IMPORTANT NOTE: This version is a translation of the original French version.

SPORT DISPUTE RESOLUTION CENTRE OF CANADA (SDRCC)

No: SDRCC DT 14-0213

(Doping Tribunal)

CANADIAN CENTRE FOR ETHICS IN SPORT (CCES)

CANADIAN WEIGHTLIFTING FEDERATION HALTÉROPHILE CANADIENNE (CWFHC)

AND

MATHIEU MARINEAU

(ATHLETE)

AND

GOVERNMENT OF CANADA

WORLD ANTI-DOPING AGENCY (WADA)

(OBSERVERS)

BEFORE:

the Hon. ROBERT DÉCARY, QC, Arbitrator

REPRESENTATIVES:

for the CCES:	Yann Bernard; Annie Bourgeois
for the Athlete:	Mathieu Marineau; Guy Marineau
DATE of HEARING:	September 25, 2014
PLACE of HEARING:	Montreal, Quebec
DATE OF AWARD:	September 29, 2014
DATE OF REASONS FOR THE AWARD:	October 2, 2014

Introduction

1. This hearing before the Doping Tribunal is held pursuant to Article 7 of the *Canadian Sport Dispute Resolution Code* (Code). Article 7 sets out the "*Specific Arbitration Procedural Rules for Doping Disputes and Doping Appeals".* These Rules serve as an extension, a repetition in many respects, of Rule 7.0 of the *Canadian Anti-Doping Program* (the Program), which implements the mandatory components of the *World Anti-Doping Code* (WADA Code) and the *International Standards.* In short, this hearing falls within the framework of an international program put in place to eradicate doping in sports and to which Canada adheres by establishing its own Program. For the purposes of this case, I will be referring to the Canadian Program effective as of January 1, 2009.

2. The Canadian Centre for Ethics in Sport (the CCES) has been designated with the responsibility to administer the Anti-Doping Program. The CCES is a Signatory of the WADA Code; it is recognized by the World Anti-Doping Agency (WADA), for the purposes of applying the WADA Code, as Canada's national Anti-Doping Organization. The CCES is an independent non-profit organization. In particular, it is in charge of analyzing athletes' samples and, where required, attesting that an athlete has committed a violation of anti-doping rules. Such allegation may then be subject to a hearing before a Doping Tribunal established by the Sport Dispute Resolution Centre of Canada (SDRCC). It is important to point out that an allegation by the CCES does not constitute a declaration of the violation: a violation may in fact be determined only by an arbitrator at a hearing before the Doping Tribunal or by the Athlete's own admission (Program, Rule 7.79, et seq.).

3. In the present case, the CCES alleges that, on July 8, 2014, the Athlete Mathieu Marineau, a weightlifter and member of the Canadian Weightlifting Federation Haltérophile Canadienne (CWFHC or the Federation), committed a violation of anti-doping rules under rules 7.23 to 7.26 of the Program; namely, a prohibited substance (SARM S-22, an anabolic agent) from the 2014 WADA Prohibited List was detected in a urine sample. As a result, the CCES recommended that the sanction for this first violation be two years of ineligibility pursuant to Rule 7.38. The CCES also imposed a provisional suspension upon Mr. Marineau prohibiting him from participating in any competitions until such time as a decision has been rendered by the Doping Tribunal. He does, however, retain the right to continue training.

4. Mr. Marineau exercised his right to request a hearing before a doping dispute panel (the Tribunal or the Arbitrator). In his request for a hearing, he claims that he

[translation] “never consumed anything that could enhance/improve my results in training or competitions”; that [translation] “under no circumstances can I allow myself to use anabolic agents knowing full well that I may be tested at any time because I have been in the AAP since January 2011”; and that [translation] “the only substance that could have been in my body was injected by my family physician, François Trudel.” (Exhibit R-01)

The Proceedings

5. I was selected for these proceedings after another arbitrator was forced to withdraw but before a preliminary meeting was held. Pursuant to rules 7.91 and 7.92 of the Program and subsection 7.6 of the Code, the Athlete in question, the CCES and the CWFHC are parties to the proceedings; the Government of Canada and WADA are observers to the proceedings without party status.

