



TAS / CAS

TRIBUNAL ARBITRAL DU SPORT
COURT OF ARBITRATION FOR SPORT
TRIBUNAL ARBITRAL DEL DEPORTE

CAS 2025/A/11542 World Anti-Doping Agency (WADA) v. Romanian National Anti-Doping Agency & Matei Cosmin Gabriel

ARBITRAL AWARD

rendered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

Sole Arbitrator: Mr. Jacques Radoux, Référendaire at the Court of Justice of the European Union, Luxembourg

in the arbitration between

World Anti-Doping Agency (WADA), Lausanne, Switzerland

Represented by Messrs. Nicolas Zbinden and Robert Kerslake, Attorneys-at-Law, Kellerhals Carrard, Lausanne, Switzerland; and Mr. Ross Wenzel, WADA General Counsel

-Appellant-

and

Romanian National Anti-Doping Agency of Romania (RNADA), Bucharest, Romania

Represented by Mr. Ștefan Rohnean, RNADA President

-First Respondent-

and

Matei Cosmin Gabriel, Constanta, Romania

Represented by Messrs. Mincu Paul Alexandru and Lazar Marius Constantin, Attorneys-at-Law, Bucharest, Romania

-Second Respondent-

I. PARTIES

1. The World Anti-Doping Agency (the “WADA” or the “Appellant”) is a Swiss private-law foundation. Its legal seat is in Lausanne, Switzerland, and its headquarters are in Montreal, Canada. The WADA was created in 1999 to promote, coordinate and monitor at international level the fight against doping in sport in all its forms. It does this on the basis of the World Anti-Doping Code (the “WADC”).
2. The Romanian National Anti-Doping Agency (the “RNADA” or the “First Respondent”), is a national public institution with legal personality. It has decision-making autonomy in the prevention of and combating of doping in sport in accordance with the national legal provisions, in particular Law no. 310/2021, of 23 December 2021, on Preventing and Combating Doping in Sport (published in the Official Journal of Romania, Part I no. 1229/27.12.2021) (the “ADR”), and the WADC as well as the International Standards. It is subordinated to the Romanian Government. Its Board of Appeal attached to the Secretariat General of the Government (the “Board of Appeal”), rendered the decision that is the subject of the present appeal (the “Appealed Decision”).
3. Mr. Matei Cosmin Gabriel (the “Athlete” or the “Second Respondent”), born on 30 September 1991, is a professional football player of Romanian nationality. At the moment of the relevant facts, he was registered with Sepsi OSK Sfântu Gheorghe, a club competing in the Romanian Second League and had been playing professional football for more than sixteen (16) years.
4. Together, the First Respondent and the Second Respondent are referred to as the “Respondents”. The Appellant and the Respondents are collectively referred to as the “Parties”.

II. FACTUAL BACKGROUND AND FIRST INSTANCE PROCEEDINGS

3. Below is a summary of the relevant facts and allegations based on the Parties’ written submissions, pleadings and evidence adduced in this procedure. Additional facts and allegations found in the Parties’ written submissions, pleadings and evidence may be set out, where relevant, in connection with the legal discussion that follows. While the Sole Arbitrator has considered all the facts, allegations, legal arguments and evidence submitted by the Parties, he refers in this Award only to the submissions and evidence he considers necessary to explain his reasoning.
4. On 4 February 2024, the Athlete was subject to an in-competition doping control after the football match between his club and C.S. Universitatea Craiova. During that control, the Athlete provided a urine sample (the “Athlete’s Sample” or the “Sample”). The Athlete was assisted during the control by Dr. Popa Gheorge, the team doctor of Sepsi OSK Sfântu Gheorghe (the “Team Doctor”), who was responsible for the administration of all medications and supplements to the athletes on the team. In the presence of the doping control officer, the Team Doctor dictated to the Athlete the medications and

supplements that the latter had been given, so that he could fill out the Doping Control Form (the “DCF”).

5. The analysis of the “A” Sample by the WADA-accredited laboratory in Bucharest, Romania (the “Laboratory”), revealed the presence of 5-methylhexan-2-amine (the “Prohibited Substance”). The Prohibited Substance is a specified substance included in Section S.6.B., “Specified Stimulants”, of the 2024 WADA Prohibited List, which was approved by Order No. 185/04.10.2023 of the President of the RNADA.
6. On 29 February 2024, the President of the RNADA notified the Athlete of the fact that his Sample had revealed an Adverse Analytical Finding (“AAF”), meaning that there was a potential breach of Article 2(2)(a) and 2(2)(b) of the ADR, invited him to provide his justification regarding the asserted Anti-Doping Rule Violation (the “ADRV”) and informed him that he could request the “B” Sample opening and analysis. Further, the Athlete was informed that no Provisional Suspension had been imposed against him.
7. On 14 March 2024, the Athlete informed the RNADA that he wanted to fully cooperate and provided a list of twenty (20) medications he had taken the ten (10) days prior to the Control. Further, he provided a list of another nine (9) medications he had been recommended to take by the Team Doctor and stated that in November 2023, the Team Doctor had given him his approval to use the pre-workout supplement “Gorillalpha Ibiza Juice Remix” that he purchased over an internet address he provided. He further informed the RNADA that if he could not identify the source of the Prohibited Substance in his sample, he *“reserved the right to request laboratory documentation and analysis of the B Sample”*.
8. On 18 March 2024, the Athlete asked the Laboratory and the RNADA to provide him with (i) the procedure by which he could have his medications and supplements analysed by the Laboratory and (ii) the estimated costs of such analysis in order to establish if they contain (or are contaminated with) the Prohibited Substance.
9. On 19 March 2024, a representative of the Athlete asked the Laboratory whether it could help the Athlete with a pharmacological evaluation of the medications and supplements that it suspects, based on the biological effect on the body, to contain the Prohibited Substance, whether the Prohibited Substance can be identified in the athlete’s hair and what the costs of such an analysis would be. In the subsequent correspondence between the Athlete’s representative and the Laboratory, the “pre-work-out supplements” were identified as being the most probable source of the Prohibited Substance, in particular Gorillalpha Ibiza Juice Remix. In the following, the Athlete sent one opened and one sealed container of Gorillalpha Ibiza Juice Remix to the Laboratory for analysis.
10. Following the Athlete’s request from 18 March 2024, the RNADA contacted several WADA-accredited laboratories in Europe and, on 27 March 2024, provided the Athlete with information regarding the possibilities of these laboratories and the estimated costs of the analyses in question.
11. On 29 March 2024, the Player informed the RNADA that he agreed to have the WADA accredited laboratory of Seibersdorf (Austria) conduct the analysis of his supplements.

He further stated that he had identified the Gorillalpha Ibiza Juice Remix as the “most likely” source of the Prohibited Substance and that he was trying to order two sealed containers of that product from the same batch.

12. On 1 April 2024, the RNADA informed the Athlete that he was charged with an ADRV pursuant to Article 2(2)(a) and Article 2(2)(b) of the ADR and that the RNADA would seek, *inter alia*, a period of ineligibility of two (2) years pursuant to Article 86(1)(b) and (c) of the ADR. The Athlete was further informed that he could challenge the charge within ten (10) days.
13. On 3 April 2024, the RNADA sent the two sealed containers of Gorillalpha Ibiza Juice Remix it had received from the Athlete to the Seibersdorf laboratory.
14. On 9 April 2024, the Athlete requested a hearing before the Anti-Doping Hearing Commission of Romania.
15. On 16 April 2024, the Laboratory informed the Athlete that it had detected the Prohibited Substance in the opened container but not in the sealed container of Gorillalpha Ibiza Juice Remix.
16. On the same day, the Seibersdorf laboratory issued the test report according to which the two sealed containers of Gorillalpha Ibiza Juice Remix it had analysed contained the Prohibited Substance in estimated concentrations of 440ng/g and 560ng/g respectively.
17. On 8 May 2024, a hearing took place before the Anti-Doping Hearing Commission of Romania.
18. On 1 August 2024, the Anti-Doping Hearing Commission rendered its decision and, having considered that the Athlete had committed the alleged ADRVs and that the source of the Prohibited Substance was the Gorillalpha Ibiza Juice Remix supplement, sanctioned the Athlete with a Period of Ineligibility of six (6) months.
19. On 5 August 2024, the Athlete filed an appeal against that decision before the Board of Appeal and, by separate application, requested the suspension of the effects of that decision pending the outcome of his appeal.
20. On 20 August 2024, the Board of Appeal decided to suspend the Period of Ineligibility imposed by the Ant-Doping Hearing Commission.
21. On 14 and 22 November 2024, a hearing took place before the Board of Appeal.
22. In its meeting held on 17 December 2024, the Board of Appeal adopted the Appealed Decision rendered on 12 June 2025. In its relevant parts, the operative part of the Appealed Decision reads as follows:

“I. On the basis of Article 28 of the Rules of Organization and Functioning of the Board of Appeal, admits the appeal filed by the appellant Matei Cosmin-Gabriel, [...]”

against Decision No. 6/01.08.2024 issued by the [Anti-Doping Hearing Commission], in Case No. 2/2024.

II. Annuls the Decision No. 6/01.08.2024 rendered by the [Anti-Doping Hearing Commission] in File No. 2/2024.

III. Declares terminated the effects of Decision No. 6/01.08.2024 issued by the [Anti-Doping Hearing Commission] which ordered the suspension from sport for a period of 6 (six) months, starting from 01.08.2024 until 01.02.2025, for violation of the provisions of Art. [2 (2) (a) and (b)] and Art. 94 paragraph (1) lit. b), respectively Art. 106 paragraph (1) of [the ADR].

IV. Based on Art. 94 paragraph (1) letter a) of the [ADR], Art. 10.6.1.1.1 of the [WADC], decides to establish a sanction in the form of a reprimand without a period of suspension.

V. Based on Art. 85 (3) of the [ADR] and art. 10.1.1 of the [WADC] the individual results obtained in competition will not be disqualified and the medals, points and prizes obtained in competitions by the athlete Matei Cosmin-Gabriel [...] will not be withdrawn.

