
Decision of the Athletics Integrity Unit in the Case of Mr Federico Bruno

Introduction

1. World Athletics has established the Athletics Integrity Unit ("**AIU**") whose role is to protect the integrity of the sport of Athletics, including fulfilling World Athletics' obligations as a Signatory to the World Anti-Doping Code (the "**Code**"). World Athletics has delegated implementation of the World Athletics Anti-Doping Rules ("**ADR**") to the AIU, including but not limited to the following activities in relation to International-Level Athletes: Testing, Investigations, Results Management, Hearings, Sanctions and Appeals.
2. Mr Federico Bruno ("the **Athlete**") is a 31-year-old athlete from Argentina¹.
3. This decision is issued by the AIU pursuant to Rule 8.5.6 ADR, which provides as follows:

"8.5.6 In the event that the Athlete or other Person either (i) admits the violation and accepts the proposed Consequences or (ii) is deemed to have admitted the violation and accepted the Consequences as per Rule 8.5.2(f), the Integrity Unit will promptly:

- (a) issue a decision confirming the commission of the violation(s) and the imposition of the specified Consequences (including, if applicable, a justification for why the maximum potential sanction was not imposed);*
- (b) Publicly Report that decision in accordance with Rule 14;*
- (c) send a copy of the decision to the Athlete or other Person and to any other party that has a right, further to Rule 13, to appeal the decision (and any such party may, within 15 days of receipt, request a copy of the full case file pertaining to the decision)."*

The Athlete's Commission of Anti-Doping Rule Violations

4. On 12 October 2022, the Athlete provided a urine Sample In-Competition at the XII South American Games held in Asunción, Paraguay (the "**Games**"), which was given code 1106404 (the "**First Sample**"), pursuant to Testing conducted by ODESUR in accordance with the ODESUR Anti-Doping Rules ("the **ODESUR ADR**").

¹ <https://worldathletics.org/athletes/argentina/federico-bruno-14370060>

5. On 10 July 2023, the World Anti-Doping Agency (“**WADA**”) accredited laboratory in Rio de Janeiro, Brazil reported that analysis of the Sample had revealed the presence of recombinant erythropoietin (“**EPO**”) (“the **First Adverse Analytical Finding**”)
6. On 25 April 2023, the Athlete provided a urine Sample Out-of-Competition pursuant to Testing conducted by the Comisión Nacional Antidopaje Argentina (“**CNAD**”) in accordance with the CNAD Rules which was given code 7153470 (“the **Second Sample**”).
7. Analysis of the Second Sample by the WADA-accredited laboratory in Barcelona, Spain also revealed the presence of EPO (the “**Second Adverse Analytical Finding**”).
8. By letter dated 17 July 2023, ODESUR notified the Athlete of the First Adverse Analytical Finding in accordance with Article 7.2 of the ODESUR ADR and invited him *inter alia* to provide his detailed written explanation for the First Adverse Analytical Finding and his position regarding the B Sample analysis for the First Samples.
9. On 18 July 2023, the AIU sent the Athlete a notice of Provisional Suspension based on the First Adverse Analytical Finding. The Athlete was given the opportunity to make a written submission to the AIU by no later than 27 July 2023 if he considered that there were grounds for lifting the Provisional Suspension
10. On 27 July 2023, the Athlete wrote to ODESUR stating that he had never used any prohibited substance or method and to be provided with the Laboratory Documentation Package (“**LDP**”) for the First Sample before he made a decision with respect to the B Sample analysis.
11. On 23 August 2023, CNAD notified the athlete of the Second Adverse Analytical Finding.
12. On 24 August 2023, the Athlete submitted a written request to lift his Provisional Suspension to the AIU in Spanish.
13. On 30 August 2023, the AIU asked the Athlete to resubmit his request in English.
14. On 3 September 2023, ODESUR sent the Athlete the requested LDP for the First Sample.
15. On 5 September 2023, the Athlete submitted a request to lift the Provisional Suspension to the AIU in English. The application was made on the following basis:
 - 15.1. delays in the notification of the First Adverse Analytical Finding which prevented him from properly exercising his right to defend himself;
 - 15.2. that the Provisional Suspension would prevent him from taking part in several competitions, including the South American Senior Athletics Championship and the Pan American Games;
 - 15.3. reputational damage; and
 - 15.4. a “*possibility that the laboratory procedure could be challenged... if it suffers from some irregularity or if the B sample does not give the same result.*” (i.e., if the result of the B Sample did not confirm the result of the A Sample analysis).

