

CAS 2025/A/11886 World Anti-Doping Agency v. Russian Anti-Doping Agency & Nikita Lysenin

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

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

in the arbitration between

World Anti-Doping Agency, Lausanne, Switzerland

Represented by Mr Nicolas Zbinden and Mr David Baker, Attorneys-at-law, Kellerhals Carrard, Lausanne, Switzerland

Appellant

and

Russian Anti-Doping Agency, Moscow, Russian Federation

Represented by Mr Graham Arthur, Attorney-at-law, GM ARTHUR, Liverpool, United Kingdom

First Respondent

&

Nikita Lysenin, Moscow, Russian Federation

Represented by Ms Anna Antseliovich and Mr Artem Patsev, Attorneys-at-law, Clever Consult, Moscow, Russian Federation

Second Respondent

I. PARTIES

1. The World Anti-Doping Agency (the “Appellant” or “WADA”) is a private law foundation constituted under Swiss law in 1999 to promote and coordinate at international level the fight against doping in sport. WADA has its registered seat in Lausanne, Switzerland, and its headquarters in Montreal, Canada.
2. The Russian Anti-Doping Agency (the “First Respondent” or “RUSADA”) is the National Anti-Doping organisation in the Russian Federation and a signatory to the World Anti-Doping Code (“WADC”). Its registered office is in Moscow, Russian Federation.
3. Mr Nikita Lysenin (the “Second Respondent” or the “Athlete”) is an elite winter athlete from Russia who has competed in Nordic Combined Skiing since 2022.
4. WADA, RUSADA and the Athlete are hereinafter jointly referred to as the “Parties”.

II. FACTUAL BACKGROUND

A. Background facts

5. 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.
6. On 30 January 2025, the Athlete provided an In-Competition urine sample (the “Sample”) at the Junior Russian Nordic Combined Championship (the “Competition”). The Sample was split into two separate samples, with references A 7193032 (the “A Sample”) and B 7193032 (the “B Sample”).
7. On 24 February 2025, the WADA-accredited laboratory in Seibersdorf reported an Adverse Analytical Finding (“AAF”) for “*S6. Stimulants/tuaminoheptane*” in the Athlete’s A Sample. Tuaminoheptane is a specified substance prohibited In-Competition.
8. The same day, RUSADA notified the Athlete of a potential breach of Clause 4.1 (‘Presence’) and/or Clause 4.2 (‘Use’) of the RUSADA Anti-Doping Rules (“RUSADA ADR”). The Athlete was also informed of, *inter alia*, his opportunity to provide an explanation and to have the B Sample analysed. Furthermore, the Athlete was informed that he had the opportunity to voluntarily accept a provisional suspension.
9. On 3 March 2025, the Athlete wrote to RUSADA (i) voluntarily accepting a provisional suspension; and (ii) requesting the concentration of Tuaminoheptane in his A Sample.

10. The same day, RUSADA wrote to the Athlete stating that the quantity of Tuaminoheptane detected in the Athlete's A Sample was estimated at approximately 65 ng/mL.
11. On 24 March 2025, following an extension granted by RUSADA, the Athlete provided his explanation in response to the AAF. The Athlete asserted, *inter alia*, that:
 - (i) the source of the Tuaminoheptane in his A Sample was a nasal spray, Rhinofluimucil, which the Athlete had taken to ease nasal congestion;
 - (ii) he took such nasal spray from the medicine box at his home, maintained by his mother;
 - (iii) he realised that Rhinofluimucil contained a prohibited substance, as he had recently completed anti-doping education which mentioned the product;
 - (iv) he used the Rhinofluimucil the evening before the Competition started (between 18:00 and 19:00, two sprays in each nostril);
 - (v) he "*couldn't even imagine that the nasal spray might not be cleared from his body in time for the competition*" and "*[h]e assumed that since it could be taken until 11:59 PM, it was safe*";
 - (vi) during his doping control test, he "*did not disclose the Rinofluimucil, as he was confident that it had cleared his body by that time and did not want to draw unnecessary attention to his use of the drug*".
12. Further, the Athlete admitted the presence of the prohibited substance in his doping sample but stated that his "*actions involved no significant fault or negligence related to the use of a specified substance*".
13. On 31 March 2025, the Seibersdorf laboratory confirmed that "*it can also not be excluded that the statement of the athlete is in line with the analytical finding*".
14. On 1 April 2025, in response to an email sent by RUSADA on 25 March 2025, the Athlete provided responses to certain queries raised by RUSADA. In particular, the Athlete asserted, *inter alia*, that:
 - (i) he verbally reported nasal congestion to his coach, Konstantin Nikolaevich Voronin;
 - (ii) "*[b]ecause he had only recently seen information about Rinofluimucil, he had no doubt that it was approved for use outside of competition days, so he didn't even think about checking with anyone*";
 - (iii) "*[d]ue to his age, he didn't even consider the pharmacokinetics, or whether the drug's elimination time might be longer*";

- (iv) “[h]e sincerely believed that it could be used during the out-of-competition period, which ends at 11:58 PM, it was completely safe to use during that time”;
 - (v) he was “sure that he was using the drug within the permitted period, and he was also confident that the nasal spray leaves no traces in the body after use”;
 - (vi) when listing drugs he had taken on the doping control form, he “focussed on medications he uses not for treatment, but during athletic activities”.
15. On 8 April 2024, in response to further queries raised by RUSADA, the Athlete asserted, *inter alia*, that:
- (i) as regards his completion of anti-doping education, he “didn’t read the explanations themselves, but went straight to answering the questions”;
 - (ii) he “usually checks medications through the RUSADA service, so when he visited the RUSADA website, he saw articles about Tuaminoheptane and Rinofluimucil” and that “[a]s far as he recalls, he was also asked the same question when taking the test”.

B. The proceedings before the RUSADA Anti-Doping Disciplinary Committee

16. On 14 April 2025, RUSADA notified the Athlete that he was being charged with an Anti-Doping Rule Violation (“ADRV”) under Clause 4.1 and/or Clause 4.2 of the RUSADA ADR.
17. On 12 May 2025, the Athlete filed his brief in respect of the disciplinary proceedings before the RUSADA Anti-Doping Disciplinary Committee (“RUSADA ADD Committee”).
18. On 28 May 2025, the RUSADA ADD Committee issued the operative part of its decision, finding the Athlete guilty of the ADRVs with which he was charged and imposing a six (6) month period of Ineligibility upon the Athlete.
19. On 1 September 2025, the RUSADA ADD Committee rendered the reasoned decision (the “Appealed Decision”).
20. In finding against the Athlete, the RUSADA ADD Committee argued, *inter alia*, that:
- (i) the Athlete had established, on the balance of probabilities, the use of the Rhinofluimucil, containing the prohibited substance Tuaminoheptane, during the Out-of-Competition period. Thus, the Athlete’s ADRV is unintentional;
 - (ii) the Athlete had completed an anti-doping education course, and therefore should have been aware of the risks of taking the nasal preparation Rhinofluimucil on the eve of the competition:
 - (iii) on 28 February 2025, the Athlete underwent a doping control and tested negative;

- (iv) the Athlete used the nasal spray Rhinofluimucil to relieve nasal congestion;
- (v) in light of the above, the level of the Athlete's degree of fault shall be considered low.

