



DECISION of the FEI TRIBUNAL

dated 25 October 2017

Positive Controlled Medication Case No.: 2017/CM09

Horse: IA ALADDIN **FEI Passport No:** 104GO11/QAT

Person Responsible/NF/ID: Bilal Bassam Al Kharraz/10044137/USA

Event/ID: CEI1* 100 – Doha, Mesaieed (QAT) – 2017_CI_1552_E_S_01_01

Date: 25 March 2017

Prohibited Substances: Harpagoside

I. COMPOSITION OF PANEL

Mr. Chris Hodson QC (NZL), 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, as also made available by and to the PR.
- 3. Oral hearing:** 19 October 2017 – via telephone conference call.

Present:

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

For the PR:
Mr. Bilal Bassam Al Kharraz, PR

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 2017, 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 2017, Art. 1055 and seq.

FEI Code of Conduct for the Welfare of the Horse.

2. Person Responsible: Mr. Bilal Bassam Al Kharraz.

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 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."

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 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 IA ALADDIN (the "**Horse**") participated at the CEI1* 100 in Doha, Mesaieed, Qatar, on 25 March 2017 (the "**Event**"), in the discipline of Endurance. The Horse was ridden by Mr. Bilal Bassam Al Kharraz 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 25 March 2017.
- 1.3 Analysis of the urine and blood sample number 5551087 taken from the Horse at the Event was performed at the FEI-approved Laboratory, the LGC, Newmarket Road Laboratory (the "**Laboratory**") in Fordham, Cambridgeshire, United Kingdom. The analysis of the sample revealed the presence of Harpagoside in the urine.
- 1.4 The Prohibited Substance detected is Harpagoside. Harpagoside is an anti-inflammatory drug with analgesic effects, and is classified as Controlled Medication Substance under the FEI Equine Prohibited Substances List (the "**FEI List**"). Furthermore, no valid Veterinary Form exists for the respective substance. Therefore, the positive finding for Harpagoside in the Horse's sample gives rise to a Controlled Medication Rule violation under the EADCMRs.

2. The Further Proceedings

- 2.1 On 25 April 2017, the FEI Legal Department officially notified the PR through the United States National Federation ("**USA-NF**"), and the Owner of the Horse, of the presence of the Prohibited Substance following the laboratory analysis, the possible rule violation and the possible consequences.
- 2.2 In the Notification Letter, the PR was also informed that due to the fact that he had been held responsible for a Controlled Medication Rule violation in December 2014 (Case: 2014/FT22 AL WATHBA MAGHI), the period of Ineligibility to be imposed on him – in accordance with Article 10.8 of the ECM Rules - shall be the greater of: a) three months; b) one-half of the period of Ineligibility imposed for the first ECM Rule violation without taking into account any reduction under 10.6; or c) twice the period of Ineligibility otherwise applicable to the second ECM Rule violation treated as if it were a first violation, without taking into account any reduction under Article 10.6.

3. The B-Sample analysis

- 3.1 Together with the Notification Letter of 25 April 2017, 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 did ask for the B-Sample to be analysed. Hence, they accepted the results of the A-Sample analysis.

4. Written submission by the PR

On 7 and on 15 March 2017, the PR submitted the following explanations for the positive finding:

"I would like to tell you that I don't know how the "Harpagosome" was given to the horse. I wasn't at all involved with the horse preparation. I know that from the FEI rules I am the PR and I should take all the sanctions concerning this positive case but I just came to compete with this horse as requested by the trainer 4 days before the competition. I wasn't worried about competing for Al Shaqab stable because they have a good reputation and the last time they had a positive case was on 22/02/2014 (3 years ago) with IN SITU.

I would like to cooperate but I prefer that the trainer Mr Khalid Sanad Al Nuaimi give you a complete explanation of what happen because he knows the full story and that's why he cancelled the B-Sample analyses.

I hope that you understand my situation and I am ready to cooperate why you to finalize my case."

