



MEDIA RELEASE

SWIMMING

SUN YANG IS FOUND GUILTY OF A DOPING OFFENSE AND SANCTIONED WITH AN 8-YEAR PERIOD OF INELIGIBILITY

Lausanne, 28 February 2020 - The Court of Arbitration for Sport (CAS) has upheld the appeal filed by the World Anti-Doping Agency (WADA) against the Chinese swimmer Sun Yang and the Fédération Internationale de Natation (FINA). As a consequence, Sun Yang (the Athlete) is sanctioned with an eight-year period of ineligibility, starting on the date of the CAS award.

Following a conflictual anti-doping test at the residence of Sun Yang in September 2018 which resulted in the testing not being completed, the matter was initially referred to the FINA Doping Panel (FINA DP) which found that the International Standard for Testing and Investigations (ISTI), the protocol adopted by the World Anti-Doping Agency (WADA) for the conduct of doping controls, had not been properly followed. Therefore, the FINA DP invalidated the sample collection. As a consequence, the FINA DP determined that the athlete had not committed an anti-doping rule violation.

WADA filed an appeal at CAS against that decision, asserting that Sun Yang had voluntarily refused to submit to sample collection and requesting that a period of ineligibility between a minimum 2 years and maximum 8 years be imposed on him.

The arbitration on appeal was referred to a panel of CAS arbitrators, composed of Judge Franco Frattini (Italy), President, Mr Romano F. Subiotto QC (Belgium/UK) and Prof. Philippe Sands QC (UK), which held a hearing on 15 November 2019. Further to the parties' request, the hearing was conducted in public.

The CAS Panel unanimously determined, to its comfortable satisfaction, that the Athlete violated Article 2.5 FINA DC (Tampering with any part of Doping Control). In particular, the Panel found that the personnel in charge of the doping control complied with all applicable requirements as set out in the ISTI. More specifically, the Athlete failed to establish that he had a compelling justification to destroy his sample collection containers and forego the doping control when, in his opinion, the collection protocol was not in compliance with the ISTI. As the Panel noted, it is one thing, having provided a blood sample, to question the accreditation of the testing personnel while keeping the intact samples in the possession of the testing authorities; it is quite another thing, after lengthy exchanges



and warnings as to the consequences, to act in such a way that results in destroying the sample containers, thereby eliminating any chance of testing the sample at a later stage.

Considering that, in June 2014, the Athlete was found guilty of a first anti-doping rule violation (ADRV), the Panel concluded that, in accordance with Article 10.7.1 FINA DC, an eight-year period of ineligibility, starting on the date of the CAS award, has to be imposed on the Athlete for this second ADRV.

Considering 1) that FINA refrained from seeking the imposition of a provisional suspension on the Athlete when charging him with an anti-doping rule violation, 2) that doping tests performed on the Athlete shortly before and after the aborted doping control in September 2018 were negative, and 3) that in the absence of any evidence that the Athlete may have engaged in doping activity since 4 September 2018, including on the occasion of the FINA World Championships in Gwangju, South Korea in July 2019, the results achieved by the Athlete in the period prior to the CAS award being issued should not be disqualified.

The Arbitral Award will be published on the CAS website in a few days, unless the parties agree that it should remain confidential.