



DECISION of the FEI TRIBUNAL

dated 7 June 2018

Positive Anti-Doping Case No.: 2017/BS13

Horse: EL MATE **FEI Passport No:** 104XI43/URU

Person Responsible/NF/ID: Victoria Goñi/10042167/URU

Event/ID: CEI2* 120 - Trinidad (URU) - 2017_CI_0846_E_S_02_01

Date: 3 – 5 February 2017

Prohibited Substance: Ergonovine

I. COMPOSITION OF PANEL

Mr. Laurent Niddam, chair
Mr. Cesar Torrente, member
Ms. Constance Popineau, member

II. SUMMARY OF THE FACTS

1. Memorandum of case: By Legal Department.

2. Summary information provided by Person Responsible (PR):
The FEI Tribunal duly took into consideration all evidence, submissions and documents presented in the case file, as also made available by and to the PR.

III. DESCRIPTION OF THE CASE FROM THE LEGAL VIEWPOINT

1. Articles of the Statutes/Regulations which are applicable:

Statutes 23rd edition, effective 29 April 2015 ("**Statutes**"), Arts. 1.4, 38 and 39.

General Regulations, 23rd edition, 1 January 2009, updates effective 1 January 2017, Arts. 118, 143.1, 161, 168 and 169 ("**GRs**").

Internal Regulations of the FEI Tribunal, 2nd edition, 1 January 2012, and Internal Regulations of the FEI Tribunal, 3rd Edition, 2 March 2018 (Part I – 3.) ("**IRs**").

FEI Equine Anti-Doping and Controlled Medication Regulations ("**EADCMRs**"), 2nd edition, effective 1 January 2016.

FEI Equine Anti-Doping Rules ("**EAD Rules**"), 2nd edition, effective 1 January 2016.

Veterinary Regulations ("**VRs**"), 13th edition 2015, effective 1 January 2017, Art. 1055 and seq.

FEI Code of Conduct for the Welfare of the Horse.

2. Person Responsible: Ms. Victoria Goñi

3. Justification for sanction:

GRs Art. 143.1: "Medication Control and Anti-Doping provisions are stated in the Anti-Doping Rules for Human Athletes (ADRHA), in conjunction with the World Anti-Doping Code, and in the Equine Anti-Doping and Controlled Medication Regulations (EADCM Regulations)."

EAD Rules Art. 2.1.1: "It is each *Person Responsible's* personal duty to ensure that no *Banned Substance* is present in the *Horse's* body. *Persons Responsible* are responsible for any *Banned Substance* found to be present in their *Horse's Samples*, even though their *Support Personnel* will be considered additionally responsible under Articles 2.2 – 2.8 below where the circumstances so warrant. It is not necessary that intent, Fault, negligence or knowing *Use* be demonstrated in order to establish an *EAD Rule* violation under Article 2.1."

EADCMRs APPENDIX 1 – Definitions:

“Fault. Fault is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an Person Responsible and/or member of the Support Personnel’s degree of Fault include, for example, the Person Responsible’s and/or member of the Support Personnel’s experience, whether the Person Responsible and/or member of the Support Personnel is a Minor, special considerations such as impairment, the degree of risk that should have been perceived by the Person Responsible and/or member of the Support Personnel and the level of care and investigation exercised by the Person Responsible and/or member of the Support Personnel in relation to what should have been the perceived level of risk. In assessing the Person Responsible’s and/or member of the Support Personnel’s degree of Fault, the circumstances considered must be specific and relevant to explain the Person Responsible’s and/or member of the Support Personnel’s departure from the expected standard of behaviour. Thus, for example, the fact that the Person Responsible would lose the opportunity to earn large sums of money during a period of Ineligibility, or the fact that the Person Responsible only has a short time left in his or her career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of Ineligibility under Article 10.5.1 or 10.5.2.”

“No Fault or Negligence. The Person Responsible and/or member of the Support Personnel establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had administered to the Horse, or the Horse’s system otherwise contained, a Banned or Controlled Medication Substance or he or she had Used on the Horse, a Banned or Controlled Medication Method or otherwise violated an EAD or ECM Rule. Except in the case of a Minor, for any violation of Article 2.1, the Athlete must also establish how the Prohibited Substance entered his or her system.”

