

DECISION of the FEI TRIBUNAL
dated 10 June 2020

Positive Controlled Medication Case No.: 2019/CM19

Horse: CORDON BLEU

FEI Passport No: 105FC66/UZB

Person Responsible/ID/NF: Khurshidbek ALIMDJANOV/10097771/UZB

Event/ID: CSI1* - Moscow region (RUS)/2019_CI_1317_S_S_02

Date: 27 – 30 June 2019

Prohibited Substance: Dexamethasone, Diclofenac

I. COMPOSITION OF PANEL

Mr. Mohammed Al Saberi, one member panel

II. DESCRIPTION OF THE CASE FROM THE LEGAL VIEWPOINT

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

Statutes 24th edition, effective 20 November 2018 ("**Statutes**"), Arts. 1.4, 38 and 39.

General Regulations, 23rd edition, 1 January 2009, updates effective 1 January 2019, Arts. 118, 143.1, 161, 168 and 169 ("**GRs**").

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

FEI Equine Anti-Doping and Controlled Medication Regulations ("**EADCMRs**"), 2nd edition, changes effective 1 January 2019.

FEI Equine Controlled Medication Rules ("**ECM Rules**"), 2nd edition, changes effective 1 January 2019.

Veterinary Regulations ("**VRs**"), 14th edition 2018, effective 1 January 2019, Art. 1055 and seq.

FEI Code of Conduct for the Welfare of the Horse.

2. Person Responsible: Mr. Khurshidbek Alimdjánov

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).”

GRs Art. 118.3: “The Person Responsible shall be the Athlete who rides, vaults or drives the Horse during an Event, but the Owner and other Support Personnel including but not limited to grooms and veterinarians may be regarded as additional Persons Responsible if they are present at the Event or have made a relevant Decision about the Horse. In vaulting, the lunge shall be an additional Person Responsible.”

ECM Rules Art. 2.1.1: “It is each *Person Responsible's* personal duty to ensure that no *Controlled Medication Substance* is present in the *Horse's* body during an Event without a valid Veterinary Form. *Persons Responsible* are responsible for any *Controlled Medication Substance* found to be present in their *Horse's Samples*, even though their *Support Personnel* will be considered additionally responsible under Articles 2.2 – 2.5 ECM Rules where the circumstances so warrant. It is not necessary that intent, Fault, negligence or knowing *Use* be demonstrated in order to establish a *Rule* violation under Article 2.1.”

ECM Rules Art. 7.6.1: “In cases where the Administrative Procedure, as set out in Article 8.3 below, is not available, at any time during the results management process the *Person Responsible* and/or member of the *Support Personnel* and/or *Owner* against whom an anti-doping rule violation is asserted may admit that violation at any time, waive a hearing and may agree with the FEI on the Consequences that are mandated by these ECM Rules or (where some discretion as to Consequences exists under these ECM Rules) that have been offered by the FEI. The agreement shall be submitted to the FEI Tribunal for approval and, where approved by the *FEI Tribunal*, the final agreement shall state the full reasons for any period of *Ineligibility* agreed, including (if applicable), a justification for why the flexibility in *Sanction* was applied. Such agreement shall be considered as a decision for the case and will be reported to the parties with a right to appeal under Article 12.2.2 and published as provided in Article 13.3.”

III. DECISION

1. Parties

- 1.1 The Person Responsible (“**PR**”), Mr. Khurshidbek Alimdjano, is a rider for Uzbekistan.
- 1.2 The Fédération Equestre Internationale (the “**FEI**” and together with the PR, the “**Parties**”), is the sole IOC recognised international federation for equestrian sport. The FEI is the governing body of the FEI equestrian

disciplines (Dressage, Jumping, Eventing, Driving, Endurance, Vaulting, Reining, Para-Equestrian).

