



DECISION of the FEI TRIBUNAL

dated 11 July 2017

Positive Controlled Medication Case No.: 2016/CM07

Horse: ARMANI DU JADE EWALDRESS **FEI Passport No:** 104VU67/BEL

Person Responsible/NF/ID: Olivier Carlens/BEL/10120700

Event/ID: CDI2* - Paris (FRA) – 2016_CI_1803_D_S_02

Date: 25 – 29 November 2016

Prohibited Substances: Caffeine, Theophylline

I. COMPOSITION OF PANEL

Dr. Armand Leone, one member panel

II. SUMMARY OF THE FACTS

- 1. Memorandum of case:** By Legal Department.
- 2. Summary information provided by Person Responsible (PR):**
The FEI Tribunal duly took into consideration all evidence, submissions and documents presented in the case file and during the oral hearing, as also made available by and to the PR.
- 3. Oral hearing:** 5 July 2017, via telephone conference call

Present:

The FEI Tribunal Panel
Ms. Erika Riedl, FEI Tribunal Clerk

For the PR:

Mr. Olivier Carlens, Person Responsible

For the FEI:

Ms. Anna Thorstenson, FEI Legal Counsel

III. DESCRIPTION OF THE CASE FROM THE LEGAL VIEWPOINT

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

Statutes 23rd edition, effective 29 April 2015 ("**Statutes**"), Arts. 1.4, 38 and 39.

General Regulations, 23rd edition, 1 January 2009, updates effective 1 January 2016, Arts. 118, 143.1, 161, 168 and 169 ("**GRs**").

Internal Regulations of the FEI Tribunal, 2nd edition, 1 January 2012 ("**IRs**").

FEI Equine Anti-Doping and Controlled Medication Regulations ("**EADCMRs**"), 2nd edition, effective 1 January 2016.

FEI Controlled Medication Regulations ("**ECM Rules**"), 2nd edition, effective 1 January 2016.

Veterinary Regulations ("**VRs**"), 13th edition 2015, effective 1 January 2016, Art. 1055 and seq.

FEI Code of Conduct for the Welfare of the Horse.

2. Person Responsible: Mr. Olivier Carlens

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 lunger 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 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. 10.5.1.1. Specified Substances: "Where the ECM rule

violation involves a Controlled Medication Substance that is a Specified Substance, and the Person Responsible and/or member of the Support Personnel can establish No Significant Fault or Negligence, then the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, six months of Ineligibility, depending on the Athlete's or other Person's degree of Fault. Where the Person Responsible and/or member of the Support Personnel intends to establish that he/she bears No Fault or Negligence, Article 10.4 shall apply."

EADCMRs APPENDIX 1 – Definitions:

"Fault. Fault is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an Person Responsible and/or member of the Support Personnel's degree of Fault include, for example, the Person Responsible's and/or member of the Support Personnel's experience, whether the Person Responsible and/or member of the Support Personnel is a Minor, special considerations such as impairment, the degree of risk that should have been perceived by the Person Responsible and/or member of the Support Personnel and the level of care and investigation exercised by the Person Responsible and/or member of the Support Personnel in relation to what should have been the perceived level of risk. In assessing the Person Responsible's and/or member of the Support Personnel's degree of Fault, the circumstances considered must be specific and relevant to explain the Person Responsible's and/or member of the Support Personnel's departure from the expected standard of behaviour. Thus, for example, the fact that the Person Responsible would lose the opportunity to earn large sums of money during a period of Ineligibility, or the fact that the Person Responsible only has a short time left in his or her career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of Ineligibility under Article 10.5.1 or 10.5.2."

"No Fault or Negligence. The Person Responsible and/or member of the Support Personnel establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had administered to the Horse, or the Horse's system otherwise contained, a Banned or Controlled Medication Substance or he or she had Used on the Horse, a Banned or Controlled Medication Method or otherwise violated an EAD or ECM Rule. Except in the case of a Minor, for any violation of Article 2.1, the Athlete must also establish how the Prohibited Substance entered his or her system."

"No Significant Fault or Negligence. The Person Responsible and/or member of the Support Personnel establishing that his fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relationship to the EADCM Regulation violation. Except in the case of a Minor, for any violation of Article 2.1 of the EAD Rules and Article 2.1 of the ECM Rules, the Athlete must also establish how

the Prohibited Substance entered his or her system.”

