



FEDERATION INTERNATIONALE DE L'AUTOMOBILE

FIA ANTI-DOPING DISCIPLINARY COMMITTEE

Nick LEVENTIS Case

ADC Case No 2019/01

Geneva, 26 June 2019



I. Introduction

1. The Fédération Internationale de l'Automobile (the **FIA**) is the international governing body of motor sport. Further to its obligations as a signatory to the World Anti-Doping Code and its responsibilities as custodian of the sport, the FIA issues the FIA Anti-Doping Regulations (the **FIA ADR**), which set out Code-compliant anti-doping rules applicable to, among others, Drivers holding an International Licence and/or who participate in Events, Competitions and other activities organised, convened, authorised or recognised by the FIA.
2. Nicholas Leventis (the **Driver**) is a 39-year-old retired driver from the United Kingdom, who held an International Licence for the 2018 season. By registering for and obtaining an International Licence, the Driver expressly agreed to be bound by the 2018 FIA ADR. By virtue of that agreement, and by virtue of his participation in Competitions registered on the FIA International Sporting Calendar, he was bound by and required to comply with the 2018 FIA ADR.
3. The FIA has charged the Driver with the commission of an anti-doping rule violation under the 2018 FIA ADR and proposed certain consequences in accordance with those prescribed by the FIA ADR. The Driver has admitted the anti-doping rule violation charged and has accepted the consequences proposed.
4. The FIA issues this agreed decision (having obtained the necessary approval of the FIA Anti-Doping Disciplinary Committee) pursuant to FIA ADR Article 7.10, which provides: '[At any time \[...\] the Driver \[...\] may admit that violation at any time, waive a hearing, and accept the Consequences that are mandated by the Regulations or, where some discretion as to Consequences exists under the Regulations, that have been offered by the FIA. The agreement shall be submitted to the ADC for approval and, if approved by the ADC, the final agreement shall state the full reasons for any period of Ineligibility agreed, including \(if applicable\) the reason why the flexibility in the Sanction was applied. Such agreement shall be deemed to be a decision made under the Regulations within the meaning of Article 13.](#)'

II. The Driver's commission of an anti-doping rule violation

5. On 28 October 2018, the Driver participated in the California 8 Hours competition at the Laguna Seca circuit, USA (part of the 2018 Intercontinental GT Challenge, an FIA International Series), at which a urine sample was collected from him by the FIA.
6. The Driver's sample was given reference number 4264094, and was analysed by the WADA-accredited laboratory in Salt Lake City, USA (the **Laboratory**), which found the following substances in the sample:
 - 6.1 Anastrozole at an estimated concentration of 57ng/mL. Anastrozole is listed as an exogenous aromatase inhibitor under section S4.1 of the 2018 WADA Prohibited List, and as a Specified Substance. Anastrozole is prohibited at all times.
 - 6.2 Drostanolone at an estimated concentration of 260 pg/mL, along with its metabolite, 2 α -methyl-5 α -androstan-3 α -ol-17-one, at an estimated concentration of 3.7ng/mL. Drostanolone is listed as an exogenous anabolic



androgenic steroid under section S1.1.a of the 2018 WADA Prohibited List, and it is also prohibited at all times.

7. The Driver did not have a therapeutic use exemption permitting his use of the above substances. Upon review of the Laboratory's findings (in accordance with FIA ADR Article 7.2) the FIA did not see any departures from the applicable procedure for sample collection that could have caused the Driver's adverse analytical findings. The FIA therefore decided that the Driver had a case to answer for breach of FIA ADR Article 2.1, sending him a formal notice of charge on 21 January 2019, asserting that the presence of anastrozole and drostanolone constituted an anti-doping rule violation under FIA ADR Article 2.1.
8. Given that drostanolone is not a 'Specified Substance' under the FIA ADR, the Driver was subject to a mandatory provisional suspension under FIA ADR Article 7.9.1, which came into effect on 30 January 2019.
9. FIA ADR Article 2.1 is a strict liability offence that is established simply by proof that a prohibited substance was present in the sample, i.e., the FIA does not have to prove how the substance got into the Driver's system or that the Driver took the substance intentionally (or even knowingly).