2. Further proceedings

- 2.1 On 21 August 2019, the FEI notified the PR and the Uzbekistan National Federation (the "**UZH-NF**") of the apparent ECM rule violation based on the Laboratory's adverse analytical finding of Dexamethasone and Diclofenac in the Horse's Sample collected at the Event on 29 June 2019. Further, the FEI informed the PR that he was provisionally suspended as of the notification until further notice.
- 2.2 On 24 February 2020, upon request by the FEI, the Tribunal issued a Preliminary Decision, and decided to lift the Provisional Suspension of the PR as of 24 February 2020, midnight CET.
- 2.3 On 2 June 2020, the FEI informed the Tribunal that the Parties had reached an Agreement in the context of the Case 2019/CM19 CORDON BLEU and submitted the Agreement (together with the Case Summary and the Full Reasoning for the Agreement, as well as the Annexes outlined throughout this Decision) to the Tribunal for approval and incorporation into a Decision of the Tribunal in accordance with Article 7.6.1 of the EADCMRs.
- 2.4 On 5 June 2020, the FEI Tribunal Chair nominated a one member panel to which neither party objected.

3. Agreement between Parties

- 3.1 The Parties reached the following Agreement:

*** Quote***

NOW, THEREFORE, THE PARTIES HAVE AGREED (SUBJECT ONLY TO THE APPROVAL OF THE FEI TRIBUNAL) TO THE FOLLOWING TERMS FOR THE CLOSURE OF THE PROCEEDINGS:

In the matter of the Adverse Analytical Finding related to the samples, which were collected from the PR's horse CORDON BLEU at the CSI1* in Moscow region, Russia on 29 June 2019, the PR and the FEI agree in accordance with 7.6.1 ECM Rules on the following:

- (a) The PR admits the violations 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 has not established on a balance of probabilities how Dexamethasone and Diclofenac entered the Horse's system;
- (c) The applicable period of Ineligibility shall be six (6) months, commencing as of the date of the final FEI Tribunal decision, taking into account the already served period of provisional suspension;
- (d) In accordance with Articles 9.1 and 10.1.2 of the ECM Rules the results achieved by the PR and the Horse at the Events are disqualified, with all resulting consequences, including forfeiture of any related medals, points and prizes;
- (e) The fine for the Rule Violation is eliminated in its entirety due to the PR's financial situation;
- (f) Each party will bear its own legal and other costs incurred in connection with these proceedings;
- (g) No other Sanctions will apply in this case;
- (h) This violation of the ECM Rules shall be considered a prior violation for the purpose of Multiple Violations in accordance with Article 10.8 of the ECM Rules.

This agreement is made in accordance with Article 7.6.1 of the ECM Rules and is subject to the approval of the FEI Tribunal. The Agreement will be included in a Final Decision of the FEI Tribunal. Consequently, it will be communicated to the Parties with a right of appeal in accordance with Article 12.2 of the ECM Rules.

The parties acknowledge and agree that, pursuant to Article 13.3 of the ECM Rules, the Decision will be made public by the FEI. The terms set out in this agreement have been agreed as a full and final settlement of all claims relating to the subject-matter of these proceedings.

End Quote

- 3.2 The Parties provided the following Case Summary and Reasons as part of the Agreement:

"Mr. Khurshidbek ALIMDJANOV (FEI ID 10097771), the Person Responsible ("PR") in accordance with Article 118.3 of the FEI General Regulations, is a rider for Uzbekistan.

The Fédération Equestre Internationale (the "FEI" and together with the PR, the "Parties"), is the sole IOC recognised international

federation for equestrian sport. The FEI is the governing body of the FEI equestrian disciplines (Dressage, Jumping, Eventing, Driving, Endurance, Vaulting, Reining, Para Dressage and Para Driving).

The PR participated with the horse CORDON BLEU (FEI ID: 105FC66) (the "Horse") in CSI1* in Moscow region, Russia between 27-30 June 2019 (the "Event"). As a member of the Uzbekistan Equestrian Federation (the "Uzbekistan NF"), the latter being a member of the FEI, the PR was bound by the FEI EADCM Regulations.¹

The Horse was selected for testing on 29 June 2019. Blood and urine samples were collected from the Horse and sent to the FEI approved LGC Newmarket Road Laboratory ("LGC") in Cambridgeshire, UK for analysis.

Analysis of the samples revealed the presence of Dexamethasone and Diclofenac. Dexamethasone is a corticosteroid with anti-inflammatory effect. Diclofenac is a non-steroidal anti-inflammatory used for anti-inflammatory and analgesia. The substances are classified as Controlled Medication Substances under the FEI Equine Prohibited Substances List.

The positive finding of Dexamethasone and Diclofenac in the Horse's sample gave rise to a Controlled Medication Rule Violation.