5. Written Response by the FEI

- 5.1 On 15 September 2017, the FEI provided its Response to the explanations provided by 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 Harpagoside, and 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 the Prohibited Substance in the Horse's sample. Accordingly, the FEI had discharged its burden of establishing that the PR has 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 offence 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. However, if the PR has a prior offence within a four-year period, the period of Ineligibility to be imposed shall be - according to Article 10.8 of the ECM Rules - the greater of (i) three months; (ii) one-half of the period of Ineligibility imposed for the first ECM Rule violation without taking into account any reduction under Article 10.6; or (iii) twice the period of Ineligibility otherwise applicable to the second ECM Rule violation treated as if it were the first violation, without taking into account any reduction under Article 10.6 of the ECM Rules.
- 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 Harpagoside had entered the Horse's system. The PR did however not explain anything in his submission in relation to how the Harpagoside could have entered the Horse's system (however, see discussion further below). The FEI was therefore of the opinion that the PR had not established how the substance entered the Horse's system, and hence the threshold requirement was not fulfilled.
- d) In terms of the degree of Fault or Negligence by the PR for the rule violation, the starting point of any evaluation was the "*personal duty*" of the PR following from Article 2.1.1 of the ECM Rules, *i.e.*, his personal duty to ensure that "*no Controlled Medication Substance is present in the Horse's body*".

- e) The FEI argued that, through the FEI Clean Sport programme and in particular the "Athletes Guide"¹, it had gone to considerable lengths to communicate relevant information on the EADCMRs to Athletes. It had to be noted that, in the Glenmorgan decision², CAS had stated that the Athlete's Guide "contains straightforward advice both to PRs and Support Personnel in a non-technical, non-legal form" and described the Athlete's Guide as "required reading".
- f) That CAS in the Royal des Fontaines case³ had endorsed the rationale behind the FEI's policy of making the Athlete/rider the Person Responsible. The CAS Decision states as follows (at para 57):

"No doubt the degree of care is high; but horses cannot care for themselves. As the Respondent (the FEI) put it in its skeleton argument

"The FEI believes that making the rider the responsible in this way is necessary to protect the welfare of the horse, and to ensure fair play. It strongly incentivises riders to ensure compliance with the rules, whether by caring for the horse personally or else by entrusting that task only to third parties who are up to the job. In the case of such delegation, it protects the welfare of the horse, and clean sport, by requiring the rider to stay apprised of and be vigilant with respect to the way the horse is being prepared for competition, including as to any treatments given to the horse"

The Sole Arbitrator respectfully agrees."

- g) In the Glenmorgan case (in para 209) the Panel confirmed that the rider was best fit to control the Horse before a competition. "... Among them (any support personnel), the rider is best able to function as the "last check" on the physical condition of the horse immediately prior to and during the race, regardless of whether he knows the horse or mounts it for the first time. An experienced rider can quite often identify with the naked eye an irregularity in the condition and behaviour of the animal both before mounting and during the competition."
- h) The Panel further stated as follows (in para 203):

"The Panel wishes to emphasize again that the fault or negligence which determines the measure of the Appellant's sanction is not that of the Dr. It is the Appellant's own fault and negligence in not having exercised the standard of care applicable to a PR which, like the non-equine Athlete, is placed at the exercise of "utmost caution". It is the PR's personal duty to ensure that no Banned Substance is present in the Horse's body."

¹ Athlete's Guide to the Equine Anti-Doping and Controlled Medication Regulations, effective 5 April 2010

² CAS 2014/A/3591 Sheikh Hazza Bin Sultan Bin Zayed Al Nahyan v. FEI

³ CAS 2015/A/4190 Mohammed Shafi Al Rumaithi v. FEI

- i) In light of the stated CAS jurisprudence on this point, the FEI respectfully submitted that making the PR prima facie responsible for the condition of the Horse while competing, subject to his ability to prove he bore No (Significant) Fault or Negligence for the horse's positive test results was a reasonable and justifiable stance. Further, conclusions to be drawn from the case law were that the duty of care was very high and that this duty of care was non-delegable. But also that Persons Responsible were responsible for their Support Personnel and the medical treatments given to their horses by their veterinarians, trainers or grooms.
- j) In the case at hand, the PR had not provided any evidence in order to establish no (significant) fault or negligence for the rule violation. The FEI respectfully submitted that, no elimination or reduction of the period of Ineligibility was possible in this case (however, see discussion further below).
- k) Since, this was the second violation of the ECM Rules by the PR within a four (4) year period, the FEI submitted that the provisions of the ECM Rules relating to multiple violations as set out in Article 10.8.1 applied. In this respect the FEI made reference to a previous case decided by the Tribunal (Case 2015/CM02 ALEXIA)
- l) Based on the above, the FEI respectfully submitted that the Tribunal had to impose at least six (6) months and a maximum one (1) year period of ineligibility on the PR (however, see discussion further below). The FEI respectfully left for the discretion of the Tribunal to decide on the appropriate sanction in the case at hand.
- m) 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, 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, might be disqualified in accordance with Article 10.1.2 of the ECM Rules.
- n) As fairness did not dictate that no fine be levied in the case at hand, the FEI 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 submissions by the PR

- 6.1 Between 2 and 16 October 2017, the PR further submitted the following:

"The horse was in a stable, healthy condition during my training. There was no suspicion of any irregular signs or injury that would require medication. We completed the event with a successful result. As I was informed that the horse tested positive for Harpagoside. I started to enquire how this substance entered the horse's blood system. I recognized that there were horses in the Stable on their rest period and taking a food supplement containing this substance. From that, it can be assumed that the Harpagoside entered the horse's blood through his feed.