IV. DECISION

Below is a summary of the relevant facts, allegations and arguments based on the Parties’ written submissions, pleadings and evidence adduced during the oral hearing. Additional facts and allegations found in the Parties’ written submissions, pleadings and evidence may be set out, where relevant, in connection with the legal discussion that follows. Although the Tribunal has fully considered all the facts, allegations, legal arguments and evidence in the present proceedings, in its decision it only refers to the submissions and evidence it considers necessary to explain its reasoning.

1. Factual Background

- 1.1 ARMANI DU JADE EWALDRESS (the “**Horse**”) participated at the CDI2* in Paris, France, from 25 to 29 November 2016 (the “**Event**”), in the discipline of Dressage. The Horse was ridden by Mr. Olivier Carlens who is the Person Responsible in accordance with Article 118.3 of the GRs (the “**PR**”).
- 1.2 The Horse was selected for sampling during the Event, on 29 November 2016.
- 1.3 Analysis of the urine and blood sample number 5548361 taken from the Horse at the Event was performed at the FEI-approved Laboratory, LGC Laboratory in Fordham, UK (the “**Laboratory**”). The analysis of the sample revealed the presence of Caffeine and Theophylline in the urine.
- 1.4 The Prohibited Substances detected are Caffeine and Theophylline. Caffeine is a stimulant that stimulates the central nervous system. Theophylline is a bronchodilator used in treatment of respiratory disease. Caffeine can be a direct metabolite of Theophylline. Both substances are classified as Controlled Medication Substances under the FEI Equine Prohibited Substances List (the “**FEI List**”). Furthermore, no valid Veterinary Form exists for the respective substances. Therefore, the positive finding for Caffeine and Theophylline in the Horse’s sample gives rise to a Controlled Medication Rule violation under the EADCMRs. Both substances are classified as “Specified Substances” on the FEI Equine Prohibited Substances List.
- 1.5 In its submission of 15 March 2017, the FEI provided further scientific background on the Prohibited Substances as outline in the following. Caffeine and Theophylline are “Specified Substances”. Specified Substances are substances possible to enter a Horse’s system inadvertently, due to a credible non-doping explanation, and therefore to allow the FEI and/or the FEI Tribunal more flexibility when

prosecuting a case or when making a sanctioning decision. The presence of the combination of both Caffeine and Theophylline could indicate contamination.

- 1.6 Further, the FEI screening limit for Caffeine is very generous in order to control the misuse of Caffeine, but to allow for inadvertent feed contamination without being above the limit. If there is a high concentration of Caffeine it therefore indicates that it is less likely with inadvertent contamination. The Caffeine concentration in the Horse's sample was 250-300 ng/ml, which is considered a high concentration.

2. The Further Proceedings

- 2.1 On 20 December 2016, the FEI Legal Department officially notified the PR and the Owner of the Horse through the Belgium National Federation ("**BEL-NF**"), of the presence of the Prohibited Substances following the laboratory analysis, the possible rule violation and the possible consequences.

3. The B-Sample analysis

- 3.1 Together with the Notification Letter of 20 December 2016, the PR and the Owner of the Horse were also informed that they were entitled (i) to the performance of a B-Sample confirmatory analysis on the positive sample; (ii) to attend or be represented at the B-Sample analysis; and/or (iii) to request that the B-Sample be analysed in a different laboratory than the A-Sample.
- 3.2 Neither the PR nor the Owner of the Horse asked for the B-Sample to be analysed, and thus accepted the results of the A-Sample analysis.

4. Written submission by and on behalf of the PR

- 4.1 On 6 February 2017 and on 8 February 2017, the PR provided his explanations for the positive finding.
- 4.2 In essence, the PR submitted that:
 - a) The Horse had never had any medical treatment prior to the Event.
 - b) The PR also provided a list of the feed the Horse had been fed, which included among others a syrup of elder-bush (home-made) with honey, and spices such as thyme, guarana, melissa and hawthorn.
 - c) He started to investigate the origin of the Caffeine, and checked into the ingredients of the home-made syrup of elder-bush with added spices that his mother made. In this respect, he found on the

internet that the spice 'Guarana' contains "very much" caffeine. This "spice" was used in the home-made syrup of elder-bush. He further explained that his mother always made a syrup of the berries with the stalks of the black elder-tree in the autumn. She added some spices like thyme, guarana, honey, sugar. She cooked the substances for half an hour. All horses (young horses and competition horses) – including the Horse - received this syrup in wintertime to support the respiratory system and the vitality.

