



Georgian Antidoping Agency

Disciplinary Committee of Georgian Antidoping Agency

Georgian National Antidoping Agency of Georgian Antidoping Agency

5th December, 2023

Decision N 2023-05

(Regarding the case of Luka Maisuradze)

I. Competence and acting rules

1. In accordance with Article 8 of the World Anti-Doping Code, the Anti-Doping Organization shall provide, at a minimum, a fair hearing within a reasonable time by a fair, impartial and Operationally Independent hearing panel in compliance with the WADA International Standard for Results Management.
2. According to the paragraph 8.1. of the article 8 of Antidoping Rules of Georgia and according to subparagraph "g" of the article 22⁴ of the Georgian Law on Sports, Anti-Doping Disciplinary commission of Georgian Antidoping Agency is disciplinary organ reviewing anti-doping cases established by the Anti-Doping Agency of Georgia.
3. According to 1.2 of the first article 1.2 of the Anti-Doping Disciplinary Commission of the Anti-Doping Agency of Georgia, The Disciplinary Anti-Doping Commission (hereinafter referred to as the Commission) is a permanent collegial body established to consider disciplinary cases against athletes, coaches, sports doctors, referees, physical culture and sports specialists and other persons.
4. According to the sub-paragraph "a" of article 1.3 of the Anti-Doping Disciplinary Commission of the Anti-Doping Agency of Georgia, the Anti-Doping Disciplinary Commission of the Georgian Anti-Doping Agency will consider the petition according to the anti-doping rules of Georgia.

II. Facts and procedures

5. On November 09, 2023, the Anti-Doping Disciplinary Commission of the Anti-Doping Agency of Georgia received for consideration the documentation sent by the **Anti-Doping Agency of Georgia** regarding the case of **Luka Maisuradze**, including the petition to revoke the temporary ban.
6. Information about the athlete:

Gender: male

Surname: Maisuradze

Name: Luka

Date of birth: 30.01.1998

Address: Tabidze Street N29a, Khashuri, Georgia

Phone number: +995 593 25 84 20

E-mail address: lukamaisuradze098@gmail.com

Type of document: ID card

Personal number: 57001058404

Sports Federation: National Judo Federation

Luka Maisuradze - International level athlete, member of the national judo team of Georgia, 2023 world champion, 2022 European champion, bronze prize winner of the World and European Championships and the 2019 European Games.

7. On 12th April, 2023, during out-of-competition testing, Doping Control Officer (hereinafter "DCO") of Georgian anti-doping Agency (hereinafter GADA) collected urine sample from Luka Maisuradze, which was split into two and were given reference numbers A1190309 ("A Sample"), B1190309 ("B Sample "). Luka Maisuradze did not have any objection on the process of testing, as indicated in the doping control form and is confirmed by signing the form)
8. On the same day, 12th April, 2023 Sample was transferred to World Anti-Doping Agency (hereinafter "WADA")- accredited laboratory, Doping Laboratory, Cologne, Germany (hereinafter Laboratory).
9. The laboratory has analyzed the A sample in accordance with the procedures established by the international standard of WADA laboratories. Analysis of the sample confirmed an adverse analytical finding: (hereinafter (AAF) – **S1.2 Other anabolic agents/Enobozarm (ostarine)**).
10. The laboratory notified the Anti-Doping Agency of Georgia about the result on June 9, 2023.
11. Other Anabolic Agents/Enobozarm (Ostarin) is considered as a Prohibited Non-Specified Substance under Class S1 of the WADA Prohibited List.
12. On June 13th 2023, athlete Luka Maisuradze was officially charged for violation of the GADA Anti-Doping Rules 2021 ("ADR"), according to the Order of the Ministry of Culture, Sports and Youth of Georgia MES 2 21 0000161709, of 25.02.2021 and approved by the Board of the Georgian Anti-Doping Agency (GADA) (minutes of meeting of the Board of 28.04.2020).
13. On June 13, 2023, the Anti-Doping Agency of Georgia sent a notification to Luka Maisuradze and the Georgian National Judo Federation about the adverse analytical results of the analysis and the mandatory temporary disqualification.
14. According to our records, Luka Maisuradze does not have a Therapeutic Use Exemption that would justify presence of non-specified substance in his body (TUE): (AAF) – S1.2 presence of other anabolic agents/ Enobozarm (Ostarin)
15. The adverse analytical finding in Sample A was reviewed (in accordance with Article 2.1 of the Anti-Doping Rules) and it was determined that Luka Maisuradze violated 2.1. Article of the Anti-Doping Rules.
16. He was charged (pursuant to Article 7.2 of the ADR) and the Athlete was found liable for a violation of the article 2.1 of ADR, namely the presence of Prohibited Substances "Other Anabolic Agents" in the Athlete's Sample.
17. This is Luka Maisuradze's first violation of anti-doping rule, therefore he was subject to anti-doping rules 10.1 and 10.2.1. The specified consequences for the first offense lead to disqualification up to 4 (four) years.
18. In the notice of accusation, the agency explained to Luka Maisuradze that since enobozarm is qualified as an undefined (non-specified) substance according to the prohibited list, approved by WADA in article 7.4.1 of ADR, In accordance with the article, he was temporarily disqualified from participating in any competition pending a final decision on the matter.
19. By notice, Luka Maisuradze was informed that he is temporarily disqualified and ineligible to participate, from the date of the notice until the date of the final decision, in any competition,

sporting event or other activity, in any sporting structure or structures recognized by any signatory to the WADA World Anti-Doping Convention in accordance with the Code.