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

- 21. On 28 October 2025, pursuant to Article R47 of the Code of Sports-related Arbitration (the "CAS Code"), WADA filed a Statement of Appeal against RUSADA and the Athlete with respect to the Appealed Decision. In accordance with Articles R48 and R50 of the CAS Code, the Appellant proposed that the Appeal be submitted to a Sole Arbitrator.
- 22. On 4 November 2025, the CAS Court Office invited the Respondents to inform it, within 7 days, whether they agreed to the appointment of a Sole Arbitrator.
- 23. On 6 November 2025, WADA filed its Appeal Brief.
- 24. On 19 November 2025, the CAS Court Office informed the Parties that, in the absence of any response from the Respondents to the Appellant's proposal to appoint a Sole Arbitrator, the President of the CAS Appeals Arbitration Division, or her Deputy, would decide the matter in light of the circumstances of the case.
- 25. On 20 November 2025, the CAS Court Office informed the Parties that, pursuant to Article R50 of the CAS Code, the President of the CAS Appeals Arbitration Division has decided to submit the case to a Sole Arbitrator.
- 26. On 26 November 2025, the Respondents requested an extension to file their Answers until 31 December 2025, with the Appellant's prior agreement.
- 27. On the same date, the CAS Court Office informed the Parties that, unless the Appellant objected by return mail, these requests would be automatically granted.
- 28. On 23 December 2025, the First Respondent requested an additional extension to file its Answer until 16 January 2026.
- 29. On 29 December 2025, the Appellant informed the CAS Court Office that it did not object to the First Respondent's request for an additional extension to file its Answer until 16 January 2026.
- 30. On 30 December 2025, the Second Respondent filed his Answer.
- 31. On 16 January 2026, the First Respondent filed its Answer.
- 32. On 19 January 2026, the CAS Court Office invited the Parties to inform it, by 26 January 2026, whether (a) they preferred a hearing to be held in this matter or for the Sole Arbitrator to issue an award based solely on the Parties' written submissions; and (b) they requested that a Case Management Conference ("CMC") be held.

33. On 20 January 2026, the Second Respondent informed the CAS Court Office that he requested that a hearing be held, but that he did not deem necessary to hold a CMC.
34. On 22 January 2026, the Appellant informed the CAS Court Office that (a) it did not consider that a hearing was necessary but, in light of the Second Respondent's request, it was content for a hearing to take place; and (b) did not deem it necessary to hold a CMC.
35. On 27 January 2026, pursuant to Article R54 of the CAS Code, the CAS Court Office, on behalf of the President of the CAS Appeals Arbitration Division, informed the Parties about the constitution of the Panel in this procedure as follows:

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

36. On 28 January 2026, the First Respondent informed the CAS Court Office that it had no objection to a hearing being held but did not consider a CMC necessary.
37. On 3 March 2026, 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 March 2026.
38. On 5 March 2026, the First Respondent signed the Order of Procedure.
39. On 10 March 2026, the Second Respondent and the Appellant signed the Order of Procedure.
40. On 27 April 2026 a hearing was held by videoconference (via Cisco Webex).
41. In addition to the Sole Arbitrator and Ms Delphine Deschenaux-Rochat (CAS Counsel), the following persons attended the hearing:

- For the Appellant:

- Mr Nicolas Zbinden
- Mr David Baker
- Mr Ross Wenzel
- Mr Cyril Troussard

- For the First Respondent:

- Mr Graham Arthur

- For the Second Respondent:

- Ms Anna Antseliovich
- Mr Artem Patsev
- Mr Alexander Bekker

- Mr Nikita Lysenin
- Ms Evgenia Sedelnikova (Interpreter)

42. At the outset of the hearing, the Parties confirmed that they had no objection to the appointment of the Sole Arbitrator.
43. 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 Athlete.
44. 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.

IV. SUBMISSION OF THE PARTIES

A. The Appellant

45. The Appellant requested the following reliefs:
 - “1. *The Appeal of WADA is admissible.*
 2. *The decision dated 1 September 2025 rendered by the RUSADA Anti-Doping Disciplinary Committee in the matter of Nikita Lysenin is set aside.*
 3. *Nikita Lysenin is found to have committed an anti-doping rule violation under Clause 4.1 and/or Clause 4.2. of the RUSADA ADR.*
 4. *Nikita Lysenin is sanctioned with a period of Ineligibility of two years (alternatively, with a period of Ineligibility between 12 and 24 months) starting on the date on which the CAS award enters into force. Any period of ineligibility and or provisional suspension effectively served by Nikita Lysenin before the entry into force of the CAS award shall be credited against the total period of ineligibility to be served.*
 5. *All competitive results obtained by Nikita Lysenin from and including 30 January 2025 are disqualified with all resulting consequences (including forfeiture of medals, points and prizes).*
 6. *The arbitration costs shall be borne by RUSADA or, in the alternative, by the Respondents jointly and severally.*
 7. *WADA is granted a significant contribution to its legal and other costs”.*
46. In support of its position, WADA relied on the following main arguments:
 - (a) It is common ground that the Athlete committed the ADRV, given that (i) the Athlete's A Sample tested positive for Tuaminoheptane and the Athlete waived

his right to have his B Sample analysed; and (ii) in his explanations provided on 24 March 2025, the Athlete admitted the ADRV and asserted that “[t]he Athlete admits to the anti-doping rule violation of the presence of the prohibited substance tuaminoheptane in his doping sample of January 20, 2025”.

- (b) On the assumption that the Athlete has demonstrated, on the balance of probabilities, that the source of the prohibited substance in his sample was the ingestion of Rhinofluimucil on the evening of 29 January 2025, the standard sanction is a 2 (two) year period of ineligibility.
- (c) The Athlete is not entitled to a fault-based reduction under Clause 12.6 of the RUSADA ADR because his level of fault was at the very least significant and there are no grounds to reduce the standard period of ineligibility of two years. In particular:
 - (i) the Athlete knew full well that he was consuming a prohibited substance, but it did so anyway;
 - (ii) he did so against the advice of his coach;
 - (iii) without consulting anyone prior to doing so;
 - (iv) without taking even the most basic steps to try to verify how long the Tuaminoheptane might stay in his system;
 - (v) nine days prior, the Athlete had completed anti-doping education which expressly warned about the risk of a substance prohibited In-Competition remaining in his system even if taken Out-of-Competition;
 - (vi) such anti-doping education contained a question with a fact pattern materially identical to the circumstances in which the Athlete found himself;
 - (vii) the Athlete had consulted the RUSADA website and, in particular, articles on Rhinofluimucil and Tuaminoheptane, both of which warned about the risk that taking such substances Out-of-Competition could result in an adverse doping control test In-Competition.
- (d) The Athlete failed to indicate that he had consumed Rhinofluimucil on the Doping Control Form (“DCF”) and there is no suggestion that the Athlete forgot that he had consumed the Rhinofluimucil.
- (e) The Athlete’s assertions that he could not have imagined that the Rhinofluimucil would have not cleared his system by the time of the In-Competition period (i.e. 5-6 hours after he ingested the Rhinofluimucil) and “*he was also confident that the nasal spray leaves no traces in the body after use*” are directly contradictory to the Athlete’s assertion that “*he didn’t even consider the pharmacokinetics, or whether the drug’s elimination time might be longer*”.

B. The First Respondent

47. The First Respondent requested the following reliefs:

“Mr Lysenin has committed an anti-doping rule violation arising from the presence of tuaminoheptane in Sample 1474244.

Mr Lysenin has provided evidence that justifies the reduction of the standard sanction of a two-year period of Ineligibility and so the applicable sanction should be a period of Ineligibility of between 12 and 24 months.

The further consequences relating to records and prizes to be imposed upon Mr Lysenin should be those as provided for in the ADR”.