This is my main sport and future livelihood and I've been riding from the age of 7. As a true believer of horsemanship, I stand behind the FEI and their stance of putting the horse welfare above all. According to the FEI General Regulations, I am the PR and I take responsibility for the horse and his/her wellbeing. (...)"

- 6.2 Together with his additional submission, the PR provided a picture, product description and ingredient list of a product called "Arti-Gold" (the "**product**"). The product lists "HARPAGOPHYTUM PROCUMBENS EKSTRAKT 80,000 mg/kg" as one of the ingredients. Furthermore, the product description includes the following warning:

"Attention: Arti-Gold contains Harpagophytum procumbens (devils claw), this is on the FEI doping list. If you are to be subjected to doping tests, you can use Arti-Sport: it provides the same beneficial effects, but has been adapted to the FEI standards!"

7. Hearing

- 7.1 The Parties had full opportunity to present their cases, submit their arguments and answer to the questions posed by the Tribunal. After the Parties' final submissions, the Tribunal closed the hearing and reserved its final decision. The Tribunal heard carefully and took into consideration in its discussion and subsequent deliberation all the evidence and the arguments presented by the Parties even if they have not been summarized herein.
- 7.2 At the end of the hearing, upon being questioned by the Tribunal, the Parties acknowledged that they have had the opportunity to be heard and to present their case.
- 7.3 During the hearing, the PR further stated that he had a good history with the stables, that he had been riding horses from those stables since 2011 – he even qualified for the FEI World Equestrian Games with one of the horses from the stables – and that he did not have any prior incidents with any of the horses from those stables. When he was

requested to ride the Horse at the Event, he had checked the Horse's history with the National Federation and the Horse's previous results. Furthermore, he rode the Horse four (4) days prior to the Event in order to know his attitude. Finally, that the stables where the Horse was stabled was not one which relied on income from selling horses, which also made him feel more comfortable in riding the Horse.

- 7.4 The PR further explained that following the notification of the positive finding he had learned that the horses were fed the product containing the Prohibited Substance in the rest periods. In addition to other horses, there were around thirty-five (35) endurance horses that were trained at the stables. The PR believes that the Horse got access to the product in the four (4) days prior to the Event. The Horse was sound at the Event and everything went well during the Event according to the PR.
- 7.5 Moreover, the PR stated that he had learnt from his previous Controlled Medication case, which had been one of a "lack of awareness", where that horse had been treated with medications at a clinic prior to him riding it. He now knew that he as a rider was the one responsible and that he always tried to check as much as possible. Finally, that following the present case he did not want to risk anymore riding other horses, and that he was trying to ride in the forthcoming FEI World Equestrian Games with his own horses.
- 7.6 The FEI stated that the case at hand had developed further following the FEI Response, and that the FEI was now satisfied that the PR had proven how the Prohibited Substance entered the Horse's system, namely via the product containing Harpagoside which was fed to the horses in the stables in the rest periods.
- 7.7 The FEI further submitted that the PR had been very cooperative in the case at hand, and that neither the PR nor the FEI managed to reach the trainer in order to be provided with further information.
- 7.8 Moreover, the FEI argued that a reduction of the sanction might be possible in the case at hand, as the PR had done a lot in order to find out whether the Horse's system had contained a Prohibited Substance, namely (i) checking with the National Federation; (ii) checking the fitness of the Horse prior to the Event; and (iii) checking with the stables, from which he already rode several horses in the past. The FEI therefore argued that a period of Ineligibility from three (3) to six (6) months was appropriate in the case at hand. Ultimately, the FEI requested the Tribunal to decide on the length of the period of Ineligibility.

8. Jurisdiction

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

9. The Person Responsible

- 9.1 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.
- 9.2 In this respect, the Tribunal wishes to clarify that the PR as the rider remains the "main" Person Responsible for the Horse in the case at hand. In addition, in accordance with Article 118.3 of the GRs, the Owner and other Support Personnel, including the trainer, may be regarded as additional Persons Responsible. However, the present decision concerns only the alleged rule violation of the PR.