“No Significant Fault or Negligence. The Person Responsible and/or member of the Support Personnel establishing that his fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relationship to the EADCM Regulation violation. Except in the case of a Minor, for any violation of Article 2.1 of the EAD Rules, the Athlete must also establish how the Prohibited Substance entered his or her system.”

IV. DECISION

Below is a summary of the relevant facts, allegations and arguments based on the Parties' written submissions, pleadings and evidence adduced. Additional facts and allegations found in the Parties' written submissions, pleadings and evidence may be set out, where relevant, in connection with the legal discussion that follows. Although the Tribunal has fully considered all the facts, allegations, legal arguments and evidence in the present proceedings, in its decision it only refers to the submissions and evidence it considers necessary to explain its reasoning.

1. Factual Background

- 1.1 EL MATE (the "**Horse**") participated at the CEI2* 120 in Trinidad, Uruguay, from 3 to 5 February 2017 (the "**Event**"), in the discipline of Endurance. The Horse was ridden by Ms. Victoria Goñi who is the Person Responsible in accordance with Article 118.3 of the GRs (the "**PR**").
- 1.2 The Horse was selected for sampling during the Event, on 4 February 2017.
- 1.3 Analysis of the urine and blood sample B18474 taken from the Horse at the Event was performed at the FEI approved laboratory, the USEF Laboratory (the "**Laboratory**"). The analysis of the sample revealed the presence of Ergonovine in the urine and the blood.
- 1.4 The Prohibited Substance detected is Ergonovine. Ergonovine is a vasoconstrictor used to prevent haemorrhage and is classified as a Banned Substance under the FEI Equine Prohibited Substances List (the "**FEI List**"). Therefore, the positive finding for Ergonovine in the Horse's sample gives rise to an Anti-Doping Rule violation under the EADCMRs.

2. The Further Proceedings

- 2.1 On 5 April 2017, the FEI Legal Department officially notified the PR through the National Federation of Uruguay ("**URU-NF**"), as well as the owner of the Horse (the "**Owner**"), of the presence of the Prohibited Substance following the laboratory analysis, the possible rule violation and the possible consequences. The Notification Letter included notice that the PR was provisionally suspended and granted her the opportunity to be heard at a Preliminary Hearing before the Tribunal.
- 2.2 The Notification Letter further included notice, in accordance with Article 7.4 of the EAD Rules, that the Horse was provisionally suspended for a

period of two (2) months, from the date of Notification, *i.e.*, 5 April 2017, until 4 June 2017. The above Provisional Suspension of the Horse has not been challenged, and the Horse has served the entire period of Provisional Suspension.

3. The B-Sample analysis

- 3.1 Together with the Notification Letter of 5 April 2017, the PR and the Owner were also informed that they were entitled (i) to the performance of a B-Sample confirmatory analysis on the positive sample; (ii) to attend or be represented at the B-Sample analysis; and/or (iii) to request that the B-Sample be analysed in a different laboratory than the A-Sample.
- 3.2 The PR and/or the Owner did not request for the B-Sample to be analysed. Hence, they accepted the results of the A-Sample analysis.

4. Written submissions by and on behalf of the PR

- 4.1 Between 11 April 2017 and 4 April 2018, the PR provided her explanations in relation to the positive finding. Together with her submission, the PR also provided the following information with respect to the ergot of rye or *fungus claviceps purpurea* (the "**fungus**"):

"The infestation of this fungus in the pastures causes reduction in the quality and quantity of the grain and hay. Therefore, if these infected crops are used to feed livestock, they can cause a disease called ergotism and it can lead to gangrene of the limbs due to a failure in the peripheral blood circulation.

Ergot, among other compounds, contains alkaloids of the group ergoline, ergotamine, ergocriptine, ergonovine or also called ergometrine.

Ergonomic maleate is indicated for conditions during childbirth or post pasture in females, as it acts at the level of smooth muscle, increasing contractility, reducing peripheral blood pressure and increasing central pressure, which can lead to hypertension.

Horses can be exposed to these mycotoxins by eating contaminated food: concentrates, whole grains, hay and grazing. Mycotoxins can enter by air or cutaneous but these routes are less common. The extent of contagion depends on the amount of the contaminated element ingested and on the concentrations of mycotoxins present in the food."