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

- (a) There is no dispute as between the Parties that the Athlete has committed an ADRV arising from the presence of a Prohibited Substance in the Sample provided by the Athlete on 30 January 2025. The dispute and issue on appeal relates to the sanction that should be imposed in relation to this violation.
- (b) The Athlete was slightly over 19 years old when he provided his Sample. He was not a Minor. However, his conduct in relation to his use of Rhinofluimucil suggests his judgement and decision-making capabilities were still developing. The Athlete made a very poor decision to use Rhinofluimucil in circumstances where he effectively ignored his coach’s advice and made an uninformed and incorrect assumption about the potential consequences of using Rhinofluimucil so close to the In-Competition period.
- (c) The fact that the Athlete did not refer to his use of Rhinofluimucil in his DCF is not relevant, given that: (a) had the Athlete not tested positive for Tuaminoheptane, his inclusion of Rhinofluimucil on the DCF would have carried no relevance; and (b) if he did test positive, he would need to disclose his use of Rhinofluimucil. There were no circumstances in which not disclosing the use of Rhinofluimucil could benefit the Athlete.
- (d) The anti-doping education was provided to the Athlete in plain and simple terms – although complicated issues of pharmacokinetics underpin the basis of the education, no knowledge of that area of science is required of Athletes. Athletes just need to know and be told that the use of substances that are permitted to be used Out-of-Competition can still be a problem if they are used too close to a Competition, because if they show up in a Sample, an Athlete will commit a doping violation. Accordingly, the Athlete’s age or experience in any way excuse his failure to act on the education he had received.
- (e) The Athlete’s evidence is that he used Rhinofluimucil because, whilst he was aware that it contained a Prohibited Substance, he also knew that he was permitted to use it in the Out-of- Competition period and did not consider that this would

present any doping issue. In this regard he was mistaken. This was a “careless” mistake because not only he failed in this regard to take account of his anti-doping education, but also because he failed to seek any sort of medical advice or consultation as to his use of Rhinofluimucil.

- (f) Although careless, such an error cannot be deemed understandable, given that:
 - (i) he used Rhinofluimucil just a few hours before the In-Competition period started;
 - (ii) it was entirely realistic that using Rhinofluimucil so close to the In-Competition period would result in a violation if Mr Lysenin was tested the next day. He should have either refrained from using Rhinofluimucil altogether given this proximity, or at the very least sought advice as to its use (which would most likely have resulted in a recommendation to avoid using Rhinofluimucil;
 - (iii) these were not “understandable” mistakes except in the context of the carelessness being exhibited by a young, inexperienced Athlete whose youth and inexperience did contribute heavily to his carelessness.
- (g) It will be for the Sole Arbitrator to form a view as to the Athlete’s degree of fault, and thereby sanction, based upon an impartial assessment of the facts and the Athlete’s overall culpability.
- (h) Should the Sole Arbitrator accept that the Athlete has acted without “Significant Fault”, RUSADA considers that the Athlete acted with a “normal” level of Fault, given that there are no factors that allow for the conclusion that the Athlete’s degree of fault was “low”.

C. The Second Respondent

49. The Second Respondent requested the following reliefs:

- “i. That this Answer is declared admissible.*
- ii. That the Appellant’s Appeal is dismissed in its entirety.*

Alternatively

- ii. That Mr Nikita Lysenin is found to have committed the anti-doping rule violation with No Significant Fault or Negligence, thereby warranting a reduced period of Ineligibility.*
- iii. That all competitive results achieved by Mr Lysenin after 30 January 2025 shall not be disqualified, pursuant to the principle of fairness.*

- iv. *That RUSADA and/or WADA are ordered to bear all costs of the CAS proceedings.*
 - v. *That the Appellant is ordered to pay the Second Respondent a fair contribution towards his legal fees and other costs incurred in connection with these proceedings, in an amount to be determined at the Panel's discretion.*
 - vi. *That any further relief the Panel deems just and appropriate is granted".*
50. In support of his position, the Second Respondent relied on the main following arguments:
- (a) The Athlete has never disputed the existence of the ADRV, i.e. the presence of a prohibited substance in his sample and has consistently acknowledged that Tuaminoheptane was detected in his Sample A.
 - (b) At the same time, the Athlete has consistently denied any In-Competition use of a prohibited substance. Tuaminoheptane is prohibited In-Competition only, and the Athlete's position always has been that the substance entered his system through the nasal spray, Rhinofluimucil, which he used exclusively during the Out-of-Competition period.
 - (c) The Athlete does not admit, and has never admitted, the "Use" of a prohibited substance In-Competition. The ADRV arises solely from the Athlete's participation in a competition while a prohibited substance remained present in his system, and not from any prohibited ingestion as such.
 - (d) As Tuaminoheptane is prohibited In-Competition only, its use outside the competition period is expressly permitted under the ADR and Prohibited List and does not per se constitute doping behaviour. The ingestion of such a substance Out-of-Competition therefore cannot be equated with prohibited "use", nor can it attract the same degree of fault as the intake of a substance prohibited at all times.
 - (e) CAS jurisprudence has repeatedly confirmed that, in cases involving substances prohibited In-Competition only, the assessment of fault must focus on the timing of the athlete's return to competition rather than on the mere use of a non-prohibited substance Out-of-Competition. In line with this approach, any wrongdoing in the present case lies, at most, in a miscalculation of the elimination time following a permitted, therapeutic, Out-of-Competition use of a nasal spray to treat nasal congestion — a common condition in winter sports, including Nordic Combined.
 - (f) The Athlete does not deny that he was aware that Rhinofluimucil contains Tuaminoheptane. At the same time, he also knew that Tuaminoheptane is prohibited In-Competition only. The Athlete therefore had no reason to believe that the Out-of-Competition therapeutic use of the nasal spray would constitute prohibited conduct.

- (h) The analytical finding of approximately 65 ng/mL of Tuaminoheptane does not support any inference of an In-Competition use. On the contrary, such a concentration is fully consistent with residual presence following a permitted Out-of-Competition intake and is incompatible with cases involving stimulant use for performance enhancement. The concentration detected is significantly lower than levels typically associated with deliberate stimulant ingestion and provides no pharmacological indication of an attempt to enhance performance during competition. It therefore cannot be relied upon to infer intent, strategy, or conscious doping behaviour.
- (i) Even if the Athlete was aware of a general possibility of risk, his conduct remained within the bounds of what could reasonably be expected from a young athlete acting in good faith. When assessed in its proper context, the violation in the present case is best characterised as an administrative or timing error, namely a misjudgement of the elimination period of a substance that was lawfully used outside the competition period, rather than as doping behaviour in its “classical sense”.
- (j) CAS jurisprudence confirms that young age, limited competitive experience and lack of prior testing history are factors that materially reduce an athlete’s subjective degree of fault, especially in cases involving residual presence following permitted out-of-competition use.
- (k) In the present case, the Athlete’s formal completion of an online anti-doping course could not reasonably be expected to provide him with the knowledge of pharmacokinetics or the possibility of residual Tuaminoheptane in his system following a permitted out-of-competition use. Combined with his young age, lack of competitive experience, and absence of medical support, these factors substantially mitigate his fault.
- (l) The Athlete was not a pharmacology or pharmacokinetics specialist, nor could he reasonably be expected to possess technical knowledge regarding the metabolism, elimination time, or urinary detectability of active ingredients contained in over-the-counter nasal sprays. Therefore, expecting a 19-year-old athlete, competing at junior level, to independently calculate elimination times of a nasal spray would amount to imposing an unrealistic and disproportionate standard of care on such athlete.
- (m) When assessed in its proper context, the Athlete’s conduct reflects a low level of subjective fault, consistent with an inadvertent timing error by a young, inexperienced athlete, rather than with deliberate or negligent anti-doping misconduct.
- (n) Rhinofluimucil is an over-the-counter nasal spray, widely available and commonly used in everyday life to relieve nasal congestion—a frequent and well-documented condition among athletes exposed to cold air, particularly in winter sports. No one has ever used Rhinofluimucil as a stimulant; in most cases, it is taken simply to treat common cold or nasal congestion. It is not a performance-

enhancing drug per se, and its prohibition is limited strictly to the In-Competition period. Consequently, the substance does not inherently carry the same risks or implications as a stimulant or other high-risk prohibited substance. Its presence in an athlete's system, following Out-of-Competition use, does not automatically indicate an intention to enhance performance or a reckless disregard for anti-doping rules.

