



DECISION of the JUDICIAL COMMITTEE of the FEI

dated 9 May 2007

Positive Medication Case No.: 2007/07

Horse: TARA

FEI Passport No: FRA11852

Person Responsible: Mr Xavier Perringerard (competitor's father, appointed PR), FRA

Competitor: Ms Sara Perringerard (rider – minor), FRA

Event: CEIOYJ 3* Pau, France

Prohibited Substances:

- (1)** Dexamethasone
- (2)** Hydrochlorothiazide

1. COMPOSITION OF PANEL

Mr Patrick A. Boelens
Prof Dr Jens Adolphsen
Mr Leonidas C. Georgopoulos

2. SUMMARY OF THE FACTS

2.1 Memorandum of case: By Legal Department.

2.2 Summary information provided by Person Responsible (PR): The Judicial Committee took into consideration all documents presented in the case file, as also made available by and to the PR.

2.3 Oral hearing: None: by correspondence.

3. DESCRIPTION OF THE CASE FROM THE LEGAL VIEWPOINT

3.1 Articles of the Statutes/ Regulations which are applicable or have been infringed:

Statutes 21st edition, revision effective May 2006, ("**Statutes**"), Arts. 001.6, 057 and 058.

General Regulations ("**GR**"), 21st edition, effective 1 June 2006, Arts. 142, 146.1 and 174.

The Equine Anti-Doping and Medication Rules ("**EADMCRs**"), effective 1 June 2006.

Veterinary Regulations ("**VR**"), 10th edition, effective 1 June 2006, Art. 1013 and Annex III (the Equine Prohibited List).

FEI Code of Conduct for the Welfare of the Horse.

3.2 Persons Responsible: Mr Xavier Perringerard

3.3 Justification for sanction:

GR Art. 146.1: "The use of any substance or method that has the potential to harm the horse or to enhance its performance is forbidden. The precise rules concerning Prohibited Substances and Medication Control are laid down in the EADMCRs."

EADMCRs Art. 2.1.1: "It is each Person Responsible's personal duty to ensure that no Prohibited Substance is present in his or her Horse's body during an Event. Persons Responsible are responsible for any Prohibited Substance found to be present in their Horse's bodily Samples."

4. DECISION

4.1 Consideration of the evidence:

- a. Tara (the "Horse") participated in CEIOYJ 3* Pau, France from 24 to 29 October 2006 (the "Event"). The Horse was ridden by Ms Sara Perringerard (the "Competitor") who was minor at the time of the Event as indicated in the FEI's riders' database. According to the information provided by Mr Xavier Perringerard in his letter dated 10 February 2007, the Judicial Committee shall consider him, father of the Competitor, the Person Responsible in accordance with GR Article 142.4 (the "PR").
- b. The Horse was selected for sampling on 28 October 2006. Analysis of the urine sample no. FEI-0017469 taken from the Horse performed by the approved central laboratory of the FEI, the Laboratoire des Courses Hippiques ("LCH"), in France, revealed the presence of Dexamethasone and Hydrochlorothiazide (Certificate of Analysis 0017469 dated 30 November 2006).
- c. The PR did not request a confirmatory analysis.
- d. Dexamethasone is synthetic gluco-corticosteroid with an anti-inflammatory effect and Hydrochlorothiazide is a diuretic (Certificate of Analysis 0017469 dated 30 November 2006 and Veterinary Department's Statement dated 20 December 2006) and accordingly are substances, specified in the first and second section of the Equine Prohibited List

(VR Annex III) as "Medication Class A" and "Doping" Prohibited Substances. Both substances together constitute a Doping offence.

