

DECISION RENDERED BY THE FEI TRIBUNAL

16 May 2024

In the matter of

FÉDÉRATION EQUESTRE INTERNATIONALE (the "FEI")

vs.

Ms Margaux BOUCHERY – Person Responsible (the "PR")

together the "Parties"

(Reference No. FEI Tribunal: C24-0022 BOUCHERY)

COMPOSITION OF THE FEI TRIBUNAL PANEL:

Ms Harveen Thauli (CAN), Sole Panel Member

FEI Case number: 2024/CM04 IGUAL DE MARGOTTE

Horse/Passport: IGUAL DE MARGOTTE/1080Y46/FRA

Person Responsible/ID/NF: Margaux BOUCHERY /10063434/FRA

Additional Person Responsible/ID/NF: Dominique BOUCHERY/10137654/FRA

Event/ID: Pony Measuring Session, Lamotte Beuvron, France

Date of sample collection: 04.02.2024

Prohibited Substance: 2-(1-hydroxyethyl)promazine sulfoxide, Firocoxib

Bar Code No.: 5637178

All the words used in this Final Decision beginning with a capital letter and not previously defined have the meaning set forth in the specific definitions of the FEI General Regulations (the “GRs”) and Statutes, the FEI Veterinary Regulations (the “VRs”), the 2024 Equine Prohibited Substance List and the Equine Anti-Doping and Controlled Medication Regulations (the “EADCMRs”). The Equine Anti-Doping Rules (the “EAD Rules”) and the Equine Controlled Medication Rules (the “ECM Rules”) are set out in the EADCMRs.

## I. Introduction

1. This Final Decision pertains to the FEI case, 2024/CM04 IGUAL DE MARGOTTE. In this matter, the FEI notified the PR that a violation of Article 2.1 (*The Presence of a Controlled Medication Substance and/or its Metabolites or Markers in a Horse’s Sample*) and Article 2.2 (*the Use of a Controlled Medication Substance and/or Controlled Medication Method*) of the ECM Rules had occurred based on the positive finding of 2-(1-hydroxyethyl)promazine sulfoxide and Firocoxib in the Sample of the horse, Igual de Margotte (the “Horse”), which was collected when the Horse was presented for Pony Measurement in Lamotte Beuvron (France) on 4 February 2024 (the “Event”).
2. The FEI and the PR agreed to a Settlement Agreement on 18 April 2024 (the “Settlement Agreement”). The Settlement Agreement together with the attached Exhibits are hereby incorporated by reference in this Final Decision.

## II. Applicable Rule Provisions

3. The following regulations are applicable to the present case:

Statutes 25<sup>th</sup> edition, effective 21 November 2023 (the “Statutes”).

General Regulations, 24<sup>th</sup> edition, 1 January 2020, updates effective 1 January 2024. (the “GRs”).

Internal Regulations of the FEI Tribunal, 3<sup>rd</sup> Edition, 2 March 2018 (the “IRs”).

FEI Equine Anti-Doping and Controlled Medication Regulations, 3<sup>rd</sup> edition, effective 1 January 2023 (the “EADCMRs”). As only the ECM Rules apply in the present case, reference will be made hereinafter only to this second chapter of the EADCMRs.

FEI Veterinary Regulations, 15<sup>th</sup> edition 2023, effective 1 January 2024 (the “VRs”).

### III. Factual background and initial proceedings

4. Ms Margaux BOUCHERY (FEI ID 10063434) is an Athlete in the discipline of Jumping and the PR in accordance with Article 118.3 of the GRs.
5. The FEI is the IOC-recognised international governing body for the equestrian sport disciplines of Dressage and Para-Dressage, Jumping, Eventing, Driving and Para-Driving, Endurance and Vaulting.
6. The PR is a member of the French Equestrian Federation (the "FRA-NF"), the latter being a member of the FEI. The PR is therefore bound by the ECM Rules.
7. The Horse was tested during the Event and returned a positive finding of 2-(1-hydroxyethyl)promazine sulfoxide, which is a metabolite of acepromazine that is used as a sedative, as well as Firocoxib, which is a non-steroidal anti-inflammatory drug that is used to relieve pain and inflammation. Both substances are classified as Controlled Medication Substances under the FEI Equine Prohibited Substances List.
8. Controlled Medication Substances are only prohibited In-Competition. According to Article 1081.10 of the VRs, a Horse attending a Pony Measurement is considered to be "In-Competition".
9. Therefore, the positive findings of 2-(1-hydroxyethyl)promazine sulfoxide and Firocoxib in the Sample gave rise to a violation of the ECM Rules (the "ECM Rule Violation").
10. The FEI informed the PR of the ECM Rule Violation in a notification letter dated 19 March 2024 (the "Notification Letter"). In accordance with Article 7.4.1. of the ECM Rules, the FEI provisionally suspended the PR as at the date of the Notification Letter (the "Provisional Suspension"), since two Controlled Medication Substances had been found in the Horse's Sample.
11. The PR had the right to request an analysis of the B Sample. The PR did not request its analysis; therefore, she irrevocably waived this right.
12. In the Notification Letter, the FEI further informed the PR of her right to provide an explanation within 20 days from the date of the Notification Letter.