- 4.3 On 3 April 2017 and on 4 April 2017, upon request for further evidence/information by the FEI, Ms. Jessie Marchand, mother of the PR, stated as follows:

"I feed all horses with a muesli Pavo. Armani receives Care4Life 1 kg, Cerevit 1 kg and Sportsfit 2 kg daily and two times daily hay.

I'm personally an obsession person to have to less energy that's why i give my horses who are doing an intense work also daily supplements : two times in the year for the articulations (i mix the herbs that i buy on website), supplements as garlic in sommer time, fenugrec and yeast daily and other supplements pe the syrup that i make in automn.

We have a little dressage stable so i feed all horses in own person. The syrup (20 to 30 ml) has been given since the beginning of november. I put it on the food also during the competition in Paris. The receipt i have found it on internet and i add some spices to create a barrier for infection and to increase the immunity and the vitality. I find me well with the guarana thee and so i have used it in the syrup. Never i have thought if this spice hold cafféine.

I know very well that we may not give chocolate to the horses but never i have analysed that guarana holds caffeine. I have only make the research when we have received the positive test. Now i know and i inform also other riders of my mistake and to be carefull with home-made receipts.

Naturally i had a look on the lists of forbidden substances, my husband is an organisator of national dressage competition in Belgium and my son has ridden FEI Pony and Junior. But guarana is not mentionned."

- 4.4 She further explained that she had committed "a fault" but "without intention to do it". Finally, that she did not have any notion of the chemical substances of guarana.

5. Written Response by the FEI

- 5.1 On 15 March 2017 and on 19 May 2017, the FEI provided its Response to the explanations provided by and on behalf of the PR.

5.2 In essence the FEI submitted that:

- a) Article 3.1 of the ECM Rules made it the FEI's burden to establish all of the elements of the ECM Rule violation charged, to the comfortable satisfaction of the Tribunal. The elements of an Article 2.1 violation were straightforward. "It is not necessary that intent, fault, negligence or knowing Use be demonstrated in order to establish an ECM Rule violation under Article 2.1". Instead it was a "strict liability" offence, established simply by proof that a Controlled Medication Substance was present in the Horse's sample. The results of the analysis of the A-Sample taken from the Horse at the Event confirmed the presence of Caffeine and Theophylline, and together constituted "sufficient proof" of the violation of Article 2.1 of the ECM Rules. In any event, the PR did not dispute the presence of those Prohibited Substances in the Horse's sample. Accordingly, the FEI had discharged its burden of establishing that the PR had violated Article 2.1 of the ECM Rules.
- b) Where a Controlled Medication Substance was found in a horse's sample without a valid Veterinary Form, a clear and unequivocal presumption arose under the ECM Rules that it was administered to the horse deliberately, in an illicit attempt to enhance its performance. As a result of this presumption of fault, Article 10.2 of the ECM Rules provided that a Person Responsible with no previous doping offences who violated Article 2.1 of the ECM Rules was subject to a period of Ineligibility of six (6) months, unless he was able to rebut the presumption of fault. To do this the rules specified that he must establish to the satisfaction of the Tribunal (it being his burden of proof, on a balance of probability) (i) how the Prohibited Substances entered the Horse's system and (ii) that he bore No Fault or Negligence for that occurrence; or, alternatively (iii) that he bore No Significant Fault or Negligence for that occurrence. If the PR failed to discharge this burden, the presumptive six-month ban under Article 10.2 of the ECM Rules applied.
- c) The ECM Rules stipulated, and the jurisprudence of the Tribunal and the Court of Arbitration for Sport ("**CAS**") was very clear: it was a strict threshold requirement of any plea of No (or No Significant) Fault or Negligence that the PR proved how the substance(s) entered into the Horse's system. The FEI submitted in this context that the PR must provide clear and convincing evidence that proved how the Caffeine and Theophylline had entered the Horse's system. The PR had through his explanations established a possible source of the contamination through the elder-berry syrup given to the Horse which was spiced with Guarana. Guarana contained about twice the concentration of caffeine found in coffee seeds.
- d) In this respect, the FEI submitted that with an easy search for Guarana on the internet one could find the following:

As a dietary supplement, guarana is an effective stimulant, its seeds contain about twice the concentration of caffeine found in coffee seeds, about 2–4.5% caffeine in guarana seeds compared to 1–2%

for coffee seeds. As with other plants producing caffeine, the high concentration of caffeine is a defensive toxin that repels herbivores from the berry and its seeds.

