CAS 2025/A/11665 Romário Ricardo Da Silva v. Saudi Arabian Anti-Doping Committee

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

President:	Mr Ulrich Haas, Professor in Zurich, Switzerland, and Attorney-at-Law in Hamburg, Germany
Arbitrators:	Mr Efraim Barak, Attorney-at-Law in Tel Aviv, Israel
	Mr Alexander McLin, Attorney-at-Law in Lausanne, Switzerland

in the arbitration between

Romário Ricardo Da Silva, Brazil
Represented by Mr Pedro Macieirinha, Attorney-at-Law, José Macieirinha, Pedro Macieirinha e Associados, Vila Real, Portugal

- Appellant -

and

Saudi Arabian Anti-Doping Committee, Kingdom of Saudi Arabia

- Respondent -

*** * ***

I. THE PARTIES

1. Mr Romário Ricardo Da Silva (the "Appellant" or "Player") is a professional football player of Brazilian nationality, born on 12 December 1990. At the time of the relevant doping control, he played for the Saudi football club Neom Sports Club in Tabuk, Kingdom of Saudi Arabia.

2. The Saudi Arabian Anti-Doping Committee (the "Respondent" or "SAADC") is the National Anti-Doping Organisation of the Kingdom of Saudi Arabia, recognised as such by the World Anti-Doping Agency ("WADA") in accordance with the 2021 World Anti-Doping Code ("WADA Code").

3. The Player and SAADC are jointly referred to as the "Parties".

II. THE DECISION AND ISSUE ON APPEAL

4. The Player appeals a decision rendered by the SAADC Saudi Anti-Doping Hearing Panel ("SADHP") on 1 July 2025 (the "Appealed Decision") in accordance with the 2021 Saudi Anti-Doping Rules in Sport ("ADR"). The SADHP sanctioned the Player with a 12-month period of ineligibility, starting on the date of the hearing on 6 March 2025, following an adverse analytical finding ("AAF") for Clomiphene belonging to the category S4.2 of WADA's Prohibited List in effect in 2024 (the "Prohibited List"), which is incorporated in the ADR. The Player is challenging the Appealed Decision in the present proceedings.

III. FACTUAL BACKGROUND

A. Background facts

5. Below is a summary of the relevant facts and allegations based on the Parties' written submissions, the CAS file and the content of the remote hearing that took place on 27 November 2025. References to additional facts and allegations found in the Parties' written and oral submissions, pleadings, and evidence will be made, where relevant, in connection with the legal analysis that follows. While the Panel has considered all the facts, allegations, legal arguments, and evidence submitted by the Parties in the present proceedings, reference is made in this Award only to those matters necessary to explain the Panel's reasoning and its decision.

6. On 21 October 2024, the Player was selected for an in-competition urine doping control test by SAADC. Accordingly, he was requested to provide a urine sample for drug testing purposes, which was assigned with the reference number A6545773. The Player declared on his Doping Control Form ("DCF") that he had not taken any medication.

7. The WADA-accredited Laboratoire Suisse d'Analyse du Dopage (the "Laboratory") in Lausanne, Switzerland, completed its analysis of the Player's A-Sample and reported a certificate of analysis to the SAADC on 14 November 2024, which indicated the detection of Clomiphene (or the "Prohibited Substance"). Clomiphene (referred to as "Clomifene" on the Prohibited List) is listed in the 2024 Prohibited List under category S4.2 ("Anti-

Estrogenic Substances"). It is a non-threshold "Specified Substance" (as per the WADA Code and Prohibited List), prohibited at all times.

8. On 24 November 2024, the Player was notified by SAADC of the AAF and the potential Anti-Doping Rule Violations ("ADRV") under Articles 2.1 and 2.2 of the ADR. An optional provisional suspension was not imposed on the Player.

9. On 30 November 2024, the Player requested the opening and analysis of his B-Sample with the reference number B6545773. The Player further expressed his willingness to attend a hearing.

10. On 21 January 2025, the analysis of the Player's B-Sample confirmed the results of the A-Sample.

11. On 27 January 2025, the Player was informed of the results of the B-Sample analysis and notified of being charged with an ADRV under Articles 2.1 and 2.2 of the ADR as a result of his 21 October 2025 urine sample. The Player was also informed, *inter alia*, of the potential consequences of his asserted ADRV, the non-imposition of a provisional suspension, potential hearing dates, and the opportunity to provide substantial assistance under Article 10.7 of the ADR.

B. Proceedings before the Saudi Anti-Doping Hearing Panel

12. On 6 March 2025, a hearing before the SADHP took place via videoconference. The SADHP was composed of Dr Ahmed bin Saleh bin Naser (Chairman), Dr Mohammed Mashouf Alqahtani, Mr Mohammed Abdullah Alhumaidhi, Dr Faisal Alobaidan, Dr Abdulaziz Alsheikh, and Ms Aseel Ababtanin.

13. On 1 July 2025, the SADHP rendered the Appealed Decision.

14. The operative part of the Appealed Decision reads as follows:

> "*1. Pursuant to Article 2-1; (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample);*
>
> *2. Pursuant to Article 2-1-1; (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 Article 2.1);*
>
> *3. The period of Ineligibility, subject to Articles 10.2.2, shall be Two (2) years;*
>
> *4. Pursuant to articles 10-6, and 10-6-1-1: Reduction of the Period of Ineligibility it has been decided to reduce the sanction to 12 Months;*
>
> *4.* [sic] *Pursuant to Article 10-14-2; (As an exception to Article 10.14.1, an Athlete may return to train with a team or to use the facilities of a club or other member organization of SAADC's or other Signatory's member organization during the shorter of:*
>
> > *(1) the last two months of the Athlete's period of Ineligibility, or (2) the last one-quarter of the period of Ineligibility imposed.*
>
> *6. Pursuant to Article 13-6-2; the decision is subject to appeal within 21 days from the date*

of notification of the decision, and article 13-2-2; the athlete is an amateur, so SSAC shall be the competent authority to consider the appeal.

***The sanction**:*

Based on the jurisdiction granted to the hearing panel provided in the [ADR], *the following has been decided:*

***First**: an imposition of a 12 Month's Ineligibility Period on Athlete: DA silva Romario, holder of Club ID (282418) from the date of hearing session 06/03/2025*".

15. On 23 July 2025, the Appealed Decision was notified to the Player.

IV. THE PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

16. On 8 August 2025, the Appellant filed his Statement of Appeal against the Respondent with respect to the Appealed Decision pursuant to Articles R47 and R48 of the CAS Code of Sports-related Arbitration (the "CAS Code"), 2025 edition. In his Statement of Appeal, the Appellant nominated Mr Efraim Barak as an arbitrator. In addition, the Appellant requested a 20-day extension of the time limit to file his Appeal Brief.

17. On the same date, the Appellant filed a Request for Provisional Measures pursuant to Article R37 of the CAS Code. In its Request for Provisional Measures, the Appellant filed the following request for provisional relief:

> "*1. The issuance of a Temporary Therapeutic Use Exemption (TUE) for both: Clomiphene and Human Chorionic Gonadotropin (HCG)*
>
> *2. A stay of execution of the decision made by the Saudi Anti-Doping Hearing Panel and Committee notified on 23/7/2025 until the Court of Arbitration for Sport delivers a Final Award about the merits of the case;*
>
> *3. A stay of the publication of the athlete's name on the list of athletes sanctioned for doping violations.*"

18. On 12 August 2025, the CAS Court Office acknowledged receipt of the Appellant's Statement of Appeal and Request for Provisional Measures and granted a 10-day extension of the Appellant's time limit to file the Appeal Brief in accordance with Article R32 para. 2 of the CAS Code. In addition, the CAS Court Office informed the Respondent of the present appeal proceedings and, *inter alia*, invited the Respondent (i) to nominate an arbitrator by 22 August 2025 in accordance with Article R53 of the CAS Code, (ii) to comment on the Appellant's request for an additional 10-day extension of the time limit to file his Appeal Brief by 19 August 2025, and (iii) to comment on the Appellant's Request for Provisional Measures with ten (10) days from the receipt of the CAS Court Office letter by courier.

19. On 21 August 2025, the CAS Court Office noted that the Respondent had not commented on the Appellant's request for a further 10-day extension of the time limit to file his Appeal Brief and therefore granted the Appellant's request.

20. On 27 August 2025, the Respondent filed its Response to the Appellant's Request for Provisional Measures. In addition, the Respondent nominated Mr Alexander McLin as an arbitrator.

21. On 15 September 2025, the Appellant submitted his Appeal Brief in accordance with Article R51 of the CAS Code.

22. On the same date, the CAS Court Office acknowledged receipt of the Appellant's Appeal Brief and invited the Respondent to file its Answer within twenty (20) days.

23. On 28 September 2025, the Respondent requested a 10-day extension of the time limit to file its Answer.

24. On 29 September 2025, the CAS Court Office granted the Respondent's extension request in accordance with Article R32 para. 2 of the CAS Code.

25. On 14 October 2025, the Respondent submitted its Answer in accordance with Article R55 of the CAS Code. In addition, the Respondent informed the CAS Court Office about its preference for the Panel to render an award based solely on the Parties' written submissions.