13. The PR and her father, Mr Dominique BOUCHERY, provided statements to the FEI where they explained how the Prohibited Substances entered the Horse's system. The PR's father, who has care and control of the Horse at all times, sought veterinary treatment for the Horse's ringworm. The PR was not aware that the Horse was treated for ringworm until the day of the Event.
14. The PR's father indicated to the FEI that he would take full responsibility for the ECM Rule Violation, as he was not aware that a sample taken during a Pony Measurement is considered to be In-Competition even if the Pony Measurement itself is held outside of the competition days. The PR and her father submitted to the FEI the veterinarian's prescription, showing that the Horse had indeed suffered from ringworm, by the end of January 2024, and that the prescribed treatment included, among others, the two Controlled Medication Substances found in the Horse's Sample.
15. After reviewing the PR's submissions and evidence, the FEI was satisfied that the PR had established, on a balance of probabilities, that the source of the Prohibited Substances was most likely the medications prescribed by the veterinarian, who had treated the Horse for ringworm. Therefore, the FEI considered that the PR had established how the Prohibited Substances entered the Horse's body.
16. Furthermore, the FEI was satisfied that the PR had established, pursuant to Article 10.6 of the ECM Rules, that she bore "No Significant Fault or Negligence" for the ECM Rule Violation<sup>1</sup>.
17. On 18 April 2024, the FEI notified the Tribunal that it had reached a settlement of the dispute with the PR, which included the reduction of the period of Ineligibility to be imposed on the PR.
18. On 3 May 2024, the Tribunal informed the Parties of the appointment of a one-person hearing panel (the "Hearing Panel") to adjudicate and approve this case. The Parties were asked to provide any objections to the constitution of the Hearing Panel by 6 May 2024.
19. On 6 May 2024, the FEI confirmed having no objection to the constitution of the Hearing Panel.
20. The PR did not submit any objection to the constitution of the Hearing Panel.

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<sup>1</sup> Paragraphs 2.16 to 2.21 of the Settlement Agreement dated 18 April 2024 between the FEI and the PR together with the Exhibits referenced therein evaluate the PR's level of Fault and Negligence for the ECM Rule Violation.

#### IV. Accepted Terms

21. The Settlement Agreement is made in accordance with Article 10.8.2 of the ECM Rules and is subject to the approval of the Tribunal.
22. The PR explicitly admitted the ECM Rule Violation and accepted the following terms (the "Accepted Terms") in accordance with Article 10.8.2 of the ECM Rules:
  - a) The PR admits the violation of Article 2.1 of the ECM Rules (*The presence of a Controlled Medication Substance and/or its Metabolites or Markers in a Horse's Sample*).
  - b) The PR established on a balance of probabilities how 2-(1-hydroxyethyl)promazine sulfoxide and Firocoxib entered the Horse's system.
  - c) The PR bears No Significant Fault or Negligence for the ECM Rule Violation and the applicable period of Ineligibility is two (2) months, in accordance with article 10.6.2 of the ECM Rules, commencing as at the date of this Final Decision (the Provisional Suspension already served will be credited against the imposed period of Ineligibility).
  - d) The PR will pay a fine of 1'000 CHF.
  - e) Each party will bear its own legal and other costs incurred in connection with these proceedings.
  - f) No other Sanctions will apply in this case.
  - g) The ECM Rule Violation is considered a prior violation for the purpose of Multiple Violations in accordance with Article 10.9 of the ECM Rules.

#### V. Decision

23. The Tribunal has jurisdiction over this matter pursuant to Article 38 of the Statutes, Article 159 of the GRs, the ECM Rules, the VRs and Article 18 of the IRs. The PR is a member of the FRA-NF, which is a member of the FEI. The PR is therefore bound by the ECM Rules.
24. Having reviewed the case summary, the full reasoning of the Settlement Agreement and the Accepted Terms, the Hearing Panel takes note that the FEI has agreed that the PR established, on a balance of probabilities, how 2-(1-hydroxyethyl)promazine sulfoxide and Firocoxib entered the Horse's system.
25. The Hearing Panel further acknowledges that the PR and the FEI have agreed on

the terms to conclude these proceedings, in accordance with Article 10.8.2 of the ECM Rules, as detailed under Section IV of this Final Decision.

26. The Hearing Panel confirms that the Accepted Terms of the Settlement Agreement comply with the ECM Rules and finds no grounds to object to them.
27. In particular, the Hearing Panel notes that, in view of the Settlement Agreement reached by the parties that the PR bears No Significant Fault or Negligence for the ECM Rule Violation, the period of Ineligibility imposed on the PR is reduced to a period of two months, starting as at the date of the Provisional Suspension.
28. Therefore, and in accordance with the mutual consent of the Parties, the Hearing Panel hereby directs the Parties to fully comply with all the terms of the Settlement Agreement. Furthermore, this Final Decision concludes this case, C24-0022 BOUCHERY, 2024/CM04 IGUAL DE MARGOTTE.
29. The Parties acknowledge and agree that pursuant to Article 13.3 of the ECM Rules, this Final Decision will be made public by the FEI. The terms set out in the Settlement Agreement are full and final settlement of all claims relating to the subject matter of these proceedings.
30. The Settlement Agreement and this Final Decision are not subject to appeal under Article 12 of the ECM Rules.

**DECISION TO BE FORWARDED TO:**

- a. The Parties: Yes
- b. The Secretary General of the NF of the person sanctioned: Yes
- c. Any other: No

FOR THE FEI TRIBUNAL



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Ms Harveen Thauli, One-Member Panel