6. Initially, Mr. Marineau was being assisted by a law student. At the time, he participated in a resolution facilitation session pursuant to subsection 7.8 of the Code. An initial preliminary meeting in the presence of the arbitrator was set for July 24, 2014. Shortly before the meeting, the law student informed the Tribunal that he was withdrawing from the case. During the meeting, Mr. Marineau informed us that he had retained the services of a lawyer who he would be meeting the following Monday. He also indicated that this case is not particularly urgent for him since a Provisional Suspension had been imposed upon him and he did not anticipate participating in any competitions for one year. By mutual agreement, the Tribunal and the parties proposed that proceedings start over from the beginning. Mr. Marineau undertook to suggest to his lawyer that a new resolution facilitation session take place. On July 28, 2014, Mr. Marineau informed us that the lawyer would not be formally representing him but would simply be assisting him, and he waived the right to a new resolution facilitation session.

7. A second preliminary meeting was held on August 14, 2014. The lawyer was not in attendance. Mr. Marineau informed us of his intention to submit signed affidavits from three biochemists, and that his family physician, Dr. François Trudel, whose opinion dated July 8, 2014 he had already submitted (Exhibit R-03), may submit an additional document. For its part, the CCES indicated that it would submit an affidavit signed by Mr. Kevin Bean, Manager of Compliance and Procedures for the CCES and,

should circumstances so require, the affidavit of an expert witness. The schedule was therefore established, leading to an oral hearing on September 25, 2014.

8. On August 29, 2014, Mr. Marineau informed us that he still had not received anything from the three biochemists and that he did not feel it necessary for his doctor to submit a new letter because the one in his case file was, in his opinion, [translation] "clear enough". The Tribunal granted him additional time in case he should receive an affidavit from one of the biologists. All other deadlines were extended accordingly, with the exception of the date of the hearing. (Exhibit R-07)

9. On September 5, 2014, Mr. Marineau informed the Tribunal that he would not be adding anything more to the record [translation] "because only one biochemist replied to me and he told me he would not be able to help me with this case. In addition, my physician will not be adding anything further". (Exhibit R-08)

10. On September 6, 2014, Mr. Marineau sent the following email to the Tribunal:

> [translation] "So the sanction that I consider appropriate in response to this violation that I committed unintentionally is 19 months maximum, preferably 12 months. The only reason I am requesting this reduction is to allow another Quebec athlete to participate in the 2016 Olympic Games [OG] in Rio.
>
> Allow me to explain: There are two ways to qualify a man in the OG: the first is at the Senior World Weightlifting Championships. Unfortunately, we are not strong enough at the international level for various reasons. The second is at the Pan American Championships, where a man can be qualified as follows: Six men score points based on their rankings, which results in the country's ranking. To get a spot at the OG, we have to be in the top eight countries, meaning we need six GOOD male athletes. Without my attendance at the Olympic qualifiers, there will be no men at the OG. The team is currently made up of only three good senior athletes and the others are still junior, meaning they have not yet reached their peak performance.
>
> With a 12-month period of ineligibility, I would be able to properly train to help the Canadian team qualify a man for the 2016 OG.
>
> A 19-month period of ineligibility, which is the maximum, because I must be a member of the weightlifting federation, register for competitions and qualify to participate in the Olympic trials. But with 19 months my preparation would not be as good as with 12 months.

I must be a member preferably by October to register for competitions (October 2015).

I must be a member at the latest by January 2016 to be authorized to compete in February 2016, which would authorize me to compete in March 2016 to qualify for the Olympic trials.

Olympic qualifying competitions are usually held in March/April. They may be moved, for example to February 2016, in which case I would have to qualify in January, meaning competing in December 2015 and becoming a member in October 2015 to be able to compete in November...

To validate my statements on the qualification system for the Olympic Games, I invite you to contact the president of the Weightlifting Federation (Augustin Brassard).

In addition, I would like to emphasize that I would not be the one going to the 2016 OG. The reason is simple: I am no longer able to train as I was before these unfortunate circumstances. And if you are wondering if I would be adversely affecting the other members of the Canadian team, you may contact them and ask them if they would like me to be able to participate in the Olympic trials." (Exhibit R-09)

11. On September 12, 2014, the CCES filed its case. Essentially, it claims that there has been a violation, that no exceptional circumstances justify the elimination or reduction of the sanction, that Mr. Marineau did not establish how the substance entered his system, and that in any event, Mr. Marineau did not establish that he bears no fault or negligence or that he bears no significant fault or negligence. Professor Christiane Ayotte's opinion was included as part of this filing. (Exhibit C-28)

12. On September 22, 2014, in response to a request for clarification issued to him by the Tribunal, Mr. Marineau replied that he was now contesting only the length of the period of ineligibility.