26. On 15 October 2025, the Appellant informed the CAS Court Office, *inter alia*, that on 9 October 2025, the Respondent had notified him of a potential ADRV under Article 2.2 of the ADR and a violation under Article 10.14 of the ADR which provided, *inter alia*, as follows:

> "*…the SAADC is writing to notify you of:*
>
> *(i) a possible Anti-Doping Rule Violation in breach of ADR Article 2.2 in relation to your use of hCG in 2023…; and*
>
> *(ii) a possible violation of the Prohibition against Participation while Ineligible in breach of ADR Article 10.14 in relation to your conduct participating in activities that are prohibited while Ineligible, including football matches.*"

27. On 16 October 2025, the CAS Court Office acknowledged receipt of the Appellant's letter and invited the Respondent to comment on it by 22 October 2025.

28. On 17 October 2025, the CAS Court Office acknowledged receipt of the Respondent's Answer and reminded the Parties that they shall not be authorised to "*supplement or amend their requests or their argument nor to produce new exhibits, nor to specify further evidence on which they intent to rely, after the submission of the appeal brief and of the answer*", unless the Parties agreed or the President of the Panel ordered otherwise on the basis of exceptional circumstances in accordance with Article R56 para. 1 of the CAS Code. In addition, the Parties were invited to inform the CAS Court Office, by 24 October 2025, whether they preferred a hearing to be held in this matter or for the Panel to render an Arbitral Award based solely on the Parties' written submissions and whether they requested a case management conference ("CMC") with the Panel.

29. On 19 October 2025, the Respondent informed the CAS Court Office that it does not request to hold CMC in this matter.

30. On 20 October 2025, the Respondent submitted its comments on the Appellant's letter of 15 October 2025.

31. On 23 October 2025, the Appellant requested that a hearing be held in this matter without the need for a CMC.

32. On 24 October 2025, in accordance with Article R54 of the CAS Code, and on behalf of the Deputy President of the CAS Appeals Arbitration Division, the CAS Court Office informed the Parties that the arbitral tribunal appointed to decide the matter was constituted as follows:

President:	Mr Ulrich Haas, Law Professor in Zurich, Switzerland, and Attorney-at-Law in Hamburg, Germany
Arbitrators:	Mr Efraim Barak, Attorney-at-Law in Tel Aviv, Israel Mr Alexander McLin, Attorney-at-Law in Lausanne, Switzerland

33. On 31 October 2025, the CAS Court Office informed the Parties, *inter alia*, that the Panel had decided to hold a hearing in this matter and that a CMC would not be held at this stage of the proceedings. In addition, the CAS Court Office noted that "*though by no means least, it is the Panel's understanding that, by holding the hearing … and issuing the operative part of the award shortly thereafter, the Appellant's request for provisional measures would become moot*."

34. On 1 and 3 November 2025 respectively, the Respondent and the Appellant submitted their availabilities and lists of participants for the hearing.

35. On 3 November 2025, based upon the Parties' respective availabilities, the Panel decided to hold a hearing via videoconference on 27 November 2025.

36. On 11 November 2025, the CAS Court Office issued the Order of Procedure ("OoP") and requested the Parties to return a signed copy thereof by 13 November 2025. In addition, on behalf of the Panel, the CAS Court Office informed the Parties as follows:

> "*…, while examining the Parties' respective submissions, the Panel observed that the number of the sample at stake is not consistent throughout the material provided, appearing as 6545773 in certain exhibits … and as 6545337 in others … The Parties are invited to clarify this discrepancy at their earliest convenience and no later than Thursday, 13 November 2025.*"

37. On 12 and 13 November 2025 respectively, the Respondent and the Appellant returned a signed copy of the OoP.

38. Also on 13 November 2025, the Appellant submitted his position regarding the discrepancy of the number of the samples. The Respondent, in turn, did not file any comments on this issue within the time limit granted.

39. On 17 November 2025, the Panel sought assistance from the Laboratory to clarify the issue related to the different numbers of the sample. More specifically, the CAS Court Office, on behalf of the Panel, stated in its letter to the Laboratory, *inter alia*, as follows:

> "*…a question has arisen regarding the numbering of the samples. On behalf of the Panel appointed to adjudicate the matter, you are respectfully invited to verify whether the sample number indicated in the aforementioned letter, namely 6545337, is accurate and corresponds to the documentation package.*"

40. On the same date, Dr Tiia Kuurannee, the Director of the Laboratory responded to the question of the Panel, *inter alia*, as follows:

> "*In the original version, there was a unfortunate administrative error in sample code*

(6545337 instead of 6545773). I can hereby confirm that this revised document is in agreement with the analytical results and laboratory documentation package of sample A/B 6545773."

41. On 18 November 2025, on behalf of the Panel, the CAS Court Office informed the Parties that they would be granted an opportunity to comment on the Dr Kuuranne's correspondence of 17 November 2025 during the hearing and that Dr Kuuranee was summoned to appear at the hearing. In addition, the Panel would subsequently decide on the admission of Dr Kuuranee's correspondence.

42. On the same date, the CAS Court Office, on behalf of the Panel, summoned Dr Kuuranee to appear at the hearing on 27 November 2025 and invited her to confirm her attendance by 20 November 2025.

43. On 24 November 2025, the CAS Court Office informed the Parties that Dr Kuuranee would appear as a witness appointed by the Panel in accordance with Articles R44.3 para. 2 and R57 para. 3 of the CAS Code. A tentative Hearing Schedule for the remote hearing on 27 November 2025 was also sent to the Parties.

44. On 27 November 2025, the Appellant filed further arguments regarding – *inter alia* – the reliability of the information provided by the Laboratory. Furthermore, the Appellant filed the following amended prayers for relief:

"*For the foregoing reasons, the Appellant, Romário Ricardo Da Silva, respectfully requests that the Court of Arbitration for Sport:*

1. Admit this appeal as timely and within the jurisdiction of the CAS.

2. Find that the SAADC has failed to meet its burden of proof under Article 3.1 of the Anti-Doping Rules and set aside, in full, the decision issued by the Saudi Arabian Anti-Doping Committee – Hearing Panel dated 1 July 2025 and notified on 23 July 2025 (the 'Appealed Decision').

3. Declare that the Appellant bears no Fault or Negligence within the meaning of the applicable Anti-Doping Rules and eliminate any period of ineligibility, with immediate reinstatement of full eligibility to train and compete.

4. In the alternative, should the Panel find a technical violation, declare that the demonstrated incompetence of the laboratory constitutes a paramount factor in assessing the Appellant's degree of fault, and that the Appellant bears No Significant Fault or Negligence, warranting:

- *either the elimination of the period of ineligibility under Article 10.5,*
- *or, at a minimum, a radical reduction of the sanction to the lowest point permitted for a Specified Substance–including a reprimand with no period of ineligibility– under Article 10.6.1.1, with any lesser period deemed fully served.*

5. Further in the alternative, grant (or direct the competent body to grant) a retroactive Therapeutic Use Exemption (TUE) for clomiphene for the relevant point and vacate all resulting sporting consequences.

6. Order SAADC (and, where appropriate, SAFF/FIFA/WADA or any other relevant bodies) to promptly update all records and notify all stakeholders of the Appellant's reinstatement status and of the CAS award.

7. Order the SAADC to bear all CAS arbitration costs and to make a significant contribution to the Appellant's legal fees and expenses, in an amount to be determined by the Panel.

8. Grant any other, further, or different relief the Panel deems just and appropriate in the

circumstances."

45. On the same date, a hearing was held via videoconference. The Panel was assisted by Ms Shanaize Yahiaoui, Counsel to the CAS. In addition, the following persons attended the remote hearing:

For the Appellant:

- Mr Romário Ricardo Da Silva, Appellant
- Mr Pedro Macieirinha, Counsel
- Mr Brice Belhumeur, Counsel
- Ms Cinthia Monalisa Teixeira Sarilho, Witness
- Dr Edilberto de Araujo Silva, Expert Witness
- Prof. L.C. Cameron, Ph.D., Expert Witness
- Mr Thomás Teixeira, Interpreter

For the Respondent:

- Dr Ahmad Bin Nasser, Counsel
- Dr Abdulaziz Al Alshaikh, Counsel

Other participants:

- Dr Tiia Kuurannee, Witness (invited by the Panel).

46. At the outset of the hearing, the Parties confirmed that they had no objection as to the constitution of the Panel.

47. During the hearing, the Panel heard evidence from the above-mentioned witnesses and expert witnesses. Before taking their evidence, the President of the Panel informed the witnesses and the expert witnesses of their duty to tell the truth, subject to sanctions of perjury under Swiss law. The Parties had the opportunity to examine and cross-examine the witnesses and expert witnesses. Following the conclusion of the witness evidence, the Appellant was invited to make a final statement, which he did.

48. At the hearing, the Respondent was granted an opportunity to respond to the Appellant's submissions of 27 November 2025. The Parties were also informed that the Panel would decide on the admissibility of the Appellant's submissions after the hearing.

49. During the hearing, the Appellant filed a request to admit an audio file to the case file, containing a statement of Dr Edilberto de Araujo Silva. This request was ultimately deemed to be moot by the Appellant at a later point in the hearing due to Dr Edilberto de Araujo Silva's attendance at the hearing as a witness, which gave all Parties and the Panel the opportunity to put questions directly to him.

50. At the hearing, the Appellant confirmed that his Request for Provisional Measures filed on 7 August 2025 is moot.

51. The Parties were given full opportunity to present their case, submit their arguments and answer the questions from the Panel. At the closing of the hearing, the Parties confirmed that the Panel had observed their right to be heard and their right to a fair trial and that

they had no objections as to the manner in which the proceedings had been conducted.

