

CONSENT AWARD

dated 24 June 2024 and issued by the

FEI TRIBUNAL

Sitting in the following composition:

Sole Panel Member: Mr Cesar Torrente (COL)

in the matter between:

FÉDÉRATION EQUESTRE INTERNATIONALE (FEI)

and

Dominique BOUCHERY in his capacity as the **Additional Person Responsible** in the following case:

Case: C24-0033 DOMINIQUE BOUCHERY

FEI Case reference: 2024/CM04 IGUAL DE MARGOTTE

Horse/Passport: IGUAL DE MARGOTTE/108OY46/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 Consent Award 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. Parties

1. The Fédération Equestre Internationale (the **FEI**) is the sole IOC recognised International Federation for equestrian sport. The FEI is the governing body for the FEI equestrian disciplines of dressage, jumping, eventing, driving, endurance, vaulting, and para-equestrian.
2. Mr Dominique BOUCHERY (FEI ID 10137654), the Additional Person Responsible (the **APR**), is a Trainer from France, and was the registered Trainer for the horse, Igual de Margotte (the **Horse**), which attended a Pony Measurement session in Lamotte Beuvron (France) on 4 February 2024 (the **Event**).

II. Factual background and initial proceedings

3. The Horse was tested during the Event (attending a Pony Measurement is to be considered as being "In-Competition" as per Article 1081.10 of the VRs) and returned a positive result for 2-(1-hydroxyethyl)promazine sulfoxide and Firocoxib. 2-(1-hydroxyethyl)promazine sulfoxide is a metabolite of acepromazine used to sedate. Firocoxib is a non-steroidal anti-inflammatory drug used to relieve pain and inflammation. Both substances are classified as Controlled Medication Substances under the FEI Equine Prohibited Substances List.
4. The FEI informed the APR of the positive result in a notification letter dated 11 April 2024 (the **Notification Letter**).
5. In accordance with Article 7.4.1 of the ECM Rules, since two Controlled Medication Substances were found in the Horse's Sample, the APR was provisionally suspended as of the date of the Notification Letter.
6. In the Notification Letter, the FEI provided the APR with a deadline of 20 days to explain the alleged ECM Rule violation.

7. The APR provided his position, alongside his daughter, Ms Margaux Bouchery, which was the Rider and therefore the PR of the Horse at the Event¹.
8. Based on the explanations and documents provided, the FEI was satisfied that the APR had established how the Prohibited Substances entered the Horse's system.
9. Nevertheless, the FEI found no mitigating circumstances in the present case that would allow for a reduction of the otherwise applicable period of Ineligibility, based on a finding of *No fault or Negligence* and/or *No Significant Fault or Negligence*, since the APR admitted making all the relevant decisions about the Horse, and explained that his negligence consisted in not having read properly the rules and regulations regarding Pony Measurement Sessions, which are considered In-Competition pursuant to the applicable VRs.
10. Therefore, on 4 June 2024, the FEI charged the APR with a 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*).
11. In the Charge Letter, the FEI provided the APR with an opportunity to reduce the period of Ineligibility by three (3) months (i.e., from 6 months to 3 months) if he admitted the ECM Rule violation and accepted the sanctions imposed on him in accordance with Article 10.8.1 of the ECM Rules.
12. On 4 June 2024, the APR admitted the ECM Rule violation and submitted a duly signed Acceptance of Consequences Form to the FEI.

III. Summary of the proceeding before the FEI Tribunal

13. On 4 June 2024, the FEI submitted the duly signed Acceptance of Consequences Form together with the Notification Letter and the Charge Letter, and their respective annexes, to the FEI Tribunal, and requested that the FEI Tribunal issue this Consent Award, confirming the accepted consequences that would be imposed on the APR.
14. On 11 June 2024, the Tribunal informed the Parties of the appointment of a one-person hearing panel to adjudicate and approve this matter. The Parties were asked to provide any objections to the constitution of the hearing panel by 14 June 2024.
15. On 11 June 2024, the FEI informed the Tribunal that it did not have any objections to the constitution of the hearing panel. The APR never replied; therefore, his silence was taken as agreement to the constitution of the hearing panel.

¹ For the case related to Ms Margaux Bouchery, cf. FEI Tribunal Final Decision C24-0022 BOUCHERY (2024_CM04 Igual de Margotte), notified on 16 May 2024.

16. Neither party requested an oral hearing.

IV. Jurisdiction

17. The jurisdiction of the FEI Tribunal, which is not disputed, derives from the:

Statutes 25th edition, effective 21 November 2023 ("Statutes"), Articles 1.5, 38 and 39.

General Regulations, 24th edition, updates effective 1 January 2024, Articles 118, 143.1, 159, 164, 165 and 167 ("GRs").

Internal Regulations of the FEI Tribunal, 3rd Edition, 2 March 2018 ("IRs").

FEI Equine Anti-Doping and Controlled Medication Regulations ("EADCMRs"), 3rd edition, effective 1 January 2021, updates effective 1 January 2023.

V. Early Admission and Acceptance of Sanction

18. In accordance with Article 10.8.1 of the ECM Rules: *"Where Person Responsible and/or member of the Support Personnel and/or other Person, after being notified by the FEI of a potential ECM Rule violation that carries an asserted period of Ineligibility of six (6) months or more (including any period of Ineligibility asserted under Article 10.4), admits the violation and accepts the asserted period of Ineligibility no later than twenty (20) days after receiving notice of an ECM Rule violation charge, the Person Responsible and/or member of the Support Personnel and/or other Person may receive a three (3) month reduction in the period of Ineligibility asserted by the FEI. Where the Person Responsible and/or member of the Support Personnel and/or other Person receives the three (3) month reduction in the asserted period of Ineligibility under this Article 10.8.1, no further reduction in the asserted period of Ineligibility shall be allowed under any other Article."*

VI. Ratification of the Accepted Consequences

19. The APR has explicitly admitted the ECM Rule violation and accepted the following consequences (in accordance with the Article 10.8.1 of the ECM Rules):

- a period of Ineligibility of three (3) months commencing from the date of this Consent Award (the Provisional Suspension already served will be credited against the imposed period of Ineligibility); and
- a fine of CHF 2'500.-;

- o costs of CHF 1'000.- (in case of B-sampling).
20. The sole panel member confirms that the above Accepted Consequences comply with the ECM Rules and finds no grounds to object to their terms.

ON THESE GROUNDS

1. The sole panel member hereby ratifies the Accepted Consequences in the case of C24-0033 DOMINIQUE BOUCHERY [2024/CM04 – IGUAL DE MARGOTTE] and incorporates its terms into this Consent Award.
2. Each Party is hereby ordered to perform the obligations and duties pursuant to the Accepted Consequences.
3. The Consent Award is pronounced without costs.
4. This Consent Award is final and not subject to an appeal as the APR has waived this right.
5. This Consent Award will be published in accordance with Article 14.3 of the ECM Rules.

DECISION TO BE FORWARDED TO:

- a. The Parties:
 - FEI
 - Mr Dominique BOUCHERY (APR)
- b. Any other:
 - The NF of the APR, the French Equestrian Federation

FOR THE TRIBUNAL



Mr Cesar Torrente (COL), Sole Panel Member