VI. With the right to appeal to the Court of Arbitration for Sport only for the entities referred to in the provisions of Article 111 paragraph (1)-letters c), d) and g) of [the ADR], republished, with subsequent amendments and additions.

VII. The deadline for filing an appeal by the [WADA] shall be the later of 21 days after the last day on which any of the other parties entitled to appeal could have filed an appeal or 21 days after receipt by the [WADA] of the complete record in this case.

VIII. The decision shall be communicated to the appellant Matei Cosmin-Gabriel, the [RNADA], the Romanian Football Federation, the International League of Football Associations, and the [WADA].

IX. The Romanian Football Federation is obliged to carry out the provisions of this decision and to comply with the legal provisions in force.

X. The [RNADA] will communicate the decision issued by the Appeal Board to other persons or other organizations, if applicable”.

III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

23. On 31 July 2025, the WADA filed a Statement of Appeal with the Court of Arbitration for Sport (the “CAS”), in Lausanne, Switzerland, in accordance with Articles 111(1) and 113(1) of the ADR and Article R47 et seq. of the Code of Sports-related Arbitration (the “Code”) (2025 edition) against the Respondents with respect to the Appealed Decision. In its Statement of Appeal, the Appellant requested that the present matter be submitted to a sole arbitrator.

24. On 5 August 2025, the CAS Court Office acknowledged receipt of the Statement of Appeal and invited the Respondents to state, *inter alia*, whether they agreed to the appointment of a sole arbitrator.
25. On 8 August 2025, the WADA requested an extension of twenty (20) days for the filing of its Appeal Brief in the present procedure.
26. On the same date, the CAS Court Office informed the Parties, on behalf of the CAS Director General, that pursuant to Article 32(2) of the Code a first ten (10)-day extension for the filing of its Appeal Brief was granted.
27. On 13 August 2025, the CAS Court Office acknowledged that the Respondents had agreed to the Appellant's request that the case be handled by a sole arbitrator and to be given an additional ten (10)-day extension to file its Appeal Brief.
28. On 29 August 2025, the Appellant requested a further extension of that time limit until 12 September 2025.
29. On 3 September 2025, the CAS Court Office acknowledged the Respondents' consent to the Appellant's request to have an extension of the time limit to file its Appeal Brief until 12 September 2025.
30. On 12 September 2025, the WADA filed its Appeal Brief in accordance with Article R51 of the Code.
31. On 15 September 2025, the CAS Court Office invited the Respondents to submit their Answer pursuant to Article R55 of the Code, highlighting that if a Respondent failed to do so, the sole arbitrator, once appointed, may nevertheless proceed with the arbitration and deliver an award.
32. On 1 October 2025, the Second Respondent requested a thirty-two (32) day extension of the deadline to file his Answer.
33. On the same date, the CAS Court Office, on behalf of the CAS Director General, informed the Parties that the Second Respondent was granted a first ten (10)-day extension of that deadline and invited the Appellant and the First Respondent to indicate, whether they consented to a further extension of twenty-two (22) days.
34. On 2 October 2025, the First Respondent filed its Answer.
35. On 7 October 2025, the CAS Court Office acknowledged the Appellant's and the First Respondent's consent to said extension.
36. On 6 November 2025, the Second Respondent filed his Answer.
37. On 12 November 2025, the CAS Court Office, pursuant to article R54 of the Code, informed the Parties that the Sole Arbitrator appointed to resolve the present case was Mr. Jacques Radoux, Référendaire, Court of Justice of the European Union, Luxembourg. The CAS Court Office further acknowledged receipt of the Respondents'

Answers and informed the Parties that unless they agree or the Sole Arbitrator orders otherwise on the basis of exceptional circumstances, Article R56 para.1 of the Code provides that the Parties shall not be authorized to supplement or amend their requests or their argument, to produce new exhibits, or to specify further evidence on which they intend to rely after the submission of the Appeal Brief and of the Answer. The Parties were also invited to state, by 18 November 2025, whether they preferred a hearing to be held in the present matter and whether they requested a case management conference (“CMC”) with the Sole Arbitrator.

38. On 18 November 2025, the Appellant informed the CAS Court Office that it considered neither a hearing nor a CMC to be necessary. It further contested the argument, raised in the Second Respondent’s Answer, that its prayers for relief were inadmissible and argued that the Second Respondent’s request for production of documents should be dismissed. The First Respondent informed the CAS Court Office that it did not consider a hearing necessary in the present matter whereas the Second Respondent requested the holding of a hearing. None of the Respondents considered a CMC to be necessary.
39. On 20 November 2025, the CAS Court Office acknowledged receipt of the Parties’ respective correspondence and, *inter alia*, invited the First Respondent to provide its position on the Second Respondent’s request for document production.
40. On 26 November 2025, the First Respondent, in response to the Second Respondent’s request of document production, filed 5 DCFs concerning the Athlete. As to the remainder of this request, it argued that “*in order to comply with all legal requirements applicable to personal data protection – the [RNADA] cannot release any information related to third parties*”. The Second Respondent submitted unsolicited comments on the WADA’s letter dated 18 November 2025.
41. On 5 December 2025, the CAS Court Office informed the Parties that the Sole Arbitrator had decided to hold a hearing by videoconference in the present matter provided some possible dates for that hearing at the beginning of January 2026. None of these dates obtained the agreement of the Parties.
42. On 22 December 2025, the CAS Court Office, on behalf of the Sole Arbitrator, invited the Parties to state whether they were available for a hearing on 16, 18 or 19 February 2026, and, regarding the outstanding document production, informed them that the Sole Arbitrator had decided to dismiss (i) the “request for document production directed at WADA” and (ii) the “remainder of the document production request directed at RNADA”. It specified that the grounds for these decisions would be set out in the final award.
43. On 29 December 2025, the CAS Court Office informed the Parties that the hearing would be held on 16 February 2026 and invited the Parties to jointly propose a tentative hearing schedule.
44. On 30 December 2025, the Court Office sent to the Parties an Order of Procedure, requesting them to return a signed copy by 5 January 2026. On 5 January 2026, the Parties returned a duly signed copy of said Order of Procedure.

45. On 16 February 2026, a hearing took place by videoconference. The Sole Arbitrator was assisted by Ms. Shanaize Yahiaoui, Counsel to the CAS, and joined by the following participants:

For the WADA:

Mr. Nicolas Zbinden, counsel;
Mr. Robert Kerslake, counsel;
Mr. Cyril Troussard, WADA;
Ms. Frédérique Lacroix Dion, WADA.

For the First Respondent:

Ms. Gabriela Andreiașu, director;
Ms. Andreea Damian, legal advisor;
Ms. Maria-Ioana Saragea, chief of staff.

For the Second Respondent:

Mr. Matei Cosmin Gabriel, party;
Mr. Mincu Paul Alexandru, counsel;
Mr. Lazar Marius-Constantin, counsel;
Mr. Diaconu Silviu Constantin, counsel;
Mr. Oteliță Bogdan Florin, witness;
Dr. Popa Gheorghe, witness;
Mr. Anghel Stefan, expert;
Mr. Alexandru Bogdan Chiriță, interpreter.

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 Sole Arbitrator heard evidence from the above-mentioned witnesses and the expert. Before doing so, the Sole Arbitrator, pursuant to Article R44.2 of the Code, informed the interpreter, the witnesses and the expert 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. Finally, the Athlete also made a statement.
48. The Parties were given full opportunity to present their case, submit their arguments and answer the questions from the Sole Arbitrator. At the end of the hearing, the Second

Respondent stated that his right to be heard and his right to an effective defence had not been respected due to the refusal of his requests for document production directed against the WADA and the RNADA. Save for this reservation, the Second Respondent, as well as the Appellant and the First Respondent, confirmed that their right to be heard and their right to a fair trial had been fully respected during the hearing and that they had no objections as to the manner in which the proceedings had been conducted.

IV. THE PARTIES' SUBMISSIONS

49. The aim of this section of the Award is to provide a summary of the Parties' main arguments rather than a comprehensive list thereof. However, the Sole Arbitrator confirms that in making his decision he has carefully considered all the Parties' submissions and evidence, even if not expressly mentioned in this section of the Award or in the discussion of the claims below.

A. The Appellant's Submissions and Requests for Relief

50. In its Statement of Appeal, the WADA observes, as a preliminary point, that it has a right to appeal the Appealed Decision to the CAS on the basis of Article 113(1) and Article 111 (1) of the ADR. It also argues that, pursuant to Article 113(2) of the ADR, which determines the deadline for the WADA to file an appeal, and given that it received the elements of the file on 10 July 2025, its appeal is filed within the applicable deadline.
51. In its Appeal Brief, the WADA argues that the Appealed Decision is incorrect as the Appeal Board did not apply the proper legal test when assessing the Athlete's fault, that there is a conflation between the lack of intention to use the prohibited substance and a lack of fault or negligence. The Appealed Decision would not be in line with consistent CAS jurisprudence, and the present matter would be a clear example of an athlete who has not exercised appropriate caution regarding the supplements he took, and who took a highly risky supplement, *i.e.* Gorillalpha Ibiza Juice Remix, despite the very prevalent and clear risks associated with it. The appropriate sanction in the present matter would be two years, as the Athlete has not established that he exercised the high degree of caution required of an athlete to obtain the benefit of a reduction for No Significant Fault or Negligence. In the alternative, if the Sole Arbitrator is satisfied that there was No Significant Fault or Negligence, the degree of negligence and fault on the part of the Athlete in this case was high, and thus any reduction in the sanction ought to bear in mind this high degree of negligence, resulting in a Period of Ineligibility at the upper end of the range of 18-24 months.
52. The Appellant notes that, according to Article 86 of the ADR, the starting point for sanctioning in the present case is a period of ineligibility of two years, as the Prohibited Substance is a Specified Substance, and emphasises that it does not allege that the Athlete used that Substance intentionally. It observes that, in order to benefit from a reduction from that two-year Period of Ineligibility under Article 94 (1) (a) or (b) of the ADR, the Athlete has to establish that he bore No Significant Fault or Negligence, being

understood that, pursuant to the comments in the WADC, these provisions only apply in exceptional circumstances.