- (o) First, it is not disputed that this was the Athlete's first-ever doping control. CAS jurisprudence consistently recognises that a first doping control is a highly stressful and intimidating procedure, particularly for a young athlete with no prior experience of anti-doping procedures. Nervousness in this context does not mean forgetfulness alone; it also affects judgment, prioritisation, and decision-making under pressure.
- (p) The Athlete's mental focus on whether to include Rhinofluimucil reflects caution, not intentional disregard. He was trying to reconcile limited knowledge of the product, its status under anti-doping rules, and the procedural requirements of the DCF. Stress in this context is a mitigating factor under the criteria of "negligence" or "fault," as it contributed to an inadvertent failure rather than an intentional act.
- (q) It is undisputed that CAS Panels enjoy full powers of review, including the authority to conduct a *de novo* assessment of both facts and sanctions. However, CAS jurisprudence equally recognises that the existence of *de novo* powers does not imply an obligation to substitute the first instance decision where that decision is legally correct, proportionate, and grounded in a proper exercise of discretion.
- (r) CAS case law further confirms that, notwithstanding its *de novo* powers, a CAS panel must give appropriate weight to the expertise, proximity, and discretionary assessment of the first instance body, provided that all relevant circumstances were duly taken into account.
- (s) The six-month period of ineligibility imposed on the Athlete cannot be regarded as manifestly inadequate. It reflects a careful and balanced consideration of competing interests, including: (i) the necessity of upholding the strict liability principle in order to protect clean sport; (ii) the requirement of fairness and proportionality, having regard to the Athlete's youth, limited experience, and the circumstances of an Out-of-Competition therapeutic use; and (iii) the sanctioning philosophy applicable to In-Competition-only substances, where the misconduct consists of participation with residual traces rather than intentional performance enhancement.
- (t) The Athlete's conduct, while negligent, does not reach the threshold of significant fault. The violation arose from a misjudgement as to elimination time following permitted Out-of-Competition use of a Specified Substance, by a young and inexperienced athlete at his first doping control. In such circumstances, the six-month period of Ineligibility imposed by the DADC falls squarely within the permissible range under the ADR and reflects a proportionate and fair exercise of discretion.

- (u) As regard the application of the principle of fairness under Article 12.10 of the RUSADA ADR, CAS jurisprudence consistently recognises that where subsequent results are supported by a clean doping control, the rationale for automatic disqualification – namely, the protection of sporting integrity against tainted performances – is substantially weakened. Moreover, the disqualification of the Athlete’s results would have exceptionally severe and irreversible consequences, wholly disproportionate to the nature of the violation, given that the results achieved after the date of the positive sample – and, in particular, those achieved following the negative test – were decisive for the Athlete’s selection to the national senior team. For a young athlete at an early stage of his career, such selection constitutes a milestone of profound sporting significance, shaping his development pathway, access to training, and future competitive opportunities.

V. JURISDICTION OF THE CAS

51. 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.”

52. Article 15.2 of the RUSADA ADR provides as follows:

“The decisions specified below may be appealed exclusively pursuant to the procedure stipulated in Clause 15.2 hereof:

- *A decision that the Rules’ violation was committed.*
- *A decision to impose Consequences for the Rules violation.*
- *[...]”*

53. Article 15.1.2 of the RUSADA ADR provides as follows:

“Where WADA has the right to appeal under Chapter XV of the Rules and no other party has appealed a final decision pursuant to these Rules, WADA may appeal such decision directly to CAS without having to exhaust internal remedies specified by the Rules”.

54. Article 15.2.1 of the RUSADA ADR provides as follows:

“If a violation occurred during an International Event or International-Level Athletes are involved, the decision made may be appealed exclusively to CAS”.

55. Article 15.2.3.1 of the RUSADA ADR provides as follows:

“In cases stipulated by Clauses 15.2.1 And 15.2.2 hereof, the following parties shall have the right to appeal:

(a);

[...]

(f) WADA”

56. The Sole Arbitrator notes that it is not disputed by the Parties that WADA has a right to appeal to CAS.
57. The Sole Arbitrator 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.
58. It follows that CAS has jurisdiction to adjudicate and decide on the present appeal.

VI. ADMISSIBILITY OF THE APPEAL

59. Article 15.2.3.4 of the RUSADA ADR provides as follows:

“The time to file an appeal by WADA shall be the later of:

- a) twenty-one (21) days from the expiry of the time for filing an appeal by other parties;*
- b) Twenty-one (21) days after WADA’s receipt of a complete file relating to the decision”.*

60. On 10 September 2025, WADA received the Appealed Decision. On 24 September 2025, WADA requested the complete case file, while RUSADA provided it to WADA on 7 October 2025. Accordingly, the time limit for WADA to file its appeal to CAS in respect of the Appealed decision cannot be any earlier than 28 October 2025.
61. WADA filed its Statement of Appeal on 28 October 2025, i.e. within the time limit. The appeal further complied with the requirements of Article R48 of the CAS Code.
62. Moreover, in the absence of any objection to the admissibility of this Appeal, the Sole Arbitrator confirms that the Appeal is admissible.

VII. APPLICABLE LAW

63. 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.”

64. The appeal is directed against a decision rendered by the RUSADA ADD Committee under the RUSADA ADR. Accordingly, the Sole Arbitrator concludes that the “*applicable regulations*” for the purposes of Article R58 of the CAS Code are the RUSADA ADR. The Sole Arbitrator’s conclusion is further supported by the fact that the applicable law is not disputed by the Parties.

65. That said, the provisions that are relevant to the present dispute provide as follows:

66. Article 4.4. of the RUSADA ADR:

“4.1. Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete’s Sample

4.1.1. It is the Athletes’ personal duty to ensure that no Prohibited Substance enters their bodies. Athletes are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary that intent, Fault, Negligence or knowing Use on the Athlete’s part be demonstrated in order to establish an anti-doping rule violation under Clause 4.1 hereof.

4.1.2. Sufficient proof of the Rules’ violation under Clause 4.1 shall be the presence of a Prohibited Substance or its Metabolites or Markers in the Athlete’s A Sample:

where the Athlete waives analysis of the B Sample and the B Sample is not analyzed, (...).”

67. Article 12.2 of the RUSADA ADR:

“12.2. Ineligibility for Presence, Use or Attempted Use of a Prohibited Substance or Prohibited Method or Possession of a Prohibited Substance or Prohibited Method

If there are no grounds for elimination, reduction or suspension pursuant to Clauses 12.5, 12.6, or 12.7 hereof, the period of Ineligibility for a violation of Clauses 4.1, 4.2, or 4.6 of the Rules shall be determined as follows.

12.2.1. Subject to Clause 12.2.4 hereof, the period of Ineligibility shall be four years in the following cases:

12.2.1.1. The violation of the Rules does not involve a Specified Substance or a Specified Method unless the Athlete or other Person can establish that the violation of the Rules was not intentional.

