

## WORLD RUGBY

### IN THE MATTER OF AN ANTI-DOPING RULE VIOLATION BY GERHARD OPPERMAN (NAMIBIA) (THE “PLAYER”) CONTRARY TO REGULATION 21 OF THE WORLD RUGBY ANTI-DOPING RULES (THE “RULES”)

#### ***Reasoned Decision<sup>1</sup>***

- [1] The Player underwent an In Competition<sup>2</sup> Doping Control on 20 November 2021 as part of his involvement in the Stellenbosch Challenge 2021 in South Africa conducted under the Testing Authority of World Rugby.
- [2] The Player’s urine sample was sent to the WADA Accredited Laboratory in Bloemfontein, South Africa for analysis and on 14 December 2021 returned an Adverse Analytical Finding (“**AAF**”) for Metandienone and Tamoxifen.
- [3] Metandienone is classified as a Non-Specified Substance under S1.1 Anabolic Androgenic Steroids of the WADA 2021 Prohibited List. Tamoxifen is classified as a Specified Substance under S4.2 Hormone and Metabolic Modulators of the WADA 2021 Prohibited List.
- [4] The Player did not have a Therapeutic Use Exemption approving the use of either of the Prohibited Substances to treat a legitimate medical condition.
- [5] The Player was notified by World Rugby, the Anti-Doping Organisation with Results Management Authority, of the AAF and his Provisional Suspension by letter on 16 December 2021.
- [6] The Player did not request an analysis of his B Sample nor any extension of time to provide a response.
- [7] On 17 January 2022 the Player offered an explanation where he admitted having knowingly ingested both Metandienone and Tamoxifen.
- [8] World Rugby considered that explanation and concluded that it was appropriate under the Rules and the WADA International Standard for Results Management to bring a charge against the Player. There was no departure from any WADA International Standard in the analysis of the Player’s Sample.
- [9] By letter dated 9 February 2022, the Player was given formal notice that he was being charged with an anti-doping rule violation, namely a breach of Regulation 21.2.1 of the Rules on the basis that Metandienone and Tamoxifen were present in the Player’s sample (the “**ADRV**”).
- [10] The Player was notified that it was World Rugby’s position that the ADRV was intentional under Regulation 21.10.2.1.2 of the Rules and that World Rugby would be seeking a four-year period of Ineligibility.
- [11] The Player was also informed that if, within 20 days of the formal notice of charge, the Player accepted the occurrence of the ADRV and the consequences of the ADRV, then the four-year period of Ineligibility would be reduced to three years under Regulation 21.10.8.1 of the Rules.

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<sup>1</sup> This reasoned decision has been prepared in accordance with the Rules and the WADA International Standard for Results Management.

<sup>2</sup> Capitalised terms that are not otherwise defined bear meaning attributed to them in the Rules or the relevant WADA International Standard.

- [12] Regulation 21.10.8.1 provides that: *“One (1) Year Reduction for Certain Anti-Doping Rule Violations Based on Early Admission and Acceptance of Sanction.*

*Where a Player or other Person, after being notified by World Rugby of a potential anti-doping rule violation that carries an asserted period of Ineligibility of four (4) or more years (including any period of Ineligibility asserted under Regulation 21.10.4), admits the violation and accepts the asserted period of Ineligibility no later than twenty (20) days after receiving notice of an anti-doping rule violation charge, the Player or other Person may receive a one (1) year reduction in the period of Ineligibility asserted by World Rugby. Where the Player or other Person receives the one (1) year reduction in the asserted period of Ineligibility under this Regulation 21.10.8.1, no further reduction in the asserted period of Ineligibility shall be allowed under any other Regulation”.*

- [13] On 16 February 2022, the Player admitted the ADRV and waived his right to a hearing. The Player also 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 of the Rules, but with the four-year period of Ineligibility being reduced by one year pursuant to Regulation 21.10.8.1 of the Rules. The Player also acknowledged that under Regulation 21.10.8.1, no further reduction in the period of Ineligibility shall be allowed under any other Regulation.
- [14] Consequently, the Player is sanctioned to a period of Ineligibility of three years. In accordance with Regulation 21.10.13.2.1 of the Rules, the period of Ineligibility runs from the date of the Player’s Provisional Suspension on 16 December 2021, ending at midnight on 15 December 2024.
- [15] The Player’s attention is drawn to the following extracts of Regulation 21.10.14 of the Rules 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.”*

- [16] The Player remains subject to Testing by World Rugby during his period of Ineligibility.
- [17] This decision is final, subject to referral to a Post Hearing Review Body (Regulation 21.13.7 of the Rules) or an appeal to the Court of Arbitration for Sport (Regulation 21.13.2 of the Rules). As regards a Post Hearing Review, the Player has seven days to make this appeal in accordance with Regulation 21.13.7.2 of the Rules.
- [18] As regards an appeal to CAS, the Player has 21 days to appeal in accordance with Regulation 21.13.6 of the Rules. 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](mailto:procedures@tas-cas.org) and the CAS Rules are available here: [https://www.tas-cas.org/fileadmin/user\\_upload/CAS\\_Code\\_2021\\_EN.pdf](https://www.tas-cas.org/fileadmin/user_upload/CAS_Code_2021_EN.pdf).



David Ho

Anti-Doping Science and Results Manager, World Rugby

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