20. On June 22, 2023, the athlete officially declared that he wanted to analyze the B sample and submitted the corresponding official form.
21. On June 23rd, 2023, Mr. Luka Maisuradze submitted a statement, according to which he does not agree with the results of the analysis of A sample (A1190309) of 09/06/2023) and requests the opening of B sample. In addition, requests a complete lab package for sample A1190309.
22. On July 12th, 2023, GADA emailed the athlete and his representatives the complete lab package for the A sample.
23. On July 19th, 2023, the Athlete's representative have informed the GADA that they had discovered possible contamination and therefore wished to withdraw the request for the B sample analysis. On July 20th, 2023, Mr. Luka Maisuradze presented a new statement, where he explains that he is aware of the consequences of refusing to analyze sample B.
24. On July 21st 2023, the athlete finally refused the analysis of the B-sample and presented the corresponding official form.
25. On 24th July, 2023, athlete applied to the president of Georgian Anti-doping Agency, where he explained that in order to discover the source of the detected prohibited substance SARMS ENOBOSARM (ostarine), within the framework of the investigation conducted by Mr. Maisuradze and his team, an analysis was made of all the nutritional supplements that Mr. Maisuradze used in the period before the sample submission. For logistical and financial economy, a preliminary analysis of nutritional supplements (a total of 24 units) was conducted in the testing laboratory of the Kuban State University: (Krasnodar, Russia) certified by international standards. In one sample, an opened can of 'Brain' was found ostarine, which was not listed on the label or on the manufacturer's website. Considering the fact that the mentioned research was not conducted in a WADA-accredited laboratory, so the athlete requested the chairman of GADA to assist them in having the suspected sample analyzed at a WADA-accredited laboratory in Cologne, Germany.
26. On July 24th, 2023, the athlete submitted a motion to the Agency to cancel the temporary ban, where he requested the cancellation of the temporary ban of the athlete Luka Maisuradze until the Anti-Doping Disciplinary Committee of Georgia considers the case in substance at the hearing.
27. On July 27th, 2023, Luka Maisuradze presented a notarized power of attorney authorizing Artem Aleksandrovich Patsev (08/09/1977) and Anna Aleksandrovna Antselovich (15/09/1981) to protect his interests and represent him both before GADA and GADA's Disciplinary Committee.
28. On July 27th, 2023, Luka Maisuradze presented the explanation of Doctor Dimitri Baghaturia, whereby the athlete wants to confirm that he was taking nutritional supplements according to the doctor's recommendation.
29. On July 31, 2023, a preliminary hearing was held regarding Luka Maisuradze and his motion, and the committee hear the athlete's request to cancel the preliminary disqualification.
30. According to the decision of August 2nd, 2023, the Disciplinary Committee of the Georgian Anti-Doping Agency issued the decision N2023-03, on the basis of which the motion of Luka Maisuradze was satisfied and the temporary mandatory disqualification was cancelled. According to the decision of the Disciplinary Committee, Luka Maisuradze was able to prove, at least at the "reasonable possibility" level and at the most at the "balance of probability" level, that the violation of the anti-doping rules was caused by taking a contaminated substance. After examining the presented evidence, by the decision of the committee, the temporary disqualification of Luka Maisuradze was canceled until the hearing of the case on its merits
31. After the preliminary hearing and because the evidence presented in the case about the contamination of the product was the result of an analysis conducted in a non-WADA-accredited laboratory, the

athlete, at the request of GADA, was ordered to send the nutritional supplement (unopened, opened) to a WADA-accredited laboratory. This was provided in September 2023.