52. Still on 27 November 2025, on behalf of the Panel, the CAS Court Office informed the Parties that (i) the Appellant's amended prayers for relief of 27 November 2025 were admitted to the case file pursuant to Article R56 para. 1 of the CAS Code and (ii) that the second request regarding the admission of the audio file shall be disregarded, as this request had become moot.

53. On 13 January 2026, the CAS Court Office notified the operative part of the Award to the Parties.

V. SUBMISSIONS OF THE PARTIES

54. This section of the award does not contain an exhaustive list of the Parties' contentions, its aim being to provide a summary of the substance of the Parties' main arguments. In considering and deciding upon the Parties' claims in this Award, the Panel has accounted for and carefully considered all of the submissions made and evidence adduced by the Parties, including allegations and arguments not mentioned in this section of the Award or in the discussion of the claims below.

A. The Appellant's Position

55. In his Statement of Appeal dated 7 August 2025, amended in his Appeal Brief dated 12 September 2025, the Player submitted the following prayers for relief:

> "*1. Admit this appeal as timely and within the jurisdiction of the CAS.*
>
> *2. Set aside in full the decision issued by the Saudi Arabian Anti-Doping Committee – Hearing Panel dated 1 July 2025 and notified on 23 July 2025 (the 'Appealed Decision').*
>
> *3. Declare that the Appellant bears No Fault or Negligence within the meaning of the applicable Anti-Doping Rules, and eliminate any period of ineligibility with immediate reinstatement of full eligibility to train and compete.*
>
> *4. In the alternative, declare that the Appellant bears No Significant Fault or Negligence and reduce the sanction to the lowest point permitted by the Rules for a Specified Substance (up to and including a reprimand with no period of ineligibility), with any lesser period deemed fully served.*
>
> *5. Further in the alternative, grant (or direct the competent body to grant) a retroactive Therapeutic Use Exemption for clomiphene for the relevant period and vacate the sporting consequences flowing from the Appealed Decision.*
>
> *6. Order SAADC (and, as necessary, SAFF/FIFA/WADA and any other relevant bodies) to promptly update all records and notify all stakeholders of the Appellant's reinstated status and the CAS award.*
>
> *7. Order SAADC to bear all CAS arbitration costs and to contribute to the Appellant's legal fees and expenses in an amount to be determined by the Panel.*
>
> *8. Grant any other, further, or different relief the Panel deems just and appropriate under the circumstances.*"

56. On 27 November 2025, the Appellant filed amended prayers for relief, cf. para. 44, which were admitted by the Panel on the same day.

57. The Appellant's submissions in support of his appeal against the Appealed Decision of

the SADHP, in essence, may be summarised as follows:

1. The ADRV

58. The Appellant submits that he and his wife intended to conceive a child. After the occurrence of two miscarriages in August 2021 and October 2023, respectively, the Player obtained medical consultation from urology, sexual dysfunction and andrology specialist, Prof. Dr Jorge Hallak and fertility specialist Dr Edilberto de Araujo Silva ("Dr Edilberto"). After seeking a three-month cycle of low doses of gonadotrophins treatment by Prof. Dr Hallek, the Player decided to consult Dr Edilberto independently. On 25 June 2024, Dr Edilberto evaluated the Player's case and prescribed Clomiphene citrate and "certain fertility vitamins" as the Player's primary fertility treatment. The Player began taking Clomiphene citrate as advised by Dr Edilberto. "*However, neither the Player nor his wife were warned that clomiphene is listed on the* [Prohibited List]. *Dr. Edilberto reportedly informed them that the medication was simply a combination of vitamins and provided no explanation of its potential regulatory implications.*" Dr Edilberto informed the Appellant that the prescribed medication is a vitamin supplement.

59. The Appellant took Clomiphene citrate in good faith and for therapeutic use and not for performance-enhancing purposes. The Player is not medically trained, has a clean record, and is widely regarded as a good character. He takes his anti-doping obligations seriously and has never breached any rule. "*The Player exercised good judgement and relied on licensed experts. These individuals were clearly informed of his professional status and responsibilities as an athlete. Under these circumstances, the Player had no reason to anticipate or prevent the mistake that occurred. He acted with reasonable care and diligence at all times. The mistake lies in the failure of the medical provider to communicate the risks, not in the Player's action.*"

60. The Appellant further submits that the Respondent has not established, to the comfortable satisfaction of the Panel, that he has committed an ADRV. The Respondent relies on evidence that is not authentic, reliable or legally valid.

61. In this regard, the Appellant refers to the discrepancy related to the numbering of the samples in the Doping Control Form ("DCF") and in the letter of the Director of the Laboratory dated 27 January 2025. The different sample numbers are contradictory. The documents relating to the samples lack authenticity and the evidence is therefore unreliable.

62. The Respondent has failed to establish the Appellant's ADRV based on reliable evidence, cf. CAS 2022/ADD/46.

63. Therefore, the Appellant did not commit an ADRV.

2. The appropriate Consequences of the ADRV

64. On a subsidiary basis, the Appellant submits that the ADRV was committed unintentionally. The Appellant has established the origin of Clomiphene. The substance was medically prescribed for his fertility treatment by Dr Edilberto, as required under the

definition of No Fault or Negligence and No Significant Fault or Negligence. Accordingly, the present dispute centres around the question of the Appellant's degree of fault in order to determine the appropriate period of ineligibility pursuant to Article 10.5 of the ADR, alternatively, Article 10.6 of the ADR.

65. The Appellant submits that he bears no fault or negligence in relation to the presence of Clomiphene in his system. He exercised the utmost caution to avoid taking a prohibited substance. The Player complied with the required standard of care for the following reasons:

- The Appellant sought fertility treatment from a fertility specialist.
- He disclosed his status as a professional football player and trusted the medical experts that they would not treat him with substances that are not compliant with his anti-doping obligations; and
- The Appellant acted transparently and consistently in accordance with his anti-doping duties.

66. In addition to the above objective elements, the Appellant is of the view that also subjective elements need to be considered in his favour. The Appellant suffered from secondary infertility hypogonadism and bilateral clinical varicocele. He and his wife had experienced two miscarriages between 2021 and 2023, which caused a profound emotional and psychological impact on the couple. The Appellant trusted a fertility specialist who did not advise him that the prescribed medication was on the Prohibited List.

67. Based on the above considerations, the Appellant submits that he bears No Fault or Negligence under Article 10.5 of the ADR.

68. Alternatively, the Appellant submits that he bears no Significant Fault or Negligence under Article 10.6.1.1 of the ADR.

69. In the assessment of the Appellant's degree of fault, the following circumstances must be considered:

- The Appellant took the Prohibited Substance during off-season while undergoing fertility treatment in Brazil and therefore for therapeutic reasons.
- The Appellant consulted two medical experts to treat his fertility issues, to whom he disclosed his status as a professional athlete and that he was subject to the anti-doping rules of WADA, Federation Internationale de Football Association ("FIFA"), SAADC and the Saudi Arabian Football Federation. Dr Edilberto described the medication as a vitamin supplement and did not mention that it contains Clomiphene or any other substance that is listed on the Prohibited List.
- The Appellant admits that he did not check the list of ingredients against the Prohibited List. "*However, such a requirement would impose an unreasonable burden on athletes and would effectively require them to second-guess the professional judgement of a qualified medical practitioners* (sic)*. The Cilic Panel recognized this concern and held that athletes cannot be expected to go beyond the reasonable steps*

dedicated by the circumstances."

- The Appellant submits that he and his wife suffered emotional trauma from the miscarriages in August 2021 and October 2023. He was diagnosed with secondary infertility and the chances for him and his wife to have a successful conception decreased progressively. Therefore, the Appellant did not try to circumvent any anti-doping rules but was rather treating his infertility in the hope to have another child with his wife.

- In any event, the Appellant submits that the applicable period of ineligibility shall comply with human rights law and the principle of proportionality. In this regard, the Appellant relies on the right to privacy and family life guaranteed under Article 12 of the Universal Declaration of Human Rights ("UDHR"), Article 17 of the International Covenant on Civil and Political Rights ("ICCPR") and Article 8 of the European Convention on Human Rights ("ECHR"), noting that "[a]*lthough Saudi Arabia is not a party to the ECHR, the principles of private and family life are part of the general principles of law that must inform international tribunals such as CAS*", cf. CAS 2011/A/2384 & 2386 and CAS 2020/O/6689.

- A lengthy period of ineligibility would be disproportionate, taking into account the specific circumstances of the present case. Therefore, a reprimand or a period equivalent to the Appellant's suspension already served would be reasonable and proportionate and would also strike a fair balance between the principle of strict liability and the Appellant's basic rights. Any other duration of ineligibility would be grossly disproportionate.

3. Therapeutic Use Exemption (TUE)

70. The Appealed Decision wrongfully rejected the Appellant's request for a retroactive Therapeutic Use Exemption ("TUE"). The SADHP misinterpreted the applicable provisions for a retroactive TUE set forth in Article 4.1 of the International Standard for Therapeutic Use Exemptions ("ISTUE"). This error must be corrected by the Panel, considering that the Appellant fulfils all the requirements for a retroactive TUE.