12.2.1.2. The violation of the Rules involves a Specified Substance or a Specified Method and RUSADA can establish that the violation of the Rules was intentional.

12.2.2. In cases not specified in Clauses 12.2.1 and 12.2.4.1 hereof, the period of Ineligibility shall be two years.

(...)

A violation of the Rules resulting from an Adverse Analytical Finding for a substance which is a Specified Substance and is prohibited only In-Competition and the Athlete can establish that the Prohibited Substance was Used Out-of-Competition, shall be rebuttably presumed to be not intentional unless it is proved otherwise.

(...)”.

68. Article 12.6 of the RUSADA ADR:

“12.6. Reduction of the Period of Ineligibility Based on Insignificant Fault or Negligence

12.6.1. Reductions of sanctions in particular circumstances for violations of Clauses 4.1, 4.2, or 4.6 of the Rules.

All reductions of sanctions under Clause 12.6.1 hereof shall be mutually exclusive and not cumulative.

12.6.1.1. Specified substances or Specified Methods

Where a violation of the Rules involves a Specified Substance (other than a Substance of Abuse) or a Specified Method and an Athlete or other Person can establish No Significant Fault or Negligence, then the period of Ineligibility shall be at a maximum two years of Ineligibility and at a minimum of a reprimand without assignment of a period of Ineligibility, depending on the degree of Fault of the Athlete or other Person.

(...)”.

69. According to RUSADA ADR fault and No Significant Fault or Negligence are defined as follows:

“Fault

Fault is any breach of duty or any lack of care appropriate to a particular situation.

(...)”.

“No Significant Fault or Negligence

Establishment by an Athlete or other Person that his or her Fault or Negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relation to the Rules’ violation. Except in the case of a Protected Person or Recreational Athlete, for any violation of Clause 4.1 hereof, the Athlete must also establish how the Prohibited Substance entered the Athlete’s system”.

70. Article 12.19 of the RUSADA ADR:

“12.10. Disqualification of Competition Results Subsequent to Sample Collection or Commission of an Anti-Doping Rule Violation

In addition to an automatic Disqualification of results achieved at a Competition during which a positive test was collected, pursuant to Chapter XI of the Rules (In-Competition or Out-of-Competition), all other results achieved by the Athlete at Competitions, starting from the date on which the Athlete tested positive or the date on which the other violation of the Rules was committed (including the period of Provisional Suspension or Ineligibility), shall be disqualified with all resulting Consequences, including forfeiture of all medals, points and prizes, unless otherwise required by the principle of fairness”.

VIII. MERITS

71. Under Article 4.1 of the RUSADA ADR, it is the Athletes’ personal duty to ensure that no Prohibited Substance enters their bodies. Moreover, sufficient proof of an ADRV under Article 4.1 shall be the presence of a Prohibited Substance or its Metabolites or Markers in the Athlete’s A Sample where the Athlete’s B Sample is analyzed and the analysis of the Athlete’s B Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the Athlete’s A Sample.
72. That said, the Sole Arbitrator notes that the Athlete does not dispute that he has committed an ADRV pursuant to Article 4.1 of the RUSADA ADR. In particular, in his Answer the Athlete admitted that he *“has never disputed the existence of the anti-doping rule violation (“ADRV”) which is the presence of a prohibited substance in his sample and has consistently acknowledged that tuaminoheptane was detected in his sample A”*.
73. By contrast, the Parties disagree on what sanction shall be imposed on the Athlete.
74. According to the Appellant, the Athlete’s conduct plainly represents significant fault and/or gross negligence and therefore the Athlete ought to be subject to a two-year period of ineligibility. Moreover, all the Athlete’s results from 30 January 2025 (i.e. the date upon which his positive sample was collected) until his provisional suspension on 3 March 2025 must be disqualified. By contrast, according to the First Respondent, the Athlete is entitled to benefit from a reduction of the standard two-year sanction of ineligibility and therefore the applicable sanction should be a period of ineligibility of between 12 and 24 months. Conversely, the Athlete argues that he has committed the ADRV with No Significant Fault or Negligence, *“thereby warranting a reduced period of ineligibility”*. Moreover, the Athlete submits that all results achieved after the positive sample of 30 January 2025, and in particular those achieved on and after 27 February 2025, shall remain valid.
75. By way of introduction, the Sole Arbitrator notes that according to Article R57 of the CAS Code, *“the Panel shall have full power to review the facts and the law. It may issue*

a new decision which replaces the decision challenged or annul the decision and refer the case back to the previous instance...".

76. In that regard, the Sole Arbitrator accepts the *dictum* in CAS 2009/A/1870 (Para. 125), under which “*the measure of the sanction imposed by a disciplinary body in the exercise of the discretion allowed by the relevant rules can be reviewed only when the sanction is evidently and grossly disproportionate to the offence (see TAS 2004/A/547, §§ 66, 124; CAS 2004/A/690, § 86; CAS 2005/A/830, § 10.26; CAS 2005/C/976 & 986, § 143; 2006/A/1175, § 90; CAS 2007/A/1217, § 12.4)*”. However, such jurisprudence, confirmed in several other CAS awards, far from excluding or limiting the power of a CAS Panel to review the facts and the law involved in the dispute heard (pursuant to Article R57 of the Code), only means that a CAS Panel “would not easily ‘tinker’ with a well-reasoned sanction, i.e. to substitute a sanction of 17 or 19 months’ suspension for one of 18 (award of 10 November 2011, CAS 2011/A/2518, § 10.7, with reference to CAS 2010/A/2283, § 14.36)”.
77. In the light of the above, the Sole Arbitrator must determine which consequences should be imposed on the Athlete under the applicable RUSADA ADR.
78. To that end, the Sole Arbitrator must deal with the following issues:
- (a) what is the Athlete’s level of fault and more specifically, did the Athlete commit the ADRV with No Significant Fault or Negligence?
 - (b) if so, what is the appropriate sanction to be imposed on the Athlete?
 - (c) what is the starting date of the sanction?
 - (d) should the Athlete’s results be disqualified?
- (a) What is the Athlete’s level of fault?**
79. Article 12.6.1.1 of the RUSADA ADR provides as follows:
- “Where a violation of the Rules involves a Specified Substance (other than a Substance of Abuse) or a Specified Method and an Athlete or other Person can establish No Significant Fault or Negligence, then the period of Ineligibility shall be at a maximum two years of Ineligibility and at a minimum of a reprimand without assignment of a period of Ineligibility, depending on the degree of Fault of the Athlete or other Person”.*
80. Article 12.6.1.1 of the RUSADA ADR, read together with the definition of No Significant Fault (see para. 74 above) sets two conditions for the reduction of the ineligibility period to be applied on an athlete following the finding of a violation of Article 12.2 of the RUSADA ADR (Presence of a Prohibited Substance):
- (i) the athlete must establish how the Prohibited Substance entered his or her system;
 - (ii) the athlete must establish that he or she bears No Significant Fault or Negligence.