13. The Athlete's claims have thus changed since the request for a hearing was submitted. He now acknowledges that there has been a violation, albeit an unintentional one; he is no longer seeking the elimination of the sanction and would be satisfied with a reduction of the period of ineligibility to a period of 12 months, or 19 months at most, so that his own participation in certain events would allow Canada to send a Canadian athlete other than himself to the 2016 Olympic Games.

14. The hearing was held in Montreal on September 25, 2014 in the offices of the SDRCC. Mr. Marineau was accompanied by his father and coach, Mr. Guy Marineau, who is the head coach of the Canadian weightlifting team. The two men testified in tandem, if you will. Professor Christiane Ayotte, an expert witness for the CCES, testified in person. Mr. Bean was available by telephone, but at the outset it was agreed that his testimony was no longer necessary since Mr. Marineau confirmed at the beginning of the hearing that he was not contesting the violation. The Federation did not take part in the proceedings.

15. Given that Mr. Marineau was not represented by a lawyer, I believe it would be useful, before entering into the heart of the debate, to review certain basic principles.

Principles that apply in the event of a violation of anti-doping rules due to the presence of a prohibited substance in a sample

16. According to Article 1.32 of the Program, both the WADA Code and the *International Standards*, including the Comments, shall serve as "a source of interpretation for the [Program]". This does not mean that they have the force of law and blindly bind the Arbitrator. It means, rather, that in interpreting the Program and in applying it to a particular case, the Arbitrator must respect, in all fairness to the Athlete in question and with regard for the circumstances of the case, the principles stated in the Comments, and must align oneself with the suggested approaches, solutions and interpretations recommended in the Comments.

17. Pursuant to articles 2.1.1 of the WADA Code and rules 7.23 and 7.24 of the Program, "It is each *Athlete's* personal duty to ensure that no *Prohibited Substance* enters his or her body", "Athletes are responsible for any *Prohibited Substance*... found to be present in their *Samples*" and "Accordingly, it is not necessary that intent, fault, negligence or knowing *Use* on the *Athlete's* part be demonstrated in order to establish... [the] violation..." (see also Rule 7.23 *in limine* of the Program, which states that "*Athletes*... shall be responsible for knowing what constitutes an anti-doping rule violation and the substances and methods which have been included on the *Prohibited List*.").

18. In short, the WADA Code is based on the concept of Athlete accountability with respect to himself, his peers, his sport and his country. The WADA Code imposes upon the Athlete the obligation to take charge and take responsibility for ensuring that he does not consume or use a prohibited substance and that third parties do not

administer such a substance to him. This is a strict liability principle, under which good faith and ignorance on the part of the Athlete do not constitute valid excuses in and of themselves. This strict liability rule, however, is not absolute, in the sense that the Athlete may discharge himself of liability in the event of circumstances that the Comments deem "exceptional". Thus, in Article 2.1.1, the Comments explain that "The strict liability rule for the finding of a Prohibited Substance in an Athlete's Sample, with a possibility that sanctions may be modified based on specified criteria, provides **a reasonable balance between effective anti-doping enforcement for the benefit of all "clean" Athletes and fairness in the exceptional circumstance where a Prohibited Substance entered an Athlete's system through No Fault or Negligence or No Significant Fault or Negligence on the Athlete's part."** In articles 10.5.1 and 10.5.2, which I will come back to, the Comments use the phrase "**the circumstances are truly exceptional and not in the vast majority of cases**" (unless indicated otherwise, all bold and underlining in texts quoted are my own).

19. The period of ineligibility imposed for a first violation of rules 7.23 –7.27 of the Program (*Presence in Sample)* is two years (Rule 7.38 of the Program). However, an Athlete who contests the allegation made by the CCES in a case relating to the presence in a sample of a substance belonging to the classes of anabolic agents (Rule 7.4 of the Program), which is the case here, has three avenues of defense before the Tribunal. One deals with the violation itself—this avenue was abandoned by Mr. Marineau—and the two others deal with the sanction imposed.

20. If the Athlete, as in the present case, admits that there has been a violation but challenges the sanction that has been imposed, he may request that the sanction be eliminated or reduced. I will discuss both options, even though Mr. Marineau is no longer requesting elimination, because the principles that apply to both options are intrinsically linked.

a) the period of ineligibility shall be eliminated if the athlete establishes, in accordance with the balance of probability standard, that the violation is due to no fault or negligence on his part (Rule 7.44 of the Program, Article 10.5.1 of the WADA Code); however, in the event that a prohibited substance has been detected in a sample—as in the present case—the Athlete must also establish, in accordance with this standard, how the prohibited substance entered his system.