- e) The concentration of Caffeine in the Horse's sample was many times higher than the allowed FEI screening limit. Due to the high content of Caffeine in Guarana, the FEI found it plausible that the ingestion of the syrup could lead to such a high concentration. The FEI was therefore of the opinion that the PR had established how the Prohibited Substances entered the Horse's system.
- f) The FEI further argued that, firstly, the PR and his mother did not have any intent to give the Horse Caffeine. They had used a homemade syrup in the winter as an extra supply of energy. Secondly, they had actually checked for Guarana in the FEI database, but did not find it.
- g) The FEI was of the opinion that the PR should have made further research of the ingredients of the syrup before it was given to the horses. Especially since it was available easily on the internet. The concentration of Caffeine was quite high and there could even be beneficial effects for the Horse.
- h) The FEI was of the opinion that No Fault or Negligence cannot apply, even though the PR has given Caffeine to the Horse through the homemade syrup, although it was without intent and unknowingly.
- i) The FEI stated that it could be satisfied that the criteria for the application of Article 10.5.1.1. "Specified Substances" of the ECM Rules have been met, and the FEI left for the Tribunal to decide whether No Significant Fault and Negligence applied in the case at hand. The FEI respectfully submitted that the period of Ineligibility should be at least three (3) months for the PR.
- j) The PR and Horse combination obtained in the Competition had to be disqualified with all resulting Consequences, including forfeiture of any related medals, points and prizes. Furthermore, since this was a case with a Controlled Medication Substance, occurring during or in connection with an Event, and in order to safeguard the level playing field, the FEI might disqualify all of the Person Responsible's individual results obtained in that Event, with any and all Horses with which the Person Responsible competed, with all consequences, including forfeiture of all medals, points and prizes, in accordance with Article 10.1.2 of the ECM Rules.
- k) As fairness did not dictate that no fine be levied in the case at hand, the FEI duly requested that a fine be imposed on the PR, and that the PR be ordered to pay the legal costs that the FEI had incurred in pursuing this matter. The FEI requested that the Tribunal fined the PR in the amount of 2 000 CHF, and ordered the PR to pay the legal costs of 1 000 CHF that the FEI had incurred in these proceedings.

6. Further proceedings

- 6.1 On 9 June 2017, the PR requested for a Final Hearing to be held.
- 6.2 Furthermore, the PR requested for the fine to be lowered for reasons that he was an amateur rider, and since, even though they had made a mistake it was unintentionally, as they had not known that Theophylline was in the syrup and that Guarana contained Caffeine, and since Guarana was not on the FEI List.

7. Final Hearing

- 7.1 During the Final Hearing, both Parties - in essence - maintained their submissions in writing.
- 7.2 The PR further clarified that he and his family had a partnership with a veterinarian, who was visiting the stables three (3) times a week, and who took care of the Horse. Furthermore, that the veterinarian had confirmed to him that "there was no problem" with the syrup; he did not know that there was Theophylline in the syrup, and neither did he know that Guarana contained Caffeine.
- 7.3 The PR stated that he was aware of the EADCMRs and that he checked the Guarana against the FEI List, but that he could not find it there. That only once he learned about the positive finding he conducted further research on the internet and realised that Guarana contained Caffeine.
- 7.4 Furthermore, that he had been educated to use natural products, and that he used the syrup himself also. That until six (6) months ago he had thought that checking the FEI List was sufficient, and it did not occur to him that he needed to do more research, especially considering that it was a "natural" product and not a medication. That for the future they will put protocols in place in order to avoid similar mistakes. Finally, that he always tried to do the best for the horses, and that the syrup had been given to the Horse in order to prevent any diseases, and not for any performance enhancing purposes.
- 7.5 The FEI stated that it was satisfied that the PR has provided a plausible explanation how the Caffeine and Theophylline had entered the Horse's body. Furthermore, that each of the two substances is a metabolite of the other one.
- 7.6 In the FEI's view the case at hand concerned a case of Specified Substances, and that while No Fault or Negligent did not apply in the case, No Significant Fault or Negligence could be supported by the evidence. Given that the PR checked the Guarana against the FEI List, and that it was not on the FEI List, and since the PR had no intention to "dope" the Horse or performance enhancing intentions,

the FEI suggested a three (3) months period of Ineligibility for the PR. However, the FEI ultimately requested the Tribunal to decide whether a three (3) months period of Ineligibility was proportionate in the case at hand. Furthermore, the FEI reduced its previous request regarding the fine, and the FEI asked the Tribunal to fine the PR in the amount of 1 500 CHF.