III. The Driver's response

10. On 19 February 2019, the Driver wrote to the FIA providing notice of his retirement from competitive motor sport events, stating that he was no longer bound by the FIA ADR with effect from that date. However, the Driver acknowledged that the FIA retained jurisdiction to continue the results management process relating to sample number 4264094, signifying his intention to participate in that process.
11. On 26 February 2019 the Driver admitted the presence of anastrozole, drostanolone, and 2 α -methyl-5 α -androstan-3 α -ol-17-one in his sample, thereby also admitting an anti-doping rule violation under FIA ADR Article 2.1. The Driver has claimed, in later correspondence dated 25 March 2019, that the commission of the anti-doping rule violation was unintentional, explaining that the anastrozole was prescribed by a doctor and that the drostanolone was supplied to him by a personal trainer (under a brand name). The Driver says that the substances were administered without any intention to enhance his performance, and that he did not know there was a risk that the administration of the substances would result in an anti-doping rule violation. However, given that he has retired from motor sport, the Driver has indicated that he does not wish to fight the anti-doping proceedings against him and he is therefore prepared to accept the consequences prescribed by the FIA ADR.

IV. Consequences

A. Period of ineligibility

12. This is the Driver's first anti-doping rule violation. As above, drostanolone is not a 'Specified Substance' under the FIA ADR, and therefore (even though anastrozole is a Specified Substance) FIA ADR Article 10.2.1.1 applies, meaning that the starting point for a period of ineligibility is four (4) years. The Driver has confirmed that, in light of his retired status, he will not be formally submitting arguments as to why there should be



any movement from that starting point, and that he is thus prepared to accept four years as the period of ineligibility to be imposed. For the avoidance of doubt, the FIA has not made any conclusion as to the veracity of the Driver's explanation in respect of the source of the prohibited substances in his sample.

13. During the period of ineligibility, the Driver's status will be as set out under FIA ADR 10.12.1: 'No Driver ... may, during the period of Ineligibility, 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'.

B. Commencement of the Period of Ineligibility

14. FIA ADR Article 10.11.2 provides that 'Where the *Driver* ... promptly (which, in any event, for the *Driver* means before he takes part in another *Competition*) admits the anti-doping rule violation after being confronted with such violation by the *FIA* or the competent *ASN*, 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'.
15. Due to his prompt admission of his anti-doping rule violation, the Driver is entitled to the benefit of FIA ADR Article 10.11.2, such that his four year period of ineligibility will be deemed to have started running on 28 October 2018 (the date of collection of his sample). Its expiration is subject to the provisions of the FIA ADR in respect of retired Drivers returning to competition (see FIA ADR Article 5.8.2).

C. Disqualification of results

16. The results the Driver obtained at the California 8 Hours race held on 26-28 October 2018 are automatically disqualified, with all of the resulting consequences including forfeiture of any trophies, medals, points, and prizes (FIA ADR Article 9).
17. The results obtained by the Driver's team (Strakka Racing) at the California 8 Hours race held on 26-28 October 2018 are also automatically disqualified, with all resulting consequences for the team and its members, including forfeiture of any medals, points and prizes (FIA ADR Article 11.2.1).
18. Any results obtained by the Driver between 28 October and 30 January will also be disqualified, with all of the resulting consequences including forfeiture of any trophies, medals, points, and prizes (FIA ADR Article 10.8)

D. Publication

19. In accordance with FIA ADR Article 10.13, this decision will be publicly disclosed on the FIA website.



E. Costs

20. Each party shall bear its own costs of dealing with this matter.

V. Acceptance by the Driver

21. The Driver has accepted the consequences proposed above by the FIA for his anti-doping rule violation, and has expressly waived his right to have those consequences determined by the FIA Anti-Doping Disciplinary Committee at a hearing.

VI. Rights of appeal

22. This agreed decision shall, in accordance with FIA ADR Article 7.10, be deemed to be a decision under FIA ADR Article 13, and will be reported to the parties with a right to appeal under Article 13.2.3.
23. As part of this agreed decision, the Driver has waived his right of appeal against or otherwise challenge any aspect of this decision (both as to finding that the Driver has committed an anti-doping rule violation and as to the imposition of the consequences set out above), whether pursuant to FIA ADR Article 13 or otherwise.

Geneva, 26 June 2019

A handwritten signature in blue ink, appearing to read 'Javier Martin-Merino y Bernardos'.

Javier Martin-Merino y Bernardos
President of the FIA ADC Judging Panel