53. The Appellant recalls that, according to CAS jurisprudence, *inter alia*, (i) “*the Athlete’s fault is measured against the fundamental duty which he or she owes under the Programme and the WADC to do everything in his or her power to avoid ingesting any Prohibited Substance*” (CAS 2011/A/2518); (ii) there are inherent difficulties in establishing No Significant Fault or Negligence in the context of supplements given that contaminated supplements occur frequently and that warnings have been issued against use of nutritional supplements (CAS 200/A/1370); (iii) that an athlete’s direct inquiry with the distributor of a product to ascertain the safety of a supplement falls within the category of “*clear and obvious precautions*” and that the absence of such precaution would constitute a “*significant fault or negligence*” (CAS 2005/A/847); (iv) an increased obligation exists where the supplement is of unusual nature or is a novelty (CAS 2007/A/1395); (v) the products themselves can raise red flags which become an important factor in the analysis of the fault of an athlete (CAS 2013/A/3124), (vi) the standard of “*utmost care*” is assessed at a higher level for professional, high-level athletes (CAS 2019/A/6249); (vii) athletes cannot avoid a finding of Significant Fault or Negligence, nor responsibility for ingesting a Prohibited Substance, by simply relying on others around them to make checks on their behalf (CAS 2014/A/3798); (viii) the overuse of supplements and failure to properly record their use may amount to negligence straying into intent and the use of a very large quantity of supplements may be considered as “*reckless*” (CAS 2016/A/4716), (ix) an athlete’s failure to include the relevant product on the DCF is demonstrative of the lack of diligence and caution associated with an athlete’s obligations under the ADR (CAS 2018/A/5581).
54. The Appellant argues, primarily, that the Athlete has failed to demonstrate that he has exercised the high degree of caution required to be entitled to a reduction of his Period of Ineligibility on the basis of No Significant Fault or Negligence.
55. In support of this argument, it states, first, that the use of Gorillalpha Ibiza Juice Remix was clearly and obviously risky as it was marketed as a “high-stimulant” pre-workout product designed to enhance energy, focus, and performance. Based solely on a visual examination of the Gorillalpha products, and in particular the Gorillalpha Ibiza Juice Remix pre-workout supplements, any reasonably cautious athlete would have concluded that the product was not suitable for their use. Further, none of the products from Gorillalpha, which is a UK-based company, is certified for use by athletes by any entity, including UK-based independent supplement testing organisation “Informed Sport”. In light of the branding choices of the supplement, which suggested that the product will have a performance enhancing, stimulant effect, the Athlete (and his doctor) should have conducted further investigations to ensure the product was safe for his use. However, there would be no suggestion, let alone evidence, that a meaningful investigation into this product was conducted. Moreover, Gorillalpha Ibiza Juice Remix contains a blend of substances marketed as containing stimulant properties, some of which may be structurally similar to substances prohibited under the Prohibited List and the key ingredients include DMAE, caffeine, Juglans Regia and Hordenine as well as trademarked compounds such as “AstraGin”, “Paradoxine (Grains of Paradise)” “NitroRocket” and “Infinenergy”. The individual components of these trademarked

compounds are not listed alongside the ingredients of Gorillalpha Ibiza Juice Remix and must be accessed elsewhere. According to the Appellant, Juglans Regia and Hordenine would be particularly risky ingredients. As regards Juglans Regia, there would be easily accessible warnings online issued by International Federations and integrity agencies about the use of this substance and a Google search on whether Juglans Regia is banned would also provide necessary information to dissuade any reasonable athlete from taking that substance or Hordenine.

56. It would come as no surprise that Gorillalpha Ibiza Juice Remix was contaminated with another stimulant substance given the ingredients already contained therein. This would also explain why the Athlete and his counsel could so quickly isolate that product as the most likely candidate to be contaminated with the Prohibited Substance, out of the thirty and more products taken by the Athlete. Gorillalpha Ibiza Juice Remix is not certified by any recognized third-party testing bodies and neither Juglans Regia nor Hordenine appear as ingredients used in NSF certified for sport products.
57. The internet shop in which the Athlete allegedly purchased the Gorillalpha Ibiza Juice Remix sells pre-workout supplements which are certified as safe for use by athletes. However, the Athlete did not choose one of these supplements and may, thus, not validly claim to have acted with a high degree of caution towards his anti-doping obligations. The use of a product that is not certified as safe for use by athletes by an independent third-party significantly increases the risk of contamination or the presence of undeclared substances. In the present matter, there would be no indication that the Athlete (or the Team Doctor) verified the supplement's status through any of these channels and this omission would reflect a lack of due diligence. According to CAS jurisprudence, the simple reliance, by the Athlete, on the purported checks of the product performed by the team doctor falls far below the standard required of an athlete when determining whether they exercised "utmost care" (CAS 2023/A/9525).
58. The Appellant observes, second, that the Athlete was using a large number of supplements and products [around thirty (30)] at the time of the ADRV. The use of such a large number of supplements and medications increases the risk of exposure to a prohibited substance in the form of a contaminant, and some CAS panels have found that the careless use of such a high number of supplements and products may be considered as indirect intent (CAS 2016/A/4716). In the present matter, the large number of products and supplements used by the Athlete would be a significant factor in assessing whether the latter acted with the sufficient degree of caution.
59. The Appellant states, third, that the Athlete's conduct fell short of the high degree of caution required and that the arguments raised by the Athlete in his defence cannot be upheld. Indeed, the conduct of an athlete after the decision to use a nutritional supplement is not relevant to the determination of whether the requisite high degree of caution was exercised by that athlete before purchasing and ingesting that supplement. Further, a negative doping control after use of the supplement, and cooperation with the NADA following an AAF, are not factors to be taken into consideration when assessing that athlete's degree of fault. The only question would be whether the steps taken by an athlete were sufficient to conclude that he or she did not act with Significant Fault or Negligence when deciding to take a specific nutritional supplement. In the present

matter and given the risks associated with the use of the Gorillalpha Ibiza Juice Remix product by a professional athlete, the Athlete could not just blindly consult his Team Doctor and rely on the conduct of his teammates who also allegedly used that product. In light of the existing CAS jurisprudence, for example CAS 2014/A/3798, the risk factor is not reduced by these steps, and the Athlete cannot be said to have exercised the “utmost caution” in this respect. There were clear red flags that the Athlete ignored.

60. Alternatively, *i.e.* in case the Sole Arbitrator would be satisfied that the Athlete has established No Significant Fault or Negligence, the Athlete’s degree of fault must be placed at a high level. In this regard, the Appellant makes reference to the categories of fault set in CAS 2017/A/5301 & 5302, which develop the principle established in CAS 2013/A/3327 & 3335. In light of the facts and circumstances of the present matter, the Appellant argues that a sanction at the top end of the 12-24 month bracket is necessary and appropriate.
61. On the one hand, from an objective perspective, the risks associated with the use of Gorillalpha Ibiza Juice Remix pre-workout were substantial, clear and obvious. Some red flags were manifestly ignored by the Athlete. The suspicious branding would have given pause to a reasonable athlete, and the ingredient list ought to have resulted in the conclusion that this product is inherently unsafe and risky for use by an elite athlete. The Athlete exhibited an objectively high degree of fault, at least at the upper end of the “normal” category by deciding to take this supplement. Further, he did not take the necessary steps to get the relevant information about the supplement and simply referring to his Team Doctor to determine whether there was a risk with the product was not sufficient. Moreover, the Gorillalpha products are not sports certified with Informed Sport or NSF, which affects their trustworthiness and reliability, and the Athlete should have been more cautious in choosing to use them. Indeed, where an athlete purchased products from an unrecognized vendor, this can be detrimental to a claim that he or she athlete acted with reasonable diligence. Finally, the Athlete did not disclose the product on the DCF. This, however, can, according to CAS jurisprudence, be persuasive evidence that an athlete is attempting to conceal the use of the product, or alternatively, can be a tacit admission of guilt in respect of the level of risk associated with the product (CAS 2023/A/9525). The failure to include the product on the DCF can be a clear sign that an athlete does not keep a good record of the supplements that athlete is taking, or that the athlete does not take his anti-doping responsibilities seriously. Hence, based on the objective factors, the Athlete’s fault was not anything less than normal, and his sanction should thus be considered at the upper end of the range of 12-24 months.
62. On the other hand, from a subjective perspective, that degree of fault could not be reduced either. Indeed, the Athlete is an experienced Footballer of 33 years-old, who was using the product before the match. There is no evidence that he was under severe stress when consuming the product and he was using it for non-medical, strictly performance-based purposes. Further, the Athlete was taking over thirty (30) supplements or products and, thereby, increased his risk of being exposed to a Prohibited Substance. Moreover, it appears from the DCF, that the Athlete was with the Doping Control Officer (DCO) for 49 minutes and did, during all of that time, not think about mentioning the use of Gorillalpha Ibiza Juice Remix on his DCF. This omission is a significant factor demonstrating the lack of diligence and care displayed by the

Athlete. In light of the above, it would thus be clear that the Athlete lacked caution and diligence in adhering to his anti-doping obligations, which places his degree of fault at the highest end of the “normal” category resulting in a sanction of 18 to 24 months of ineligibility.

