



DECISION of the JUDICIAL COMMITTEE of the FEI

dated 7 March 2007

Positive Medication Case: 2006/19

Horse: PIEFIN **FEI Passport No.:** FRA12063

Person Responsible: Giovanni Menchi, ITA

Event: CIC2* Ravenna (ITA), 30.03 – 02.04.2006

Prohibited Substances: Nordiazepam and 4'-hydroxy-nordiazepam (metabolite of diazepam)

1. COMPOSITION OF PANEL

Mr Leonidas C. Georgopoulos
Mr Philip O'Connor
Mr Erik Elstad

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 to the PR through his National Federation.

2.3 Oral hearing: None, by correspondence.

3. DESCRIPTION OF THE CASE FROM THE LEGAL VIEWPOINT

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

Statutes 21st edition, effective 21 April 2004, ("**Statutes**"), Arts. 001.6, 057 and 058.

General Regulations ("**GR**"), 21st edition, effective 1st January 2005, Arts. 142, 146.2 and 174.

Veterinary Regulations ("VR"), 9th edition, effective 1st January 2002, revision April 2005, Art. 1013 and Annex IV.

FEI Code of Conduct for the Welfare of the Horse, 2004.

3.2 Persons Responsible: Mr Giovanni Menchi

3.3 Justification for sanction:

GR Art. 146.2: "Any horse found to have a Prohibited Substance in any of its tissues, body fluids or excreta at an event [...] is automatically disqualified, together with the competitor [...], from all competitions at that event, [...] unless the Judicial Committee decides based on the evidence to terminate the proceedings of the case."

4. DECISION:

A. The Relevant Facts

- 1) Piefin ("Horse") took part at the CIC2* in Ravenna (ITA), from the 30 March to 2 April 2006 (the "Event"). The Horse was ridden by Mr Giovanni Menchi who was the Person Responsible for the Horse in accordance with GR Article 142 (the "PR").
- 2) The Horse was selected for sampling on 30 March 2006. Analysis of the urine sample no. FEI-6410 taken from the Horse performed by the FEI approved central laboratory, the Laboratoire des Courses Hippiques, France ("LCH"), was found to contain Nordiazepam and 4'-hydroxy-nordiazepam. The PR waived his right to a confirmatory analysis on 9 June 2006.
- 3) Nordiazepam is a long-acting benzodiazepine used in humans for the short-term treatment of anxiety disorders and insomnia, as evidenced by the report from the FEI Medication Sub-Committee ("MSC") dated 26 May 2006. Nordiazepam and 4'-hydroxy-nordiazepam are also metabolites of diazepam. The MSC reports that Diazepam is also a long-acting benzodiazepine with anticonvulsant, anxiolytic, sedative, muscle relaxant, and amnesic properties in humans. Nordiazepam and 4'-hydroxy-nordiazepam are altogether graded "1" by the MSC.

B. Jurisdiction

- 4) The Judicial Committee has jurisdiction over this matter pursuant to Articles 057 and 058 of the FEI Statutes.

C. Analysis

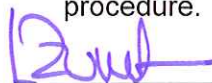
- 5) The Judicial Committee is satisfied that the laboratory reports reflect that the tests were accurately performed in an acceptable method and that the findings of LCH are accurate. The Judicial Committee is satisfied that the test results show the presence of the prohibited substances, Nordiazepam and 4'-hydroxy-nordiazepam. The PR did not contest the accuracy of the testing methods or the positive findings. The FEI has thus sufficiently proven the objective elements of a doping offence.
- 6) 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.

- 7) In his letter of 7 June 2006, PR explains that the Horse had a muscle injury about 50 days before the Event. The Horse had to rest for a while. When the Horse resumed training, he was so excited that the veterinarian, Dr Fabrizio Losani, gave him some tranquilizers.
- 8) The groom confirms that Serpax tablets were prescribed by the veterinarian and were administered to the Horse until seven days before the Event.
- 9) The veterinarian for the Horse states in his letter of 26 June 2006 that he prescribed a tranquilizer to the Horse (serpax tablets, 30mg oxazepam, 6 tablets a day) and advised the PR to suspend the treatment eight days before competition.
- 10) On 17 July 2006, Dr Frits Sluyter, Head of the FEI Veterinary Department submitted a statement in which he confirms that the product "Serpax" contains oxazepam, which is a benzodiazepine derivative, such as the metabolites found in the Horse's urine sample. Dr Sluyter mentioned that oxazepam administration resulting to a diazepam detection has not been documented to his knowledge and therefore, would not explain a test result positive for diazepam metabolites.
- 11) The veterinarian replied that the fact that oxazepam molecules undergo liver metabolism before going into the general circulation could explain the presence of nordiazepam and 4'-hydroxy-nordiazepam.
- 12) The Judicial Committee is of the view that the PR put forward sufficient evidence establishing the treatment administered to the Horse. Whether it was oxazepam or diazepam does not change that a benzodiazepine, graded "1" by the MSC, was administered to the horse. Therefore, the PR has successfully rebutted the presumption set forth at GR Art. 174.6.2.1. However, the Panel of the Judicial Committee is of the opinion that the PR was negligent in that he did not ensure that the treatment administered to his horse was declared to the FEI Veterinary Delegate for the issuance of the appropriate authorization to compete at the event.

D. Decision

As a consequence of the foregoing, the Judicial Committee decides as follows:

- 1) Disqualification of the horse Piefin and the PR from the above Event and forfeiture of all prize money.
- 2) The PR shall be suspended for a period of four (4) 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.
- 3) The PR is fined CHF 2'000.-.
- 4) The PR shall contribute CHF 750.- towards the legal costs of the judicial procedure.



[For the Judicial Committee]