16. On 6 October 2023, the AIU informed the Athlete that his application to lift the Provisional Suspension had been rejected because he had failed to demonstrate (to the required standard) that any of the criteria in Rule 7.4.4 existed in his case². The Provisional Suspension imposed since 18 July 2023 was therefore maintained.
17. Following provision of the LDP to the Athlete by ODESUR on 3 September 2023 (and the Athlete's failure to request the B Sample analysis for the First Sample), on 22 November 2023, ODESUR requested the Athlete's explanation for the First Adverse Analytical Finding within 10 days.
18. The Athlete failed to respond to ODESUR within the given deadline.
19. Therefore, on 21 December 2023, ODESUR issued the Athlete with a Notice of Charge for an Anti-Doping Rule Violation pursuant to Rule 2.1 of the ODESUR ADR. The Athlete was given *inter alia* the opportunity to request a hearing or admit the Anti-Doping Rule Violation. ODESUR reminded the Athlete that he had been provided with the LDP on 3 September 2023, and that it therefore considered the Athlete to have had a sufficient period to decide whether to request the B Sample analysis of the First Sample or not (but he had failed to do so).
20. On 27 December 2023, the Athlete wrote to ODESUR and confirmed his request for the B Sample analysis of the First Sample. On 8 January 2024, ODESUR proposed several dates for the B Sample analysis and on 10 January 2024, the Athlete replied to ODESUR confirming that the B Sample analysis could take place on 15 January 2024 and that he would not attend or be represented at the analysis.
21. On 24 January 2024, the Athlete was informed that the B Sample analysis of the First Sample had confirmed the Adverse Analytical Finding in the A Sample.
22. On 21 February 2024, the Athlete admitted that he had committed an Anti-Doping Rule Violation based on the First Adverse Analytical Finding and accepted the Consequences proposed by ODESUR pursuant to the ODESUR ADR (i.e., disqualification of the Athlete's results at the XII South American Games).
23. On 20 March 2024, following Results Management conducted by CNAD in relation to the Second Adverse Analytical Finding, the Tribunal Nacional Disciplinario Antidopaje ("**TNDA**") issued its decision confirming, that the Athlete had committed an Anti-Doping Rule Violation contrary to Article 8 of the CNAD Rules on the basis of the Second Adverse Analytical Finding and that a period of Ineligibility of four (4) years had been imposed upon the Athlete from 7 September 2023 until 6 September 2027 ("the **TNDA Decision**")³. No appeal was filed against the TNDA Decision.

² The AIU also noted for completeness that, in addition to the above, the Athlete had been notified of another Adverse Analytical Finding for EPO in a Sample collected on 25 April 2023 by CNAD and that a further Provisional Suspension had been imposed upon him in that context.

³ According to the CNAD decision, the Athlete's results were also disqualified since 25 April 2023.