63. Finally, the Appellant argues that in cases where WADA exercises its right of appeal against an erroneous decision issued by a first-instance panel, the responsibility for the decision rests solely with the Results Management Authority, in this case the First Respondent, and thus that Results Management Authority must bear the arbitration costs associated with WADA’s appeal (CAS 2017/A/5369; CAS 2022/A/9286; CAS 2023/A/9451, 9455 & 9456). Hence, it requests that the arbitration costs shall be borne by the First Respondent, or, in the alternative, by the Respondents jointly and severally and that the First Respondent or the Respondents jointly and severally should be ordered to make a significant contribution to legal and other costs.
64. In view of all the above considerations, the Appellant requests the CAS to rule that:
- “1) *The appeal of WADA is admissible.*
 - 2) *The Decision No. 25/2024 dated 12 June 2025 (Romanian) and 24 June 2025 (English) rendered by the Board of Appeal attached to the Secretariat General of the Romanian Government is set aside.*
 - 3) *Matei Cosmin Gabriel is found to have committed an anti-doping rule violation under Articles 2 (a) and/or 2 (b) of Law 310 of 23 December 2021 on Preventing and Combating Doping in Sport.*
 - 4) *Matei Cosmin Gabriel is sanctioned with a period of ineligibility of two (2) years, or in the alternative between 12 and 24 months, starting on the date on which the CAS award enters into force, with credit for any period of ineligibility and/or provisional suspension effectively served.*
 - 5) *All competitive results obtained by Matei Cosmin Gabriel from and including 4 February 2024 (i.e. the date of the anti-doping rule violation) are disqualified, with all resulting consequences (including forfeiture of medals, points and prizes).*
 - 6) *The arbitration costs be borne by the Romanian NADA or, in the alternative, by the Respondents jointly and severally.*
 - 7) *WADA is granted a significant contribution to its legal and other costs.”*

B. The First Respondent’s Submissions and Requests for Relief

65. In its Answer, the RNADA observes that, before the Anti-Doping Hearing Commission, given the elements on file at the time and based on the principle of strict liability established by the WADC, incorporated in Articles 33, 34, and 36 of the ADR, pursuant to Article 94(1)(b) of the ADR, in conjunction with Articles 10.5 and 10.6.1.2 of the WADC, it requested that Commission to impose a 6-month (six month) Period of

Ineligibility on the Athlete. It notes that, in his appeal before the Board of Appeal, the Athlete did not request to be allowed to submit new evidence but requested a re-examination of the case with the aim of only being sanctioned with a reprimand without any Period of Ineligibility.

66. The RNADA then recalls that, pursuant to constant CAS jurisprudence, athletes have the obligation to exercise the utmost caution to prevent the entry of a prohibited substance into their system (CAS 2005/C/976 & 986, para. 75). It argues that, in present matter and based on the evidence on file, the Athlete was negligent and clearly ignored the risks associated with the use of the Gorillalpha Ibiza Juice Energy Remix. The Athlete has failed to establish the absence of fault or significant negligence that would allow an adjudicating body to impose only a reprimand and no Period of Ineligibility. The RNADA considers that the sanction it requested before the Anti-Doping Hearing Commission and the Appeal Board was appropriate and “*individualized based on the circumstances of the case*” and states that it agrees with the appeal filed by the WADA against the Appealed Decision. It thus invites the Sole Arbitrator to impose a just and proportionate sanction.
67. As regards the costs of the arbitration, the RNADA requests that they be “*borne jointly by the [P]arties*”.

C. The Second Respondent’s Submissions and Requests for Relief

68. The Second Respondent emphasises, first, that he does not dispute the ADRV but that his ADRV is the result of the ingestion of a contaminated supplement. He had no intention to enhance his performance or to contravene the ADR and he did not conceal the use of the supplement.
69. He explains, second, that the supplement Gorillalpha Ibiza Juice Energy Remix was first introduced into the locker room by a teammate in March or April 2023. Before consuming and buying the supplement for himself, the Second Respondent followed a verification protocol which included (i) checking whether the ingredients of the supplement were on the WADA prohibited list, (ii) an internet search regarding these ingredients and (iii) a confirmation by the Team Doctor that these ingredients were not prohibited for professional athletes. He followed this protocol a second time after having received the supplement purchased from Nutriland.ro, which is a well reputed internet shop. The Team Doctor reconfirmed that the product posed no doping risk and authorised its use by the Second Respondent.
70. As soon as he was informed of his AAF, he did everything he could to find the source of the Prohibited Substance and fully and accurately disclosed to the RNADA all the medications and supplements he had taken prior to the Anti-doping test of 4 February 2024. He did not try to conceal anything. He made all necessary efforts to get his container of the supplement – as well as other containers of that supplement – tested by recognised and/or WADA accredited laboratories. The results of these tests showed that there was a contamination and that that contamination was random in the sense that (i) not all containers were contaminated and that (ii) the contaminated containers were not contaminated at the same level.

71. As some of his teammates had taken the Gorillalpha Ibiza Juice Energy Remix supplement and had not been tested positive in the anti-doping tests that followed, he felt that the supplement was safe to take from an anti-doping point of view. The supplement was consumed without intention to enhance the Athlete's performance.
72. The simple fact that he forgot to mention the intake of the Gorillalpha Ibiza Juice Energy Remix on the DCF could not be held against him. After the match he was so physically exhausted that he had to be accompanied to the anti-doping test by the Team Doctor and it was the latter who dictated to the Athlete the list of supplements and medication that he had prescribed to the latter. The Team Doctor did not know that the Athlete had taken the Gorillalpha Ibiza Juice Energy Remix before the match and the fact that the supplement was not mentioned on the DCF was only due to an unfortunate oversight by the Athlete.
73. The Second Respondent argues, third, that, in the present matter, all the elements required by Article 10.6.1.2 of the WADC and Article 94(1)(b) of the ADR are fulfilled. He should thus benefit from those provisions and only be confined to a reprimand. Indeed, since, from an objective perspective, he had taken all reasonable measures that could have been expected of him, had a clean anti-doping history, lacked any intention to dope, and established that the supplement ingested was contaminated with the Prohibited Substance, his conduct cannot be qualified as significantly negligent. His conduct was diligent, transparent, and undertaken in good faith
74. In this regard, the Second Respondent emphasizes that it is uncontested that the Prohibited Substance originated from a contaminated supplement within the sense of Article 10.6.1.2 of the WADC and Article 94(1)(b) of the ADR. However, athletes are not in a position to test everything they consume to exclude every risk of contamination. In the present matter, none of the declared ingredients of the supplement was a Prohibited Substance and the contamination of the supplement, which was purely random and batch-specific, was impossible to foresee.
75. The Second Respondent further notes that the Appellant acknowledged that he had no intention to use the Prohibited Substance and adds that, as established by the relevant GPS data and expert evidence of Mr. Anghel Ștefan, the ingestion of the Gorillalpha Ibiza Juice Energy Remix had no measurable impact on his performance during the match of 4 February 2024. However, the absence of a performance enhancing effect of the Prohibited Substance on an athlete would be a key element in determining an appropriate sanction for an ADRV.
76. As regards the sanction requested by the Appellant, the Second Respondent argues that that sanction is not only disproportionate in light of the circumstances of the present case but also inconsistent with the Athlete's rights, in particular the Athlete's right to sustain his professional career and earn an income for his family. The only sanction compatible with justice, fairness, and the objectives of the WADC is the reprimand already imposed in the Appealed Decision. Any harsher sanction would constitute excessive punishment and an unjustified infringement of the athlete's rights to proportional treatment, individual justice, legal certainty, and protection of livelihood.

77. The Second Respondent further contests the Appellant's argumentation by arguing, in substance, that:

(i) the Appellant's claim that Gorillalpha Ibiza Juice Remix was "clearly and obviously risky" cannot be sustained. At the relevant time, no objective or reliable indicator existed that could have alerted a reasonable athlete to a risk of contamination. By verifying the label, consulting the Team Doctor, observing teammates' safe use of the supplement, and relying on the absence of official warnings, the Athlete fully satisfied the standard of reasonable care under the WADC;

(ii) the applicable standard does not support penalising athletes merely for the number of products consumed, particularly if the products are prescribed medications or commonplace vitamins. The relevant question is the manner in which the athlete selected and used the specific product that led to the ADRV. In the present matter, the Appellant's allegation that the Athlete's use of "over 30 products" reflects recklessness is entirely without merit. That number is inflated and the majority of the products taken were legitimate medications taken under medical supervision. CAS jurisprudence would clearly distinguish between indiscriminate supplement use and a carefully monitored therapeutic treatment like the one followed by the Athlete and based on prudence rather than negligence;

(iii) the omission to mention the Gorillalpha Ibiza Juice Remix on the DCF was a minor, understandable mistake caused by exhaustion and reliance on the Team Doctor. This unfortunate mistake was promptly rectified through full disclosure and cooperation. CAS jurisprudence and the reasoning followed in the Appealed Decision both confirm that such an omission cannot validly be treated as evidence of significant fault or negligence or of concealment;

(iv) the Appellant's alternative contention, raised in case the Sole Arbitrator were to accept that the Athlete's plea of No Significant Fault or Negligence, that the Athlete's degree of fault lies at the highest end of the spectrum and requires a period of ineligibility between 18 and 24 months, is inconsistent with the factual circumstances of the case, the applicable legal framework and existing CAS jurisprudence. Indeed, the Athlete's actions would show that he was always diligent, transparent, and in good faith and, in such circumstances, the appropriate sanction according to CAS jurisprudence lies at the lowest end of the spectrum. A reprimand would thus be an appropriate sanction;

(v) the Appellant's decision to file an appeal against the Appealed Decision raises serious concerns regarding fairness and the integrity of the proceedings. Indeed, the Appellant could have challenged the first-instance decision if it believed that a six (6) month period of ineligibility was too lenient. However, it failed to do so and must be considered as having tacitly accepted that a substantial reduction of the standard sanction was appropriate. Its decision to file the present appeal is manifestly inequitable. The doctrine of legitimate expectations would protect individuals from arbitrary exercises of regulatory power. Where a public authority or regulatory body, like the WADA in the case at hand, through its conduct or omissions, creates a reasonable expectation as to how its powers will be exercised, it is inequitable to depart from that

expectation absent compelling justification. On the basis of the existing anti-doping framework, athletes would be entitled to expect that a final, reasoned decision of the highest national anti-doping hearing body will conclude the process. However, in the present matter, the Athlete has completed the full national procedure, including two instances, and must, almost two years later, undergo a third – *de novo* – adjudication before the CAS. Fairness, legal certainty, and proportionality would all require that the passage of time operates in the Athlete's favour;

