

WORLD RUGBY

IN THE MATTER OF ANTI-DOPING RULE VIOLATIONS BY S'BUSISO NKOSI (THE "PLAYER") CONTRARY TO REGULATION 21 OF THE WORLD RUGBY ANTI-DOPING REGULATIONS (THE "REGULATIONS")

Reasoned Decision¹

- [1] The Player underwent an Out-of-Competition² Doping Control on 2 May 2024 conducted under the Testing Authority of World Rugby as part of World Rugby's Out of Competition testing programme.
- [2] The Player's urine sample was sent to the WADA Accredited Laboratory (DoCoLab Universiteit Gent) in Belgium for analysis and returned an Adverse Analytical Finding ("**AAF**") for Boldenone and its metabolites.
- [3] Boldenone is classified as a non-Specified Substance under S1.1 (Anabolic Androgenic Steroids) of the WADA 2024 Prohibited List.
- [4] The Player did not have a Therapeutic Use Exemption approving the use of Boldenone to treat a legitimate medical condition.
- [5] The Player was notified by letter on 16 July 2024 by World Rugby, the Anti-Doping Organisation with Results Management Authority, of the AAF and that he had committed an ADRV.
- [6] The Player did not request an analysis of his B Sample nor any extension of time to provide a response. The Player stated that he would accept the Consequences imposed on him by World Rugby pursuant to the Regulations.
- [7] World Rugby considered it appropriate under the Regulations and the WADA International Standard for Results Management to commence proceedings against the Player. There was no departure from any WADA International Standard in the analysis of the Player's Sample.
- [8] By letter dated 21 August 2024, the Player was given formal notice that he was being charged with two anti-doping rule violations, namely a breach of Regulation 21.2.1 and a breach of Regulation 21.2.2 on the basis that Boldenone was present in the Player's system and Used (together with the presence of its metabolites) (the "**ADRVs**").
- [9] The Player was notified that it was World Rugby's position that, as the ADRVs do not relate to a Specified Substance, World Rugby would be seeking a period of Ineligibility of four years from all rugby activity at all levels, in accordance with Regulation 21.10.2.1.1. The Player was also informed that if, within 20 days of the formal Notice of Charge, he admits the ADRVs and accepts the asserted period of Ineligibility, then the four-year period of Ineligibility would be reduced to three years under Regulation 21.10.8.1.

¹ This reasoned decision has been prepared in accordance with the Regulations and the WADA International Standard for Results Management.

² Capitalised terms that are not otherwise defined bear meaning attributed to them in the Regulations or the relevant WADA International Standard.

- [10] On 22 August 2024, the Player admitted the ADRVs and waived his right to a hearing. The Player accepted the associated sanction of a period of Ineligibility of four years from all rugby activity at all levels, pursuant to Regulation 21.10.2.1, but with the four-year period of Ineligibility being reduced by one year pursuant to Regulation 21.10.8.1. The Player also acknowledged that, under Regulation 21.10.8.1, no further reduction in the period of Ineligibility shall be allowed.
- [11] Consequently, the Player is sanctioned with a period of Ineligibility of three years. In accordance with Regulation 21.10.13.2.1, the period of Ineligibility runs from the date of the Player's Provisional Suspension on 16 July 2024, ending at 11:59pm on 15 July 2027.
- [12] Any results of the Player between 2 May 2024, being the date of the AAF, and 16 July 2024 when the Provisional Suspension was imposed have been Disqualified in accordance with Regulation 21.10.10 of the Regulations.
- [13] The Player's attention is drawn to the following extracts of Regulation 21.10.14 which address the status of a Player during their Period of Ineligibility:

“21.10.14.1 Prohibition Against Participation During Ineligibility or Provisional Suspension

No Player or other Person who has been declared Ineligible or is subject to a Provisional Suspension may, during a period of Ineligibility or Provisional Suspension, participate in any capacity in a Competition or activity (other than authorised anti-doping Education or rehabilitation programmes) authorised or organised by any Signatory, Signatory's member organisation, or a club or other member organisation of a Signatory's member organisation, or in Competitions authorised or organised by any professional league or any international- or national-level Event organisation or any elite or national-level sporting activity funded by a governmental agency.

...

A Player or other Person subject to a period of Ineligibility shall remain subject to Testing and any requirement by World Rugby to provide whereabouts information.

21.10.14.2 Return to Training

As an exception to Regulation 21.10.14.1, a Player may return to train with a team or to use the facilities of a Union, Club, Rugby Body or other member organisation of World Rugby, an Association or a Union during the shorter of: (1) the last two months of the Player's period of Ineligibility, or (2) the last one-quarter of the period of Ineligibility imposed.”

- [14] The Player remains subject to Testing by World Rugby during his period of Ineligibility.
- [15] This decision is final, subject to an appeal to the Court of Arbitration for Sport (Regulation 21.13.2 of the Regulations). The Player has 21 days to appeal in accordance with Regulation 21.13.6 of the Regulations. The Player is considered an International-Level Athlete for the purposes of any appeal. CAS can be contacted using the email address procedures@tas-cas.org and the CAS Rules are available here: https://www.tas-cas.org/fileadmin/user_upload/CAS_Code_2021_EN_.pdf.

Mike Earl

Director of Anti-Doping, World Rugby

5 September 2024