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 waives 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 Harpagoside 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. The substance is classified as Controlled Medication Substance under the FEI List. The presence of Harpagoside 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.
- 10.5 The Tribunal takes note of the PR's explanations for the positive finding, namely that the Horse might have somehow - in the lead up to the Event - eaten the product containing the Prohibited Substance, which has been fed to other horses in rest periods. In this respect the Tribunal takes also note that the Prohibited Substance was listed on the ingredients list of the product, and that the product description contained a clear "doping" warning. Moreover, the Tribunal takes note that the FEI is

satisfied that the PR has established how the Harpagoside entered the Horse's system. The Tribunal therefore finds that it is more likely than not that the PR's explanations are the source of the Prohibited Substance. As a result the Tribunal finds that the PR has established how the Prohibited Substance entered the Horse's system, and hence satisfied the pre-condition for the application of Articles 10.4 and 10.5 of the ECM Rules.

- 10.6 In a further 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. The Tribunal has taken note of the PR's precautions taken, namely (i) checking with the National Federation; (ii) checking the fitness of the Horse prior to the Event; and (iii) checking with the stables, from which he already rode several horses in the past. The Tribunal has further also taken note of the FEI's position in this respect, namely that a reduction might be applicable in the case at hand.
- 10.7 The Tribunal however finds that the PR's expected duty of care is high – as previously found by the Tribunal and by CAS –, and higher than the precautions taken by him in the case at hand. The Tribunal finds that the PR – as a rider – clearly failed to ensure that the Horse's diet was kept separate from the non-competing horses' feed. Even if the trainer or the grooms were careless in the case at hand; however it still the PR's responsibility to assure that the Horse did not ingest any Prohibited Substances. Moreover, the Tribunal notes that the warning on the product is very clear.
- 10.8 In line with its previous decisions, the Tribunal holds that it is the PR's duty as competitor to make inquiries whether the Horse was free of Prohibited Substances, and put measures in place to assure that he is informed of all medications administered, and feed fed to the Horse. In the case at hand the PR, while having made some inquiries with regard to the Horse, did however not put any measures in place to assure that he was informed of the product fed to the horses, and to ensure that the Horse's diet was kept separate from those horses being fed the product in the rest periods.
- 10.9 Accordingly, the Tribunal finds that the PR has acted with negligence in performing his duties as a competitor. The Tribunal therefore concludes that no reduction of the otherwise applicable period of Ineligibility in accordance with Articles 10.4 and 10.5 of the ECM Rules is warranted.
- 10.10 Pursuant to Article 10.8.1 of the ECM Rules for Person Responsible's second ECM Rule violation within a four-year period – which is the case in the case at hand –, the period of Ineligibility shall be the greater of (a) three months; (b) one-half of the period of Ineligibility imposed for the first ECM Rule violation without taking into account any reduction under Article 10.6; or (c) twice the period of Ineligibility otherwise applicable to the second ECM Rule violation treated as if it were the first violation,

without taking into account any reduction under Article 10.6. The period of Ineligibility established above may then be further reduced by the application of Article 10.6 of the ECM Rules.

- 10.11 The Tribunal however finds that no reduction under Article 10.6 of the ECM Rules is applicable in the case at hand. As a result, and taking into account the previous ECM Rule violation by the PR, the Tribunal finds that the period of Ineligibility imposed on the PR shall be six (6) months.

11. Disqualification

For the reasons set out above, the Tribunal disqualifies the Horse and the PR 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

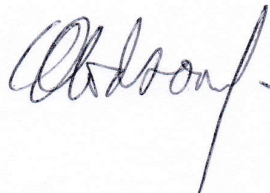
- 12.1 As a result of the foregoing, the period of Ineligibility imposed on the PR shall be six (6) months.
- 12.2 The Tribunal imposes the following sanctions on the PR in accordance with Article 169 of the GRs and Article 10 of the ECM Rules:
- 1) The PR shall be suspended for a period of six (6) months, commencing on the date of this decision. Therefore, the PR shall be ineligible through **24 April 2018**.
 - 2) The PR is fined **two thousand Swiss Francs** (CHF 2'000,-).
 - 3) The PR shall contribute **one thousand Swiss Francs** (CHF 1'000,-) towards the costs of this 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 "Chris Hodson", is written over a light grey rectangular background.

Mr. Chris Hodson, QC, one member panel