(vi) the present appeal constitutes an abuse of rights under Swiss civil law. Indeed, all the criteria of an abuse of rights are fulfilled in the present matter, given that (a) there has been a diversion of the purpose underlying the right of appeal – the Appellant's appeal not being founded upon any procedural irregularity but reflecting an attempt to reopen the assessment of fault; (b) there is a manifest imbalance between the Appellant and, *inter alia*, the Second Respondent parties, in particular regarding their financial resources; (c) the Appellant cannot demonstrate a prevailing legitimate interest that would justify the disproportionate prejudice caused to the Athlete. Hence, the Appeal should not only be dismissed on its substantive merits, but also on these fundamental procedural grounds. Such a decision would reaffirm that the integrity of the anti-doping system depends not solely upon sanctioning wrongdoing but equally upon safeguarding athletes' procedural rights and ensuring that no institution, however powerful, stands above the fundamental requirements of justice;

(vii) the Appellant's actions in this case, when viewed within the broader context of its enforcement strategy under the WADC, appear to be arbitrary, inconsistent, and contrary to the Appellant's own declared mission. Indeed, first, instead of protecting and preventing athletes from testing positive due to an unregulated supplement industry, WADA the Appellant prosecutes the victims. Second, the Appellant applies a double standard when deciding to prosecute or not certain athletes. A comparison of the present case with the case of the twenty-three (23) Chinese swimmers who tested positive for Trimetazidine in 2021 would be a perfect illustration of that double standard. The Appellant's deliberate decision not to appeal the case of those Chinese swimmers, while vigorously pursuing the present matter, undermines the principle of equal treatment and suggests that considerations extraneous to legal or scientific merit influence its appellate strategy. Third, the pattern of selective and discretionary enforcement shown by the Appellant demonstrates a consistent lack of uniformity. Indeed, the handling of some recent cases (*i.e.* Sinner, Świątek, Wilson, Mexican footballers, Cox) would show a consistent lack of uniformity. However, a selective and discretionary enforcement, exemplifies bad faith and a clear double standard. In light of these precedents, the Appellant's pursuit of the Second Respondent would be anomalous, discriminatory, and fundamentally unjust.

78. Finally, the Second Respondent adds that his position regarding the sanction to be imposed in a case like the present is largely supported by consistent CAS jurisprudence and particular by CAS 2014/A/3685; CAS 2021/A/8056; CAS 2021/A/7768; CAS 2011/A/2495-2498; CAS 2014/A/3571; CAS 2009/A/1926 & 1930, and CAS 2012/A/3327 & 3335.
79. In light of the above considerations, the Second Respondent requests the CAS to rule:

- “I. *Dismiss the Appeal in its entirety and, consequently, to confirm and uphold the challenged decision.*
- II. *Order the Appellant to bear all arbitration costs, expenses, and a reasonable contribution towards the legal fees incurred by the Second Respondent in these proceedings; or, alternatively, should the Appeal be upheld in whole or in part, to order that such costs be borne by the First Respondent or at least shared jointly between the Appellant and the First Respondent.*”

V. THE WITNESS AND EXPERT EVIDENCE HEARD AT THE HEARING

80. In addition to the written evidence filed, at the hearing, the Sole Arbitrator heard the testimonies from the Athlete, Mr. Bogdan Otelita, Dr. Gheorghe Popa and Mr. Stefan Anghel.
81. The relevant parts of the witness testimonies may be summarized as follows:
- The Athlete stated that he first heard about the Gorillalpha Ibiza Juice Remix supplement in April or May 2023 through a teammate of his. The first time he used that supplement was in or around August 2023. Before using it, he had asked the Team Doctor if it was safe for use and had also checked the ingredients were not on the list of predicted substances published by the first respondent. Moreover, considering that some of his teammates had used the supplement and had, after that use, been tested negative, he felt that it was safe to use. He first bought the supplement for himself in November 2023 over an Internet shop, *i.e.* Nutriland. Considering that the flavour he bought was different from that used by his teammates, he again asked the Team Doctor, before using the newly bought supplement, whether it was safe to use. The Team Doctor confirmed a second time that the Athlete could use the Gorillalpha Ibiza Juice Remix. The Athlete confirmed that before the match on 4 February 2024, he had not only used the supplement, but other medication that he had been prescribed by the Team Doctor. He further stated that, after that match, he was physically exhausted and asked the Team Doctor to accompany him to the doping control and that it was the latter who dictated to him the list of medications and supplements to put on the DCF.

In response to questions from the Appellant, the Athlete testified that he has been playing professional football since 2008 and, before the anti-doping test at hand, he had been submitted to around thirty (30) anti-doping tests his career. He confirmed that at the relevant moment in time he was taking around thirty (30) medications and supplements but specified that these supplements were taken under supervision of the Team Doctor. He stated that neither he nor the Team Doctor thought about putting the Gorillalpha Ibiza Juice Remix on the DCF as they were focused on the medical substances the Athlete had taken prior to the 4 February 2024 match. The Athlete also testified that he had played the whole 90 minutes of the match and that, while being fit enough to finish the match, he was totally exhausted after the end of the match. He contested not having taken his anti-doping obligations seriously. He stated that he had seen the warning on the Nutriland webpage and, in consequence,

asked the Team Doctor if it was safe to take the Gorillalpha Ibiza Juice Remix. He also confirmed that he was aware that there were supplements that had received third-party certification but that in Romania these certified products are very expensive and not easy to get. However, he acknowledged that Nutriland sells some certified products as well. He stated that he does not consider that the wording on the packaging of the Gorillalpha Ibiza Juice Remix should have raised red flags. For him, the wording used corresponds to simple and commonly used marketing slogans. In any event, he checked the ingredients over a Google search on the internet.

In response to questions from the First Respondent the Athlete reiterated that he had checked on the Prohibited List published by RNADA whether the ingredients of the Gorillalpha Ibiza Juice Remix were on that list. To do so, he used the webpage indicated by his Team Doctor. Moreover, he made a Google search.

Finally, in response to questions posed by the Sole Arbitrator, the Athlete testified that he buys his supplements depending on where he can find them and that he does not know where his club buys the supplements it provides to the players. He stated that there is no third party certified supplement similar to the Gorillalpha Ibiza Juice Remix available in Romania. He finally reiterated that he first took the supplement in August 2023.

- Mr. Otelita, who testified being a teammate of the Athlete since summer 2023, stated that he has first seen the Gorillalpha Ibiza Juice Remix supplement just after he arrived in the club. He stated that some teammates were using the supplement occasionally and that he had used it as well. He had used some Gorillalpha Ibiza Juice Remix from the container of a teammate and not from the Athlete's container. He confirmed that before a match on 14 or 19 February 2024, following which he underwent an anti-doping test, he had used the supplement and that he was tested negative.

In response to a question from the First Respondent, Mr. Otelita stated that he had mentioned the Gorillalpha Ibiza Juice Remix on the DCF when he was tested. He further reiterated that the Gorillalpha Ibiza Juice Remix he had consumed was taken from a container that was opened in the locker room and that he does not remember whether or not the container always remained in the locker room as it was another player's container.

- Dr. Popa, the Team Doctor, stated that he has been working in the Athlete's club for eight (8) years and has been involved in sports medicine for forty-four (44) years. He testified that he was first approached about the Gorillalpha Ibiza Juice Remix by a teammate of the Athlete at the end of February 2023 to validate the product for use. He stated that the Athlete first asked him about this supplement around the end of April 2023. The Team Doctor testified that he checked the list of ingredients by looking at the Prohibited Substance list published by the First Respondent and looked for the active and commercial names he was asked for. According to him, when he checked the ingredients, neither Juglans Regia nor Hordenine appeared on the Prohibited Substance list. He further confirmed that, at the end of January 2024,

the Athlete had been ill and had been prescribed medications provided from the Team Doctor's own stock.

In response to questions posed by the Appellant, the Team Doctor explained that he usually buys the supplements he prescribes to the players from a company in Cluj (Romania). He has been working with that company for fifteen (15) years. That company provided him with test analysis from German laboratories. He confirmed that he did not prescribe the players any pre-workout supplements and that pre-workout supplements may be considered as particularly risky from an anti-doping standpoint. He stated that when he checked the Gorillalpha products online, it was mentioned that tests had been made and that no prohibited substances were found in the products. He further stated that when an athlete came to him with a product, he checked on the internet whether the ingredients of that product were on the Prohibited Substance List and also checked the website of the product/producer before deciding if the product was safe for use or not. He confirmed that such a check was done regarding the Gorillalpha Ibiza Juice Remix when the Athlete's teammate wanted first to use the product and later, when the Athlete purchased the product. He reiterated that, as far as he remembers, there was some kind of a logo on the container, but he does not remember if it was a certified for sport type of logo. He also confirmed that he was present at the anti-doping test and helped the Athlete to fill out the DCF. He acknowledged having forgotten to include the Gorillalpha Ibiza Juice Remix on the DCF as he was only focussing on the medicine he had prescribed to the Athlete.

In response to questions from the First Respondent, the Team Doctor reiterated that he consulted the Prohibited Substances List published by the RNADA to check whether the ingredients in the Gorillalpha Ibiza Juice Remix were safe or not. He stated that he did not ask the RNADA to consolidate the research because in light of the number of searches he has to make every day, that would not make sense. He further stated that he was in the locker room before the match and has seen the container from which the Athlete has taken the supplement. As regard the DCF, he stated that he told the Athlete to mention the supplements that he had taken on top of the medication that he had been prescribed. The Team Doctor finally testified that the Athlete had told him he had checked the ingredients list of the Gorillalpha Ibiza Juice Remix on the internet, more precisely on Google.

In response to a question from the Sole Arbitrator, the Team Doctor stated that he had not recommended the use of the Gorillalpha Ibiza Juice Remix but that, after having checked the ingredients list, he had told the Athlete that it could be used.

- Mr. Anghel, an expert in sports data analysis, testified that it follows from the GPS data gathered over the different matches played by the Athlete that the Athlete's performance was always more or less the same. The variations would be in the norm and could be due to tactical decisions/instructions. As regards the questions whether the Prohibited Substance found in the Athlete's Sample might have had a performance enhancing effect on the latter, Mr. Anghel stated that he could not give an answer to that on basis of the data he analysed.

