9 ng/mL.

76. By contrast, the Athlete relies on scientific studies according to which (i) "*the concentration of COC over 1,000 ng/mL suggests that the athlete's use of COC must have been recent*"; and (ii) "*concentrations of COC lower than 100 ng/mL are most likely indicative of less recent COC use*"; and (iii) "*values above 100 ng/mL are indicative of recent use*".

77. The Sole Arbitrator acknowledges that WADA's Guidance Notice is not mandatory but notes that the levels of concentration of Cocaine in the Athlete's sample more than double the levels identified by WADA as being most likely to correspond to In-Competition Use of Cocaine.

78. Moreover, despite the striking difference between the levels indicated by WADA in its Notice Guidance and those on which the Athlete relies, Dr Andrzej Kwaśnica did not argue anything in his report.

79. The Sole Arbitrator also notes that at the hearing Dr Andrzej Kwaśnica admitted that (i) he could say nothing on how the ingestion of cocaine occurred; and (ii) his opinion is based only on the results of the Warsaw laboratory. Therefore, although it cannot be argued that his opinion is based on a hypothetical scenario, nevertheless he admitted that "*when it comes to circumstances I have no knowledge, we are, to a certain extent, in a sphere of speculation*".

80. In light of the above, the Sole Arbitrator doubts that the Athlete has established, on balance of probabilities, that the use or ingestion of Cocaine occurred out-of-competition.

81. However, even assuming (*quod non*) that the ingestion or use of Cocaine occurred out-of competition (i.e. prior to 23.59 on 9 December 2023), to benefit from the reduction provided for by Article 10.2.4.1 of the POLADA ADR the Athlete shall also establish that the ingestion or use was unrelated to sport performance.

82. In this respect, the Sole Arbitrator notes that in the case at hand there is no evidence at all supporting the Athletes' argument. In particular, there is no evidence that (a) on the night of 8 – 9 December 2023 the Athlete went to a party at the HEX club in Toruń; (b) she spent some time with a man she met there and had a drink with him; and (c) the man spiked the drink with Cocaine.

83. By contrast, this scenario is based only on the Athlete's testimony.

84. In this respect, the Sole Arbitrator wishes to acknowledge the dignity and grace displayed by the Appellant during the hearing. However, protestations of innocence, as has been noted by many CAS panel, are the common currency of the guilty and innocent, not just in anti-doping cases but also in other areas of society where wrongdoing is alleged against an individual: "*Even in such cases [where intent can be demonstrated without establishing the origin], it is clear that the athlete cannot rely on simple protestations of innocence or mere speculation as to what must have happened but must instead adduce concrete and persuasive evidence establishing, on a balance of probabilities, a lack of intent*" (see for example, CAS 2017/A/5369; CAS 2016/A/4919; CAS 2016/A/4676; CAS 2017/A/5335).

85. If arbitral panels were to decide the question of intention based on their subjective appreciation of an athlete's, and an athlete's entourage's, simple declarations of non-culpability alone – as opposed to some additional reference to some form of concrete and specific corroborating evidence – the proverbial floodgates would open for tribunals around the world to render inconsistent decisions based on the lowest form of evidence. This would surely risk undermining the core principles of the WADA Code and the fight against doping, in particular harmonization of sanctions, in a manner that would be unfair to all athletes' ability to compete on a level playing field.

86. Similarly, the same principle applies to a "*lack of a demonstrable sporting incentive to dope, diligent attempts to discover the origin of the prohibited substance or the athlete's clean record*" by themselves, which bases have also been consistently rejected as

justifications for a plea of lack of intention (See CAS 2017/O/5218, para. 166; CAS 2018/A/5584, para. 139; CAS 2019/A/6213, para. 65).

87. Furthermore, the Sole Arbitrator notes that the Athlete has changed her explanation for the ADRV several times. In particular, on 4 January 2024 the Athlete argued that the presence of Cocaine in her urine sample was due to a spiked drink offered to her by an unknown man met at a party in a club. On 21 March 2024, the Athlete expressly excluded this explanation and argued that during the competition "*someone came into the changing room and swapped those bottles that were in my bag*". Lastly, in her Appeal Brief the Athlete argued that, based on information received from POLADA concerning the estimated concentration of the prohibited substance in her A sample, the only possible explanation for the ADRV is the spiked drink at the HEX club.

88. With all due respect, the Sole Arbitrator notes that, even before receiving the information about the concentration of the prohibited substance, the Athlete had changed her explanation before the POLADA Disciplinary Panel. Moreover, the scenario put forward by the Athlete in the present proceedings appear more like an *ex-post* decision aimed at aligning the alleged facts to the scientific findings of Dr Andrzej Kwaśnica, rather than a genuine and transparent explanation of what actually occurred.