"No Fault or Negligence" is defined as follows in the Glossary of the Program:

> The *Athlete'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*. (see also WADA Code, Appendix 1, Definitions) (the italics are in the original document)

or,

b) the period of ineligibility may be reduced, by up to one-half, once the Athlete has established, in accordance with the balance of probability standard, that even though there is fault or negligence on his part, that fault or negligence is not significant. Here too, in the event that the prohibited substance was detected in a sample, the Athlete must also establish, in accordance with this same standard, how the prohibited substance entered his system. (Rule 7.45 of the Program, Article 10.5.2 of the WADA Code)

"No Significant Fault or Negligence" is defined as follows in the Glossary of the Program:

> The *Athlete's* establishing that his or her fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for *No Fault or Negligence*, was not significant in relationship to the anti-doping rule violation. (see also WADA Code, Appendix 1, Definitions)

21. The Comments in the WADA Code relating to articles 10.5.1 and 10.5.2 read in part as follows:

> "[These articles] are meant to have an impact only in cases where the circumstances are truly exceptional and not in the vast majority of cases." To illustrate the enforcement mechanism of Article 10.5.1, ... "a sanction could not be completely eliminated on the basis of No Fault or Negligence... b) **[in the event of] the administration of a Prohibited Substance by the Athlete's personal physician** or trainer without disclosure to the Athlete (Athletes are responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any Prohibited Substance... However, **depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction based on No Significant Fault or Negligence**."

22. In this case, given that Mr. Marineau is no longer requesting that his period of ineligibility be eliminated, Rule 7.45 of the Program (article 10.5.2 of the WADA Code) applies.

The Evidence

23. Mr. Marineau is 23 years old. He has been practicing the sport of weightlifting for twelve (12) years and participating in international competitions since 2008, including the Commonwealth Youth Games, the Commonwealth Games and the Pan American Games. He was a bronze medallist in the 2010 Commonwealth Games. He has been receiving support for four years from the Athlete Assistance Program (the AAP). Before the doping control in question, he had undergone twenty-one screening tests, which all tested negative. (Document C-19, exh.10)

24. On June 15, 2014, he underwent a urine test administered out of competition by the CCES. On June 30, 2014, the CCES was notified that the analytical finding of sample "A" revealed the presence of a prohibited substance, SARM S-22. On July 2, 2014, the CCES requested an explanation from the Athlete. On July 3, 2014, Mr. Marineau requested that the CCES analyze his sample "B". On July 6, 2014, Mr. Marineau explained that he had recently received an injection for knee and shoulder pain and that he would ask his physician whether the injection could be linked to the result of the analysis. (Exhibit C-19). He spoke to his physician on July 6, 2014, and his physician provided him, on July 8, 2014, with the opinion that will be discussed in detail below. On July 8, 2014, the CCES alleged that a prohibited substance—namely SARM S-22, an anabolic agent—was present in one of the samples and that this resulted in a violation of anti-doping rules. The CCES recommended that the mandatory period of ineligibility of two years be imposed. An analysis of "B" eventually revealed, on July 10, 2014, the presence of the prohibited substance.

25. Essentially, the Athlete maintains that the presence of SARM S-22 in his system could only be the result of a treatment he received from his attending physician on June 10, 2014. During a routine visit on that day, his attending physician diagnosed him with knee chondropathy and administered a Synvisc viscosupplementation injection, to which he added, as is standard practice, a 40 mg dose of Depo-Medrol to prevent inflammation of the synovial membrane.

26. To support his request for a hearing, the only technical evidence that the Athlete presented is the letter from his attending physician. The physician is not a specialist and does not claim to be. He himself recommended that his statements be confirmed

[translation] “by an expert toxicologist”. He did not participate in the hearing. It would be useful to quote his letter in its entirety, since it is at the heart of this debate:

> [translation] “Mr. Marineau, who has been my patient for several years, informed me that he recently tested positive for SARM-S-22. As attending physician, I feel it is my duty to provide you with some critical information.
>
> On June 10, 2014, during a routine medical visit, a Synvisc viscosupplementation injection was decided upon and administered following a diagnosis of knee chondropathy. As is standard practice, a 40 mg dose of Depo-Medrol was added to prevent inflammation of the synovial membrane.
>
> After familiarizing myself with the biological properties of these products, it turns out that it is a steroid that could produce a false positive on the tests Mathieu took on June 15, 2014. This means that the injection given on June 10, 2014 produced active metabolites that falsely indicated that the patient had consumed androgenic substances.
>
> In light of the compounds received during injections on June 10 and based on the excretion time of these products, it seems clear to me that the result obtained on the screening is indeed a false positive.
>
> I will remain available to provide any additional information that you would find useful and recommend, if necessary and should you see fit, that my statements be confirmed by an expert toxicologist. I sincerely hope that my patient will not be punished for a routine medical procedure.” (Exhibit R-03)

