

# Disciplinary Committee Decision



<b>Member</b>	Badminton Korea Association (BKA)
<b>Date</b>	24 March 2014
<b>Regulations</b>	BWF Anti-Doping Regulations / BWF Judicial Procedures, in particular Section 3, BWF Disciplinary Regulations
<b>Incident</b>	Breaches of the BWF Anti-Doping Regulations, in particular Clauses 12.1, 12.2, 12.2.3 and Clause 14 and 14.1.

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## 1. Overview

A BWF Disciplinary Committee was formed to consider a recommendation from the BWF Doping Hearing Panel, which referred in its decision, to Articles 12.1 and 12.2.3 of the BWF Anti-Doping Regulations ([download link](#)).

The BWF Doping Hearing Panel had been considering an alleged Anti-Doping Regulation Violation by two players from the Korean National Team which involved apparent “Whereabouts Failures” – (“Missed Tests” and “Filing Failures”). Both players were on the BWF Registered Testing Pool and were required to provide “Whereabouts Information” to the BWF.

The recommendation asked the BWF to consider the role of the BKA in supporting the Whereabouts Programme of the Korean players on the BWF Registered Testing Pool.

The charges considered by the Disciplinary Committee against the BKA were focused around negligence in communication with Players and BWF about necessary information, failing to educate BKA players and staff and making false representation to BWF by communication without proper consent and communication from the Players.

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## 2. Relevant Regulations

Under Section 3 of the Judicial Procedures – ([download here](#)) – the BWF established a three person Disciplinary Committee to investigate this and to “hear” the case (see Clauses 3.1 – 3.3 and Clauses 4.1 – 4.8 of the Judicial Procedures).

The Disciplinary Committee referred to the BWF Anti-Doing Regulations in its deliberations, in particular to 1) the introduction to the Regulations, 2) and Clauses 12.1, 12.2, 12.2.3, Clause 14 and 14.1.

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## 3. Disciplinary Committee Ruling

The Disciplinary Committee found:

1. That despite BKA taking remedial action, BKA as a Member of the BWF, had to take responsibility for not complying with the BWF Anti-Doping Regulations and had obligations under those Regulations –

## 2.

and this remedial action did not take away the fact that breaches of the Regulations occurred - and that BKA had admitted to these breaches.

2. That the BKA had a “duty of care” for the players under its jurisdiction and under the Anti-Doping Regulations. That through the administrative failure of the BKA it had allowed two (2) players to have three strikes against them – and become ineligible.

The Committee ruled that the Badminton Korea Association shall:

- pay a fine to the BWF of USD \$40,000 (\$20,000 x two players as per Clause 12.2.3 of the BWF Anti-Doping Regulations).
- refund the BWF USD \$1,170 being the fees charged by the external provider of testing services for each athlete who was unavailable for testing during two missions to test Korean Players on the Registered Testing Pool (as per Clause 12.2.3 of the BWF Anti-Doping Regulations).

The Committee also strongly recommended that the Badminton Korea Association:

- makes the players responsible for updating their own Whereabouts Information in ADAMS since they were ultimately responsible under the WADA Anti-Doping Code and BWF Anti-Doping Regulations.
- seeks advice and support from the Korea Anti-Doping Agency on:
  - 1) running an effective Whereabouts Programme;
  - 2) educating BKA administrative staff;
  - 3) educating athletes on the Registered Testing Pool on their obligations under the BWF Anti-Doping Regulations; and
  - 4) educating coaches, team managers and those supporting players on key aspects of the anti-doping programme and their obligations under the Regulations.

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## 4. Appeal of the Decision

The BKA has 21 days to lodge an appeal using the procedures outlined in Section 4 of the BWF’s Judicial Procedures.

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**Gregory Verpoorten** – Chair – Disciplinary Committee

**Chipo Zumburani** – Disciplinary Committee

**Wayne Somers** – Disciplinary Committee

24 March 2014