In response to questions posed by the First Respondent, Mr. Anghel stated that, when analysing the data he had, he did not know whether the Athlete was ill or not. The data would not show any differences in the main values he analysed. The data would only show that the Athlete was able to play and perform at the usual level as the data only shows small variations in the values found.

VI. JURISDICTION

82. Article R47 of the Code provides as follows:

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

83. Pursuant to Article 111 (1) of the ADR:

“The decisions set forth under art. 110 [3] letters a) - p) where Article 61 alinea (3) is not applicable may be appealed to the Appeal Commission by the following entities:

a) the athlete or other person who is subject to the appealed decision;

[...]

g) the [WADA].”

84. In the present matter, it is uncontested that the Appealed Decision is amongst the decisions listed under article 110 (3) letters a) to p) of the ADR, in particular letter a) of that provision regarding *“a decision by the Agency or, where applicable, the Hearing Panel that anti-doping rule violation was committed”* and letter b, regarding *“the decisions by the Agency or, where applicable, the Hearing Panel to impose or not to impose Consequences for anti-doping rule violations”*.

85. In the present matter, not only did the Parties not object to the CAS jurisdiction, but they expressly confirmed such jurisdiction by signing the Order of Procedure.

86. In view of the above, the Sole Arbitrator considers that the CAS has jurisdiction to hear the present appeal.

VII. ADMISSIBILITY

87. Article R49 of the Code provides 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. The Division President shall not initiate a procedure if the statement of appeal is, on its face, late and shall so notify the person who filed the document. When a procedure is initiated, a party may request the Division President or the President of the Panel, if a Panel has been already constituted, to terminate it if the statement of appeal is late. The Division President or the President of the Panel renders her/his decision after considering any submission made by the other parties”.

88. Pursuant to Article 113 (2) of the ADR:

“The filing deadline for an appeal filed by WADA shall be the later of:

(a) twenty-one (21) days after the last day on which any other party having a right to appeal could have appealed, or

(b) twenty-one (21) days after WADA’s receipt of the complete file relating to the decision.”

89. In the present matter, it is uncontested that the WADA received the case file from the RNADA on 10 July 2025. Pursuant to the provisions of Article 113 (2) of the ADR, the deadline within which the WADA could validly file an appeal came to an end on 31 July 2025. Given that the WADA filed its Statement of Appeal on that exact day, it respected that deadline and its appeal is, thus, admissible.

VIII. APPLICABLE LAW

90. Article R58 of the 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 that the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision”.

91. The Appealed Decision was rendered by the Board of Appeal in application of the ADR and there is no dispute as to the applicability of these ADR in the present matter. According to Article 154 (1) of the ADR, the provisions of the ADR *“shall be completed with the provisions of the [WADC] and they shall be interpreted according to it”*. Hence, the Sole Arbitrator will primarily apply the ADR read in conjunction with – and interpreted in the light of – the WADC.

92. As to procedural issues, the procedural rules of the Code, supplemented by Swiss procedural law and principles enshrined in chapter 12 of the Swiss Private International Law Act (“PILA”) are applicable as the CAS has its seat in Switzerland, pursuant to Article R28 of the Code, and at least one of the Parties has its domicile outside Switzerland.

IX. PROCEDURAL ISSUES

93. In his Answer, the Second Respondent, according to Article R44.3 of the Code, requested the production of documentary evidence from the Appellant and from the First Respondent.
94. As regards the Appellant, the Second Respondent requested the production of copies of *“all reasoned decisions or case resolution agreements issued within the past 10 years in which athletes who ingested prohibited substances through contamination were not sanctioned, or received only a reprimand or another minimal sanction (less than six months)”*. He added that *“[t]hese materials may, if necessary, be produced under conditions of confidentiality, as the Second Respondent does not seek any personal or identifying data of the athletes concerned, but solely the decisions themselves and the reasoning by which WADA accepted or declined to appeal them. Accordingly, WADA cannot properly invoke confidentiality to refuse production of such decisions”*. The Second Respondent argued, in essence, that his request aimed at ensuring transparency regarding the criteria applied by the WADA in determining whether to accept decision of National Anti-doping Bodies or to file an appeal before the CAS. The production of the requested documents would be necessary to ensure equality of arms and consistency of treatment between athletes, given that these documents would enable him to establish that the Appellant’s approach in the present case is disproportionate and inconsistent with the position it adopted in similar cases.
95. As regards the First Respondent, the Second Respondent requested the production of (i) *“all doping control forms and laboratory results relating to the Second Respondent [...] or, at the very least, confirmation of the total number of doping controls to which he has been subjected”* and *“all doping control forms and laboratory results concerning players registered with OSK Sepsi Sfântu Gheorghe during the 2023–2024 season”*. The Second Respondent argued that the requested documents could help him demonstrate that several of his teammates regularly consumed the supplement Gorillalpha Ibiza Juice Remix and did not return any AAF and would enable him to establish that the contamination occurred only after the Second Respondent switched to a different flavour of that supplement at the end of 2023, and that he was the victim of an inadvertent contamination. Furthermore, the requested documentation would allow him to establish that he underwent multiple doping controls throughout his professional career – including during the months in which he was already consuming the supplement – without ever testing positive. His clean anti-doping record would corroborate his good faith, confirm the absence of any deliberate doping behaviour, and reinforce the conclusion that the AAF arose from an unforeseeable contamination.
96. On 18 November 2025, the Appellant informed the CAS Court Office that it considered that the Second Respondent’s request for production of documents should be dismissed. The First Respondent, for its part, responded to the Second respondent’s request on 26 November 2025, by filing five (5) DCFs concerning anti-doping tests the Athlete had undergone. As to the remainder of the latter’s request, the First Respondent argued that for reason of personal data protection it could not *“release any information related to third parties”*.

97. On 22 December 2025, the CAS Court Office, on behalf of the Sole Arbitrator, informed the Parties that the Sole Arbitrator had decided to dismiss (i) the “*request for document production directed at WADA*” and (ii) the “*remainder of the document production request directed at RNADA*” and stated that the grounds for these decisions would be set out in the final award.
98. In this regard, it must be recalled that, according to CAS jurisprudence, a document production request must refer to documents which are relevant and likely to exist, it must be made in a timely manner and not produce unnecessary or disproportionate burden to the parties. The burden of demonstrating the basis for such request bears on the requesting party (CAS 2024/A/10833).
99. As regards the request for document production directed at the WADA, the Sole Arbitrator considers, first, that the Second Respondent’s request, which covers several categories of documents (“*all reasoned decisions and case settlement agreements*”) established over a very long period of time (10 years), is overly broad and resembles a “fishing expedition” based on the hope of discovering some evidence that the Second Respondent might consider helpful to his case. Indeed, given that the request is not limited to decisions adopted by one or more National Anti-Doping Agencies/Bodies or the CAS, or settlement agreements concluded by the WADA in its capacity as party to the dispute, it covers a very vast number of documents, it places a disproportionate burden on the WADA.
100. Second, and in any event, the production of the requested documents does not appear to be necessary as the Second Respondent’s argument concerning the equality of arms, the consistency of treatment between athletes and the Appellant’s alleged inconsistent approach is neither important nor determinative for the outcome of the present matter (SFT 4A_274/2012, consid. 3.1, SFT 4A_438/2020, consid. 4.1).
101. Regarding the remaining request for document production directed at the First Respondent, the Sole Arbitrator considers that this request may also be dismissed as the argument these documents are supposed to support, does not appear to be contested by the Appellant. Hence, these documents are not important for the outcome of the present matter.
102. In light of the above and taking into account arguments brought forward by the Parties, the Sole Arbitrator considers that the dismissal of the Second Respondent’s requests for document production has neither an impact on the Second Respondent’s right to be heard, within the meaning of Article 6, paragraph 1, of the European Convention of Human Rights (ECHR), nor affects the equality of arms between the Parties, within the meaning of the jurisprudence of the European Court of Human Rights pertaining to that provision. Indeed, all Parties had an equal access to the evidence submitted to the Sole Arbitrator and relied on to decide the present matter and none of the Parties was prevented from raising the arguments it considered relevant for the solution of the case.

X. MERITS

103. In the present matter, it is common ground between the Parties that the Athlete committed an ADRV within the meaning of Article 2.2 (a) and/or (b) of the ADR for the presence and/or use of 5-methylhexan-2-amine which is a Specified Prohibited Substance and is listed under S.6.B of the 2024 WADA Prohibited List as a Specified Stimulant. The Athlete, who does not contest the ADRV, submits that his ADRV was caused by the ingestion of a contaminated supplement, *i.e.* Gorillalpha Ibiza Juice Remix, and that his ADRV was, thus, not intentional. Furthermore, he argues that he committed no significant fault or negligence and that he took all reasonable steps that an athlete can take to prevent such an ADRV. The Appellant does not challenge the contamination scenario brought forward by the Athlete and does not allege that the ADRV was intentional. However, the Appellant considers that the Athlete's degree of fault is significant or, at least, normal and warrants a sanction at the higher end of the applicable scale, *i.e.* 18 to 24 months.
104. In view of the above, the Sole Arbitrator starts his assessment on the premise that the ADRV was not intentional and notes that the standard period of ineligibility to be imposed is two years. Further, he notes that his mandate is limited to the only points in contention between the Parties which are whether or not the Athlete may benefit from a reduction of the period of ineligibility pursuant to Article 94 (1) (b) of the ADR, *i.e.* based on No Significant Fault or Negligence, and, in the affirmative, to determine whether the Athlete's degree of Fault was "light" or "normal" and to what kind of reduction from the otherwise applicable period of ineligibility the Athlete is entitled.
105. Regarding the concept of "No Significant Fault or Negligence", the Sole Arbitrator notes that it must be read in connection with the concepts of "Fault" and "No Fault or Negligence". These three concepts are defined in Article 4 of the ADR.
106. Indeed, Article 4.85. of the ADR defines "*Fault*" as:
- "Any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an Athlete's or other Person's degree of Fault include, for example, the Athlete's or other Person's experience, whether the Athlete or other Person is a Protected Person, special considerations such as impairment, the degree of risk that should have been perceived by the Athlete and the level of care and investigation exercised by the Athlete in relation to what should have been the perceived level of risk. In assessing the Athlete's or other Person's degree of Fault, the circumstances considered must be specific and relevant to explain the Athlete's or other Person's departure from the expected standard of behavior. Thus, for example, the fact that an Athlete would lose the opportunity to earn large sums of money during a period of Ineligibility, or the fact that the Athlete only has a short time left in a career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of Ineligibility under article 96 and 97 of the present [ADR]".*

107. “No Fault or Negligence” is defined as follows in Article 4.28. of the ADR:

“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 art. 2 alinea 2 letter a), the Athlete must also establish how the Prohibited Substance entered the Athlete's system”.