- 4.2 In addition, the PR provided a translated copy of the Decree No. 737/1986 of the Ministry of Livestock and Agriculture of Uruguay, which – among others – contains as follows:

"The maximum admissible value of sclerotia of Claviceps Purpurea will be of 0.03 grams per 100 grams of animal feed or its toxicity equivalent of 0.045 mg. of total alkaloids every 100 grams of food ()"*

- 4.3 Furthermore, the PR provided statements by Dr. Gonzalo Saralegui, National Head Veterinarian of the URU-NF, and Dr. Mirenxu Posada, Veterinarian of the Horse.
- 4.4 Dr. Posada stated that the Horse had never been administered "anything unintentionally", and that no medication was administered to the Horse containing the substance found in the sample. Further, in relation to the substance Ergonovine, it was understood that it was a toxin produced by the rye ergot that parasitizes mainly in grass. It was a very common fungus in Uruguay.
- 4.5 Dr. Saralegui stated that he wished to clarify the following concepts in relation to the fungus:

1. *It is common that it appears in the animals' food in Uruguay, taking into consideration that their main base of feeding are grains, oats, barley and corn.*
2. *We should take into consideration that most of the horses owners produce their own grains to feed their sports horses*
3. *For this reason, a high percentage of those grains do not go under the controls of the Ministry of Livestock and Agriculture and they go directly to the horses feeding*
4. *The Article 4 of the Decree No. 737/1986 of our Ministry of Livestock and Agriculture authorizes the presence of ergonovine in the balanced rations for animals up to 0.03 mg per 100 grs of feed, under which provision they implicitly recognize its the presence in the food*
5. *There is no commercial medication in our country which contains ergonovine that could be administered to the horses.*

- 4.6 Dr. Saralegui concluded that the only way in which the Ergonovine could have entered the Horse's body was through its food and this exempted the rider from her responsibility in this case.

- 4.7 The PR submitted in essence that:

- a) She and her entire family have been involved in equestrian sport, and specifically in the Endurance discipline since 2001, and that she

was competing since she was eight years old. Until now, being twenty-two years old, she had never had any bad behaviour while competing, and they always prioritized their horses' welfare. Furthermore, in 2014 she had been appointed as Elite Young Rider.

- b) No medication nor the substance found was intentionally given to the Horse. The Horse had been eating oats for approximately two (2) months prior to the Event (from December 2016 to January 2017).
- c) She was not able to prove that the oats the Horse eat were contaminated with the fungus, due to the time which has elapsed between the Event and the Notification Letter, *i.e.*, two (2) months. The company selling her the oats did also not confirm that the oats were contaminated with the fungus.
- d) The problem was that the Horse had eaten a mycotoxin, which was accumulative and which was reflected in the sample collected from the Horse at the Event, for a long time, *i.e.*, two (2) months.
- e) At a later point in time, the PR submitted that many trainers were feeding the horses with industrialized seeds, which was more expensive than oats harvested, as is was an industrialized process by an enterprise which was specialised in avoiding that contamination of the seeds occurred. That this was the reason why they fed their animals with their (own) seeds. It was impossible to provide those seeds, as they did no longer have any of them left. Further, the laboratory which tested seeds and food in Uruguay had informed her that they did not conduct any testing on that specific substance, *i.e.*, Ergonovine.
- f) Finally, the PR submitted that until she received the results of the positive finding she had not been aware of the existence of this fungus, and even less "what it could cause on the horse". This was the first time that a horse in Uruguay tested positive for this substance and this substance was not available for sale in Uruguay. Furthermore, no one would use this substance, taking into consideration the adverse effect it might have on sports horses.

5. Written submission by the FEI

- 5.1 On 16 March 2018, the FEI submitted its Answer to the PR's submissions received until that date.

