



Tribunal Arbitral du Sport  
Court of Arbitration for Sport

CAS 2006/A/1133 WADA v/Michel Stauber & Swiss Olympic

**ARBITRAL AWARD**

delivered by the

**COURT OF ARBITRATION FOR SPORT**

sitting in the following composition

President: Mr Luc Argand, Attorney-at-Law, Geneva, Switzerland

Arbitrators: Mr Jean-Pierre Morand, Attorney-at-Law, Geneva, Switzerland  
Mrs Corinne Schmidhauser, Attorney-at-Law, Bern, Switzerland

between

**World Anti-Doping Agency (WADA)**, Tour de la Bourse, 800 Place Victoria, Suite 1700,  
Post Office Box 120, Montreal, Quebec, H4Z 1B7, Canada, represented by Mr Francois  
Kaiser, Attorney-at-Law, Lausanne, Switzerland

Appellant

and

**Mr Michel Stauber**, Birmensdorfstrasse 337, 8055 Zurich,

Respondent 1

**Swiss Olympic**, Haus des Sportes, Laubeggstrasse 70, Post Office Box 606, 3000 Bern 22,  
represented by Mr Bernard Welten, Thunstrasse 82, 3000 Bern 6

Respondent 2

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### FACTUAL BACKGROUND

#### A. THE PARTIES

1. **The World Anti-Doping Agency ("WADA")** is a Swiss private law Foundation. Its registered office is in Lausanne, Switzerland, and its headquarters are in Montreal, Canada. It was created in 1999 to promote, coordinate and monitor the fight against doping in sport in all of its forms.
2. **Swiss Olympic Association ("Swiss Olympic")** is an association under Swiss law with its registered office in Bern. Created on 1 January 1997, it is the supreme organization of the Swiss sporting federations and represents the Olympic and non-Olympic sport disciplines.
3. **Mr Michel Stauber ("Mr Stauber" or "the Athlete")** is a former Swiss amateur Handball Player who currently works in an investment bank.

#### B. STATEMENT OF FACTS

4. On 28 April 2006, at the conclusion of a Handball match between St Otmar St. Gall and Grasshoppers, Mr Stauber has been subject to an anti-doping test which showed positive for hydrochlorothiazid. The subsequent analysis of the B sample has not been requested by Mr Stauber, who has not contested the result.
5. On 10 May 2006, Mr Stauber has requested from Swiss Olympic an "authorization for therapeutic purposes" ("TUE") to take Co-Diovan®, a medicine in which one of the principle components is hydrochlorothiazid. The "TUE" certificate authorizing Mr Stauber to use said medicine was delivered to him on 12 May 2006, that is following the antidoping test.
6. On 31 May 2006, Mr Stauber ended his sporting career.
7. In a decision of 6 July 2006, the Disciplinary Chamber of Swiss Olympic ("the Disciplinary Chamber") found that Mr Stauber had objectively breached Article 12.1 of the Statute concerning doping issued by Swiss Olympic and valid since 12 May 2004 ("Statute") by taking the said medicine, this notwithstanding the fact that the doctor had