89. Be that as it may, the Sole Arbitrator notes that the Athlete's explanation to justify her repeated changes in defensive strategy is openly contradicted by her father's written statement according to which "*the second possibility was potential sabotage at the competition. It seemed to me that since the detected level was so low, someone might have slipped something into her drink before the match*". In other words, the Athlete's father argues that sabotage could be a reasonable explanation for the ADRV because of the low level of concentration of Cocaine in the Athlete's A sample.

90. Furthermore, the Sole Arbitrator considers Ms Blanka Kuźniak's testimony irrelevant as the witness (i) was not present at the HEX club; (ii) has no direct knowledge of the facts concerning the alleged spiked drink; and (iii) her evidence pertains only to the honest and sincere character of the Athlete.

91. In the absence of any concrete evidence regarding how, where and in what quantities the use or ingestion of the prohibited substance occurred, it is not possible to establish that such use or ingestion is unrelated to sport performance under Article 10.2.4.1 of the POLADA ADR.

92. For the same reasons, the Athlete cannot rely on Article 10.2.4.2 of the POLADA ADR which also requires that the use or ingestion be unrelated to sport performance.

93. In light of the above, the Sole Arbitrator concludes that the Athlete is not entitled to rely on Article 10.2.4 of the POLADA ADR and to benefit from the reductions provided for by that provision.

B) The Appropriate Sanction

94. Article 10.2 of the POLADA ADR governs the period of ineligibility for the presence or use of a prohibited substance and provides for a presumption on intentional use for non-specified substances (such as Cocaine) as well as a 4-year base sanction if the athlete cannot rebut the presumption on intentional use.

95. By way of introduction the Sole Arbitrator notes that, as per the comment to the equivalent provision in the WADC, *"[w]hile it is theoretically possible for an Athlete or other Person to establish that the anti-doping rule violation was not intentional without showing how the Prohibited Substance entered one's system, it is highly unlikely that in a doping case under Article 2.1 an Athlete will be successful in proving that the Athlete acted unintentionally without establishing the source of the Prohibited Substance*".

96. In this context, therefore, it is the Sole Arbitrator's opinion that, in order to disprove intent, an athlete may not merely speculate as to the possible existence of a number of conceivable explanations for the AAF (such as sabotage, manipulation, contamination, pollution, accidental use, etc.) and then further speculate as to which appears the most likely of those possibilities to conclude that such possibility excludes intent. There is in fact a wealth of CAS jurisprudence stating that a protestation of innocence, the lack of sporting incentive to dope, or mere speculation by an athlete as to what may have happened does not satisfy the required standard of proof (balance of probability) and that the mere allegation of a possible occurrence of a fact cannot amount to a demonstration that that fact did actually occur (CAS 2010/A/2268; CAS 2014/A/3820): unverified hypotheses are not sufficient (CAS 99/A/234-235). Instead, the CAS has been clear that an athlete has a stringent requirement to offer persuasive evidence that the explanation he offers for an AAF is more likely than not to be correct, by providing specific, objective and persuasive evidence of his submissions. In short, the Sole Arbitrator cannot base his decision on some speculative guess uncorroborated in any manner (CAS 2017/A/5016 & 2017/A/5036).

97. As already observed (see para. 79 above), the Sole Arbitrator notes that the Athlete's contentions regarding the use or ingestion of the Prohibited Substance are devoid of any corroborating evidence, relying exclusively on her own testimony.

98. In her Appeal Brief the Athlete also argued that any sanction shall be just and proportionate.

99. The Sole Arbitrator is of the view that there is no basis for reducing the sanction further by applying the principle of proportionality. The Sole Arbitrator's basis for this position is that the WADC, from which the POLADA ADR is derived and on which it is based, has been found repeatedly to be proportional in its approach to sanctions (CAS 2017/A/5015 & CAS 2017/A/5110, CAS 2016/A/4643).

100. In light of the above, the Sole Arbitrator concludes that the Athlete shall be sanctioned with a 4-year period of ineligibility.

101. That said, the Sole Arbitrator must also deal with the following issues:

(i) the starting date (*dies a quo*) of said ineligibility period;

(ii) the disqualification of the Athlete's results.

102. In respect of the starting date of the 4-year ineligibility period, Article 10.13 of the POLADA ADR states in its pertinent part as follows: *"(…) the period of ineligibility shall start on the date of the final hearing decision providing for Ineligibility or, if the hearing is waived or there is no hearing, on the date Ineligibility is accepted or otherwise imposed*".

103. Article 10.13.2.1 of the POLADA ADR states in the pertinent part as follows: *"(…) If a period of ineligibility is served pursuant to a decision that is subsequently appealed, then the Athlete or other Person shall receive a credit for such period of Ineligibility served against any period of Ineligibility which may ultimately be imposed on appeal*".