71. In addition, the SADHP had the obligation to legally assess, on a *prima facie* basis, whether the Appellant met the requirements for a retroactive TUE under Article 4.2 of the ISTUE and, if so, refer the Appellant's application to the competent authority for formal evaluation.

B. The Respondent's Position

72. In its Answer dated 14 October 2025, the Respondent submitted the following prayers for relief:

> "*6.1.1 Dismiss the Player's appeal and uphold the Decision.*
>
> *6.1.2 Confirm the Player's commission of anti-doping rule violations pursuant to ADR Articles 2.1 and 2.2 based on the presence of clomiphene in the Player's sample collected on 21 October 2024.*

6.1.3 Confirm the imposition of a period of ineligibility of 12 months commencing on 6 March 2024.

6.1.4 Dismiss all of the Player's other requests for relief including his request for grant of a retroactive TUE and his request for an order that the competent body grant a retroactive TUE.

6.1.5 Award the SAADC a significant contribution to its legal costs and expenses incurred in relation to these proceedings."

73. The Respondent's submissions, in essence, may be summarised as follows:

1. The ADRV

74. The Respondent submits that the Player has committed an ADRV under Articles 2.1 and 2.2 of the ADR and accepts that the Player did not act intentionally.

75. The Respondent relies on the AAF of the Appellant's A-Sample and B-Sample reported by the Laboratory on 14 November 2024 and 21 January 2025, respectively.

76. The issue related to the "discrepancy between the number of the samples" does not result in the invalidity of the samples or the unreliability of the analytical results. The discrepancy between the number of the samples derives from a clerical error in the Laboratory's letter of 27 January 2025 in which the latter mistakenly referred to the A-Sample and B-Sample numbers as "6545337" instead of "6545773". The Appellant's representative was present at the opening and analysis of the B-Sample and was able to verify the sample numbers.

77. Furthermore, the detected substance Clomiphene is a non-threshold substance. The estimate provided by the Laboratory was only requested to verify the Player's explanations. The fact that Clomiphene was qualitatively detected in the Player's sample is sufficient for the SAADC to establish the ADRV under Articles 2.1 and 2.2 of the ADR. Consequently, the Player has committed an ADRV.

2. The appropriate Consequences of the ADRV

78. The Respondent submits that the Player has established the origin of the Prohibited Substance Clomiphene. However, he failed to demonstrate that he acted with no Fault or Negligence. The Player did not exercise the utmost caution to avoid an ADRV. The package containing the medicine clearly indicated that it could be obtained on prescription only. Furthermore, the Appellant failed to cross-check the ingredients listed on the packaging with the Prohibited List. Accordingly, Article 10.5 of the ADR is not applicable to the present matter. This is further confirmed by the Comment to Article 10.5 of the ADR which states that this provision will not apply to "*...(b) the Administration of a Prohibited Substance by the Athlete's personal physician or trainer without disclosure to the Athlete (Athletes are responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any Prohibited Substance ...*".

79. The Respondent accepts that the Player's Fault was not significant in relation to the ADRV. However, the Respondent does not agree to further reduce the Player's period of ineligibility of twelve (12) months in consideration of his degree of fault in the present

matter.

80. To determine the appropriate sanction based on an athlete's degree of fault, the Respondent emphasises the following facts:

- The Player's objective fault refers to his duty to ensure that he would not ingest any prohibited substance that would cause him to commit an ADRV. The Player failed to take the necessary precautions before taking the medication for fertility-related reasons. In other words, the Player failed to do the most basic steps before the ingestion of the medication prescribed by Dr Edilberto, including reading the label of the Clomiphene medication, cross-checking the ingredients on the label with the Prohibited List, making internet searches of the medication or consulting an appropriate expert and instructing the expert diligently before consuming the medication. In fact, the Player failed to demonstrate that he informed Dr Edilberto of his status as a professional football player. Dr Edilberto is not an expert in anti-doping matters. In addition, the Respondent submits that Dr Edilberto would not prescribe medication to the Player without informing him precisely what such medication contained.

- In relation to the subjective elements of the case, the Player did not demonstrate that the events in August 2021 and October 2023 caused any diagnosed psychological illness or impacted his cognitive ability to comply with his anti-doping obligations. The alleged clean record of the Player and whether or not Clomiphene has any performance-enhancing effect are irrelevant when determining the appropriate period of ineligibility.

81. The imposed 12-month period of ineligibility is appropriate and proportionate. The Player's assertion that a longer period of ineligibility would be grossly disproportionate and potentially constitutes a human rights violation must be rejected. The principles of proportionality and human rights were already considered in the drafting process of the WADA Code, and its sanctioning regime complies with those principles.

3. Therapeutic Use Exemption (TUE)

82. The Respondent submits that the Player's request for a retroactive TUE must be dismissed based on the following considerations:

- Article 4.4.4.2 of the ADR and Article 6 of the ISTUE provide for a specific procedure for TUE applications by International-Level Athletes. Accordingly, a specialised TUE committee – and not the Panel or the SADHP – is competent to determine whether a TUE should be granted to the Player or not. The applicable ADR and the ISTUE do not grant the CAS competence to decide on TUE applications *in lieu* of the TUE committee in accordance with the procedures set out in the regulations.

- The Player has failed to obtain a TUE prior to using Clomiphene and failed to apply for a retroactive TUE after using it.

4. New first instance proceedings regarding the alleged violations of Articles 2.2 and 10.14 of the ADR

83. The SAADC has notified the Player of potentially new violations of his anti-doping obligations under Articles 2.2 and 10.14 of the ADR. These new matters must first be addressed in new first instance proceedings. Therefore, the Panel has no competence to deal with these alleged breaches of Articles 2.2. and 10.14 of the ADR in the present proceedings.

VI. JURISDICTION

84. Article R47 para. 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 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.*"

85. Article 13.2.1 of the ADR states as follows:

> "*13.2.1 Appeals Involving International-Level Athletes or International Events*
>
> *In cases arising from participation in an International Event or in cases involving International-Level Athletes, the decision may be appealed exclusively to CAS.*"

86. It is common ground between the Parties that the Appellant is an International-Level Athlete within the meaning of Article 13.2.1 of the ADR and none of the Parties objected to the jurisdiction of the CAS.

87. The Parties further confirmed the jurisdiction of the CAS by signing the OoP.

88. It follows, therefore, that CAS has jurisdiction to decide on the present dispute.

VII. ADMISSIBILITY

A. Time limit to file the appeal

89. Article R49 of the CAS Code provides – in its pertinent parts – as follows:

> "*In the absence of a time limit set in the statutes or regulations of the federation, association or sports-related body concerned, or in a previous agreement, the time limit for appeal shall be twenty-one days from the receipt of the decision appealed against.*"

90. In addition, Article 13.6.1 of the ADR provides – in its relevant parts – as follows:

> "*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.*"

91. The Appellant received the Appealed Decision on 23 July 2025 and filed his Statement of Appeal on 8 August 2025. Therefore, the Appeal was filed within the prescribed 21-

day time limit.

B. Exhaustion of internal legal remedies

92. The Panel recalls that Article R47 of the CAS Code provides that "*An appeal against the decision of a federation, association or sports-related body may be filed with the CAS if … 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.*"

93. In the present matter, the question arises whether the Appellant has exhausted the internal legal remedies as regards his request for relief no. 5, namely "*Further in the alternative, shall apply grant (or direct the competent body to grant) a retroactive Therapeutic Use Exemption for clomiphene for the relevant period and vacate the sporting consequences flowing from the Appealed Decision.*"

94. The Panel notes that the procedure for International-Level Athletes to apply for a retroactive Therapeutic Use Exemption ("TUE") is not specifically provided in the ADR as a consequence of the fact that, in principle, International Federations are responsible for granting TUEs for International-Level Athletes. This is reflected in Article 4.4.3 of the WADA Code, which states that "*Athletes who are International-Level Athletes shall apply to their International Federation.*" The application process for a TUE is further described in Article 6 of the ISTUE which states – in its pertinent parts – as follows:

> "*6.0 TUE Application Process*
>
> *6.1 An Athlete who needs a TUE should apply as soon as possible. For substances prohibited In-Competition only, the Athlete should apply for a TUE at least thirty (30) days before their next Competition, unless it is an emergency or exceptional situation.*
>
> *6.2 The Athlete should apply to their National Anti-Doping Organization, International Federation and/or a Major Event Organization (as applicable), online or using the TUE application form provided. Anti-Doping Organizations shall make the application form or process they want Athletes to use available on their websites. If an application form is used, it must be based on the 'TUE Application Form' template available on WADA's website. The template may be modified by Anti-Doping Organizations to include additional requests for information, but no sections or items may be removed.*
>
> *[Comment to Article 6.2: In certain situations, an Athlete may not know which National Anti-Doping Organization they should apply to for a TUE. In such circumstances, the Athlete should consult the National Anti-Doping Organization of the country of the sport organization for which they compete (or with which they are a member or license holder), to determine if they fall within that National Anti-Doping Organization's TUE jurisdiction, according to their rules.*
>
> *If that National Anti-Doping Organization refuses to evaluate the TUE application because the Athlete does not fall within its TUE jurisdiction, the Athlete should consult the anti-doping rules of the National Anti-Doping Organization of the country in which they reside (if different).*
>
> *If the Athlete still does not fall within that National Anti-Doping Organization's TUE jurisdiction, the Athlete should then consult the anti-doping rules of the National Anti-Doping Organization of their country of citizenship (if different from where they compete or reside).*
>
> *Athletes may contact any of the above-referenced National Anti-Doping Organizations for assistance with determining whether the National Anti-Doping Organization has TUE*

> *jurisdiction. In the event that none of the above-mentioned National Anti-Doping Organizations have TUE jurisdiction, where there is an Adverse Analytical Finding, the Athlete should ordinarily be permitted to apply for a retroactive TUE from the Anti-Doping Organization that has Results Management authority. See also the summary flowcharts on "Where to Apply?" in the medical section of WADA's website.]*
>
> *[…]*
>
> *6.4 The Athlete should submit the TUE application to the relevant Anti-Doping Organization via ADAMS or as otherwise specified by the Anti-Doping Organization. The application must be accompanied by a comprehensive medical history, including documentation from the original diagnosing physician(s) (where possible) and the results of all relevant examinations, laboratory investigations and imaging studies. The application must include the physician's signature, in the designated area.*
>
> *[Comment to Article 6.4: The information submitted in relation to the diagnosis and treatment should be guided by the relevant WADA documents posted on WADA's website.]*".