32. On September 22nd, 2023, an analysis was carried out in a laboratory in Cologne, which confirmed the presence of ostarine in a dietary supplement called "Dioxyme- nootropics Brain". According to the laboratory: the concentration of ostarine in the mentioned food supplement is approximately 23.7 ug/g in an opened jar; in an unopened jar - 20.2 ug/g.
33. After receiving the laboratory report (on October 2nd, 2023), the Georgian Anti-Doping Agency informed the athlete's representatives of the results of the Cologne laboratory analysis. After that, the Georgian Anti-Doping Agency and the representative of the athlete had multiple telephone communications, as a result of which they were instructed to present the legal position and the athlete's explanation for the substantive hearing of the case.
34. According to the athlete's representatives, they were on vacation and in order to protect the athlete's right to fair representation and a fair hearing, they requested an extension of the deadline, which was determined by the numbers of October 2023.
35. On November 9th, 2023, on the e-mail of the Anti-Doping Agency of Georgia, the Anti-Doping Agency of Georgia received a letter from the representative of Mr. Luka Maisuradze, Mrs. Ana Antseliovich, which included as attached files the testimony of a doctor-rehabilitator of the Georgian judo team Dimitri Baghaturia, the athlete's student ticket and the representative's legal position.
36. On November 09th, 2023, later also via e-mail, the representative of Mr. Luka Maisuradze sent us a statement signed by the athlete, which according to their definition, represents the athlete's legal position.
37. During the interim hearing of the case of Luka Maisuradze, the explanation of Dimitri Baghaturia, the rehabilitologist of the Georgian national judo team, was presented in the case, which was prepared on July 7th, 2023. According to Dimitri Baghaturia, the athlete came to him with specific complaints at the end of March and considering his condition, he sought the new American drug Brain (produced by Dioxyme). According to his explanation, it is clear that he reviewed the composition, made sure that there was nothing harmful to the athlete, nor did it contain any prohibited substances and after that he gave it to Luka Maisuradze.
38. In the case, there is also another explanation of Dr. Dimitri Baghaturia, a rehabilitologist, which was attached to the legal position sent by the athlete's representative on November 9th, 2023 and the date of drafting is November 8th, 2023. The said explanation repeats the same content that was conveyed in the first explanation and additionally describes the place of purchase of the medicine. According to the doctor's explanation, he bought the American drug Brain (produced by Dioxyme) at the store vitamine.ge (Tbilisi, Aleksandre Kazbegi Avenue N49), where he often buys drugs for athletes. According to his explanation, the consultant working in the store recommended the purchase of the drug, after informing him of his patient's condition.
39. On November 9th, 2023, Luka Maisuradze and his representative Anna Anseliovich presented a written position regarding the possible violation of anti-doping rules by the athlete Luka Maisuradze, where both the factual data and the legal justification of their request were described.
40. On November 22nd, 2023, Luka Maisuradze presented a notarized power of attorney authorizing Demur Sulaberidze to protect his interests before the disciplinary committee of GADA.
41. At a public hearing held on November 22, 2023, **Luka Maisuradze's representative** stated that the athlete denied intentional use of any prohibited substances, including Ostarine, because, according to him, Luka Maisuradze is a high-level athlete and knows anti-doping rules and understands the obligations imposed on him to comply with anti-doping rules. He also notes that the amount of Ostarine in the athlete's body was found to be minimal. The party believes that this is a case of taking a contaminated food supplement. Since, they discussed 4 reasons for Ostarine getting into the athlete's

body: 1. Sabotage; 2. Use of any substance containing Ostarine by competitors or others; 3. Food contamination; 4. Contamination of food additives. According to the representative, they ruled out almost all causes other **than contamination from food supplements**. According to the representative, when he began working on the case, due to the discovery of low concentrations, Luka was asked to collect all the supplements he had consumed over the past two months. The test took place in a laboratory in Krasnodar, and later the "Brain" supplement suspected of being contaminated was sent to a laboratory in Cologne, and it was found that traces of Ostarine in different concentrations were found in both packages, both opened and unopened. The representative also explains that Luka did not indicate **"Brain" on the doping control form** because he had to indicate the supplements and drugs he took in the 7 days before the test, and the athlete stopped taking "Brain" approximately 10 days before. He also noted that this product was recommended to Luka by the rehabilitation specialist of the national judo team, Dimitri Bagaturia. At the end of March, at the request of the athlete, in order to solve problems with concentration, the rehabilitation specialist advised him to use a nutritional supplement - "Brain". Since, according to his explanations, the consumption of this supplement was not financed by the Judo Federation, he bought it and gave it to the athlete a few days later. The rehabilitation specialist explained to Luka Maisuradze that this substance is safe and that he should take two capsules a day. Due to the highest level of trust to the rehabilitation specialist, the athlete trusted him, but before starting to use Brain, he read the label, tried to search for information on the Internet via Google, and since he didn't find anything suspicious, he started using Brain. He took the medicine for 2-3 days and since the concentration problem disappeared, he stopped using it. **As for the legal position**, the representative points out that the athlete admits to an anti-doping rule violation because Ostarine was found in his samples, but denies its intentional use. He believes that the sanction should be reduced on the basis that the contaminated product was used due to No Significant Fault, and points to article 10.6.1.2, according to which, A product is considered contaminated: that contains a Prohibited Substance that is not disclosed on the product label or in information available in a reasonable Internet search. The representative explains that he also provided a photograph of the label, which clearly shows that the drug does not contain information about Ostarine, and also underlined that the athlete also searched for information on the Internet and did not find anything about the suspect drug supplement.