5.2 In essence, the FEI submitted as follows:

- a) Article 3.1 of the EAD Rules made it the FEI's burden to establish all of the elements of the EAD Rule violation charged, to the comfortable satisfaction of the Tribunal. The elements of an Article 2.1 violation were straightforward. *"It is not necessary that intent, fault, negligence or knowing Use be demonstrated in order to establish an EAD Rule violation under Article 2.1"*. Instead it was a "strict liability" offence, established simply by proof that a Banned Substance was present in the Horse's sample. The results of the analysis of the A-Sample taken from the Horse at the Event confirmed the presence of Ergonovine, and constituted "sufficient proof" of the violation of Article 2.1 of the EAD Rules. The PR did not dispute the presence of the Prohibited Substance in the Horse's sample. Accordingly, the FEI has discharged its burden of establishing that the PR has violated Article 2.1 of the EAD Rules.
- b) Where a Banned Substance was found in a horse's sample, a clear and unequivocal presumption arose under the EAD Rules that it was administered to the horse deliberately, in an illicit attempt to enhance its performance. As a result of this presumption of fault, Article 10.2 of the EAD Rules provided that a Person Responsible with no previous doping offences who violated Article 2.1 of the EAD Rules was subject to a period of Ineligibility of two (2) years, unless she was able to rebut the presumption of fault. And that to do this the rules specified that she must establish to the satisfaction of the Tribunal (it being his burden of proof, on a balance of probability) (i) How the Prohibited Substance entered the Horse's system; and (ii) that she bore No Fault or Negligence for that occurrence, *i.e.*, that she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that she had administered to the horse (or the horse's system otherwise contained) a Banned Substance (in which case, the presumptive two-year period of Ineligibility is eliminated completely pursuant to Article 10.4 of the EAD Rules); or in the alternative (iii) that she bore No Significant Fault or Negligence for that occurrence (in which case, the presumptive two-year period of Ineligibility may be reduced by up to 50%, depending on her degree of fault, pursuant to Article 10.5 of the EAD Rules). If the PR failed to discharge this burden, the presumption of intentional administration and performance stood.
- c) The FEI submitted in this context that the PR had to provide clear and convincing evidence that proved how the Ergonovine had entered the Horse's system. So far in the proceedings the PR had only indicated that presence of Ergonovine can be a result of a specific fungus.

However, there was no real connection between these facts and the case at hand; the explanations therefore remained mere speculations. The FEI was therefore of the opinion that the PR has not clearly established how the substance entered the body of the Horse.

- d) In terms of the degree of Fault and Negligence by the PR for the rule violation, the FEI argued that the starting point of any evaluation of the degree of Fault and Negligence by the PR for the rule violation was the "*personal duty*" of the PR following from Article 2.1.1 of the EAD Rules, *i.e.*, her personal duty to ensure that "*no Banned Substance is present in the Horse's body*". Further, that it was necessary to look at the definitions of fault, as defined in Appendix 1 of the EAD Rules, *i.e.*, Fault, No Fault or Negligence, and No Significant Fault or Negligence.
- e) In light of the CAS jurisprudence (outlined below), the FEI respectfully submitted that making the PR *prima facie* responsible for the condition of the Horse while competing, subject to her ability to prove she bears No (Significant) Fault or Negligence for its doped condition, was a reasonable and justifiable stance.
- f) In this respect, CAS in the *Royal des Fontaines* case¹ had endorsed the rationale behind the FEI's policy of making the Athlete/rider the Person Responsible. The CAS Decision states as follows:

"No doubt the degree of care is high; but horses cannot care for themselves. As the Respondent (the FEI) put it in its skeleton argument

"The FEI believes that making the rider the responsible in this way is necessary to protect the welfare of the horse, and to ensure fair play. It strongly incentivises riders to ensure compliance with the rules, whether by caring for the horse personally or else by entrusting that task only to third parties who are up to the job. In the case of such delegation, it protects the welfare of the horse, and clean sport, by requiring the rider to stay apprised of and be vigilant with respect to the way the horse is being prepared for competition, including as to any treatments given to the horse"

The Sole Arbitrator respectfully agrees."

- g) Ergonovine was a substance mainly used to stop bleedings, *i.e.*, after birth, but one of the side-effects of Ergonovine was that it lowered the heart rate, and could therefore be abused in Endurance.

¹ CAS 2015/A/4190 Mohammed Shafi Al Rumaithi v. FEI, para 57.