95. Against this regulatory background, the Panel notes that it does not fall within the Panel's mandate to decide on the Player's application for a retroactive TUE in the present matter. The matter is simply not part of the dispute before this Panel. The Player must first submit an application for a retroactive TUE to the International Federation for the sport of football, i.e. FIFA. Such decision may then be appealed to the CAS pursuant to Article 4.4.6 of the ADR. The Panel cannot assume the authority to decide about the Player's request for a retroactive TUE without him exhausting the procedure provided for that purpose in the applicable regulations. As a consequence, the Player's request no. 5, i.e. "*Further in the alternative, shall apply grant (or direct the competent body to grant) a retroactive Therapeutic Use Exemption for clomiphene for the relevant period and vacate the sporting consequences flowing from the Appealed Decision*", is inadmissible and, therefore must be rejected.

96. Consequently, the appeal is admissible, except for the Appellant's request no. 5, which is inadmissible.

VIII. OTHER PROCEDURAL ISSUES

A. Request for Provision Measures

97. The Panel notes that the Appellant had filed a Request for Provisional Measures dated 7 August 2025 in accordance with Article R37 of the CAS Code.

98. On 31 October 2025, the CAS Court Office informed the Parties that the Panel had decided to hold a hearing in this matter and that "*it is the Panel's understanding that, by holding the hearing … and issuing the operative part of the award shortly thereafter, the Appellant's request for provisional measures would become moot*."

99. None of the Parties has filed submissions on the Panel's positions or objected to it and the Appellant has confirmed during the hearing on 27 November 2025 that his Request for Provisional Measures is moot.

100. Accordingly, the Panel must no longer decide on the Appellant's Request for Provisional

Measures.

B. The Player's additional submissions

101. During the course of this procedure, the Appellant made several additional submissions and requests after the exchange of submissions had been closed.

102. On 27 November 2025, the Appellant filed additional submissions and amended his prayers for relief. The Panel notes that the issue relating to the discrepancy of the numbers of the samples only arose after the Appellant's Appeal Brief. Therefore, the Appellant's additional submissions on this issue and the amended prayers for relief had to be admitted to the case file pursuant to Article R56 para. 1 of the CAS Code.

103. On the same date, the Appellant also filed a request to admit an audio file as evidence in this matter. During the hearing, the Appellant acknowledged that this request had become moot due to Dr Edilberto's attendance and testimony at the hearing. As a consequence, the audio file was not admitted to the case file.

IX. APPLICABLE LAW

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

> "*The Panel shall decide the dispute according to the applicable regulations and, subsidiarily, to 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 Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision.*"

105. The ADR state that they shall apply, *inter alia*, to "*(ii) all Athletes and Athlete Support Personnel who participate in such capacity in Events, Competitions, and other activities organized, convened, authorized or recognized by any National Federation in Saudi Arabia, or by any member or affiliate organization of any National Federation in Saudi Arabia (including any clubs, teams, associations or leagues), wherever held.*"

106. At the time of sample collection on 21 October 2024, the Player played for the Saudi football club Neom Sports Club in the Saudi First Division League organised by the SAFF. The Player was therefore subject to the 2021 ADR.

107. Accordingly, the Panels finds that the ADR (2021 edition) are primarily applicable to the merits of the present appeal. Subsidiarily, the law of the Kingdom of Saudi Arabia shall apply should the need arise to fill a *lacuna* in the ADR, being the law of the country in which the SAADC is domiciled. Of course, such subsidiarily application of the law of the Kingdom of Saudi Arabia must be applied with caution, since Article 23.3 of the ADR states as follows:

> *"The Code shall be interpreted as an independent and autonomous text and not by reference to the existing law or statutes of the Signatories or governments."*

X. SCOPE OF REVIEW

108. Article R57 para. 1 of the CAS Code provides – in its relevant parts – as follows:

> "*The Panel has 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*".

109. In addition, Article 13.1.1 of the ADR read as follows:

> "*The scope of review on appeal includes all issues relevant to the matter and is expressly not limited to the issues or scope of review before the initial decision maker. Any party to the appeal may submit evidence, legal arguments and claims that were not raised in the first instance hearing so long as they arise from the same cause of action or same general facts or circumstances raised or addressed in the first instance hearing.*"

110. Against this background, the Panel finds that it has full power to review *de novo* the dispute and the evidence before it in order to examine the appropriate consequences of the ADRV to be imposed on the Appellant and the commencement thereof.

XI. MERITS

111. The relevant questions that the Panel needs to answer in this appeal can be grouped into three sets of issues:

i. Did the Player commit an ADRV under Articles 2.1 and 2.2 of the ADR?

ii. In the affirmative, what is the appropriate and proportionate sanction to the Player's circumstances?

iii. Is SAADC (and SAFF/FIFA/WADA or any other relevant bodies) to be ordered to promptly update all records and notify all stakeholders of the Appellant's reinstatement status and of the CAS award?

A. Did the Player commit an ADRV under Articles 2.1 and 2.2 of the ADR?

112. Article 2.1.1 of the ADR ("Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample") provides as follows:

> "*2.1.1 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 Article 2.1.*
>
> *2.1.2 Sufficient proof of an anti-doping rule violation under Article 2.1 is established by any of the following: 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; or, 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; or, where the Athlete's A or B Sample is split into two (2) parts and the analysis of the confirmation part of the split Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the first part of the split*

Sample or the Athlete waives analysis of the confirmation part of the split Sample.

2.1.3 Excepting those substances for which a Decision Limit is specifically identified in the Prohibited List or a Technical Document, the presence of any reported quantity of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample shall constitute an anti-doping rule violation.

2.1.4 As an exception to the general rule of Article 2.1, the Prohibited List, International Standards, or Technical Documents may establish special criteria for reporting or the evaluation of certain Prohibited Substances."

113. Article 2.2 of the ADR ("Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method") states – in its relevant parts – as follows:

"*2.2.1 It is the Athletes' personal duty to ensure that no Prohibited Substance enters their bodies and that no Prohibited Method is Used. 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 for Use of a Prohibited Substance or a Prohibited Method.*

2.2.2 The success or failure of the Use or Attempted Use of a Prohibited Substance or Prohibited Method is not material. It is sufficient that the Prohibited Substance or Prohibited Method was Used or Attempted to be Used for an anti-doping rule violation to be committed."

114. In addition, Article 3 of the ADR ("Proof of Doping") states – in its pertinent parts – as follows:

"*3.1 Burdens and Standards of Proof*

SAADC shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether SAADC has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel, bearing in mind the seriousness of the allegation, which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where these Anti-Doping Rules place the burden of proof upon the Athlete or other Person alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, except as provided in Articles 3.2.2 and 3.2.3, the standard of proof shall be by a balance of probability.

3.2 Methods of Establishing Facts and Presumptions

Facts related to anti-doping rule violations may be established by any reliable means, including admissions. The following rules of proof shall be applicable in doping cases:

3.2.1 Analytical methods or Decision Limits approved by WADA after consultation within the relevant scientific community or which have been the subject of peer review are presumed to be scientifically valid. Any Athlete or other Person seeking to challenge whether the conditions for such presumption have been met or to rebut this presumption of scientific validity shall, as a condition precedent to any such challenge, first notify WADA of the challenge and the basis of the challenge. The initial hearing body, appellate body or CAS, on its own initiative, may also inform WADA of any such challenge. Within ten (10) days of WADA's receipt of such notice and the case file related to such challenge, WADA shall also have the right to intervene as a party, appear as amicus curiae or otherwise provide evidence in such proceeding. In cases before CAS, at WADA's request, the CAS panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge.

3.2.2 WADA-accredited laboratories, and other laboratories approved by WADA, are presumed to have conducted Sample analysis and custodial procedures in accordance with the International Standard for Laboratories. The Athlete or other Person may rebut this presumption by establishing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the Adverse Analytical

Finding.

If the Athlete or other Person rebuts the preceding presumption by showing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the Adverse Analytical Finding, then SAADC shall have the burden to establish that such departure did not cause the Adverse Analytical Finding."

115. Accordingly, once the Respondent has established an ADRV, the burden of proof then shifts to the Player to show that a departure from WADA's International Standard for Laboratories ("ISL") occurred.