- e. The Judicial Committee is satisfied that the laboratory report reflects that the tests were accurately performed in an acceptable method and that the findings of LCH are accurate. The Judicial Committee is satisfied that the test results show the presence of the Prohibited Substances. The PR did not contest the accuracy of the testing methods or the test results and positive findings. The FEI has thus sufficiently proven the objective elements of a doping offence in accordance with EADMCRs Article 3.
- f. The establishment of the objective elements of a doping offence creates the presumption of guilt of the PR. The finding on analysis of a prohibited substance is presumed to be a deliberate attempt of the PR to affect the performance of the horse. The PR has the opportunity to seek to rebut this presumption, in accordance with EADMCRs Article 10.5.
- g. In his written explanation dated 10 February 2007 the PR states that he and his family are practising equestrian endurance for more than 20 years and at an international level since 1995. The PR also states that he maintains the highest ethical standards regarding the welfare of the horse and that he and his family yearly adhere to a Charter of High Level competitions in France, signing and executing the FEI Anti-Doping Rules. The PR criticises the security measures at the event and mentions a lack of entrance control, at the stable area, during the event, which took place at the same time as the yearly CCI. This was partly confirmed by the Technical Delegate (TD) of the event in her written statement dated 10 February 2007. The PR annexed various supportive statements stating that the PR and his family are considered as very competent and an example for the "endurance world".
- h. The PR also provides a written statement of Dr. Vet. B. Baup, dated 6 February 2007, who confirms to be the treating veterinarian of the PR's horses for more than 15 years and gives a description of the treatments that the horse TARA received in 2006 prior to the event. Annexed to his declaration is an ample documentation of the medication and food supplements that were administered to the horse according to his statement. On 8 February 2007, Dr. Vet. C. Pelissier, team veterinary for the French Endurance Team, confirms that no medication was prescribed or administered to the horse during the preparation of or during the event on 30 October 2006.
- i. The evidence provided by the PR was submitted to the FEI Veterinary Department and in his undated statement, Dr Frits Sluyter, Head of the Veterinary Department, testified

that the list of treatments given to the horse do not provide an explanation for the test result. He added that the list of supplements also do not contain the substances detected at the time of sampling.

- j. The evidence provided by the PR does not provide an indication of which products, containing the active ingredients that could produce a positive test result, may have been given to the horse. Although the evidence of the PR is well documented, no explanation is given for the presence of the substances detected at the time of sampling.
- k. In his written statement, the PR raises the suspicion that a third party may have administered the prohibited substances to the horse. The basis of his argument is that the stable area at the event was poorly secured and that there was a lack of control at the entrance of the stabling area. The stabling area was also occupied by the horses competing in the CCI that took place on the same weekend. This lack of security was confirmed by the statement of Mr Pierre Arnould, Belgian Chef d'Equipe at the event, and also by Mrs Mathilde Béaur, TD at the event, through her written statement dated 10 February 2007. Following this argument, the Judicial Committee asked for a copy of the TD's Report of the Event and this revealed that the stabling area was secured and locked during the night and that the perimeter of the stabling area had no enclosure. The lack of control at the entrance of the stabling area is not reflected in the report and therefore corroborates the validity of the TD's later supportive statement.
- l. The PR and their witnesses provided no further evidence substantiating how the prohibited substances reached the Horse's systems. Referring to Article 10.5 of the EADMC Rules, the PR should establish that he bears no fault or negligence or no significant fault or negligence. The Judicial Committee believes that the PR was not successful in meeting his burden of proof in this matter.
- m. In deciding the sanctions, the Judicial Committee considered on the one hand the type of substances involved and, on the other hand, the failure of the PR to explain their presence despite his credible testimony and apparent lack of knowledge of the substances' administration. The Panel considers that the positive result is sufficient to establish that, despite the explanations given, the PR has not provided an acceptable explanation to the positive test results. It is the PR's obligation to investigate and explain fully the presence of drugs in the Horse's systems. Lack of stable security is not an excuse in doping cases and the PR is to ensure excellent stable management and proper security over horses used in international events in order to make sure that no prohibited substances are administered

either negligently or willfully. The PR's responsibility as laid down in the Veterinary Regulations and the General Regulations has been approved by the CAS in various decisions. The PR has therefore failed to rebut the presumption that the doping violation was a deliberate attempt to affect the performance of the Horse.

4.2 Disqualification

As a result of the foregoing, the Judicial Committee has decided to disqualify the horse TARA and the Competitor from the Event and that all medals, points and prize money won at the Event must be forfeited, in accordance with EADMCRs Article 9.

4.3 Sanctions

As a consequence of the foregoing, the Judicial Committee decides to impose on the PR and the Competitor the following sanctions, in accordance with GR Article 174 and EADMCRs Article 10:

- 1) The Competitor shall be suspended for a period of **(3) three months** to commence immediately and without further notice at the expiration of the period in which an appeal may be filed (30 days from the date of notification of the written decision) or earlier if the appeal is waived in writing by or on behalf of the PR.
- 2) The PR is fined **CHF 1'500.-**.
- 3) The PR shall contribute **CHF 750.-** towards the legal costs of the judicial procedure.

5. DECISION TO BE FORWARDED TO:

5.1 The person sanctioned: Yes

5.2 The President of the NF of the person sanctioned: Yes

5.3 The President of the Organising Committee of the event through his NF: Yes

5.4 Any other: No

6. THE SECRETARY GENERAL OR HIS REPRESENTATIVE:

Date : 9 May 2007

Signature: [Signature]