104. The Sole Arbitrator notes that Article 10.13 of the POLADA ADR raises a question concerning the identification of the "hearing decision" the date of which is the starting date of the ineligibility period: more particularly, the question is whether such "hearing decision" is the one adopted by the Disciplinary Panel (i.e. the Appealed Decision) or the present CAS decision.

105. In coming to its conclusion, the Sole Arbitrator relies on Article R57 of the CAS Code. As stated in CAS 2011/A/2515, "*under this provision, in fact, the CAS Panel has the power to issue a new decision that replaces the decision challenged: such power was indeed declared by the Swiss Federal Tribunal (in a judgment of 3 January 2011, 4A_386/2010, at § 5.3.4) to be consistent with the mission of arbitral jurisdiction exercised by the CAS. As a result, in the event the CAS award imposes a sanction to an athlete that had not been found responsible on an anti-doping rule violation, the ineligibility would be imposed only by CAS: therefore (…), the date of the CAS award would be the starting moment of the ineligibility (…). Conversely, the date of the decision of the disciplinary body is the starting date of the ineligibility in the event the CAS decision does not replace, but entirely confirms, the sanction imposed by the disciplinary body: in such event, ineligibility finds its foundation only in, and is therefore imposed only by, the lower-level decision*" (para 82).

106. In the case at hand, the Athlete was provisionally suspended on 2 January 2024. It follows therefore that the Athlete should receive credit for the period of ineligibility already served. In this regard, the Sole Arbitrator determines that the Athlete's 4-year period of ineligibility shall commence as from the date of the provisional suspension (i.e. 2 January 2024), thus giving her full credit for the time already served in accordance with Article 10.13.2.1 of the POLADA ADR, as correctly held in the Appealed Decision. Consequently, the period of ineligibility starts as from 2 January 2024.

107. At the hearing, the Athlete also invoked the principle of fairness, arguing that a 4-year period of ineligibility would prevent her from participating not only in the Paris 2024 Olympic Games, which she has already missed, but also in the 2028 Olympic Games.

108. The Sole Arbitrator notes that whatever effect a 4-year period of ineligibility would have on the Athlete's ability to qualify for the Olympic Games, or any other competition should in the ordinary course not have any bearing on when the ineligibility period begins or how long lasts.

109. Notwithstanding this, having established that the 4-year period of ineligibility will begin on 2 January 2024, the Athlete will be able to participate in the qualifying events for the next Olympic Games.

110. In respect of the disqualification of the Athlete's results, Article 10.10 of the POLADA ADR reads as follows: "*In addition to the automatic Disqualification of the results in the Competition which produced the positive Sample under Article 9, all other competitive results of the Athlete obtained from the date a positive Sample was collected (whether In-Competition or Out-of-Competition), or other antidoping rule violation occurred, through the commencement of any Provisional Suspension or Ineligibility period, shall, unless fairness requires otherwise, be Disqualified with all of the resulting Consequences including forfeiture of any medals, points and prizes*".

111. As regard the disqualification of the Athlete's results, the Appealed Decision disqualified the results obtained by the Athlete (i) in the competition during which the ADRV occurred, along with the forfeiture of all points, medals and prizes; and (ii) in competitions held between the date of sample collection and the starting date of the provisional suspension, along with the forfeiture of all points, medals and prizes.

112. The Sole Arbitrator notes that the Athlete has filed no submission concerning the disqualification of results.

113. Failing any submission as to any element of fairness that would require otherwise under Article 10.10 of the POLADA ADR, the Sole Arbitrator confirms the disqualification of the Athlete's results in the competition during which the ADRV occurred as well as in competitions held between the date of sample collection and the starting date of the provisional suspension, along with the forfeiture of all points, medals and prizes.

114. In conclusion, the Sole Arbitrator dismisses the appeal filed by the Athlete in its entirety and confirms the Appealed Decision.

XI. COSTS

(…)

ON THESE GROUNDS

The Court of Arbitration for Sport rules:

1. The appeal filed by Natalia Rok on 27 November 2024 against the decision rendered by the POLADA Disciplinary Panel on 10 October 2024, with reasons notified on 6 November 2024, is dismissed.

2. The decision issued by the POLADA Disciplinary Panel on 10 October 2024, with reasons notified on 6 November 2024, is confirmed.

3. (…).

4. (…).

5. All other motions or prayers for relief are dismissed.

Seat of arbitration: Lausanne, Switzerland
Date: 24 September 2025

THE COURT OF ARBITRATION FOR SPORT

Prof. Stefano Bastianon
Sole Arbitrator