27. If I understand the attending physician’s letter correctly, he claims that the presence of SARM S-22 is the result of either the Synvisc viscosupplementation injection or the Depo-Medrol injection.

28. The CCES put into evidence a detailed opinion from Professor Christiane Ayotte. Professor Ayotte is an internationally recognized authority in the world of anti-doping. She holds a doctorate in organic chemistry and is the director of the Doping Control Laboratory of the INRS-Institut Armand-Frappier in Montreal. She is involved in all international and Canadian organizations that work in doping control. She regularly acts as an expert witness before the Court of Arbitration for Sport and the World Anti-Doping Agency, among others. The Laboratory that she heads analyzes some 24,000 samples from athletes annually for the presence of hundreds of prohibited substances and methods. Professor Ayotte testified in person at the hearing.

29. In her written opinion of September 11, 2014 (Exhibit C-28), she explained why the hypotheses advanced by the attending physician are [translation] “without scientific basis”. Synvisc, she explained, is a non-prohibited product that is frequently given as an injection. As for Depo-Medrol, it is also frequently used in legitimate medical practice and, contrary to what the attending physician claims, it is not an androgen. SARM S-22, on the other hand, is an androgen; it is a completely synthetic compound that is not used in legitimate medical practice and that is totally different from Depo-Medrol. The two products have completely different molecular structures and pharmacological, chemical and physical properties [translation] “that are not comparable”. According to Professor Ayotte, it is not possible for the use of one to lead to the presence of the other in one’s system or for laboratory tests to mistake one for the other.

30. Her oral testimony simply reinforced the conclusions to which she had arrived in her written opinion. She said she was [translation] “astonished” by the opinion of the attending physician, which, according to her, contained errors from a biochemical viewpoint and advanced hypotheses that have no scientific basis and are even contrary to science. She noted that SARM (Selective Androgen Receptor Modulator) is a relatively new substance—it was detected for the first time in 2009 by the laboratory in Cologne—that is readily available on the Internet, that is well-known in the bodybuilding community and that can be taken in various forms (drops, pills, injection, cream). She also explained that the initial analysis at her laboratory targets some four hundred substances and that, once detected, a substance is then analyzed separately to avoid any errors.

31. The Athlete and his coach stated that they had not heard of SARM before being told about it by the CCES.

Analysis

32. It is the Athlete’s responsibility to establish, in accordance with the balance of probability standard, how the prohibited substance entered his system. This standard requires, for all intents and purposes, the Athlete to persuade the Tribunal that the occurrence of the circumstances on which he relies is more probable than their non-occurrence or more probable than other possible explanations of the doping offence. (*Doping Authority Netherlands v. N,* CAS 2009/A/2012). This burden is based on the principle of Athlete accountability that the WADA Code wishes to establish. Since at the

outset the Athlete is accountable for what he consumes or is administered and cannot simply plead good faith or ignorance, it follows that he should bear this burden. It is not an insurmountable burden, but it is a real and demanding one, and the Athlete is taking a major gamble if he simply makes general statements, advances unverified or unverifiable hypotheses, and relies upon the opinions of people who are not experts on the topic.

33. In this case, the Athlete's evidence was stripped to its bare bones and became extremely vulnerable as soon as it was confronted with serious expertise. The family physician was not a specialist, by his own admission. He did not explain the extent of the research that he did and that led him to form his hypotheses. We know that at most only two days passed from the time he was alerted to the problem (on Sunday, July 6, 2014) and the time he wrote his opinion (on Tuesday, July 8, 2014). He cited no source or authority. He was invited several times to supplement his opinion, but he did not do so; furthermore, the Athlete informed the Tribunal in writing, on September 5, 2014, that his physician would not be adding anything else. (Exhibit R-08)

34. The CCES, however, provided convincing evidence by an expert witness who tore apart the hypotheses put forth by the family physician. Under the circumstances, I can readily conclude that it is more than likely that the presence of SARM S-22 in the Athlete's sample is neither the result of the Synvisc injection nor the result of the dose of Depo-Medrol added to it by the attending physician. These were legitimate medical procedures that could in no way explain the presence of the prohibited substance in the Athlete's urine.