42. At a public hearing held on November 22, 2023, **the athlete's representative** stated that he wrote to the VITAMINI.GE store where the Brain drug was purchased. The letter states that in order to establish the source of the positive doping test, the athlete, as part of the ongoing investigation, was asked to confirm the sale of two units of the drug "Brain" manufactured by Dioxyme (USA) between March 29 and March 31, 2023 in their retail network (which is located in Tbilisi, on Aleksandre Kazbegi St., 41) and provide documents confirming the purchase. The applicant also asked to send documents confirming the import of the specified products into the territory of Georgia. The party received a response to the said letter two days before the public hearing on the case. From the answer it follows that the VITAMINI.GE store cannot answer the questions of the athlete's representative, since the answer to the question contains information containing a trade secret. According to him, they again tried to buy Brain (manufactured by Dioxyme in the USA) in the VITAMINI.GE store, but they could not buy this supplement, since at that time it was no longer on sale.

43. At a public hearing held on November 22, 2023, according to GADA lawyer **Luka Khatiashvili**, the athlete was accused of violating Article 2.1 of the Code, which stipulates that Athletes are responsible for what they ingest. However, the party does not dispute that the product was obtained using a contaminated substance, since there is a response from the WADA-accredited Cologne laboratory that concentrations of Ostarine were detected in both opened and unopened cans. However, he does not agree with the defense's request to minimize the sanction under Article 10.6.1.2 of the Anti-Doping Rules and believes that disqualification should be applied.
44. At public hearings, rehabilitation specialist Dimitri Bagaturia stated that he has been working in the judo team since 2009, graduated from Tbilisi State Medical University and is a rehabilitation specialist by profession, not a doctor. According to him, he has known the athlete for 7-8 years. Due to him, the athlete applied because he had problems concentrating and asked to find something to solve this problem besides the nutritional supplements he was already taking. According to the rehabilitation specialist, since the VITAMINE.GE store has one of the highest quality drugs and a wide selection in Georgia, he visited the specified store, searched and found the necessary drug, which the athlete subsequently received, which, according to him, nourishes the brain. According to him, there are representatives of the company in the store and they recommended the specified drug. When choosing a medicine, he took into account the price, quality and composition of the medicine. He was offered a drug, which, according to store representatives, was high-quality and experienced. According to the rehabilitation specialist, he paid in cash and was given a receipt, but he lost the receipt. Due to the close relationship between him and the athlete, Luka also reimbursed the costs in cash.
45. To the question asked at the public hearing whether the rehabilitator used the gada.ge website and whether he heard about the document posted there - supplement 411, which contains a list of contaminated food additives and indicates that Ostarine was discovered in the food additive "Brain" (produced by Dioxyme) in 2021 year. According to the **rehabilitation specialist**, he has used the mentioned site before, However, in this particular case, he did not use the link on this site - supplement 411. He uses other sites for this purpose, for example, rusada, However, Brain was not mentioned on the said website.
46. At a public hearing, **Luka Maisuradze** explained that he did not use the gada.ge website and did not know anything about the information posted on it; he once studied at GADA 7-8 years ago and did not have such information. In his explanation, he analyzes that, despite the high level of trust in the rehabilitator and the store, the ultimate responsibility still lies with him when taking any drug or nutritional supplement. That's why he checked the label, even though he didn't know that the label wouldn't have complete ingredient information. The athlete also explained that he knew that Dimitri is a rehabilitation specialist, although in the federation he is considered to be a doctor. According to the athlete, the Olympics await him ahead, this is his dream and he is very close to realizing it. He recalls that in 2020 it was postponed due to the Covid pandemic and even then he was not allowed to participate in the Olympic Games. The athlete expressed his wish that the commission take all this into account when making a decision.

IV. Legal basis

According to paragraph 2.1 of Article 2 of the 2021 World Anti-Doping Code and the Anti-Doping Rules of the Georgia Anti-Doping Agency, “the presence of a Prohibited Substance or its Metabolites or Markers found to be present in Athletes’ Samples” is considered an anti-doping rule violation. According to paragraph 2.1.1 “It is the Athletes’ personal duty to ensure that no Prohibited Substance enters their bodies“. Athletes are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary that intent, Fault, Negligence or knowing Use on the Athlete’s part be demonstrated in order to establish an anti-doping rule violation under Article 2.1. *On April 12, 2023, during out-of-competition testing, a GADA Doping Control Officer (“DCO”) collected a urine sample from Luka Maisuradze, which was divided into two parts and assigned identification numbers A1190309 (“A Sample”), B1190309 (“Sample B”). On the same day, the sample was sent to a doping laboratory accredited by the World Anti-Doping Agency (“WADA”), Cologne, Germany. The Laboratory analyzed Sample A in accordance with the procedures established by the WADA International Laboratory Standard.*