1. The Position of the Parties

116. The Player does not contest that the Prohibited Substance Clomiphene was detected in the samples analysed by the Laboratory on 14 November 2024 (A-Sample) and 21 January 2025 (B-Sample). However, the Player submits that the Respondent has failed to establish, to the comfortable satisfaction of the Panel, that the samples analysed by the laboratory were provided by him. In the Player's view, the Respondent relies on unauthentic, unreliable and legally invalid evidence. The Appellant bases his conclusion on the fact that the Player's unique identification for the samples shown in the DCF of 21 October 2024 are different from the sample numbers referred to in the letter of the Laboratory of 27 January 2025. According to the Appellant there is a failure in the chain of custody. Therefore, he submits that such "misidentification" cannot be qualified as a clerical error. The Respondent is, therefore, prevented from relying on such documents to prove the Player's alleged ADRV.

117. In his submissions, the Player relies on Article 1.1.1 of the ISL and the introductory section of the WADA Code which state as follows:

"*International Standards for different technical and operational areas within the anti-doping program have been and will be developed in consultation with the Signatories and governments and approved by WADA. The purpose of the International Standards is harmonization among Anti-Doping Organizations responsible for specific technical and operational parts of anti-doping programs. Adherence to the International Standards is mandatory for compliance with the Code. The International Standards may be revised from time to time by the WADA Executive Committee after reasonable consultation with the Signatories, governments and other relevant stakeholders. International Standards and all revisions will be published on the WADA website and shall become effective on the date specified in the International Standard or revision.*

The main purpose of the ISL is to ensure that Laboratories and ABP Laboratories report valid test results based on reliable evidentiary data, and to facilitate harmonization in Analytical Testing of Samples by Laboratories and in the analysis of ABP blood Samples by Laboratories and ABP Laboratories."

118. The Respondent, in turn, submits that the discrepancy in relation to the identification numbers of the samples is a clerical error. The Prohibited Substance Clomiphene was qualitatively detected in the Player's A-Sample and B-Sample. Both analyses can be attributed to the Player's samples, because the identification numbers in the laboratory documentation package coincide with the identification numbers of the sample in the DCF. Accordingly, the Respondent has sufficiently established that the Player committed an ADRV under Articles 2.1 and 2.2 of the ADR. In a separate letter of the Director of the Laboratory that referred to the estimates of the quantity of the prohibited substance found in the samples, different identification numbers had been used. This is a mere

clerical mistake that does not impact the finding of an ADRV, since Clomiphene is not a threshold substance. Consequently, the letter sent by the Director of the Laboratory was irrelevant to the finding of an ADRV by the Player.

2. The Findings of the Panel

119. The Panel recalls that on 11 November 2025 it informed the Parties, via the CAS Court Office, that it had observed a discrepancy between the identification numbers of samples. More specifically, the number of the A-Sample and B-Sample appeared in some documents as "6545773" and in the letter of the Director of the Laboratory dated 27 January 2025 as "6545337". It therefore invited the Parties to comment on this discrepancy.

120. The question arises whether in the case at hand a departure from the ISL occurred. The burden of demonstrating a departure from the ISL rests with the Player who has to rebut the presumption under Article 3.2.2 of the ADR by a balance of probability, cf. Article 3.1 of the ADR.

121. Article 5.3.2 of the ISL requires as follows:

> *"The Laboratory shall have a system to uniquely identify the Samples and associate each Sample with the collection document or other external chain of custody information."*

122. Accordingly, a departure from the ISL may have occurred, if the Laboratory's internal sample identification system cannot be linked to the sample identification number on the DCF.

123. The Panel notes that the DCF of 21 October 2024, the Appealed Decision, the Respondent's letter of 23 January 2025, and the Laboratory's Documentation Package of the Player's B-Sample dated 23 January 2025 all refer to the same sample identification number "6545773". In particular, the Laboratory Documentation Package of the Player's B-Sample dated 23 January 2025 states in the "Summary" section – in its relevant parts – as follows:

> "*The urine sample **B6545773** was analysed at the Swiss Laboratory for Doping Analyses (LAD) according to the B-sample analysis request of the testing authority, SAADC (p. 42).*
>
> *The shipment was delivered to the laboratory by DHL on 28.10.2024, received (package ID 2024-3437, p. 5) and labelled by J. Leder (p. 6-7). The shipping box contained four (4) pairs of antidoping samples (p. 8). After the evaluation of sample acceptance criteria, the internal codes A2024-18470 and B2024-18470 were given to the urine A- and B-samples **6545773**, respectively (p. 8-9).*
>
> *The urine sample **A6545773** was processed in the LAD according to the request and reported as an Adverse Analytical Finding for clomifene on 15.11.2024 by T. Kuuranne. B-sample analysis was requested by SAADC (Mr. Nabeel Dobain 02.12.2024) via e-mail and agreed to take place on 21.01.2025 (p. 40).*
>
> *The opening of sample **B6545773** was performed on 21.01.2025 under the supervision of the scientific expert appointed by the athlete and the independent witness (p. 41).*
>
> *The sample was aliquoted for confirmation procedure (CP) by N. Jan and D. Mora (p. 11). D. Gagnaux processed the sample **B6545773** and carried out the analysis on the same day with A. Musenga (p. 17). As the result of the CP, clomifene was identified in sample*

> ***B6545773*** *in agreement with prevailing WADA Technical Document for Identification Criteria (p. 32-33). The result of the B-sample analysis is in agreement with the A-sample result.*
>
> *Conclusion:*
>
> *Clomifene was identified in sample B6545773.*
>
> *The result is reported as an Adverse Analytical Finding.*
>
> *Clomifene is categorized by WADA as anti-estrogenic substance:*
>
> *Group S4.2 on the List of Prohibited Substance and Methods.*
>
> *The result is in agreement with the A-sample result.*"

124. However, the letter of the Laboratory dated 27 January 2025 states – in its pertinent part – as follows:

> "*The indicative estimate for the concentration of the target compound in the sample 6545337 obtained in this manner are approximately:*
>
> *A-sample 6545337: clomifene ≅ 3.6 ng/mL, specific gravity 1.014*
>
> *B-sample 6545337: clomifene ≅ 3.0 ng/mL, specific gravity 1.014*

125. The Panel summoned Dr Tiia Kuurannee, Director of the Laboratory, as a witness in this matter. In her testimony at the hearing, Dr Kuurannee explained that the sample number in her letter of 27 January 2025 was a typographical error. This error was caused by the Results Management Authority's urgent request to provide an estimate of the compound detected in the Player's A-Sample and B-Sample. Such request was received shortly after the completion of the Laboratory Documentation Package of the Player's B-Sample dated 23 January 2025. Since Clomiphene is a non-threshold substance, the letter containing the estimated concentration is always sent subsequently to the Laboratory Documentation Package and should refer to the sample number contained in the Laboratory Documentation Package. Dr Kuurannee further confirmed that there was never a sample with the identification number "6545337" in the custody of her Laboratory. Thus, a mixing up of different samples was impossible, because the Laboratory never received a sample with the identification number "6545337". Instead, the target compound referred to in the Laboratory's letter dated 27 January 2025 is consistent with the raw material that is presented in the Laboratory Documentation Package of the Player's B-Sample dated 23 January 2025. Therefore, Dr Kuurannee concluded that the only reasonably possible explanation for the discrepancy of the number of the samples is a typographical error that occurred when sending the letter dated 27 January 2025.

126. The Panel finds that Dr Kuurannee's witness testimony is credible and reliable. In addition, it fits with all evidence on file. Furthermore, the Panel notes that the Player had requested the opening and analysis of his B-Sample on 30 November 2024. According to Article 5.3.6.2.3 of the ISL, the "B" Confirmation Procedure requires that the "*Athlete and/or his/her representative(s) or the Independent Witness shall verify that the 'B' Sample container is properly sealed and shows no signs of Tampering, and that the identifying numbers match that on the Sample collection documentation. At a minimum, the Laboratory Director or representative and the Athlete or their representative(s) and/or the Independent Witness shall sign the Laboratory documentation attesting that the 'B' Sample container was properly sealed and showed no signs of Tampering, and that the identifying numbers matched those on the Sample collection documentation.*"

The Player has not submitted any evidence that the above procedure has not been respected or that the opening and analysis of the B-Sample on 21 January 2025 deviated from the ISL. In addition, Dr Kuurannee confirmed at the hearing that the Player's representative who witnessed the opening and analysis of the B-Sample verified the identification number of the sample and crossed-checked it with the number on the Sample collection documentation, i.e. "6545773". Her statement is also confirmed by the document entitled "B-sample opening procedure" (p. 42 of the Laboratory Documentation Package of the Player's B-Sample dated 23 January 2025) signed by the Player's representative, Prof. L.C. Cameron, Ph.D. The questions "Does the number on the bottle correspond to the Doping Control Form?" and "Does the number on the seal correspond to the number on the bottle?" are both answered in the document with "yes". Therefore, the Panel finds that the "B" Confirmation procedure was conducted in accordance with the requirements set out in the ISL.

127. In the light of the above, particularly in consideration of the credible testimony of Dr Kuuranne, her explanation of the circumstances related to her letter of 27 January 2025, the fact that a sample with the identification number "6545337" had never been received at the Laboratory and the verification of the correct sample identification number by the Player's representative during the opening and analysis of the B-Sample on 21 January 2025, the Panel finds that the sample analysis of the Player was conducted by the Laboratory in conformity with the ISL and that a clerical error is the only credible explanation for the discrepancy of the numbers of the samples.