81. By way of introduction, the Sole Arbitrator notes that, although WADA did not formally concede for the purpose of the appeal that the source of the Athlete's ADRV was the intake of Rhinofluimucil, it suggested no other possible source. Moreover, the Sole Arbitrator notes that WADA admits that on 31 March 2025 the Seibersdorf laboratory confirmed that it could not be excluded that the Athlete's explanations were in line with the analytical finding. In light of the above, the Sole Arbitrators is comfortably satisfied that the source was indeed the intake of Rhinofluimucil taken to ease nasal congestion. Rhinofluimucil contains the Prohibited Substance Tuaminoheptane, a specified substance prohibited In-Competition only. Consequently, the first condition for the application of Article 12.6.1.1 of the RUSADA ADR has been met.
82. The dispute between the Parties instead concerns the satisfaction of the second condition, denied by the Appellant and claimed to be fulfilled by the Second Respondent.
83. The Sole Arbitrator concurs with CAS 2016/A/4643 (Para. 82) where the Panel noted that "[t]he issue whether an athlete's fault or negligence is "significant" has been much discussed in the CAS jurisprudence, and chiefly so with respect to the various editions of the WADC (in the cases of Lund, Cilic, and Kreuzmann [...], but also in a number of other cases: e.g., inter alia CAS 2004/A/690; CAS 2005/A/830; CAS 2005/A/847; CAS OG 04/003; CAS 2006/A/1025; 2008/A/1489&1510; CAS 2009/A/1870; CAS 2012/A/2701; CAS 2012/A/2747; CAS 2012/A/2804; CAS 2012/A/3029). These cases offer guidance to this Panel. It is, however, to be underlined that all those cases are very "fact specific" and that no doctrine of binding precedent applies to the CAS jurisprudence. Indeed, the TADP itself, while defining the conditions for the finding of NSF, stresses the importance to establish it "in view of the totality of the circumstances", and therefore paying crucial attention to their specificities".
84. The Sole Arbitrator accepts that, for the determination of the level of fault, in CAS 2013/A/3327 the Panel has developed a series of steps that athletes should take in order to satisfy their standard of care, distinguishing between the degrees of fault, ranging from "light" to "normal" to "significant" with respective periods of ineligibility loosely allocated to each. To the extent that CAS 2013/A/3327 was issued prior to the 2015 and the 2021 amendments of the sanctioning regime in the WADC, the three categories of fault and respective periods of ineligibility should be adapted accordingly (see CAS 2016/A/4371, para. 90). Accordingly, as affirmed in CAS 2017/A/5301 & 5302 "*the time span of 24 months which is still available now covers only two instead of three categories of fault: normal degree of fault: over 12 months and up to 24 months with a standard normal degree leading to an 18-month period of ineligibility; and light degree of fault: 0 – 12 months with a standard light degree leading to a 6-month period of ineligibility*" (para. 194)
85. Furthermore, CAS 2013/A/3327 distinguishes between objective level of fault ("*what standard of care could have been expected from a reasonable person in the athlete's situation*") and subjective level of fault ("*what could have been expected from that particular athlete, in light of his personal capacities*"), with the objective level of fault being the most cogent to determine the particular category of fault.

86. As regard the objective element of the level of fault, in CAS 2013/A/3327 the panel stated as follows:

“74. (...) At the outset, it is important to recognise that, in theory, almost all anti-doping rule violations relating to the taking of a product containing a prohibited substance could be prevented. The athlete could always (i) read the label of the product used (or otherwise ascertain the ingredients), (ii) cross-check all the ingredients on the label with the list of prohibited substances, (iii) make an internet search of the product, (iv) ensure the product is reliably sourced and (v) consult appropriate experts in these matters and instruct them diligently before consuming the product.

75. However, an athlete cannot be reasonably expected to follow all of the above steps in every and all circumstances. Instead, these steps can only be regarded as reasonable in certain circumstances.

a. For substances that are prohibited at all times (both in and out-of-competition), the above steps are appropriate, because these products are particularly likely to distort competition. This follows from Article 4.2.1 WADC which states: ‘The Prohibited List shall identify those Prohibited Substances and Prohibited Methods which are prohibited as doping at all times (both In-Competition and Out-of-Competition) because of their potential to enhance performance in future Competitions ...’. As a result, an athlete must be particularly diligent and, thus, the full scale of duty of care designed to prevent the athlete from ingesting these substances must apply.

b. For substances prohibited in-competition only, two types of cases must be distinguished:

i. The prohibited substance is taken by the athlete in-competition. In such a case, the full standard of care described above should equally apply.

ii. The prohibited substance is taken by the athlete out-of-competition (but the athlete tests positive in-competition). Here, the situation is different.

The difference in the scenario (b ii) where the prohibited substance is taken out-of-competition is that the taking of the substance itself does not constitute doping or illicit behaviour. The violation (for which the athlete is at fault) is not the ingestion of the substance, but the participation in competition while the substance itself (or its metabolites) is still in the athlete’s body. The illicit behaviour, thus, lies in the fact that the athlete returned to competition too early, or at least earlier than when the substance he had taken out of competition had cleared his system for drug testing purposes in competition. In such cases, the level of fault is different from the outset. Requiring from an athlete in such cases not to ingest the substance at all would be to enlarge the list of substances prohibited at all times to include the substances contained in the in-competition list. CAS jurisprudence supports the view that the level of fault in case (b ii) differs. The Panel in this respect is mindful of the decision in the case CAS 2011/A/2495 in which it is held: ‘Of course the athlete could have refrained from using the [product] at all, but it can hardly be a fault (or at least a significant one) to use a substance which is not prohibited’ (para 8.26). It follows from this that if the substance

forbidden in-competition is taken out-of-competition, the range of sanctions applicable to the athlete is from a reprimand to 16 months (because, in principle, no significant fault can be attributed to the athlete). The Panel would, however, make two exceptions to this general rule. The principle underlying the two exceptions is that they are instances of an athlete who could easily make the link between the intake of the substance and the risks being run. The two exceptions are:

(α) Where the product that is advertised/sold/distributed as ‘performance enhancing’.

(...)

(β) Where the product is a medicine designed for a therapeutic purpose. Again, in this scenario, a particular danger arises, that calls for a higher duty of care. This is because medicines are known to have prohibited substances in them. Not everything which is purchased in a pharmacy, however, is a ‘medicine’, within the terms used here (see CAS 2011/A/2495, para. 8.19). For example, a caffeine pill taken by an athlete out-of-competition to stay awake or to overcome tiredness (and containing a substance prohibited in-competition) is not a medicine (see CAS 2011/A/2495, para 8.18 and CAS 2013/A/3075, para 9.6)”.

87. As regard the subjective elements of the level of fault, in CAS 2013/A/3327 the panel affirmed that “[w]hilst each case will turn on its own facts, the following examples of matters which can be taken into account in determining the level of subjective fault can be found in CAS jurisprudence (cf. also *DE LA ROCHEFOUCAULD E.*, CAS Jurisprudence related to the elimination or reduction of the period of ineligibility for specific substances, CAS Bulletin 2/2013, p. 18, 24 et seq.):

a. An athlete’s youth and/or inexperience (see CAS 2011/A/2493, para 42 et seq; CAS 2010/A/2107, para. 9.35 et seq.).

b. Language or environmental problems encountered by the athlete (see CAS 2012/A/2924, para 62).

c. The extent of anti-doping education received by the athlete (or the extent of antidoping education which was reasonably accessible by the athlete) (see CAS 2012/A/2822, paras 8.21, 8.23).

d. Any other “personal impairments” such as those suffered by:

i. an athlete who has taken a certain product over a long period of time without incident. That person may not apply the objective standard of care which would be required or that he would apply if taking the product for the first time (see CAS 2011/A/2515, para 73).

ii. an athlete who has previously checked the product’s ingredients.

iii. an athlete is suffering from a high degree of stress (CAS 2012/A/2756, para. 8.45 et seq.).

iv. an athlete whose level of awareness has been reduced by a careless but understandable mistake (CAS 2012/A/2756, para. 8.37)”.