108. As regards, the definition of “No Significant Fault or Negligence”, Article 4.29. of the ADR provides:

“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 art. 2 alinea 2 letter a), the Athlete must also establish how the Prohibited Substance entered the Athlete's system”.

109. Regarding the interpretation of these concepts in particular, and of the provisions of the ADR in general, it is worth recalling that, as already mentioned above, pursuant to Article 154 (1) of the ADR, the provision of the ADR “shall be completed with the provisions of the [WADC] and they shall be interpreted according to it”. Hence, the provisions of the ADR must be interpreted and applied in line with the WADC.

110. Article 94 (1) (b) of the ADR, which is the relevant provision regarding the issues at hand, reads as follows:

“The reduction of the period of ineligibility for anti-doping rule violations under art. 2 alinea (2) letters a), b) and f) on account of no significant fault or negligence applies in the following cases:

[...]

b) In cases where the Athlete or other Person can establish both No Significant Fault or Negligence and that the detected Prohibited Substance (other than a Substance of Abuse) came from a Contaminated Product, then the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two (2) years Ineligibility, depending on the Athlete or other Person's degree of Fault.”

111. It's counterpart in the WADC, Article 10.6.1.2, provides:

“In cases where the Athlete or other Person can establish both No Significant Fault or Negligence and that the detected Prohibited Substance (other than a Substance of Abuse) came from a Contaminated Product, then the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two (2) years Ineligibility, depending on the Athlete or other Person's degree of Fault.”

112. In its relevant parts, the comment to Article 10.6.1.2 of the WADC reads as follows:

“In order to receive the benefit of this Article, the Athlete or other Person must establish not only that the detected Prohibited Substance came from a Contaminated Product, but must also separately establish No Significant Fault or Negligence. It should be further noted that Athletes are on notice that they take nutritional supplements at their own risk. The sanction reduction based on No Significant Fault or Negligence has rarely been applied in Contaminated Product cases unless the Athlete has exercised a high level of caution before taking the Contaminated Product. In assessing whether the Athlete can establish the source of the Prohibited Substance, it would, for example, be significant for purposes of establishing whether the Athlete actually Used the Contaminated Product, whether the Athlete had declared the product which was subsequently determined to be contaminated on the Doping Control form. [...]”

113. The Sole Arbitrator notes, first, that numerous CAS panels have held that a period of ineligibility can be reduced based on No Significant Fault or Negligence only in cases where the circumstances justifying a deviation from the duty of exercising the “*utmost caution*” are truly exceptional, and not in the vast majority of cases (CAS 2016/A/4643, CAS 2022/A/9286).
114. Second, as is clear from the definitions of “Fault”, “No Fault or Negligence” and “No Significant Fault or Negligence”, these concepts are interlinked and the starting point for any examination of the degree of fault of an athlete is to be found in the definition of “Fault”, this concept being primarily based on an objective element as it refers to “[a]ny breach of duty or any lack of care appropriate to a particular situation”. Further, No Significant Fault or Negligence has to be established in light of the criteria for No Fault or Negligence, *i.e.* whether an athlete 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 the prohibited substance at stake. The Sole Arbitrator has thus to examine if the Athlete departed from the expected standard of behaviour, which is utmost caution and, in the affirmative, how far he departed from that standard, knowing that if the departure was significant, then the criteria for No Significant Fault or Negligence would not be met whilst if the departure was not significant then the Athlete could benefit from a reduction for No Significant Fault or Negligence (CAS 2017/A/5301 & 5302, CAS 2021/A/8449 and CAS 2022/A/9141).
115. Third, it has to be kept in mind that, according to constant CAS jurisprudence, No Significant Fault or Negligence “*is (by definition) consistent with the existence of some degree of fault and cannot be excluded simply because the athlete left some ‘stones unturned’*” (CAS 2016/A/4643, CAS 2021/A/8449, CAS 2024/A/10891).
116. According to the existing CAS jurisprudence, in particular CAS 2013/A/3327 & 3335 and CAS 2017/A/5301 & 5302, when assessing an athlete’s degree of fault for the application of a provision like Article 94 (1)(b) of the ADR, a panel has to assess the level of fault based on objective and subjective elements. The objective element describes “*what standard of care could have been expected from a reasonable person in the athlete’s situation*”, and the subjective element describes “*what could have been expected from that particular athlete, in light of his personal capacities*” (CAS

2013/A/3327 & 3335). Further, as indicated in CAS 2013/A/3327 & 3335 and applied in CAS 2017/A/5301 & 5302, the subjective elements for the determination of fault may, in exceptional cases, move an athlete from one category to the other.

117. Regarding the relevant categories of degree of fault, the Sole Arbitrator adheres to the well-established CAS jurisprudence according to which the two categories of degree of fault for the application of Article 10.6.1.1 and 10.6.1.2 of the WADA Code, are (i) the category of “light” degree of fault, which leads to a sanction between zero (0) and twelve (12) months with a standard sanction of six (6) months, and (ii) the category of “normal” degree of fault, which leads to a sanction between twelve (12) to twenty-four (24) months with a standard sanction of eighteen (18) months (CAS 2017/A/5301 & 5302).
118. As regards the objective element of the level of fault, it is important to recall that the Panel in CAS 2013/A/3327 & 3335 has acknowledged that while almost all ADRVs relating to the taking of a product containing a prohibited substance could be prevented if the athletes (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, it remains that an athlete cannot be reasonably expected to follow all of the above steps in every and all circumstances. That Panel has also emphasized that in case a product is “*advertised/sold/distributed as ‘performance enhancing’*”, the athletes have a “*higher duty of care*”.
119. In the Sole Arbitrator’s view, this “higher duty of care” does, as is clear from the wording of the comment to Article 10.6.1.2 of the WADC (“*unless the Athlete has exercised a high level of caution before taking the Contaminated Product*”), also apply when an athlete takes a nutritional supplement.
120. In the present matter, the Sole Arbitrator notes that the Athlete took all but one of the precautions mentioned by the Panel in CAS 2013/A/3327 & 3335.
121. Indeed, the Athlete, whose testimony during the hearing appeared credible and convincing, stated that he had checked the list of ingredients of the Gorillalpha Ibiza Juice Remix to make sure none of those ingredients was on the list of Prohibited Substances published by the First Respondent a first time before he consumed that supplement in or around August 2023, and, a second time before using the Gorillalpha Ibiza Juice Remix he had bought in November 2023 from Nutriland. He testified that he did not only check the list of Prohibited Substances but also made a Google search regarding the substances listed as ingredients of that supplement and that his search did not reveal any anti-doping issues with any of the ingredients.
122. Further, he stated that, on the same two occasions, he had asked his Team Doctor to check that none of these ingredients was on the list of Prohibited Substance and to confirm that the supplement was safe for use. According to the Athlete, the Team Doctor, after having made his checks, confirmed to the Athlete that the Gorillalpha Ibiza Juice Remix was safe to use.

123. The above version of the events has been confirmed by the Team Doctor during his witness testimony. The Team Doctor, who the Sole Arbitrator considers to have been a credible and convincing witness, testified that, before consuming the Gorillalpha Ibiza Juice Remix in August 2023 and in November 2023, the Athlete had twice requested him to check the list of ingredients of that supplement in order to be sure it did not contain any Prohibited Substances. The Team Doctor also stated that he did the requested checks by verifying that none of the ingredients of the supplement was on the list of Prohibited Substances published by the First Respondent and by making a Google search.
124. The Sole Arbitrator considers that the fact that the Team Doctor said that he believed having seen a statement on the website of the Gorillalpha according to which its products had been tested as safe, is irrelevant in the present matter, as the Second Respondent does neither allege that the Gorillalpha Ibiza Juice Remix was tested and labelled as “safe for sport” by an independent third party nor argue that he had bought that supplement in the belief that it had been tested and labelled as “safe for sport” by such an independent third party.
125. In the Sole Arbitrator’s view, this constitutes the Athlete’s only negligence or fault. Indeed, in order to reduce the risk of ingesting a contaminated product, the Athlete could – and should – have limited himself to using a pre-workout supplement that had been certified as safe for sport by an independent third party. As mentioned above, athletes are expected to ensure that the products they use are “reliably sourced”, and independent third party certification provides some security in that regard.
126. This conclusion is not undermined, first, by the Athlete’s argument according to which supplements that are tested by an independent third party are more difficult to obtain in Romania and/or are more expensive. Indeed, the Athlete was under no obligation to use the supplement at stake and willingly assumed the risk to consume an uncertified substance.
127. This conclusion is not undermined, second, by the Appellant’s argument that in light of the wording used to market the Gorillalpha Ibiza Juice Remix the Athlete should have been aware that the product was clearly and obviously risky. Indeed, not only are many products marketed using language that largely exaggerates their purported benefits, but it is clear that the Athlete did the required research on the list of ingredients of the product he used. If, as argued by the Appellant, it considers that both Juglans Regia and Hordenine are ingredients that are particularly risky in the sense that there is evidence that they repeatedly or regularly led to a contamination of products with a Prohibited Substance, it could be expected that the Appellant makes that information available to the athletes by putting a special warning on its website. Moreover, contrary to the wording mentioned by the Panel in CAS 2013/A/3327 & 3335, the supplement at hand was not advertised as “*performance enhancing*”.
128. Finally, the Sole Arbitrator considers that the Athlete’s omission to explicitly mention the Gorillalpha Ibiza Juice Remix on the DCF cannot be read as an indication that the Athlete was not taking his anti-doping obligations seriously. Indeed, it became clear from the Team Doctor’s testimony during the hearing, that the Athlete was well aware

of his anti-doping obligations and, like in the case at hand, regularly double checked with the Team Doctor whether a certain product was safe to use.