- h) In order to be able to apply the rules of no fault or no significant fault and negligence, the PR had to establish the plausible source of the contamination and/or the presence of the fungus, and connect it to the positive case. However, so far in the proceedings, such evidence had not been provided, hence no reduction was applicable in the case at hand.
 - i) As a result, the FEI respectfully submitted that the period of Ineligibility imposed on the PR should be two (2) years in accordance with Article 10.2 of the EAD Rules.
 - j) Pursuant to Article 9 of the EAD Rules, the results of the PR and Horse combination obtained in the Competition shall be disqualified with all resulting Consequences, including forfeiture of any related medals, points and prizes. This rule applied even if the period of Ineligibility was reduced or eliminated under Article 10 of the EAD Rules, *e.g.*, on the basis of No (or No Significant) Fault or Negligence. Furthermore, since this was a case with a Banned Substance, occurring during or in connection with an Event, and in order to safeguard the level playing field, the FEI may disqualify all of the Persons Responsible's individual results obtained in that Event, with any and all Horses with which the Person Responsible competed, with all consequences, including forfeiture of all medals, points and prizes, in accordance with Article 10.1.2 of the EAD Rules.
 - k) The FEI requested the Tribunal to fine the PR in the amount of 3,000 CHF, and to order the PR to pay the legal costs of 1,500 CHF.
- 5.3 On 25 April 2018, the FEI further submitted that the substance Ergonovine is suggested to become a Specified Substance as of 1 January 2019. The FEI submitted in this respect that the List Group has suggested this change to the Bureau which will take a decision in June 2018.

6. Jurisdiction

- 6.1 The Tribunal has jurisdiction over this matter pursuant to the Statutes, GRs and EAD Rules.

7. The Person Responsible

- 7.1 In accordance with Article 118.3 of the GRs, the PR is the Person Responsible in the case at hand, as she has competed with the Horse at the Event.

8. The Decision

- 8.1 As set forth in Article 2.1 of the EAD Rules, sufficient proof of an EAD Rule violation is established by the presence of a Banned Substance in the Horse's A-Sample. The Tribunal is satisfied that the laboratory reports relating to the A-Sample reflect that the analytical tests were performed in an acceptable manner and that the findings of the Laboratory are accurate. The Tribunal is satisfied that the test results evidence the presence of Ergonovine in the urine and blood sample taken from the Horse at the Event. The PR accepted the accuracy of the test results and the positive finding. Ergonovine is a Banned Substance under the FEI Equine Prohibited Substances List and the presence of the substance in a Horse's body is prohibited at all times under Article 2.1 of the EAD Rules.
- 8.2 As a result, the FEI has thus established an Adverse Analytical Finding, and has thereby sufficiently proven the objective elements of an offence in accordance with Article 3 of the EAD Rules.
- 8.3 Pursuant to Article 10.2.1 of the EAD Rules the period of Ineligibility for an Article 2.1 violation, *i.e.*, the Presence of a Banned Substance in a Horse's sample, as in the case at hand, shall be two (2) years, subject to a potential reduction or suspension pursuant to Articles 10.4, 10.5 or 10.6 of the EAD Rules.
- 8.4 In cases brought under the EADCMRs, a strict liability principle applies as described in Article 2.1.1 of the EAD Rules. Once an EAD Rule violation has been established by the FEI, a PR has the burden of proving that she bears "*No Fault or Negligence*" for the rule violation as set forth in Article 10.4 of the EAD Rules, or "*No Significant Fault or Negligence*," as set forth in Article 10.5 of the EAD Rules.
- 8.5 In order for Articles 10.4 and 10.5 of the EAD Rules to be applicable, the PR must establish as a threshold requirement how the Prohibited Substance entered the Horse's system.
- 8.6 To start with, the Tribunal has taken note of the PR's explanations as to the origin of the Ergonovine in the Horse's system. In this respect, the Tribunal has also taken note that, while the PR claims that the feed fed to the Horse has been contaminated with the fungus existing in Uruguay, and which contains alkaloids of – among others – ergonovine, the PR has submitted two different versions of which feed has been fed to the Horse. The PR initially indicated that the contamination came from oats

bought from a company, and then the PR indicated that the contamination came from her own oats. The PR has however not provided any evidence that (i) either of the two oats has been contaminated with the fungus, and (ii) that the allegedly contaminated oats have been fed to the Horse prior to the Event. Hence, the PR's explanations are no more than mere speculations and to some extent contradictory. As a result, the Tribunal holds that the PR has not established – on a balance of probability, as required under Article 3.1 of the EAD Rules – how the Ergonovine has entered the Horse's system.