- 7.7 At the end of the Final Hearing, both Parties confirmed that they had an ample opportunity to present their case.

8. Jurisdiction

The Tribunal has jurisdiction over this matter pursuant to the Statutes, GRs and EAD Rules.

9. The Person Responsible

The PR is the Person Responsible for the Horse, in accordance with Article 118.3 of the GRs, as he was the rider of the Horse at the Event.

10. The Decision

- 10.1 As stated in Article 2.1.2 of the ECM Rules, sufficient proof of an ECM Rule violation is established by the presence of a Controlled Medication Substance in the Horse's A-Sample where the PR and the Owner of the Horse waive analysis of the B-Sample and the B-Sample is not analysed. The Tribunal is satisfied that the laboratory reports relating to the A-Sample reflect that the analytical tests were performed in an acceptable manner and that the findings of the Laboratory are accurate. The Tribunal is satisfied that the test results evidence the presence of Caffeine and Theophylline in the sample taken from the Horse at the Event. The PR did not contest the accuracy of the test results or the positive finding. These substances are classified as Controlled Medication Substances under the FEI List. The presence of Caffeine and Theophylline during an Event without a valid Veterinary Form is prohibited under Article 2.1 of the ECM Rules.
- 10.2 The FEI has therefore established an Adverse Analytical Finding, and has sufficiently proven the objective elements of an offence by the PR, in accordance with Articles 2.1 of the ECM Rules.
- 10.3 In cases brought under Article 2.1 of the ECM Rules a strict liability principle applies as described in Articles 2.1.1 of the ECM Rules. Once an ECM Rule violation has been established by the FEI, the PR has the burden of proving that he bore "No Fault or Negligence" for the rule violation as set forth in Article 10.4 of the ECM Rules, or "No Significant Fault or Negligence," as set forth in Article 10.5 of the ECM

Rules.

- 10.4 However, in order to benefit from any elimination or reduction of the applicable sanction under Article 10.4 or 10.5 of the ECM Rules, the PR must first establish how the Controlled Medication Substances entered the Horse's system. This element is a prerequisite to the application of Article 10.4 or 10.5 of the ECM Rules.
- 10.5 The Tribunal takes note of the PR's explanations for the positive finding, namely that a syrup containing Guarana, which on its side contains Caffeine, was given to the Horse from the beginning of November, *i.e.*, around one (1) months prior to the Event, as well as during the Event. The PR further also stated that he did not know that Theophylline was in the syrup. Although it is not clear to the Tribunal whether the Theophylline was a metabolite of the Caffeine in the Guarana, which is one of the ingredients of the syrup or from another ingredient in the syrup, the Tribunal is satisfied with the PR's explanations of the source of the Prohibited Substances, namely that the Theophylline and the Caffeine in the Horse's system came from the syrup. In addition, the Tribunal takes note of the FEI's position concerning the source of the Prohibited Substance and that the PR's explanation was plausible. The Tribunal finds that the PR has established - on a balance of the probabilities, as required under Article 3.1 of the ECM Rules - how the Prohibited Substances have entered the Horse's system.
- 10.6 In a second step the Tribunal evaluates the degree of fault of the PR for the rule violation. To start with, in accordance with Article 2.1.1 of the ECM Rules, the Tribunal considers that it is the PR's personal duty to ensure that no Prohibited Substances are present in the Horse's system during an Event without a valid Veterinary Form. For No Fault or Negligence to apply, pursuant to the Definition of No Fault or Negligence (Appendix 1 of the EADCMRs), the PR has to establish that he did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he had administered to the Horse, or the Horse's system otherwise contained, (a) Controlled Medication Substance(s).
- 10.7 In the case at hand, the Tribunal finds that the PR, even if he did not know - as he is claiming -, he at least could have reasonably suspected that a homemade syrup might contain an ingredient with a Prohibited Substance, as in this case where the Guarana contained the Prohibited Substance Caffeine in high concentration. The Tribunal finds in this regard, that the PR with a little bit more research - as he has also done once he was notified of the positive finding - could have easily found out that the syrup ingredient Guarana contains Caffeine. Therefore, in the view of the Tribunal, the PR by not doing the proper research with regard to the ingredients of the syrup - as would be expected from a rider competing in FEI competitions - accepted the risk that the syrup might contain Prohibited Substance(s). The Tribunal is of the opinion - and it was argued to the contrary by the PR - that a Person Responsible is expected to do proper research, no matter

whether the product given to a horse concerns a medication or a natural product.