24. On 17 June 2024, the Doping Disciplinary Panel of the ODESUR XII South American Games issued its decision confirming the Athlete's admission provided on 21 February 2024, which confirmed that (i) the Athlete had committed an Anti-Doping Rule Violation in accordance with Rule 2.1 of the ODESUR ADR and (ii) disqualified his individual results obtained at the XII South American Games ("the **ODESUR Decision**"). The ODESUR Decision also recorded that the determination of any further consequences beyond the XII South American Games (including a period of Ineligibility) would be the responsibility of the applicable International Federation (i.e., World Athletics).
25. No appeal was filed against the ODESUR Decision within the applicable deadline.
26. The matter was therefore referred to the AIU (on behalf of World Athletics) to initiate proceedings under the ADR to determine what further Consequences (if any) should be imposed upon the Athlete for the Anti-Doping Rule Violation under Rule 2.1 confirmed by the ODESUR Decision.
27. On 20 August 2024, the AIU notified the Athlete that the determination of further Consequences for the Rule 2.1 Anti-Doping Rule Violation arising from the First Adverse Analytical Finding had been referred to the AIU (on behalf of World Athletics) in accordance with the ODESUR ADR.
28. The Athlete was informed that the AIU would seek Consequences including a period of Ineligibility of six (6) years for the Rule 2.1 Anti-Doping Rule Violation arising from the First Adverse Analytical Finding⁴, of his right to accept those Consequences to obtain an automatic reduction in the period of Ineligibility of one (1) year in accordance with Rule 10.8.1 ADR, or to a hearing to determine the Consequences.
29. The Athlete was invited to respond by no later than 3 September 2024 confirming how he wished to proceed and informed that, if he failed to do so, then the AIU would be entitled to deem that he had waived his right to a hearing and accepted the Consequences in accordance with Rule 8.5.2 ADR.
30. The Athlete failed to respond by the specified deadline of 3 September 2024.
31. On 4 September 2024, the AIU wrote to the Athlete stating that:
 - 31.1. he had failed to request a hearing within the given deadline and that he was therefore deemed to have (i) waived his right to a hearing and (ii) accepted the Consequences set out in the AIU Notice dated 20 August 2024; and

⁴ The AIU confirmed its position was that Aggravating Circumstances were present in the Athlete's case, as that term is defined in the Rules, based on the Anti-Doping Rule Violations confirmed against the Athlete by the CNAD and ODESUR in their respective decisions. In particular, the AIU confirmed that it considered the Athlete to have Used a Prohibited Substance (EPO) on multiple occasions and committed multiple other Anti-Doping Rule Violations and that the nature and seriousness of the Aggravating Circumstances in his case warranted the imposition of the maximum period of Ineligibility of six (6) years in accordance with Rule 10.4 ADR. The AIU also confirmed that the period of Ineligibility sought by the AIU and the period of Ineligibility imposed by the TNDA Decision would run concurrently.

- 31.2. that he had until no later than 9 September 2024 to return a signed Acceptance of Consequences Form that had been enclosed with the AIU Notice if he wished to benefit from a one (1)-year reduction under Rule 10.8.1 ADR and that, if he failed to do so, then the AIU would proceed by issuing a final decision imposing a six (6)-year period of Ineligibility.
32. The Athlete failed to respond or to return the Acceptance of Consequences Form signed by the stipulated deadline.

Consequences

33. ODESUR notified the Athlete of the First Adverse Analytical Finding in the First Sample (collected on 12 October 2022) on 17 July 2023, which was after the Second Sample was collected from the Athlete on 25 April 2023.
34. As the Athlete was notified of the First Adverse Analytical Finding (on 12 October 2022) after the Second Sample was collected (on 25 April 2023), the Anti-Doping Rule Violations that arise from the First Adverse Analytical Finding and the Second Adverse Analytical Finding are to be treated as a single violation and the sanction imposed based on the violation that carries the more severe sanction, including the application of Aggravating Circumstances, in accordance with Rule 10.9.3(a) ADR.
35. Rule 10.2 ADR specifies that the period of Ineligibility for an Anti-Doping Rule Violation under Rule 2.1 or Rule 2.2 shall be as follows:
- “10.2.1 Save where Rule 10.2.4 applies, the period of Ineligibility will be four years where:*
- (a) The anti-doping rule violation does not involve a Specified Substance or a Specified Method, unless the Athlete or other Person can establish that the anti-doping rule violation was not intentional.*
- (b) The anti-doping rule violation involves a Specified Substance or a Specified Method and the Integrity Unit can establish that the anti-doping rule violation was intentional.”*
36. EPO is a Prohibited Substance under the WADA 2022 and 2023 Prohibited Lists under the category S2 Peptide Hormones, Growth Factors, Related Substances, and Mimetics. It is a Non-Specified Substance prohibited at all times.
37. The period of Ineligibility to be imposed is therefore a period of four (4) years, unless the Athlete demonstrates that the Anti-Doping Rule Violations were not intentional.
38. The Athlete has not demonstrated that the Anti-Doping Rule Violations were not intentional. Therefore, the mandatory period of Ineligibility is a period of Ineligibility of four (4) years.
39. However, Rule 10.4 ADR specifies that the period of Ineligibility for an Anti-Doping Rule Violation may be greater than the standard sanction when it is established that Aggravating Circumstances are present:

“10.4 Aggravating Circumstances that may increase the period of Ineligibility

If the Integrity Unit or other prosecuting authority establishes in an individual case involving an anti-doping rule violation [...] that Aggravating Circumstances are present which justify the imposition of a period of Ineligibility greater than the standard sanction, then the period of Ineligibility otherwise applicable will be increased by an additional period of Ineligibility of up to two (2) years depending on the seriousness of the violation and the nature of the Aggravating Circumstances, unless the Athlete or other Person can establish that they did not knowingly commit the anti-doping rule violation.”

40. Aggravating Circumstances are defined in ADR as follows:

“Aggravating Circumstances: Circumstances involving, or actions by, an Athlete or other Person which may justify the imposition of a period of Ineligibility greater than the standard sanction. Such circumstances and actions shall include, but are not limited to: the Athlete or other Person Used or Possessed multiple Prohibited Substances or Prohibited Methods, Used or Possessed a Prohibited Substance or Prohibited Method on multiple occasions or committed multiple other anti-doping rule violations; a normal individual would be likely to enjoy the performance-enhancing effects of the anti-doping rule violation(s) beyond the otherwise applicable period of Ineligibility; the Athlete or Person engaged in deceptive or obstructive conduct to avoid the detection or adjudication of an anti-doping rule violation; or the Athlete or other Person engaged in Tampering during Results Management. For the avoidance of doubt, the examples of circumstances and conduct described herein are not exclusive and other similar circumstances or conduct may also justify the imposition of a longer period of Ineligibility.”

41. The AIU considers that the facts of the Athlete’s case demonstrate that he Used a Prohibited Substance (EPO) on multiple occasions (over at least six (6) months) which is identified as a specific Aggravating Circumstance per the above definition. Moreover, the nature of EPO is that it is difficult to detect, and the Athlete’s Use of EPO occurred in the context of a significant competition, the XII South American Games. The AIU therefore considers that Aggravating Circumstances are present, which justifies an increase in the otherwise applicable period of Ineligibility of four (4) years by an additional period of two (2) years, based on the seriousness of the violations and the nature of the Aggravating Circumstances.
42. The period of Ineligibility to be imposed is therefore a period of six (6) years.
43. On the basis that the Athlete is deemed to have accepted the Consequences pursuant to Rule 8.5.2(f) ADR, in accordance with Rule 10.2.1(a) ADR and Rule 10.4 ADR, the AIU confirms by this decision the following Consequences for a first Anti-Doping Rule Violation:
- 43.1. a period of Ineligibility of six (6) years commencing on 18 July 2023 (the date of Provisional Suspension); and
 - 43.2. disqualification of the Athlete’s results since 12 October 2022, with all resulting Consequences, including the forfeiture of any titles, awards, medals, points, prizes and appearance money.

44. The Athlete is deemed to have accepted the above Consequences for his Anti-Doping Rule Violation and to have waived his right to have those Consequences determined by the Disciplinary Tribunal at a hearing.

Publication

45. In accordance with Rule 8.5.6(b) ADR, the AIU shall publicly report this decision on the AIU's website.

Rights of Appeal

46. This decision constitutes the final decision of the AIU pursuant to Rule 8.5.6 ADR.
47. Further to Rule 13.2.3 ADR, WADA and the CNAD have a right of appeal against this decision to the Court of Arbitration for Sport in Lausanne, Switzerland, in accordance with the procedure set out at Rule 13.6.1 ADR.
48. If an appeal is filed against this decision by WADA or CNAD, the Athlete will be entitled to exercise his right of cross-appeal in accordance with Rule 13.2.4 ADR.

Monaco, 10 September 2024