- 8.7 The Tribunal therefore finds that Articles 10.4 and 10.5 of the EAD Rules cannot be applied in the case at hand. Furthermore, the Tribunal notes that the PR does not claim the applicability of Article 10.6 of the EAD Rules.
- 8.8 In addition, the Tribunal has taken note that the Prohibited Substance Ergonovine will most likely be classified as a Specified Substance in the near future.
- 8.9 In applying the *lex mitior* principle, Article 10.5.1 of the EAD Rules provides for a sanction range from, at a minimum a reprimand and no period of Ineligibility, and at a maximum, two (2) years of Ineligibility, depending on the degree of fault. However, the PR has to establish that she bears No Significant Fault or Negligence, and a prerequisite to that is to show how the Prohibited Substance entered the Horse's system. In the case at hand however, as already noted by the Tribunal, the PR has not been able to fulfil this prerequisite of establishing the source of the Prohibited Substance. It therefore follows that Article 10.5.1 of the EAD Rules cannot be applied in the present case.
- 8.10 From the foregoing, the Tribunal finds that no reduction of the otherwise applicable period of Ineligibility, *i.e.*, two (2) years pursuant to Article 10.2 of the EAD Rules, is possible.
- 8.11 The Tribunal takes note that the PR has been provisionally suspended since 5 April 2017, and the Tribunal understands that the PR did not compete during the period of the Provisional Suspension.
- 8.12 Any other claims by the Parties shall be dismissed. While the Tribunal has taken them into account, the Tribunal found that they were not decisive to the outcome of this decision.

9. Disqualification

- 9.1 Since the EAD Rules have been violated, and for reasons of ensuring a level playing field, the Tribunal disqualifies the Horse and the PR combination from the Competition and the entire Event, and all medals, points and prize money won must be forfeited, in accordance with Articles 9 and 10.1.2 of the EAD Rules.

10. Sanctions

- 10.1 As a result of the foregoing, the period of Ineligibility imposed on the PR for the present rule violation shall be two (2) years.
- 10.2 The Tribunal imposes the following sanctions on the PR in accordance with Article 169 of the GRs and Article 10 of the EAD Rules:
- 1) The PR shall be suspended for a period of **two (2) years**, the period of Provisional Suspension, effective from 5 April 2017 shall be credited against the period of Ineligibility imposed in this decision. Therefore, the PR will be ineligible **until 4 April 2019**.
 - 2) The PR is fined **three thousand Swiss Francs (CHF 3,000,-)**.
 - 3) The PR shall contribute **one thousand five hundred Swiss Francs (CHF 1,500,-)** towards the costs of the judicial procedure.
- 10.3 No Person Responsible who has been declared Ineligible may, during the period of Ineligibility, participate in any capacity in a Competition or activity that is authorised or organised by the FEI or any National Federation or be present at an Event (other than as a spectator) that is authorized or organized by the FEI or any National Federation, or participate in any capacity in Competitions authorized or organized by any international or national-level Event organisation (Article 10.11.1 of the EAD Rules).
- 10.4 Where a Person Responsible who has been declared Ineligible violates against participation or attendance during Ineligibility, the results of any such participation shall be Disqualified and a new period of Ineligibility equal in length up to the original period of Ineligibility shall be added to the end of the original period of Ineligibility. In addition, further sanctions may be imposed if appropriate (Article 10.11.3 of the EAD Rules).
- 10.5 According to Article 168 of the GRs, the present decision is effective from the day of written notification to the persons and bodies concerned.
- 10.6 In accordance with Article 12 of the EAD Rules the Parties may appeal against this decision by lodging an appeal with the Court of Arbitration for Sport (CAS) within twenty-one (21) days of receipt hereof.

V. DECISION TO BE FORWARDED TO:

- a. The person sanctioned: Yes**
- b. The President of the NF of the person sanctioned: Yes**
- c. The President of the Organising Committee of the Event through his NF: Yes**
- d. Any other: No**

FOR THE PANEL



THE CHAIR, Mr. Laurent Niddam