



## **DECISION of the JUDICIAL COMMITTEE of the FEI**

**dated 2 February 2007**

**Positive Medication Case No.:** 2006/46

**Horse:** CAVALOR PARAMIS

**FEI Passport No:** GRE00327

**Person Responsible:** Mr Paris Koutsogiannis, GRE

**Event:** CSI-W Bojourishte, BUL 23-25.06.2006

**Prohibited Substances:**

- (1) Dexamethazone
- (2) Methylprednisolone

### **1. COMPOSITION OF PANEL**

Mr Erik Elstad  
Mr Ken E. Lalo  
Mr Philip O'Connor

(The Panel previously included Dr Jens Adolphsen who was replaced by Mr Elstad due to a potential conflict of independence.)

### **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:** By teleconference on 17 January 2007.

**Present:** The Judicial Committee Panel

For the FEI:

Alexander McLin, General Counsel

Laetitia Zumbrunnen, Counsel

Dr Frits Sluyter, Director, Veterinary Department

Dr Lies de Backer, Veterinarian

Dr Yves Bonnaire, Director, Laboratoire des Courses Hippiques

For the PR:

Paris Koutsogiannis, Person Responsible

Georges Dimaras, Counsel

Dr Rüdiger Brems, Veterinarian, Pferdeklinik Wolfesing

Constantine Fragopoulos, Secretary General, GRE NF

### 3. DESCRIPTION OF THE CASE FROM THE LEGAL VIEWPOINT

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

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

General Regulations ("**GR**"), 21<sup>st</sup> 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**"), 10<sup>th</sup> edition, effective 1<sup>st</sup> 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 Paris Koutsogiannis

#### 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. Cavalor Paramis (the "**Horse**") participated in CSI-W Bojourishte (BUL) from 23 to 25 June 2006 (the "**Event**"). The Horse was ridden by Mr Paris Koutsogiannis who is the Person Responsible in accordance with GR Article 142 (the "**PR**").
- b. The Horse was selected for sampling on 25 June 2006. Analysis of the urine sample no. FEI-0003445 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 Methylprednisolone (Certificate of Analysis 0003445 dated 20 July 2006).
- c. On 29 August 2006 the PR submitted a request for a confirmatory analysis. The confirmatory analysis was carried out on urine at LCH from 26 September to 2 October 2006 under the supervision of Yves Moulard, and was witnessed by Dr Bettina Günther, a veterinarian and associate of Dr Rüdiger Brems, at the request of the PR. It confirmed the presence of Dexamethasone and Methylprednisolone (Counter-Analysis Report dated 2 October 2006).

- d. Both substances are anti-inflammatory corticosteroids (Certificate of Analysis 0003445 dated 20 July 2006 and memorandum of Dr Sluyter dated 15 December 2006) and accordingly are substances, when present together, specified in the first section of the Equine Prohibited List (VR Annex III) as "Doping" Prohibited Substances.
- e. 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. 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 15 November 2006 the PR states that he is a businessman and active amateur show jumping rider competing in international and national competitions since 1977. In June 2006, he travelled to Bulgaria to compete in the Event, with two horses (including the Horse), and won the Grand Prix with the Horse. The PR mentioned that he knew the procedures at the Event, and therefore understood that the winning Horse would be subject to testing. The notification of the positive test result was surprising to him and he was initially unable to determine its cause.
- h. Research conducted by the PR during and after the "B sample" testing led to the finding that the Horse had been treated with long-acting ("depot" formula) Methylprednisolone preparation, administered locally at the spavin tendon insertion, on 19 February 2006, approximately four months before the Event, to treat swelling. This is confirmed by the statement and oral testimony of Dr Rüdiger Brems, who also states that the Horse was treated on 13 May 2006, approximately six weeks before the Event, with a similarly long-acting Dexamethasone preparation, in this instance to treat an acute injury. The Dexamethasone was administered between the spinal processes in the back.
- i. Drs Brems, Sluyter and Bonnaire all provided testimony as to the detection times for these substances. Dr Brems stated that he believed that the withdrawal times should be well within the time periods which elapsed between treatment and testing, citing as reference the Canadian Pari-Mutuel Agency (CPMA)'s *Schedule of Drugs (2002)*, which states that for (non-"depot") Dexamethasone, the substance typically is undetectable after 24 hours, based on test horses. The CPMA data cites various routes of administration, which do not include the route allegedly used by Dr Brems. For a "depot" formula Methylprednisolone preparation, the CPMA data states that for intra-muscular, intra-articular and intra-synovial administration, the substance is typically undetectable after 96 hours. The CPMA publication states, after the result obtained on test horses for each substance, that "[i]t is stressed that these results are presented as guidelines only and should not be construed as absolute for every horse to which this drug is administered".

- j. Dr Sluyter testified in his statement that the treatment reported by the PR appeared too remote to explain the positive test results. He also stated however that the use of long-acting depot formulas normally leads to long detection times, and that no specific data was available concerning the specific routes of administration used in the instant case, the data concerning other routes of administration being of little help. It was discussed during the hearing that depending on the nature of the tissue involved, a phenomenon could occur whereby a substance remains for a certain length of time without being absorbed, only to be released into the horse's system later as a result of a certain movement.
- k. Dr Bonnaire provided testimony on the fact that both substances had been found in quantities sufficient to yield a positive test result, but were not threshold substances and had not therefore been analytically quantified.
- l. The Judicial Committee notes that the PR's evidence and arguments were well-documented. While recognizing that the length of time between administration of the substances for legitimate therapeutic reasons and the date of the sampling is indeed relatively lengthy, the Judicial Committee is nevertheless convinced, after consideration of all the evidence, of the possible causal link between treatment and test result, in part due to route of administration and the choice of long-acting formulas which is understandable (given the fact that multiple injections in the back are undesirable). The PR has therefore successfully rebutted the presumption of intent. The Judicial Committee noted that the FEI Veterinary Department is currently conducting research on the withdrawal time of certain substances which is to be published in due course and may contain new information.
- m. In deciding the sanctions the Judicial Committee considered, on the one hand, the doping violation and types of substances involved as well as the conduct of the PR and his veterinarian and, on the other hand, the PR's amateur "status", the level of the Event and the PR's cooperation in the investigation. The Panel considers that the positive result is sufficient to establish that despite the explanations given, the PR was negligent by not having ensured that his Horse was competing drug-free at the Event.

#### **4.2 Disqualification**

As a result of the foregoing, the Judicial Committee has decided to disqualify the horse Cavalor Paramis and the PR 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 the following sanctions, in accordance with GR Article 174 and EADMCRs Article 10:

- 1) The PR is fined CHF 1000.-.
- 2) The PR shall contribute CHF 500.- towards the legal costs of the judicial procedure, and CHF 750.- towards the cost of the confirmatory analysis.

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: Georges Dimaras, Counsel

6. **THE SECRETARY GENERAL OR HIS REPRESENTATIVE:**

Date : *2 February 2007*

Signature: *[Handwritten Signature]*