128. The Panel further notes that the provision of the estimated concentration of the target compound is not *per se* part of the sample analysis procedure of non-threshold substances, cf. Article 5.3.8.4 of the ISL ("*The Laboratory is not required to report concentrations for Non-Threshold*"). Such estimated concentration of a non-threshold substance may be provided upon request of the Testing Authority, Results Management Authority or WADA (cf. Article 5.3.8.4 of the ISL) but has no impact on the qualitative analysis or the validity and reliability of the A-Sample and B-Sample analysis. Therefore, the reference to incorrect numbers of the samples in the Laboratory's letter of 27 January 2025 did not affect the analysis of the Player's A-Sample and B-Sample that had already been completed at that point in time.

129. In conclusion, the Panel finds that the Player has failed to rebut the presumption that the Laboratory has conducted the sample analysis of his A-Sample and B-Sample in accordance with the ISL. Thus, the Respondent has established, to the comfortable satisfaction of the Panel, that the Player committed an ADRV under Articles 2.1 and 2.2 of the ADR by the presence of Clomiphene in the Player's A-Sample and B-Sample, regardless of whether the Player acted with intent, fault, negligence or knowing use.

B. What is the appropriate and proportionate sanction to the Player's circumstances?

130. Article 10.2 of the ADR ("Ineligibility for Presence, Use or Attempted Use or Possession of a Prohibited Substance or Prohibited Method") provides – in its pertinent parts – 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 SAADC 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."

131. It is undisputed between the Parties that the Player did not commit the ADRV intentionally. Accordingly, the Parties are in agreement that the basic period of ineligibility is two (2) years pursuant to Article 10.2.2 of the ADR subject to any further fault-related reductions.

132. Whilst the Respondent accepts that the Player bears no Significant Fault or Negligence, the Player submits that he bears no Fault or Negligence. The Player has the onus to demonstrate no Fault or Negligence, respectively, no Significant Fault or Negligence by the balance of probability.

133. Accordingly, the Panel must first assess whether it is more likely than not that the Player bears No Fault or Negligence. In the negative, the Panel will proceed on the basis that the Player bears No Significant Fault of Negligence, as this position is undisputed between the Parties.

1. Did the Player establish No Fault or Negligence?

134. Article 10.5 of the ADR reads as follows:

"*If an Athlete or other Person establishes in an individual case that he or she bears No Fault or Negligence, then the otherwise applicable period of Ineligibility shall be eliminated.*"

135. The Comment to Article 10.5 of the ADR provides as follows:

"*This Article and Article 10.6.2 apply only to the imposition of sanctions; they are not applicable to the determination of whether an antidoping rule violation has occurred. They will only apply in exceptional circumstances, for example, where an Athlete could prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, No Fault or Negligence would not apply in the following circumstances: (a) a positive test resulting from*

> *a mislabelled or contaminated vitamin or nutritional supplement (Athletes are responsible for what they ingest (Article 2.1) and have been warned against the possibility of supplement contamination); (b) the Administration of a Prohibited Substance by the Athlete's personal physician or trainer without disclosure to the Athlete (Athletes are responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any Prohibited Substance); and (c) sabotage of the Athlete's food or drink by a spouse, coach or other Person within the Athlete's circle of associates (Athletes are responsible for what they ingest and for the conduct of those Persons to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction under Article 10.6 based on No Significant Fault or Negligence.*"

136. The ADR defines "No Fault or Negligence" as follows:

> "*The Athlete or other Person's establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had Used or been administered the Prohibited Substance or Prohibited Method or otherwise violated an anti-doping rule. Except in the case of a Protected Person or Recreational Athlete, for any violation of Article 2.1, the Athlete must also establish how the Prohibited Substance entered the Athlete's system.*"

137. As an initial matter, the Panel notes that it is undisputed between the Parties that the Player has established how the Prohibited Substance Clomiphene entered his system. Dr Edilberto had prescribed Clomiphene citrate as part of the Player's fertility treatment.

138. It appears questionable whether the Player has established that he "*did not know or suspect, and could not reasonably have know or suspected even with the exercise of utmost caution that he … had Used or administered the Prohibited Substance*" Clomiphene.

a) The Position of the Parties

139. The Player submits that he could not have reasonably expected that the medication prescribed by Dr Edilberto would contain Clomiphene. He consulted a fertility specialist and disclosed to Dr Edilberto that he was a professional football player. Therefore, he complied with the required standard of care and trusted that Dr Edilberto, as a medical expert, would not prescribe any medication containing a prohibited substance. The Player submits that he acted transparently and fulfilled his anti-doping obligations, taking into account the individual circumstances of him and his wife.

140. The Respondent, in turn, submits that the Player failed to exercise the utmost caution to avoid an ADRV. He should have been aware that applying fertility medication has in inherent risk of ingesting a Prohibited Substance. Furthermore, Dr Edilberto may be an expert in fertilization medicine. However, he has no experience in anti-doping. In any event the Player should have cross-checked the label of the medication with the WADA's List of Prohibited Substances.

b) The Findings of the Panel

141. The Panel is of the view that the Player failed to demonstrate, based on the standard of the balance of probability, that he could not have at least "*reasonably known or suspected*" that the medication prescribed by Dr Edilberto may contain substances that

are included in the Prohibited List. Obtaining medical treatment / advice is a red flag that should have raised the Player's alertness.

142. Based on the credible testimony of Dr Edilberto at the hearing, it is established that the Player did not ask Dr Edilberto whether the prescribed medicine contained substances included in the Prohibited List. Dr Edilberto knew that the Player advised him that he played football professionally. However, the Player did not alert him explicitly to WADA's Prohibited List and/ or whether the prescribed medication was in conflict with the Player's anti-doping obligations as a professional athlete. Dr Edilberto testified that he has no knowledge in anti-doping matters and that he is unable and therefore unwilling to advise athletes (including the Player) on anti-doping issues. He would under no circumstance have provided advice in relation to anti-doping matters, because of his lack of anti-doping expertise. Dr Edilberto also strongly contested that he had described the prescribed medication as "vitamin-based fertility supplement". The treatment recommended by him has nothing to do with "vitamins". It follows from the Dr Edilberto's testimony that the Player did not diligently instruct Dr Edilberto about his anti-doping obligations and, considering Dr Edilberto's lack of expertise in anti-doping matters, could not trust that the medication prescribed by the fertility expert did not contain any prohibited substance.

143. In addition, the Comment to Article 10.5 of the ADR makes it clear that medical advice does not release a Player entirely from his anti-doping responsibilities (cf. CAS 2006/A/1133; CAS 2017/A/5015 & 5110). When entrusting a doctor with anti-doping issues, an athlete must properly choose the medical expert and ensure that he is knowledgeable in anti-doping matters, properly instruct the medical expert and cross-check the prescribed medication in order to ensure that it does not contain any prohibited substances. The Player failed to take these essential steps. The Player should have been aware that applying / ingesting medication carries the risk that a prohibited substance enters his body.

144. Consequently, the Panel holds that the Player has not met his burden to establish that he bears No Fault or Negligence.

3. What is the appropriate period of ineligibility in light of the Player's No Significant Fault or Negligence?

145. As mentioned above, it is undisputed between the Parties that the Player bears No Significant Fault or Negligence. The term is defined in the ADR as follows:

> "*The Athlete or other Person's establishing that any 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 relationship to the anti-doping rule violation. Except in the case of a Protected Person or Recreational Athlete, for any violation of Article 2.1, the Athlete must also establish how the Prohibited Substance entered the Athlete's system.*"

146. The Panel recalls that Clomiphene is a Specified Substance on the Prohibited List. For Specified Substances, Article 10.6.1.1 of the ADR allows a further (fault-related) reduction of the otherwise applicable period of ineligibility of two (2) years (cf. Article 10.2.2 of the ADR) under the following conditions:

> "*Where the anti-doping rule violation involves a Specified Substance (other than a Substance of Abuse) or Specified Method, and the Athlete or other Person can establish No Significant Fault or Negligence, then the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two (2) years of Ineligibility, depending on the Athlete's or other Person's degree of Fault.*"

147. The above prerequisites are fulfilled, since (i) the prohibited substance in question is a Specified Substance, (ii) the Player has established that the medication prescribed by Dr Edilberto is the cause of the AAF and (iii) it is undisputed between the Parties that the Player bears No Significant Fault or Negligence. Consequently, the Panel must assess the appropriate sanction based on the Player's degree of fault pursuant to Article 10.6.1.1 of the ADR.

a) The Position of the Parties

148. The Player submits that he only bears a light degree of fault considering that he was undergoing fertility treatment during the off-season. He took Clomiphene for therapeutic purposes and not in order to enhance his performance. He submits that he and his wife were under severe stress because of the miscarriages in 2021 and 2023. They were desperately trying to conceive a child considering that his wife's "biological clock" was ticking and that there was not much time left to have another child. The Player admits that he did not check the list of ingredients on the box of the medication against the Prohibited List. However, he is of the view that he does not need to "*second-guess the professional judgement of a qualified medical practitioners* (sic)" (cf. CAS 2013/A/3327 & 3335). The Player has not hidden or destroyed any evidence. During the fertility treatment, the Player was unable to seek and obtain any medical advice from a team doctor, because the Player was not under contract at the relevant time. Overall, the Player's degree of fault is to be assessed in light of the above facts. According to the Appellant the appropriate period of ineligibility in the case at hand is a reprimand with no period of ineligibility.

