

Mr Antonio Ernesto de Lima  
Brasil

*Via email only:*  
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Aigle, 12April 2018  
Ref: Anti-Doping /SGe

**UCI 020.06- Evandro Luiz Portela**  
**Article 25.3 UCI ADR - Application for Reduction of the Period of Ineligibility**

Dear Mr. De Lima,

With reference to our exchange of emails of 9 and 10 April 2018, please find hereafter the decision rendered by the UCI in the above referenced matter.

**FACTS**

In summary, in 2002, Mr. Evandro Luiz Portela (Mr. Portela or the "Rider") received a two year ban for a first anti-doping rule violation (reference case file number 1098.02). This infraction was grounded on the presence of multiple anabolic steroids detected in four samples provided by Mr. Portela during the stage-race Volta Santa Catarina that same year.

In 2006, Mr. Portela repeated the doping offence as he tested positive for Phentermine (stimulant) and Stanazolol (anabolic agent) on 23 March 2006 during the Volta de Ciclismo Internacional do Estado de São Paulo (reference case file number 020.06).

On 10 July 2006, the Confederação Brasileira de Ciclismo (CBC) found Mr. Evandro Luiz Portela guilty of a second<sup>1</sup> Anti-Doping Rule Violation (ADRV) and imposed a lifetime ineligibility on the Rider pursuant to Article 261 of the 2006 UCI Anti-Doping Rules (ADR)<sup>2</sup>.

On 9 April 2018, Mr. Antonio Ernesto de Lima, on behalf of the Rider, filed a request for reconsideration of Mr. Evandro Luiz Portela's lifetime ineligibility.

As the decision rendered by the CBC on 10 July 2006 is final and no longer subject to appeal, the UCI understands that the Rider's submission is based on Article 25.3 of the UCI ADR.

## RULES

The 2015 ADR applies in full as of 1 January 2015 (the « Effective Date »)

Transitional provisions are provided under Article 25 ADR. In particular, Article 25.3 ADR governs the application of the 2015 ADR to Decisions rendered prior to the Effective date, as follows :

### *25.3 Application to Decisions Rendered Prior to 1 January 2015*

*With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the Rider or other Person is still serving the period of Ineligibility as of the Effective Date, the Rider or other Person may apply to the Anti-Doping Organization which had results management responsibility for the anti-doping rule violation to consider a reduction in the period of Ineligibility in light of these Anti-Doping Rules.*

*Such application must be made before the period of Ineligibility has expired. The decision rendered by the Anti-Doping Organization may be appealed pursuant to Article 13.2. These Anti-Doping Rules shall have no application to any anti-doping rule violation case where a final decision finding an anti-doping rule violation has been rendered and the period of Ineligibility has expired.*

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<sup>1</sup> Pursuant to Comment to Article 24.5 of the 2003 World Anti-Doping Code (WADC) conduct which was an anti-doping rule violation described in the Code, but which was not a violation under an international Federation's pre-Code rules, would not be a violation until the International Federation's rules are changed. On the other side, Pre-Code anti-doping rule violations would continue to count as "First violations" or Second violations" for purposes of determining sanctions under Article 10 for subsequent post-Code violations. In light of the above, it can be said that CBC considered UCI case file 020.06 as the Rider's second ADRV.

<sup>2</sup> Considering that under the 2006 Prohibited List, both Phentermine and Stanazolol were not listed as "Specified Substances », Article 261 of the 2006 UCI ADR was the applicable provision in the case at hand.

Article 261 of the 2006 UCI ADR :

*Except for the specified substances identified in article 262, the period of Ineligibility imposed for a violation of article 15.1 (presence of Prohibited Substance or its Metabolites or Markers), article 15.2 (Use or Attempted Use of Prohibited Substance or Prohibited Method) and article 15.6 (Possession of Prohibited Substances and Methods) shall be:*

*First violation: 2 (two) years' Ineligibility*

*Second violation: Lifetime Ineligibility*

*However, the License-Holder shall have the opportunity in each case, before a period of Ineligibility is imposed, to establish the basis for eliminating or reducing this sanction as provided in articles 264 and 265.*

Under the 2015 ADR, the period of ineligibility for a second anti-doping rule violation is provided under Article 10.7.1.

*10.7.1 For a Rider or other Person's second anti-doping rule violation, the period of Ineligibility shall be the greater of:*

*a) six months;*

*b) one-half of the period of Ineligibility imposed for the first anti-doping rule violation without taking into account any reduction under Article 10.6; or*

*c) twice the period of Ineligibility otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, without taking into account any reduction under Article 10.6.*

*The period of Ineligibility established above may then be further reduced by the application of Article 10.6*

## **ANALYSIS**

The 2006 Volta de Ciclismo Internacional do Estado de São Paulo was registered under the UCI calendar and was hence considered as an international event. The UCI was therefore Testing Authority on the Volta de Ciclismo Internacional do Estado de São Paulo and had results management authority over the Rider's Adverse Analytical Finding.

At that time, as permitted under the 2003 World Anti-Doping Code (WADC), the UCI elected to delegate the disciplinary proceedings of international doping cases to the License-Holder's National Federation (Comment to Art. 15.3 2003 WADC). Consequently, in accordance with Article 224 of the 2006 UCI ADR<sup>3</sup>, following the results management process, the UCI requested CBC to instigate disciplinary proceedings against the Rider in accordance with the 2006 UCI ADR.

Nevertheless, the UCI remained the competent reporting entity and retained jurisdiction over the case. In other words, the UCI remained the Anti-Doping Organisation which had results management responsibility for the Rider's Anti-Doping Rules. Consequently, the UCI is the competent authority to consider a reduction of Mr Evandro Luiz Portela's period of ineligibility pursuant to Article 25.3 ADR.

In view of the nature of the Rider's Adverse Analytical Finding (presence of phentermine & stanozolol, both non-specified substance) and taking into account that it was the rider's second ADRV, the maximum sanction under Article 10.7.1 ADR would have been of 8 years (i.e. twice the period of ineligibility otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, without taking into account any reduction under Article 10.6 – Article 10.7.1 let. c).

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<sup>3</sup> Article 224 of the 2006 UCI ADR provided the following: *When, following the results management process described in chapter VII, the Anti-Doping Commission makes an assertion that these Anti-Doping Rules have been violated, it shall notify the License-Holder's National Federation and request it to instigate disciplinary proceedings. (...)*

## DECISION

In light of the above, the UCI decides to reduce Mr. Evandro Luiz Portela's lifetime ineligibility to 8 years starting from 10 July 2006.

Mr. Evandro Luiz Portela has hence served his period of ineligibility.

This decision may be appealed pursuant to Article 13.2 ADR.

WADA, CBC and Autoridade Brasileira de Controle de Dopage (ABCD) will receive copy of this decision.

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We remain at your disposal should you have any question on the content of this letter.

Sincerely,



Simon Geinoz  
Legal Anti-Doping Services

*Enclosure:*

*Decision dated 10 July 2006 rendered by CBC in the case of Mr. Evandro Luiz Portela*