47. Based on the response from the World Anti-Doping Agency (“WADA”) accredited laboratory (Doping Laboratory, Cologne, Germany) dated April 12, 2023, sample analysis confirmed an Adverse Analytical Finding: (AAF) – **S1.2 Other Anabolic Agents/Enobosarm (Ostarine)**, which is a non-specific substance under Class S1.2 of the 2021 WADA Prohibited List.
48. Pursuant to subparagraph 4.4.1 of paragraph 4.4 (Therapeutic Use Exemptions) of Article 4 (Prohibited List) of the 2021 World Anti-Doping Code and the Anti-Doping Rules of the Georgia Anti-Doping Agency, “The presence of a Prohibited Substance or its Metabolites or Markers, and/or the Use or Attempted Use, Possession or Administration or Attempted Administration of a Prohibited Substance or Prohibited Method shall not be considered an anti-doping rule violation if it is consistent with the provisions of a TUE granted in accordance with the International Standard for Therapeutic Use Exemptions“. *In this case, there is no “therapeutic use exemption” (TUE) to justify the presence of other anabolic agents/enobosarm (Ostarine).*
49. According to Article 10.6 of the 2021 World Anti-Doping Code and the Anti-Doping Rules of the Georgia Anti-Doping Agency, a reduction in the period of ineligibility for No significant fault or negligence, which, in accordance with clause 10.6.1, is applied in special cases in order to mitigate the sanctions provided for violation of clauses 2.1.2.2 or 2.6. All benefits provided for in clause 10.6.1 are mutually exclusive and not cumulative. Paragraph 10.6.1.2 of the same article separates contaminated products.
50. Taking into account the commentary to Article 10.6, paragraph 10.6.1.2 of the 2021 World Anti-Doping Code and the Anti-Doping Rules of the Georgia Anti-Doping Agency. “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. This Article should not be extended beyond products that have gone through some process of manufacturing. Where an Adverse Analytical Finding results from environment contamination of a “non-product” such as tap water or lake water in circumstances where no reasonable person would expect any risk of an anti-doping rule violation, typically there would be No Fault or Negligence under Article 10.5.”

51. Facts of anti-doping rule violations can be established in any reliable way, including recognition, on the basis of Article 3 of the World Anti-Doping Code and the anti-doping rules of the Georgian Anti-Doping Agency. The Commission may receive evidence submitted by the parties, including in such form as it deems appropriate, and is authorized to give such weight to the evidence received as it deems appropriate. In accordance with paragraphs 2.1.1, 10.2, 10.5 and 10.6 of the World Anti-Doping Code and the Georgian Anti-Doping Rules, the athlete is obliged to prevent a prohibited substance from entering his body. Athletes are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. Under the principle of strict liability, responsibility rests with the Athlete and any time a Prohibited Substance (or metabolites or markers) is detected in an Athlete's Sample, an anti-doping rule violation has occurred, regardless of whether the Prohibited Substance was intentionally or negligently ingested by the Athlete.
52. As defined in Appendix 1 of the Anti-Doping Rules of Georgia, no substantial fault or negligence exists if the Athlete or other person established to be at fault or negligent, taking into account all the circumstances as a whole and taking into account the criteria for no fault or negligence, does not have a substantial anti-doping effect in relation to violation of the rules. Unless the Athlete is a minor or in any violation of Article 2.1, the Athlete must also determine how the Prohibited Substance entered his body.
53. According to the definition in Annex 1 of the GADR **Negligence** is a failure to exercise appropriate and/or ethical ruled care expected to be exercised amongst specified circumstances. When assessing the severity of an athlete's or other person's guilt, factors such as: the athlete's experience are taken into account; whether the athlete is a minor; Particular attention should be paid to special circumstances such as the loss, the risk that the athlete should be aware of, the extent to which the athlete has experienced the consequences of his behavior, and how well he has studied the level of risk. In assessing the Negligence of an athlete or other person, the circumstances to be considered must be specific and significant to explain the reasons for the athlete's or other person's deviation from the expected standard of behavior.
54. In the case under consideration, the Commission came to the conclusion that when resolving the case, it should be guided by paragraph 10.6.1.2 of Article 10.6 of the Anti-Doping Rules of Georgia, according to which “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. Based on the totality of the evidence and the public hearing, the Panel finds that the Athlete was able to demonstrate on the “balance of probabilities” that

the source of his exposure to the prohibited substance was a contaminated food supplement, as supported by the report from the WADA-accredited Cologne laboratory. It should be noted here that the commission had questions about the amount of medicine (24 units) sent by the athlete to the testing laboratory of the Kuban State University (Krasnodar, Russia) certified by international rules, in particular, whether this amount of food supplements could be taken by the athlete. According to the explanations of the athlete and his representative, all drugs that the athlete received over the past two months were sent to the laboratory (see paragraph 40 above). It is worth noting the statement of a rehabilitation specialist, according to which athletes take on average about 5-7 supplements per day. Sometimes one type of drug contains several substances that athletes take separately. Consequently, the quantity increases. Therefore, Luka Maisuradze's intake of 24 types of nutritional supplements over the course of two months does not raise any doubts in him. Taking into account the above arguments, the Commission has no reason to question the proposed route of entry of prohibited substances into the athlete's body, and therefore shares the representative's position and believes that this is caused by contamination of the food additive, namely, taking the drug "Brain" (manufactured by Dioxyne), which turned out to be contaminated with Ostarine.