88. The Sole Arbitrator sees no reason to depart from the above framework and will consider all relevant criteria and arguments raised by the Parties in order to determine whether the Appealed Decision should be amended or confirmed.
89. In the Athlete’s favour, the following elements are relevant and must be assessed against the objective and subjective framework set out in the applicable CAS jurisprudence.
90. First, whilst the Athlete was legally an adult, he had only just passed the threshold of adulthood. In the present case, the Athlete was nineteen years old and competing at junior level. The Sole Arbitrator considers that such youth materially conditions the standard of awareness and prudence that could realistically be expected of him when confronted with a novel situation involving the interaction between a permitted Out-of-Competition use of a nasal spray and the In-Competition prohibition period.
91. Second, the Athlete took the Rhinofluimucil for therapeutic, not performance-enhancing purposes. Rhinofluimucil is an over-the-counter nasal spray, widely available and commonly used in everyday life to relieve nasal congestion – a frequent and well-documented condition among athletes exposed to cold air, particularly in winter sports. As Tuaminoheptane is prohibited In-Competition only, its use outside the competition period is expressly permitted under the RUSADA ADR and does not *per se* constitute doping behaviour. The purely medical and commonplace nature of the intake is therefore a significant mitigating factor in the assessment of the Athlete’s fault.
92. Third, it may safely be assumed that the Athlete is unlikely to have had the degree of anti-doping training afforded to athletes in the senior national team.
93. Fourth, there is no evidence that the Athlete competed while knowingly benefiting from a prohibited product. The analytical finding of approximately 65 ng/ml of Tuaminoheptane does not support any inference of an In-Competition use; on the contrary, such a concentration is fully consistent with residual presence following a permitted Out-of-Competition intake and is incompatible with cases involving stimulant use for performance enhancement. The concentration detected provides no pharmacological indication of an attempt to enhance performance during competition.
94. Fifth, this was the Athlete’s first anti-doping control. The stress inherent in a first doping control is relevant not merely to the DCF omission, but more broadly to the Athlete’s overall decision-making capacity in the circumstances leading up to and during the competition.
95. By contrast, the following elements weigh against the Athlete and must be duly considered.
96. The Athlete did not indicate the use of Rhinofluimucil on the DCF. During his doping control test, the Athlete *“did not disclose the Rhinofluimucil, as he was confident that it had cleared his body by that time and did not want to draw unnecessary attention to his*

use of the drug”. The Sole Arbitrator notes that this omission is a relevant consideration, though it falls short of demonstrating a deliberate attempt to conceal a violation. The Athlete’s explanation – that he genuinely believed the substance had cleared his system – is consistent with the broader narrative of an athlete who miscalculated, rather than one who sought to deceive. That said, the failure to disclose, whatever its motivation, represents a departure from the standard of conduct expected of a responsible athlete.

97. The Athlete did not seek medical advice before taking Rhinofluimucil. By his own admission, “[b]ecause he had only recently seen information about Rhinofluimucil, he had no doubt that it was approved for use outside of competition days, so he didn't even think about checking with anyone”. The failure to seek any form of expert guidance – whether from a team doctor, a coach or otherwise – before using a product that he knew to contain a substance prohibited in-competition is a significant departure from the standard of care expected of a reasonably diligent athlete.
98. The Athlete took the Rhinofluimucil just a few hours before the In-Competition period started. The Athlete used the Rhinofluimucil on the evening before the Competition (between 18:00 and 19:00, just a few hours before the In-Competition period commenced at 23:59). The narrow margin between ingestion and the commencement of the In-Competition period substantially increased the risk that the substance would still be present in his system when tested the following day.
99. The Athlete was aware of the risk of a substance prohibited In-Competition remaining in his system if taken Out-of-Competition, and he knew that Tuaminoheptane is prohibited In-Competition and is contained in Rhinofluimucil. He realised that Rhinofluimucil contained a prohibited substance, having recently completed anti-doping education which expressly mentioned the product, but considered it safe to use on the evening of 29 January 2025 because the In-Competition period commenced at 23:59 that evening. During the course of the investigation, the Athlete admitted that during his anti-doping education he “*didn't read the explanations themselves, but went straight to answering the questions*”, whilst also acknowledging that he had consulted the RUSADA website and had seen articles about both Tuaminoheptane and Rhinofluimucil warning about the risk of a positive test. This combination of actual knowledge of the prohibited status of the substance and actual awareness of the risk of a positive test is a weighty factor that significantly increases the Athlete’s degree of culpability.
100. Weighing these elements together, the Sole Arbitrator concludes that the Athlete failed to meet the required standard of diligence. The Athlete’s fault lies in the fact that he “*returned to competition too early, or at least earlier than when the substance he had taken out of competition had cleared his system for drug testing purposes in competition*” (CAS 2013/A/2337, Para. 75). The Sole Arbitrator admits that it was entirely realistic that using Rhinofluimucil so close to the In-Competition period would result in an ADRV where the Athlete was tested the next day. However, although youth and inexperience do not excuse negligence, they are relevant in assessing whether the departure from the objective standard of care should be characterised as significant.

101. In the present case, the Sole Arbitrator is comfortably satisfied that the Athlete's negligence does not amount to a substantial or serious disregard of his anti-doping obligations. Accordingly, in light of the objective and subjective elements taken together, the Sole Arbitrator concludes that the Athlete's fault while present, was not Significant within the meaning of Article 12.6.1.1 of the RUSADA ADR. The threshold for No Significant Fault or Negligence is therefore satisfied.

(b) *What is the appropriate sanction to be imposed on the Athlete?*

102. It is undisputed that the Athlete was aware that the substance in question was prohibited In-Competition. Despite that knowledge, he elected to rely solely on his own personal calculation as to the timing of ingestion and assumed clearance of the substance from his system. In circumstances where the margins between permitted use Out-of-Competition and prohibited presence In-Competition may be narrow and highly fact-specific, such self-assessment carries an obvious and foreseeable risk.
103. The Sole Arbitrator further considers that, while the proximity between the use of Rhinofluimucil and the In-Competition period is a relevant factor, its weight must be assessed in context. The substance was taken Out-of-Competition, i.e. during a period when its use was expressly permitted. The Athlete's fault lies not in the ingestion itself but in the miscalculation of the time required for the substance to clear his system. In the circumstances, and bearing in mind the Athlete's young age and limited experience, the proximity factor, although relevant, does not carry the aggravating weight that it would in a case involving a substance prohibited at all times or one taken In-Competition.
104. In this regard, the Sole Arbitrator recalls the framework established in CAS 2017/A/5301 & 5302 and set out at paragraph 91 above. Within the applicable range, there are two categories of fault: a "normal" degree of fault, covering a range of over 12 months and up to 24 months, with a standard normal degree leading to an 18-month period of ineligibility; and a "light" degree of fault, covering 0 to 12 months, with a standard light degree leading to a 6-month period of ineligibility (para. 194).
105. Accordingly, while the circumstances justify the application of the "No Significant Fault or Negligence" provision, they do not support a characterisation of the Athlete's fault as "light". Accordingly, the Sole Arbitrator concludes that the Athlete's level of fault can be characterised as "normal".
106. In determining the appropriate position within the normal fault range of 12 to 24 months, the Sole Arbitrator considers that the only feature of the Athlete's conduct that justifies positioning the sanction above the lower end of that range is the fact that the Athlete possessed actual knowledge that Tuaminoheptane was a substance prohibited In-Competition and that Rhinofluimucil contained it. That knowledge distinguishes the present case from those in which an athlete is wholly unaware of the prohibited nature of the substance ingested, and it justifies a sanction above the minimum of 12 months. At the same time, however, several factors operate in mitigation and, in the Sole Arbitrator's assessment, carry greater weight than additional aggravating considerations. First, the substance was taken Out-of-Competition, i.e. during a period

in which its use was expressly permitted; the violation arises not from a prohibited ingestion but from a miscalculation of clearance time. Second, the Athlete is young (nineteen years old at the time of the facts) and was competing at junior level. Third, the product was used in good faith for a clearly therapeutic and non-doping purpose – namely, the relief of nasal congestion, a common condition in winter sports. Fourth, the Athlete genuinely believed that Out-of-Competition use carried no risk of a positive test, an error that, while negligent, is understandable in the circumstances of a young and inexperienced athlete. In light of the above, and having regard to the totality of the circumstances, the Sole Arbitrator concludes that the Athlete’s degree of fault, while normal rather than light, lies below the standard 18-month midpoint.