- 10.8 As a result of the foregoing the Tribunal finds that No Fault or Negligence is not applicable in the case at hand.
- 10.9 No Significant Fault or Negligence applies where the PR establishes that his fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relationship to the ECM Rule violation.
- 10.10 When considering all circumstances of this specific case, the Tribunal finds that the PR's fault was not significant in relationship to the ECM Rule violation. The Tribunal comes to this conclusion as the PR was generally aware of the EADCMRs and has taken certain steps and inquired whether the syrup contained any Prohibited Substances. In this respect, he checked the ingredient Guarana against the FEI List and could not find it there, and indeed it is not so listed. Furthermore, the PR also inquired with his veterinarian who had assured him that there was "no problem" with the syrup. However, information about Guarana was readily available had the PR looked for it. The Tribunal does recognize that the PR had "good intentions" in trying to use natural products to maintain the horse's health when giving the syrup to the Horse and was without any intention to enhance the Horse's performance.
- 10.11 It follows from Article 10.5.1.1 of the ECM Rules, that where an ECM rule violation involves Controlled Medication Substance(s), and the PR can establish No Significant Fault or Negligence – as it is the case in the case at hand -, then the period of Ineligibility shall be at a minimum a reprimand and no period of Ineligibility, and at a maximum six (6) months of Ineligibility.
- 10.12 Taking into account the circumstances of the case at hand and the PR's degree of fault, the Tribunal finds a period of Ineligibility of three (3) months as proportionate.
- 10.13 Regarding the fine, the Tribunal takes note of the PR's request and of the FEI's position in this respect. Taking into consideration the PR's degree of fault for the Rule violation, *i.e.*, not significant, the Tribunal finds a fine of 1'500 CHF as proportionate in the case at hand.

11. Disqualification

For the reasons set forth above, the Tribunal disqualifies the Horse and the PR combination from the Competition and the entire Event and all medals, points and prize money won must be forfeited, in accordance with Articles 9 and 10.1.2 of the ECM Rules.

12. Sanctions

- 12.1 As a result of the foregoing, the period of Ineligibility imposed on the PR shall be three (3) months.
- 12.2 The Tribunal imposes the following sanctions on the PR in accordance with Article 169 of the GRs and Article 10 of the ECM Rules:
- 1) The PR shall be suspended for a period of **three (3) months**, commencing on the date of this decision. Therefore, the PR shall be ineligible **through 10 October 2017**.
 - 2) The PR is fined **one thousand five hundred Swiss Francs (CHF 1'500,-)**.
 - 3) The PR shall contribute **one thousand Swiss Francs (CHF 1'000,-)** towards the costs of the judicial procedure.
- 12.3 No Person Responsible who has been declared Ineligible may, during the period of Ineligibility, participate in any capacity in a Competition or activity that is authorised or organised by the FEI or any National Federation or be present at an Event (other than as a spectator) that is authorized or organized by the FEI or any National Federation, or participate in any capacity in Competitions authorized or organized by any international or national-level Event organisation (Article 10.11.1 of the ECM Rules).
- 12.4 Where a Person Responsible who has been declared Ineligible violates against participation or attendance during Ineligibility, the results of any such participation shall be Disqualified and a new period of Ineligibility equal in length up to the original period of Ineligibility shall be added to the end of the original period of Ineligibility. In addition, further sanctions may be imposed if appropriate (Article 10.11.3 of the ECM Rules).
- 12.5 According to Article 168 of the GRs, the present decision is effective from the day of written notification to the persons and bodies concerned.
- 12.6 In accordance with Article 12 of the ECM Rules the Parties may appeal against this decision by lodging an appeal with the Court of Arbitration for Sport (CAS) within twenty-one (21) days of receipt hereof.

V. DECISION TO BE FORWARDED TO:

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

FOR THE PANEL

A handwritten signature in black ink, appearing to read "Armand Leone". The signature is fluid and cursive, with a large initial 'A' and 'L'.

Dr. Armand Leone, one member panel