55. According to paragraph 10.6.1.2 of Article 10.6 of the Anti-Doping Rules of Georgia, once it has been established that the source of the prohibited substance in the body was a contaminated product, the important issue discussed by the panel was whether the athlete was able to prove No significant fault or No significant negligence in his actions, as well as a No significant assessment of the degree of fault or negligence.
56. The Commission shares the position of the athlete's representative in the case under consideration regarding the conclusions they expressed in the Cilic case in order to assess the subjective and objective level of culpability of the athlete, in particular, in paragraph 74 of the decision in Cilic, in determining the objective level of guilt, the panel described all the steps that could be expected of a reasonably acting person to avoid the use of a supplement containing a prohibited substance, namely: i) reading the label of the product being used (or otherwise checking the ingredients), ii) checking all ingredients listed on the label to see if they are on the prohibited list; iii) searching for information about the product on the Internet, iv) checking that the product is obtained from a reliable source, and v) consulting with relevant experts on the subject and properly instructing them before consuming the product."
57. Considering the legal position of the representative and the opinion expressed at the public hearings, the athlete is confident that he has taken almost all the steps, namely:
 - a) He received the supplement from a source that the judo team trusted 100%, from the team's sports doctor;
 - b) before taking, studied the composition of the supplement and could not find prohibited substances in the composition;
 - c) verified a sports doctor whether the use of this drug is safe;
 - d) he was looking for information about the product on the Internet;
 - e) he made sure that the supplement was purchased by a doctor from an official store selling nutritional supplements, where all certificates are verified;
 - f) he has never, under any circumstances, previously used prohibited substances and/or prohibited methods;

58. The commission discussed all six steps taken by the athlete and came to the conclusion that the athlete performed four steps without doubt, but had a different opinion regarding two. In particular: The Commission does not question the fact that the athlete received the nutritional supplement from a source he trusted, a fact supported by the athlete's and rehabilitation specialist's explanations and statements made at the public hearing. It also leaves no doubt that he was really looking for information about the product on the Internet. The case file also confirms the fact that the athlete was convinced by a dietary supplement doctor to buy it in an official dietary supplement store, where all certificates are verified. Further, the Commission has no reason to question the Representative's position that the Athlete has never, under any circumstances, previously used any Prohibited Substance and/or Prohibited Method since the charge brought by GADA includes a sanction for the Athlete's first offense anti-doping regulations.
59. **However, the commission cannot fully share the representative's position on the issue of doping testing of the athlete and believes that in the case under consideration, the athlete and the rehabilitator did not use all means at their disposal with due diligence, which could have prevented the entry of a prohibited drug into the athlete's body. It is also worth noting that the drug was recommended, purchased and dosage determined by, not a qualified physician, but a rehabilitation specialist.** The commission, along with the case materials, familiarized itself with international experience and research related to entering the market of DS (dietary supplements), quality control and contamination. Accordingly, they discussed Luka Maisuradze's above-mentioned arguments.
60. **From the case materials it is clear** that Luka Maisuradze admits to taking Brain (Dioxyme) contaminated with Ostarine, which, in particular, was confirmed by the Cologne laboratory. The athlete received the Brain on the recommendation of the national team rehabilitation specialist Dimitri Bagaturia, which Dimitri Bagaturia confirms in his testimony. Both Luka Maisuradze and Dimitri Bagaturia note that they used sufficient available and known means. In particular: they checked the annotation of Brain (Dioxyme), looked for information about the drug and the company in the Google search engine, bought it from the reliable vitamine.ge network, with which they have a long-standing relationship. According to Maisuradze and his representatives, the Athlete and Dimitri Bagaturia performed **all acts sufficient** for an ordinary person to believe that an anti-doping rule violation had occurred, but only No significant negligence occurred and a warning was required under Article 10.6.1.2 of Georgian Anti-doping Agency.
61. Recent research and practice confirm that many dietary supplements contain undeclared substances and athletes are at significant risk of unintentional doping. The presence of contaminated DS on the world market is a consequence of the liberalism of legislation regulating these products. A major factor **missing from the DS regulations is the necessary analytical controls to determine the quality and quantity of the active substance of the additives, as well as its contamination. Unlike drugs, in America and Europe supplements are not tested for quality before entering the market, and companies are responsible for their safety. There is no qualitative and quantitative control of the active substance** and its compliance with the annotation (Label), dietary supplements are often contaminated or do not contain the active substances specified in the annotation. More extensive and detailed research results can be found on the website¹.