By notification letter dated 21 August 2019, the FEI informed the PR and the Uzbekistan NF of a violation of Article 2.1 (*The Presence of a Controlled Medication Substance and/or its Metabolites or Markers in a Horse's Sample*) of the FEI Equine Controlled Medication Rules (the "ECMRs") based on the Laboratory's adverse analytical finding of Dexamethasone and Diclofenac in the Horse's Sample collected at the Event. (Exhibit 1)

In accordance with Art. 7.4.1 of the Equine Controlled Medication Rules (the "ECMRs") the PR was provisionally suspended as of the date of the notification letter. Upon the FEI's request, the provisional suspension was lifted on 24 February 2020 by the FEI Tribunal's decision. (Exhibit 2)

The PR was provided with the right to request a B Sample analysis of the positive sample. The PR did not exercise his right to a B-sample analysis.

The PR promptly admitted the Rule Violation and provided his written

¹ FEI Equine Anti-Doping and Controlled Medication Regulations 2nd edition, changes effective 1 January 2019

submission wherein he explained how the Prohibited Substances entered the body of Cordon Bleu (Exhibit 3):

- The PR did not apply any drugs to the horse;
- The PR believes the hired veterinarian without coordinating with the PR and the trainer, independently decided to introduce this drug to the PR's horse;
- An explanatory conversation was held with the veterinarian and he was suspended from his duties;
- The PR understands that this does not deprive him of his responsibility and takes all the blame on himself;
- Going forward the PR will be cautious and such mistakes will not be allowed.

The FEI finds that the PR's explanation is lacking decisive information such as which medication was administered, the date of administration, the dose and route of administration, their purpose etc. In addition, the information would need to be substantiated. This has not been provided.

Due to the above the FEI is not satisfied that the PR met his burden of proving, on the balance of probability, how the Prohibited Substances entered into the horse's system.

The FEI therefore submits that the PR has not established how Dexamethasone and Diclofenac entered the body of the Horse.

Consequently, no elimination or reduction of the standard period of Ineligibility of six (6) months is possible under Article 10.4 or Article 10.5 of the ECMRs.

Lastly, the PR has provided a notarized income statement attesting to his monthly income which the FEI has taken into careful consideration. (Exhibit 4)

Due to low monthly income the FEI concludes to eliminate the fine in its entirety."

4. Jurisdiction

- 4.1 The Tribunal has jurisdiction over this matter pursuant to Article 38 of the Statutes, Article 159 of the GRs, the EADCMRs, as well as Article 18 of the IRs.

- 4.2 As a member of the UZB-NF, the latter being a member of the FEI, the PR is bound by the EADCMRs.
- 4.3 Further, Article 7.6.1 of the EADCMRs allows for agreements between parties.
- 4.4 As a result, the Tribunal finds that it has jurisdiction to issue this Decision.

5. Approval of Agreement

- 5.1 Having reviewed the Case Summary, the Full Reasoning for the Agreement and terms of the Agreement, the Tribunal has – among others – taken note, that the Parties agreed that the standard sanction of six (6) months applies in the case at hand. The FEI however agreed to eliminate the fine in its entirety due to the PR's financial situation, which the Tribunal finds reasonable in the case at hand.
- 5.2 Therefore, and in accordance with the mutual consent of the Parties, the Tribunal hereby directs the Parties to fully comply with all the terms of the Agreement as set forth in Article 3.1 above. Further, this Decision shall terminate the present case 2019/CM19 CORDON BLEU.

6. Decision

- 1) The Tribunal rules that the Agreement executed by the FEI and the PR, Mr. Khurshidbek Alimdjanov, concerning the case 2019/CM19 CORDON BLEU is hereby - pursuant to Article 7.6.1 of the EADCMRs - approved by the Tribunal with the consent of the Parties and its terms are incorporated into this Decision. Namely, the Parties agreed as outlined in Article 3.1 above.
- 2) This Decision is subject to appeal in accordance with Article 12.2 of the ECM Rules. An appeal against this Decision may be brought by lodging an appeal with the Court of Arbitration for Sport (CAS) within twenty-one (21) days of receipt hereof.
- 3) This Decision shall be published in accordance with Article 13.3 of the ECM Rules.

IV. DECISION TO BE FORWARDED TO:

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

FOR THE PANEL

A handwritten signature in blue ink, consisting of a large loop followed by several horizontal strokes.

Mr. Mohamed Al Saberi, one member panel