

IL LODO TAS NEL CASO WADA CONTRO RUSADA: L'ULTIMO CAPITOLO DEL RUSSIAGATE IN MATERIA DI DOPING E LA PROPORZIONALITÀ DELLE SANZIONI

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ABSTRACT: The CAS wrote another chapter in the Russiagate related to doping practices. This time at stake there was the future of Russian sport, including the possibility to host competitions and future participation of Russian athletes in major sports events such as the next Summer and Winter Olympics. In particular, WADA charged RUSADA (the Russian NADO) of alteration and manipulating with data of the Moscow Anti-Doping Laboratory. In so doing, WADA endorsed the Compliance Review Committee's recommendation that the RUSADA is non-compliant with the World Anti-Doping Code since it violated the International Standard for Code Compliance by Signatories. As a consequence, it suggested some sanctions for 4 years that were not accepted from RUSADA. Then, WADA filed a request for arbitration with CAS Ordinary Arbitration Division. The arbitration panel, after having examined several procedural and evidentiary matters, issued the award by partially upholding the WADA's motions for relief. Indeed, although it found RUSADA to be non-compliant with the applicable rules, the panel opted to impose the sanctions for 2 years instead of the 4-year term requested by WADA. In particular, the panel made specific reference to the principle of proportionality and the need to find a reasonable balance between WADA's intended purpose and the interests and rights of those affected by the measures, including "clean" Russian athletes. Both WADA and RUSADA were not pleased with the ruling, obviously for opposing reasons. Sometimes this means that the decision is a very fair one. It is to be hoped that this would be one of those instances in the interest of Russian and world sport.

Keywords: *RUSADA, WADA, Moskov Laboratory Data, compliance, signatory, liability, principle of proportionality, neutral athlete.
RUSADA, WADA, Dati del laboratorio di Mosca, conformità, firmatario, responsabilità, principio di proporzionalità, atleta neutrale.*

SOMMARIO: 1. La vicenda – 2. Il procedimento dinanzi al TAS – 3. Analisi del merito – 4. Il verdetto – 5. Rilievi conclusivi

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