62. Therefore, the Commission believes that in the event of receiving a DS, the requirements of caution for the athlete and other person are increased. In general, the Anti-Doping Code recognizes the principle of athlete "strict liability" with respect to doping, which is further clarified in the commentary to Article 10.6.1.2 (Commentary 38). Article 10.6.1.2, which is being appealed by Luka Maisuradze's side, concerns liability for the entry of a prohibited substance into the body through a contaminated product. In this case, the contaminated product is DS Brain (Dioxyme). The commentary to Article 10.6.1.2 makes it clear that: 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.
63. Luka Maisuradze confirmed that the prohibited substance entered his body from a contaminated product. According to Dimitri Bagaturia's explanation, he purchased Brain (Dioxyme) in the trusted network vitamin.ge (although he could not provide any payment documents. According to him, he threw away the receipt). When asked if they had Brain (Dioxyme) for sale, vitamin.ge replied that it was a trade secret and did not provide information.
64. Luka Maisuradze (his rehabilitation specialist - Dimitri Bagaturia) did not take all precautions, namely: a) did not ask the team doctor (Dimitri Bagaturia is a rehabilitation specialist, not a doctor, which was also known to the athlete and he confirmed this information at a public hearing); b) he limited himself to only general data on the Internet (Google search) and did not check such important, specialized information on doping and mandatory for all athletes - the official website of the Georgian Anti-Doping Agency gada.ge², the placed supplements 411/USADA¹ posted on it, in which listed contaminated products already discovered, and among them was Brain (Dioxyme) on February 11, 2021. c) relied only on the product annotation, although he, as a high-ranking athlete and his rehabilitator, should have been aware of the existing risk of contamination of the supplement, which we discussed above.
65. Taking into account all of the above, the commission, taking into account the athlete's sincere desire to do everything to prevent the prohibited drug from entering his body, considers that his efforts are not enough, in particular, he could at least see the information on the website, which was created to inform athletes and people working in sports, as well as a drug prescribed not by a doctor, but by a rehabilitation specialist, must be checked by a sports doctor or other medical specialist.
66. When assessing the degree of negligence, the commission also considers important the problem of the unreliability of the nutritional supplement label, which the athlete and the rehabilitation specialist purchasing the drug should have known about.

¹ <https://www.usada.org/athletes/substances/supplement-connect/>

67. Accordingly, in accordance with paragraph 10.6.1.2 of Article 10.6 of the Anti-Doping Rules of Georgia, the athlete shall be subject to a one-year period of ineligibility as a sanction.
68. In the case under consideration, the Commission also believes that one should not limit oneself to assessing the athlete's guilt, for the purpose of prevention, assessing the actions of the athlete's rehabilitator is important. It is important to note that in this case, the source of the athlete's violation of anti-doping rules is a contaminated food supplement, which the rehabilitation specialist advised to take, not only advised, but also purchased and gave it to the athlete, despite the fact that he is not a qualified doctor. He did not check the information about the drug with a sports doctor, and also did not check all the existing and available drugs, which caused significant damage to the athlete. The Commission believes that in order to assess the doctor's actions, the information must be sent to the Georgian Anti-Doping Agency for further response (Appendix 1).

V. Commencement of Ineligibility Period

69. According to paragraph 10.13 of the World Anti-Doping Code and the anti-doping rules of the Georgian Anti-Doping Agency, the period of ineligibility shall begin from the date of the final decision by the hearing body, therefore, the period of ineligibility of Luka Maisuradze will come into force on December 5, 2023.
70. In accordance with Article 10.13.2.1 of the World Anti-Doping Code and the anti-doping rules of the Georgian Anti-Doping Agency, if an Athlete or other Person serves a period of Provisional Ineligibility, that period shall count towards the period of Ineligibility finally imposed. If a temporary disqualification imposed on an athlete or other person is lifted, this period does not count towards the final disqualification.
71. Accordingly, the period of temporary ineligibility assigned by the Georgian Anti-Doping Agency for Luka Maisuradze, from June 13, 2023 to August 2, 2023 (prior to the decision to lift the provisional ineligibility made by the Georgian Anti-Doping Disciplinary Commission) is included in the assigned final period of ineligibility, accordingly, the period of temporary disqualification (50 days) served by Luka Maisuradze from June 13, 2023 to August 2, 2023 should be considered served. As for the period from August 2, 2023 (from the moment the Georgian Anti-Doping Disciplinary Commission made a decision to lift the temporary disqualification) until this decision - until December 5, 2023, this period will not be considered a final disqualification period.
72. Accordingly, Luka Maisuradze's authority will be suspended until October 16, 2024.