149. The Respondent, in turn, submits that the 12-month period of ineligibility is appropriate and proportionate considering the Player's objective and subjective level of fault. The Player failed to observe basic steps of his duty of care, despite being an experienced athlete. The Player failed (i) to read the label of the prescribed medication, (ii) to cross-check the ingredients on the label with the Prohibited List, (iii) to research the Clomiphene medication on the internet or (iv) to consult an expert in anti-doping. The Player even failed to demonstrate that he had informed Dr Edilberto about his anti-doping obligations as a professional football player. The Respondent also submits that the Player failed to provide any evidence of the emotional distress suffered and that such stress and trauma impaired him to comply with his anti-doping obligations. Furthermore, his clean record and the question whether the Prohibited Substance Clomiphene had any performance-enhancing effect are irrelevant when determining the appropriate sanction.

b) The Findings of the Panel

150. Pursuant to Article 10.6.1.1 of the ADR, the appropriate period of ineligibility to be imposed on the Player is, in principle, in the range between a reprimand and two (2) years. When determining the appropriate period of ineligibility within this range, the

Panel takes guidance from the panel in CAS 2013/A/3327 & 3335 in which the latter held as follows:

> "*In order to determine into which category of fault a particular case might fall, it is helpful to consider both the objective and the subjective level of fault. The objective element describes what standard of care could have been expected from a reasonable person in the athlete's situation. The subjective element describes what could have been expected from that particular athlete, in light of his personal capacities.*
>
> *The Panel suggests that the objective element should be foremost in determining into which of the three relevant categories a particular case falls.*
>
> *The subjective element can then be used to move a particular athlete up or down within that category.*
>
> […]
>
> *aa) The objective element of the level of fault*
>
> *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.*"

151. The Panel recognises that the categories of fault have changed since the aforementioned so-called "Cilic principles" were established. Accordingly, the Panel concurs with the CAS panel in CAS 2017/A/5301 & 5302 which held as follows:

> "*…the Cilic principles are to be accommodated accordingly. 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.*"

152. In view of the above, the Panel notes that it is undisputed between the Parties that the appropriate sanction should be no more than twelve (12) months. The Panel is bound by the requests of the Parties and cannot impose a more severe sanction in respect of the legal principle of *ne ultra petita*. As a consequence, the Parties agree (and the Panel is bound by such agreement) that the Player's degree of fault falls within the light degree of fault category. The question, thus, is whether the Player has established further elements (in particular subjective elements) to justify a further reduction of the period of ineligibility within the light degree of fault category.

153. The majority of the Panel is of the view that this is not the case. The Player is an experienced international football player who has undergone several doping control tests in his career. Based on his experience, he should have known that a rigorous standard of care is expected from him in anti-doping matters. He should have been on heightened alert when submitting to medical treatment. He should have checked the list of ingredients on the packaging of the medicine with the Prohibited List. This is all the more true considering that the package stated that the medicine is available by prescription only. He should have made either a basic internet search in relation to the medication

prescribed by Dr Edilberto or consulted an anti-doping expert. Such diligence was all the more required as part of the Player's standard of care, considering that Dr Edilberto had no expertise in anti-doping matters, was therefore unable to provide any qualified opinion regarding the Prohibited List and had not been properly instructed by the Player. Accordingly, if the Player could not have delegated his anti-doping obligations to Dr Edilberto, it was on to him to take all basic steps to ensure that the medication prescribed by Dr Edilberto did not contain any prohibited substance. However, the Player failed to comply with these obligations.

154. The Panel accepts that the Player and his wife were under emotional stress to have an additional child and that they experienced trauma as a result of the two miscarriages of the Player's wife. However, absent any evidence on file, the majority of the Panel does not accept that the psychological impact suffered by the Player impaired him such that he was unable to comply with his anti-doping obligations (cf. CAS 2013/A/3327 & 3335, para. 88; CAS 2017/A/5015 & 5110, para. 211). There is no evidence on file that the difficult situation precluded the Player from fulfilling his professional and/or personal duties or that he was unable to ensure that no prohibited substance entered his system. The Player has failed to explain why he was able to continue his profession as a football player, on the one hand, but failed to meet his anti-doping obligations, on the other hand, taking into account that the emotional and psychological impact would have likely had a similar impact on both.

155. As previously said, the Panel accepts that the Player was under emotional and psychological stress. However, the impact was not so serious as to justify his failure to carry out very basic duties of care in relation to his anti-doping obligations over the period of the medical treatment. The majority of the Panel is also not convinced that the Player could not obtain medical expert advice at the time. It is true that he was not under contract when starting the medical treatment. However, the Player neither tried to contact a former team doctor nor did he consult any other medical experts or the Brazilian Anti-Doping Agency to obtain appropriate advice. The Player was an experienced athlete who – for sure – had established during his long and successful career a network of points of contact to obtain relevant advice.

156. In the light of the above, the majority of the Panel finds that the Player's degree of fault is to be classified at the upper end of the light fault category. Therefore, the majority of the Panel considers it reasonable, appropriate and proportionate that a period of ineligibility of twelve (12) months is imposed on the Player and, thereby upholds the Appealed Decision.

157. The Panel is aware that the Appellant has submitted that a period of ineligibility of twelve (12) months is incompatible with human rights and the principle of proportionality. The Panel notes that the ADR state in its "Introduction", *inter alia*, as follows:

> "*These Anti-Doping Rules are sport rules governing the conditions under which sport is played. Aimed at enforcing anti-doping rules in a global and harmonized manner, they are distinct in nature from criminal and civil laws. They are not intended to be subject to or limited by any national requirements and legal standards applicable to criminal or civil proceedings, although they are intended to be applied in a manner, which respects the*

> *principles of proportionality and human rights. When reviewing the facts and the law of a given case, all courts, arbitral tribunals and other adjudicating bodies should be aware of and respect the distinct nature of these Anti-Doping Rules, which implement the Code, and the fact that these rules represent the consensus of a broad spectrum of stakeholders around the world as to what is necessary to protect and ensure fair sport.*"

158. In addition, the Panel concurs with the CAS panel in CAS 2007/A/1290 which held as follows:

> "*..., regarding the principle of proportionality, the WADA Code ... has been drafted to reflect that principle, thereby relieving the need for an appellate body to apply this principle. In other words, the principle of proportionality is 'built into' the WADA Code*".

159. In the present matter, the ADR reflect the provisions in the WADA Code. Therefore, the principle of proportionality and human rights have been duly considered by the drafters of the WADA Code and – by extension – the drafters of the ADR. This has also been confirmed in the Legal Opinion of the late Jean-Paul Costa dated 25 June 2013.[1]

160. Consequently, the majority of the Panel finds that a period of ineligibility of twelve (12) months complies with the principles of proportionality and human rights.

161. As regards the commencement of the period of ineligibility, Article 10.13 of the ADR ("Commencement of Ineligibility Period") provides – in its relevant parts – as follows:

> "*Where an Athlete is already serving a period of Ineligibility for an anti-doping rule violation, any new period of Ineligibility shall commence on the first day after the current period of Ineligibility has been served. Otherwise, except as provided below, 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.*
>
> *[...]*
>
> *10.13.2 Credit for Provisional Suspension or Period of Ineligibility Served*
>
> *10.13.2.1 If a Provisional Suspension is respected by the Athlete or other Person, then the Athlete or other Person shall receive a credit for such period of Provisional Suspension against any period of Ineligibility which may ultimately be imposed. If the Athlete or other Person does not respect a Provisional Suspension, then the Athlete or other Person shall receive no credit for any period of Provisional Suspension served. 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.*"

162. The Parties have not made any submissions with respect to the start of the Appellant's period of ineligibility. Absent any submissions, the Panel upholds the finding in the Appealed Decision according to which the twelve (12) months period of ineligibility shall commence "*from the date of hearing session 06/03/2025*".

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[1] https://www.wada-ama.org/sites/default/files/resources/files/WADC-Legal-Opinion-on-Draft-2015-Code-3.0-EN.pdf

C. Further Requests by the Appellant

163. Based on the findings of the majority of the Panel to uphold a period of ineligibility of twelve (12) months, the Panel decides that the Appellant's request to order SAADC (and SAFF/FIFA/WADA or any other relevant bodies) to promptly update all records and notify all stakeholders of the Appellant's reinstatement status and of the CAS award must be rejected.

D. Conclusion

164. In view of the above, the majority of the Panel finds that the appeal is dismissed, and the Appealed Decision is upheld.

165. The Appellant's Request for Provisional Measures is moot.

166. Any other and further claims or requests for relief are dismissed.

XII. COSTS

(…)

* * *

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The appeal filed by Romário Ricardo Da Silva on 8 August 2025 against the decision rendered on 1 July 2025 by the Saudi Anti-Doping Hearing Panel is dismissed.

2. The decision rendered on 1 July 2025 by the Saudi Anti-Doping Hearing Panel is confirmed.

3. (…).

4. (…).

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

Seat of the arbitration: Lausanne, Switzerland
Date of the operative part: 13 January 2026
Date: 6 July 2026

THE COURT OF ARBITRATION FOR SPORT

Ulrich Haas
President of the Panel

Efraim Barak
Arbitrator

Alexander McLin
Arbitrator