

INTERNATIONAL RUGBY BOARD

IN THE MATTER OF REGULATIONS RELATING TO THE GAME

AND IN THE MATTER OF AN ALLEGED DOPING OFFENCE BY **DAVY LARGUET**
CONTRARY TO REGULATION 21

BEFORE A BOARD JUDICIAL COMMITTEE APPOINTED PURSUANT TO
REGULATION 21.20 and 21.21 CONSISTING OF:

Dr Roger Evans (Wales)
Dr. Ismail Jakoet (South Africa)
Graeme Mew (Canada – Chair)

Appearances and Attendances:

For the Board:
Tim Ricketts (Anti-Doping Manager)
Darren Bailey (Counsel)

DECISION OF THE JUDICIAL COMMITTEE

1. The International Rugby Board (the “Board”) alleges that Davy Larguet (the “Player”) committed a Doping Offence, contrary to Regulation 21 of the Regulations Relating to the Game (the “Regulations”) when a urine sample provided in the course of a doping control test taken at the Rugby World Cup 2005 Sevens qualifying tournament in Palma – Mallorca, Spain, on 16 July 2004, was found to have contained a Prohibited Substance, 11-nor-delta 9-tetrahydrocannabinol-9-carboxylic acid (Cannabinoids) at a concentration of higher than 15ng/ml.
2. Following a preliminary review undertaken pursuant to Regulation 21.20.1., the Player was notified by a letter dated 19 August 2004 that the “A” sample of the specimen he had provided had resulted in an Adverse Analytical Finding for the presence of Cannabinoids. The Player was given the option of having the “B” sample of his specimen analysed and was notified that pursuant to Regulation 21.19.1 he was provisionally suspended pending the outcome of the case.
3. By a letter dated 30 August 2004 to the President of the Fédération Française de Rugby (“FFR”), the Player wrote:

(translation) "I declare that I admit such analysis and also accept any decisions made with regards to this case".

4. Following receipt of this letter, the Board, on 10 September 2004, wrote to the Player to confirm the Player's acceptance of the findings of the analysis of his "A" sample and that, accordingly, a doping offence had been committed. The Player was advised by the same letter that a Board Judicial Committee would be appointed to consider the case.

5. By a letter dated 28 September the Board informed the Player that a Judicial Committee had been appointed and that the Judicial Committee would meet in Dublin on 7 October 2004. The Player was advised that he could attend the hearing in person, have a representative attend with him or on his behalf, participate by telephone, or make written submissions.

6. In the event, the Player did not attend. The hearing proceeded in his absence. In addition to the record relating to the doping test and results, the Judicial Committee had copies of correspondence relating to the matter, including the letter from the Player dated 10 September 2004, referred to above, and a second letter from the Player, dated 26 September 2004, the full text of which (translated) was as follows:

Blagnac, 26 September 2004

Sir,

I am writing this letter to let you know that I fully recognise I have been tested positive with cannabis during the Palma de Majorca tournament, qualifying for the RWC 7's in Hong Kong. With this letter, I would like to ask for a decision as lenient as possible. I only smoked in a social context (the wedding of a friend). I now play for a new club near Toulouse the officials and manager of which have full confidence in me. I am sure you will appreciate a suspension would not be well considered by these persons, and by my family who would be very disappointed. I joined this club to have a new start, a healthier life and gain the club's confidence. Thanks in advance for your kind understanding and appreciation and I would like to let you know that I will not make such stupid mistake anymore".

7. At the commencement of the hearing, counsel for the Board invited the Judicial Committee to consider adjourning the hearing so that further inquiries could be made of the Player to determine:

- a) When the Player had used cannabis; and
- b) What, if any, rugby activities the Player had been involved in following such use until the date he was tested and when such activities had taken place.

8. After considering the Board's request, the Judicial Committee, concluded that the information sought by the Board was unlikely to have a significant effect on the Judicial Committee's disposition of the case. Accordingly, we continued with consideration of the case.

9. We are satisfied, on the evidence before us, that the Player has committed an Anti-Doping Rule Violation due to the presence of a Prohibited Substance, namely Cannabinoids, in the Player's urine sample.

10. Having so determined, we turned to the matter of Sanctions, which are provided for under Regulation 21.22. Whereas ordinarily the period of ineligibility for a first offence involving the presence of a Prohibited Substance is two years, certain "specified substances", including Cannabinoids, are governed by Regulation 21.22.2, which provides as follows:

Imposition of Ineligibility for Specified Substances

21.22.2 The Prohibited List may identify specified substances which are particularly susceptible to unintentional anti-doping rules violations because of their general availability in medicinal products or which are less likely to be successfully abused as doping agents. Where a Player can establish that the Use of such a specified substance was not intended to enhance sport performance, the period of Ineligibility found in Regulation 21.22.1 shall be replaced with the following:

First violation: At a minimum, a warning and reprimand and no period of Ineligibility from future Events, and at a maximum, one (1) year's Ineligibility.

Second violation: Two (2) years' Ineligibility.

Third violation: Lifetime Ineligibility.

However, the Player or other Person shall have the opportunity in each case, before a period of Ineligibility is imposed, to establish the basis for eliminating or reducing (in the case of a second or third violation) this sanction as provided in Regulation 21.22.4.

11. Regulation 21.22.2 requires us to consider whether the Player has established to the comfortable satisfaction of the Judicial Committee, that his use of cannabis was not intended to enhance sport performance and, if so, to decide what sanction should be imposed for a first violation by the Player.

12. Although the information provided by the Player as to the circumstances of the violation was limited, we are satisfied that the player used cannabis in a social setting and that there was no intention on his part to enhance sport performance. However, the Player, and others who find themselves in a similar situation in the future, should understand that the burden is on them to establish a lack of intent to enhance sport performance. Failure to do so will result, in the absence of exceptional circumstances, in a period of ineligibility of two years.

13. Although the use of cannabis in social settings is not behaviour which is unknown in the rugby community, the Regulations relating to the game make it quite clear that cannabinoids are prohibited and that their presence in the event of doping controls will result in an Adverse Analytical Finding which, in turn, will lead to sanctions. Accordingly the Judicial Committee is not prepared, in the absence of any truly mitigating circumstances, to look on the Player's violation as a trivial matter which is deserving of no more than a slap on the wrist in the form of a reprimand.

14. The Judicial Committee has therefore determined that the Player will be ineligible for participation in rugby for a period of two months, commencing on the date on which his provisional suspension first took effect.

15. If the Board wishes us to exercise our discretion in relation to costs pursuant to Regulation 21.21.9, written submissions should be provided to the Judicial Committee and to the Player by 17:00 Dublin time on 15 October 2004, with any written submissions by the Player in response to be provided to the Board (which shall be

responsible for forwarding such submissions on to the Judicial Committee) by no later than 17:00 Dublin time on 26 October 2004.

Dublin, 8 October 2004

Graeme Mew

Roger Evans

Ismail Jakoet