VI. Status during Ineligibility

In accordance with the World Anti-Doping Code and the Anti-Doping Rules of the Georgian Anti-Doping Agency, paragraph 10.14, sub-paragraph 10.14.1, No Athlete 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 authorized anti-doping Education or rehabilitation programs) authorized or organized by any Signatory, Signatory's member organization, or a club or other member organization of a Signatory's member organization, or in Competitions authorized

or organized by any professional league or any international- or national-level Event organization or any elite or national-level sporting activity funded by a governmental agency.

VII. Right to Appeal

According to subparagraph 13.2.1 paragraph 13.2 of Article 13 of the Anti-Doping Rules of Georgia, the decision made by the Anti-Doping Disciplinary Commission of the Georgian Anti-Doping Agency in the case of Luka Maisuradze concerns international-level athletes, therefore it will be appealed exclusively in international sports arbitration.

VII. Resolution Agreement

Pursuant to paragraph 10.8.2 (Settlement) of Article 10 of the Georgia Anti-Doping Agency Anti-Doping Rules, when an Athlete or other Person, in his or her discretion, admits to an anti-doping rule violation after he or she has encountered GADA and they accept results acceptable to GADA and all world for the Anti-Doping Agency, then:

- (a) the Athlete or other Person may receive a reduction in the period of Ineligibility based on an assessment by the Georgian Anti-Doping Organization and WADA of the application of Articles 10.1 through 10.7 to the asserted anti-doping rule violation, the seriousness of the violation, the Athlete or other Person's degree of Fault and how promptly the Athlete or other Person admitted the violation; and
- (b) the period of Ineligibility may start as early as the date of Sample collection or the date on which another anti-doping rule violation last occurred. In each case, however, where this Article is applied, the Athlete or other Person shall serve at least one-half of the agreed-upon period of Ineligibility going forward from the earlier of the date the Athlete or other Person accepted the imposition of a sanction or a Provisional Suspension which was subsequently respected by the Athlete or other Person. The decision by WADA and the Georgian Anti-Doping Organization to enter or not enter into a case resolution agreement, and the amount of the reduction to, and the starting date of the period of Ineligibility, are not matters for determination or review by a hearing body and are not subject to appeal under Article 13.

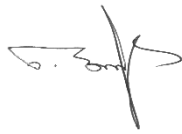
If so requested by an Athlete or other Person who seeks to enter into a case resolution agreement under this Article, the Anti-Doping Organization with Results Management responsibility shall allow the Athlete or other Person to discuss an admission of the anti-doping rule violation with the Anti-Doping Organization subject to a Without Prejudice Agreement.

In accordance with paragraph 9.2.1 of Article 9 of the Anti-Doping Rules of the Georgian Anti-Doping Agency, an athlete or other person who is subject to a period of ineligibility is required to inform the GADA performance management body about his status during the period of ineligibility, including the consequences of violating the ban on participation in accordance with Article 10.14 of the Code. The GADA Results Management Body shall ensure that the period of ineligibility is duly respected within its authority. The Athlete or other Person must also be informed that they may still be able to request substantial assistance.

The Anti-Doping Disciplinary Commission of the Georgia Anti-Doping Agency made a unanimous decision at a meeting on December 5, 2023, taking into account the hearing held on November 22, 2023 and the documentation presented in the case. The meeting was attended by the chairman of the commission, Nino Botchorishvili, and members: Ketevan Mardaleishvili and Merab Metreveli. Giorgi Mikiashvili, secretary of the commission, without the right to vote.

**Chairman of the
AntiDoping Disciplinary Committee of the
AntiDoping Agency of Georgia**

Nino Botchorishvili

A handwritten signature in black ink, appearing to read 'N. Botchorishvili', with a stylized flourish extending from the end.

Appendix 1

To Chairman of the Anti-Doping Agency of Georgia
Mr. Pavle Kasradze,

Chairman of the
Anti-Doping Disciplinary Committee of the
Anti-Doping Agency of Georgia

Nino Botchorishvili's

Appeal

I would like to inform you that the Anti-Doping Disciplinary Committee of the Georgian Anti-Doping Agency reviewed and made a decision in case No. 2023-05 "Georgian Anti-Doping Agency against Luka Maisuradze" on December 05, 2023.

In the case under consideration, the commission considered that it should not be limited to assessing the guilt of the athlete - member of the judo team Luka Maisuradze; for the purpose of prevention, it is important to assess the actions of Dimitri Bagaturia. It is important to note that the source of the athlete's violation of anti-doping rules in this case is a contaminated nutritional supplement that was recommended by a rehabilitation specialist. He not only advised, but also purchased it and gave it to the athlete, despite the fact that he is not a doctor by qualification, did not check the information about the drug with a sports doctor, and also did not check all valid and available means, thereby causing significant damage to the athlete.

Accordingly, we ask you to begin proceedings in order to assess the actions of the rehabilitation specialist of the Georgian judo team Dimitri Bagaturia.

Chairman of the
AntiDoping Disciplinary Committee of the
AntiDoping Agency of Georgia

Nino Botchorishvili