35. The Athlete has vehemently denied using SARM, a substance he claims he did not know existed. He seemed sincere, as did his father and coach. I would like to believe them, but their word is not sufficient. The Athlete did not allege any possible source for the presence of SARM S-22 in his system other than the treatment he received on June 10, 2014. It is not my place to speculate on other possible sources. Since this treatment is not, in accordance with the balance of probability, the source of the presence of SARM S-22 in the sample, I have no choice other than to conclude that the Athlete is not relieved of the burden of establishing how the prohibited substance entered his system (see *Oliveira v. United States Anti-Doping Agency*, CAS 2010/A2107; *Canadian Centre for Ethics in Sport v. Scott Lelièvre*, SDRCC DT-04-0014).

36. I will briefly add, for the benefit of Mr. Marineau, that even if he had established that SARM S-22 had entered his system as a result of the treatment received on June 10,

2014, he still would not be discharged of the burden of establishing the absence of significant fault or negligence.

37. The requirements under the WADA Code and the Program are extremely high, particularly with respect to top, experienced athletes who know or should know the rules of the game, having been subjected to them for years and having also learned them through training. It is clear, in light of the decisions made, that an athlete who undergoes a treatment without asking the physician any questions, without seeking to inform himself, and without consulting anyone on the nature of the substances administered to him, did not exercise the necessary vigilance for his case to fall under the category of "exceptional circumstances" allowing for a lighter sanction (see *WADA v. Despres, CCSE & Bobsleigh Canada Skeleton*, CAS 2008/A/1510*; Canadian Centre for Ethics in Sport and Valentyna Zolotarova,* SDRCC DT 08-0087*; Canadian Centre for Ethics in Sport and Amanda Galle*, SDRCC DT 09-0095; *International Association of Athletics Federations (IAAF)/Fédération Camerounaise d'Athlétisme (CMR),* CAS 2003/A/448*); Canadian Centre for Ethics in Sport* (CCES), *Bobsleigh Canada Skeleton and Christiano Paes*, SDRCC DT 06-0055*; Canadian Centre for Ethics in Sport (CCSE)/Canadian Cycling Association (CCA) and Benjamin Martel*, SDRCC DT 11-0161; re Vasilie Pavlopoulos, SDRCC DT 12-0170).

38. A word, in closing, on what I will call the solidarity argument provided by Mr. Marineau in his email of September 6, 2014 (Exhibit R-09). The period of ineligibility should be reduced, in his opinion, to allow him to participate in certain pre-Olympic events and thus give Canada a better chance of qualifying for the 2016 Olympic Games and sending a team that he himself would not be on. As attractive and generous an argument as this may seem at first glance, it does not hold up to scrutiny. An analysis in terms of fault relates to actions or omissions on the part of the Athlete at the time when the fault was committed, not on the consequences that the fault may have on himself, his team or his country. The Athlete must consider his team and his country before committing the fault, not after.

39. It would be appropriate in this regard to quote the following passage from the Canadian Anti-Doping Program, under the heading "Basic Principle and Primary Goal":

> "[Sport] can teach values and ethics – or not. It can help people develop a positive self-image and respect for others – or not. It can strengthen community life – or not. Sport can bring people together, foster friendships, reinforce healthy lifestyles, build civic pride and community participation – or it can be

about drugs, cheating or winning at any cost. As such, the basic principle driving education programs for doping-free sport shall be to preserve the spirit of sport [as described in the CANADIAN POLICY AGAINST DOPING IN SPORT] from being undermined by doping. The primary goal of such programs shall be prevention." (Rule 2.1 of the Program)

Conclusion

40. The CCES imposed a Provisional Suspension upon Mr. Marineau starting July 8, 2014. Since this Suspension has been respected by the Athlete, the beginning of the two-year period of ineligibility will be set, pursuant to the terms of Rule 7.13 of the Program, to July 8, 2014.

41. The reasons stated herein are submitted in support of the decision that I rendered on September 29, 2014 and that reads as follows:

> [translation] "The sanction of two years of ineligibility beginning July 8, 2014 that has been recommended by the Canadian Centre for Ethics in Sport for the anti-doping rule violation committed by Mathieu Marineau is upheld."

Robert Décary,

Arbitrator

Gatineau, October 2, 2014