107. On that basis, the Sole Arbitrator considers that a period of ineligibility of fifteen (15) months is justified and proportionate. A fifteen-month sanction reflects a degree of fault that lies within the “normal” range but appropriately below the 18-month standard benchmark, in recognition of the significant mitigating circumstances identified above – in particular the Out-of-Competition nature of the ingestion, the Athlete’s youth and inexperience, the clearly therapeutic purpose of the product, and the Athlete’s genuine belief that Out-of-Competition use was safe.
108. The Sole Arbitrator further finds that there is no independent basis for reducing further the sanction through the application of the principle of proportionality. The sanctioning framework established under the WADC – and incorporated into the RUSADA ADR – reflects a carefully calibrated system that already embeds proportionality within its structure. CAS jurisprudence has consistently affirmed that the WADC’s regime of standard sanctions, combined with the specific fault-based reductions available under the “No Fault or Negligence” and “No Significant Fault or Negligence” provisions satisfies the requirements of proportionality (CAS 2016/A/4643, para. 99; CAS 2019/A/6541, para. 91).
109. As articulated in CAS 2008/A/1489 (para. 24), the strict liability principle is tempered precisely by these fault-based exceptions, which constitute the mechanism through which proportionality is achieved in individual cases. In other words, once an athlete’s degree of fault has been properly assessed within the parameters set by the WADC, and a sanction determined accordingly within the permissible range, there is ordinarily no scope for a further reduction based on abstract considerations of fairness or proportionality. To do so would undermine the harmonised and predictable sanctioning regime that the WADC seeks to ensure.
110. In the present case, the Sole Arbitrator has already exercised the discretion afforded under the applicable rules by reducing the standard two-year period of ineligibility to fifteen (15) months in light of the Athlete’s degree of fault. That assessment fully accounts for the relevant mitigating circumstances. No exceptional features exist that would justify departing further from the structured sanctioning framework.

(c) *The starting date of the ineligibility period*

111. Article 12.13 of the RUSADA ADR states as follows:

“(...) the period of Ineligibility shall commence on the date on which a final decision is made at the hearing pursuant to which the period of ineligibility was assigned, or, if the right to hearings has not been exercised or hearings were not held, from the date on which the Athlete or other Persons accepted Ineligibility or from the date of its imposition by RUSADA”.

112. The Appellant argues that the two-year period of ineligibility shall commence on the date of the present Award.
113. The Sole Arbitrator notes that Article 12.13 of the RUSADA ADR raises a question concerning the identification of the “*final decision*” whose date is the starting date of the ineligibility period: more exactly, the question is whether such “*final decision*” is the Appealed Decision or the CAS decision.
114. The Sole Arbitrator finds a solution to such question in 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, for the purposes of Article 10.9 of the 2009 WADC, 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).
115. Considering the above, the Sole Arbitrator holds that the starting date of the Athlete’s ineligibility is the date of the present Award. The period of provisional suspension already served by the Athlete between 3 March 2025 and the date of notification of the present Award shall be credited against the total period of ineligibility to be served.

d) *Should the Athlete’s results be disqualified?*

116. In its Appeal Brief, the Appellant argues that pursuant to Article 12.10 of the RUSADA ADR, “*[d]isqualification of results is the rule, fairness is the exception*”. Accordingly, all the Athletes’ results “*from 30 January 2025, i.e. the date upon which his positive Sample was collected, until his Provisional Suspension on 3 March 2025 must be disqualified*”. The First Respondent submits that, in line with the Appealed Decision, the results obtained by the Athlete during the period prior to the start of the provisional suspension should not be disqualified. The Second Respondent argues that “*all results achieved after the positive sample of 30 January 2025, and in particular those achieved on and after 27 February 2025, shall remain valid*”.
117. The Sole Arbitrator notes that Article 10.12 of the RUSADA ADR provides that “*[i]n addition to an automatic Disqualification of results achieved at a Competition during*

which a positive test was collected, (...) all other results achieved by the Athlete at Competitions, starting from the date on which the Athlete tested positive (...) shall be disqualified with all resulting Consequences, including forfeiture of all medals, points and prizes, unless otherwise required by the principle of fairness”.

118. According to the Athlete, the disqualification of his results would have exceptionally severe and irreversible consequences, wholly disproportionate to the nature of the violation, given that (i) the results achieved after the date of the positive sample, and, in particular, those achieved following the negative test, were decisive for the Athlete’s selection to the national senior team; (ii) the disqualification of results not tainted by Tuaminoheptane would operate not as a corrective measure aimed at preserving fairness in competition, but as a punitive measure bearing no relation to any alleged competitive advantage.
119. In the present case it is accepted that (i) the analytical finding of approximately 65 ng/mL of Tuaminoheptane does not support any inference of a deliberate ingestion to enhance performance during competition; (ii) on 27 February 2025, the Athlete underwent a further doping control and his sample tested negative.
120. That said, the Sole Arbitrator concurs with the reasoning in CAS 2016/O/4469, Para. 176, which states as follows: *“Taking into regard that the sanction of disqualification of results embraces the forfeiture of any titles, awards, medals, points and prize and appearance money, the sanction of disqualification is to be held equal to a retroactive imposition of a period of ineligibility and, thus, is a severe sanction”.*
121. Moreover, the Sole Arbitrator notes that the main purpose of disqualification is not to punish the transgressor, but rather to correct any unfair advantage and remove any tainted performances from the record (CAS 2018/O/5712, Para. 274).
122. In the present case, having regard to the specific circumstances and considerations of proportionality and fairness, the Sole Arbitrator finds it appropriate not to disqualify the Athlete’s results obtained after 30 January 2025, i.e. the date on which the positive Sample was collected.

IX. COSTS

(...)

ON THESE GROUNDS

The Court of Arbitration for Sport rules:

1. The appeal filed by the World Anti-Doping Agency on 28 October 2025 against the decision rendered by the Disciplinary Anti-Doping Committee of the Russian Anti-Doping Agency on 1 September 2025 is partially upheld.
2. The decision rendered by the Disciplinary Anti-Doping Committee of the Russian Anti-Doping Agency on 1 September 2025 is annulled.
3. Mr Nikita Lysenin is found to have committed an anti-doping rule violation pursuant to Article 4.1 of the Russian Anti-Doping Rules.
4. Mr Nikita Lysenin is sanctioned with a fifteen-month period of ineligibility starting on the date of the present Award. Any period of ineligibility effectively served by Mr Nikita Lysenin before the entry into force of the present Award shall be credited against the fifteen-month period of ineligibility to be served.
5. The request for retroactive disqualification of all competitive results obtained by Nikita Lysenin from and including 30 January 2025 is dismissed.
6. (...).
7. (...).
8. All other motions or prayers for relief are dismissed.

Seat of arbitration: Lausanne, Switzerland
Date: 31 August 2026

THE COURT OF ARBITRATION FOR SPORT

Prof. Stefano Bastianon
Sole Arbitrator