



MEDIA RELEASE

FOOTBALL – ANTI-DOPING

COURT OF ARBITRATION FOR SPORT (CAS) PANEL IMPOSES A 14-MONTH PERIOD OF INELIGIBILITY ON PAOLO GUERRERO

Lausanne, 14 May 2018 – The Court of Arbitration for Sport (CAS) has partially upheld the appeal filed by the World Anti-Doping Agency (WADA) against the decision issued by the FIFA Appeal Committee (the FIFA AC) on 20 December 2017 (the FIFA AC Decision) in which a 6-month period of ineligibility was imposed on the Peruvian football player Paolo Guerrero further to an anti-doping rule violation (presence of Benzoyllecgonine metabolites). The CAS decided to increase Mr Guerrero’s suspension from 6 to 14 months, starting today, with the period of provisional suspension of 6 months already served by Mr Guerrero being credited against the total period of ineligibility to be served.

The FIFA AC had considered that Mr Guerrero had been able to establish that the adverse analytical finding had been caused by the ingestion of a tea containing the prohibited substance. The FIFA AC decided that the Player bore some degree of fault or negligence (although not significant) in committing the anti-doping rule violation (ADRV) and therefore that a proportionate period of ineligibility had to be imposed. Taking into account the circumstances of the case, the FIFA AC imposed a 6-month period of ineligibility on the Player, instead of the 1-year minimum suspension provided by the FIFA Anti-Doping Regulations, applicable in case of no significant fault or negligence.

Both the Player and WADA filed appeals at the CAS. Paolo Guerrero sought to have the FIFA AC Decision set aside and replaced by a new decision in which no sanction was imposed on him. WADA, on the other hand, had requested that the FIFA AC decision be set aside and that Paolo Guerrero be sanctioned with a period of ineligibility between 1 and 2 years with an expressed preference for 22 months. Two arbitration procedures were registered by the CAS which were consolidated and referred to the same Panel of arbitrators who held a hearing with the parties at the CAS Headquarters in Lausanne on 3 May 2018.

The CAS Panel confirmed the existence of an ADRV committed by Mr Guerrero but also accepted that he did not attempt to enhance his performance by ingesting the prohibited substance. However, the Panel considered that the Player did bear some fault or negligence, even if it was not significant, and that he could have taken some measures to prevent him from committing the ADRV. Considering that, in case of no significant fault or negligence, the sanction should, in accordance with the applicable FIFA rules, be in the range of 1 to 2 years of suspension, the CAS Panel considered that the appropriate sanction would be 14 months in light of the Mr Guerrero’s degree of fault.

The CAS Panel has only issued its decision. The reasoned award with the grounds for the Panel’s decision will be notified to the parties in due course.