129. In light of the above considerations, the Sole Arbitrator considers that the Athlete's objective degree of fault – which provides the range of fault into which a particular case falls – must be considered as “light” (normal) within the sense of the aforementioned CAS jurisprudence.
130. Amongst the subjective elements of the level of fault identified in the CAS jurisprudence are (i) the athlete's youth and/or experience; (ii) language or environmental problems encountered by the athlete; (iii) the extent of anti-doping education received by the athlete; (iv) other “personal impairments” such as having taken a product over a long period of time without incident, previously having checked the product's ingredients; (v) suffering from a high degree of stress, (vi) the awareness of the athlete being reduced by a careless but understandable mistake.
131. As regards the subjective elements of fault, which are relevant for the determination of where the Athlete falls in the zero (0) to twelve (12) month range of sanction applicable in the present matter, the Sole Arbitrator, on basis of the existing CAS jurisprudence, finds that the following mitigating factor acts in favour of the Athlete:

according to the Athlete's and the Team Doctor's respective testimonies, some of the Athlete's teammates had used the Gorillalpha Ibiza Juice Remix since March 2023 and had been tested negative. The Sole Arbitrator found these testimonies credible and convincing and notes that while none of the DCF's of these alleged anti-doping controls are on file, neither the Appellant nor the First Respondent have submitted any evidence that would put these testimonies into doubt. Moreover, the witness testimony provided by Mr. Otelita, which also appeared to be a credible witness, although relative to a period that was posterior to the Athlete's anti-doping test, corroborates the Athlete's position according to which some of his teammates were taking the Gorillalpha Ibiza Juice Remix and tested negative. The Athlete may thus have been under the impression that the use of that product was safe and that there was a relatively low risk that the product would be contaminated.

132. As regards the subjective elements adverse to the Athlete's position, the Sole Arbitrator finds only one, but a significant and weighty one: the Athlete's experience and awareness of his anti-doping obligations. Indeed, at the time of the anti-doping test, the Athlete had been playing football at a professional level for sixteen (16) years, he had been competing at the highest level with his club as well as with his national team and he had been submitted to a large number of anti-doping tests. Athletes of that calibre should know that using supplements that have not been tested and certified in advance as not containing prohibited substances by disinterested third-party entities constitutes a great risk. As is clear from the Athlete's testimony given during the hearing, he was well aware of the fact that there are supplements that have received third-party certification and decided nonetheless to buy and consume a supplement that had no such certification.

133. Further, while the Sole Arbitrator shares the Appellant's view that the consumption of an important number of different medications and supplements by the Athlete, in the present matter more than thirty (30), might increase the risk of ingesting a contaminated supplement, he notes that this fact does not, *per se*, entail that the Athlete was negligent. Indeed, in light of the credible witness testimony provided by the Team Doctor and the testimony of the Athlete himself, it is clear that the latter, contrary to the athlete in CAS 2016/A/4716 mentioned by the Appellant, has not been "*carelessly ingesting supplements and products, without investigating whether any of them contained any Prohibited Substances*".
134. In view of the above considerations, the Sole Arbitrator finds that, the Athlete's degree of fault, all in all, is slightly higher than the average within the "light" degree of fault range. Accordingly, the Sole Arbitrator determines, under the totality of the circumstances, that a sanction of nine (9) months is appropriate in the present matter.
135. This conclusion is not undermined by the Second Respondent argument that there are precedents in which, in allegedly similar circumstances, athletes have been sanctioned with shorter periods of ineligibility. First, the factual circumstances of the different cases invoked by the Second Respondent are not comparable to facts at hand. Second, and more importantly, as stated by the Panel in one of the cases cited by the Second Respondent "*although consistency of sanctions is a virtue, correctness remains a higher one: otherwise unduly lenient (or, indeed, unduly severe) sanctions may set a wrong benchmark inimical to the interests of sport*" (CAS 2012/A/2804).
136. The above conclusion is also not called into question by the argument that the Appellant's Appeal amounts to an abuse of right. Indeed, Article 111 (1) of the ADR does not submit the exercise of the WADA's right to appeal to any condition, like, for example having challenged the first instance decision before the Board of Appeal. In particular, the Sole Arbitrator considers that, having regard to the proper administration of resources and procedural efficiency, the WADA cannot be requested to appeal every first instance decision of a national anti-doping body in case it considers that, while not fatally flawed or wrong, that decision contains a sanction that is not entirely appropriate. The principle of legal certainty is of no avail to the Second Respondent either as the ADR clearly does not rule out the WADA's right to appeal a Board of Appeal decision in a case like the present.
137. Furthermore, in the Sole Arbitrator's view, the Appellant's appeal cannot, contrary to what the Second Respondent argued during the hearing, be considered as discriminatory on the basis of nationality. Indeed, first, the examples provided in support of this argument, in particular the case of the twenty-three (23) Chinese swimmers or the case of Jannik Sinner, are, as the regards the factual circumstances of the cases, not comparable to the present matter. Second, there appear to be quite a few cases in which the WADA decided to appeal national level decisions from different national anti-doping organizations having only imposed a reprimand or not even a reprimand when it considered such decision to be manifestly wrong (TAS 2022/A/9083; CAS 2022/A/9286; CAS 2024/A/10748; CAS 2024/A/10800 & 10802), and there is no evidence that the WADA's appeal of these decisions was motivated by "political" considerations in the sense that the decision to appeal was based on the nationality of

anti-doping organisation responsible for results management or the nationality of the athlete involved.

138. Finally, and contrary to the Second Respondent's argument in relation to the proportionality of the sanctions requested by the Appellant, the Sole Arbitrator considers a nine (9) months Period of Ineligibility to be a sanction that is proportionate to the degree of fault and the negligence shown by the Athlete. Further, the Sole Arbitrator shares the view expressed by other CAS panels according to which "[...] *the elements of [the principle of proportionality have] already been duly considered by the Panel and are a part of the 2021 WADC. When applying these regulations, only the most extreme and rare cases, where sanctions are clearly disproportionate and unfair, allow for an autonomous consideration of the principle of proportionality*") (CAS 2021/A/7983). In the Sole Arbitrator's view, none of the elements brought forward by the Second Respondent are of such nature as to turn the present matter into one of those "*most extreme and rare cases*".
139. As a result of the above and given that the Appealed Decision has only pronounced a reprimand and not imposed any period of Ineligibility, the Appeal has to be partially upheld, and the Appealed decision set aside.
140. According to Article 106 (1) of the ADR, 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*", i.e. in the present case the date of the notification of the present Award.
141. However, considering that the Athlete has been provisionally suspended from 1 August 2024 to 20 August 2024, that period served shall, in application of Article 106 (5) of the ADR, be credited against the nine (9) months Period of Ineligibility to be served.
142. Finally, with regard to the Appellant's request that all competitive results obtained by the Athlete from and including 4 February 2024 are disqualified, with all resulting consequences (including forfeiture of medals, points and prizes), the Sole Arbitrator recalls that pursuant to Article 85 (4) of the ADR "*[i]n addition to the automatic Disqualification of the results in the Competition which produced the positive Sample under para (1), all other competitive results of the Athlete obtained from the date a positive Sample was collected whether in-competition or out-of-competition or other anti-doping rule violation of Article 2 para (2) occurred, through the commencement of any Provisional Suspension or Ineligibility period, shall, unless fairness requires otherwise, be Disqualified with all of the resulting Consequences including forfeiture of any medals, points and prizes*".
143. In application of that provision and in light of the fact that the ADRV has occurred more than two years ago, two years during which the Athlete was, except for the period between the 1st and the 20th of August 2024, allowed to compete, and the circumstance that it has not been argued or even alleged that the 5-methylhexan-2-amine found in the Athlete's sample provided on 4 February 2024 could have had any long lasting enhancing effect on the Athlete's performance, the Sole Arbitrator considers that fairness requires to limit the disqualification of the individual results of the Athlete to

the results obtained on 4 February 2024, *i.e.* the date of the Athlete's Sample collection, with all resulting consequences, including forfeiture of any medals, titles, ranking points and prize money.

144. In view of the above considerations, the Sole Arbitrator concludes that the Appellant's Appeal is partially upheld and that the Appealed Decision must be set aside.
145. Any other and further claims or requests for relief on the merits are dismissed.

XI. COSTS

(...)

ON THESE GROUNDS

The Court of Arbitration for Sport rules:

1. The appeal filed by the World Anti-Doping Agency (WADA) against the Romanian National Anti-Doping Agency and Matei Cosmin Gabriel with respect to the decision (no. 25/2024) rendered on 12 June 2025 by the Board of Appeal attached to the Secretariat General of the Romanian Government Decision is partially upheld.
2. The decision (no. 25/2024) rendered on 12 June 2025 by the Board of Appeal attached to the Secretariat General of the Romanian Government is set aside.
3. Matei Cosmin Gabriel is found to have committed an anti-doping rule violation under Article 2 (2)(a) and (b) of Law no. 310/2021, of 23 December 2021, on Preventing and Combating Doping in Sport.
4. Matei Cosmin Gabriel is sanctioned with a period of ineligibility of nine (9) months starting on the date of the present award. Any period of provisional suspension or ineligibility effectively served by Matei Cosmin Gabriel before the entry into force of the present award shall be credited against the nine (9) months period of ineligibility to be served.
5. Matei Cosmin Gabriel's individual results achieved during the match played on 4 February 2024 are disqualified with all resulting consequences including forfeiture of medals, points and prizes.
6. (...).
7. (...).
8. All other and further claims or prayers for relief are dismissed.

Lausanne, 7 August 2026

COURT OF ARBITRATION FOR SPORT

Jacques Radoux
Sole Arbitrator