



# **FEI GUIDELINES FOR FINES AND CONTRIBUTIONS TOWARDS LEGAL COSTS**

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Effective as of 1 January 2021

## **Introduction**

These FEI Guidelines for Fines and Contributions Towards Legal Costs (“Guidelines”) have been prepared with the aim of informing Persons Responsible, National Federations, Athletes, Persons, and any stakeholders of the types and ranges of fines and contributions to legal costs that may be imposed for each rule violation based on the categories below, and to provide the FEI Tribunal with assistance in the imposition of consistent and efficient fines and contributions to legal costs.

## **Fines and Legal Cost Range is a Guideline Only**

The fines and contribution to legal cost types and ranges below are simple guidelines and are not mandatory. These Guidelines are intended to provide a basis upon which discretion can be exercised consistently in similar circumstances but are not binding on the FEI Tribunal. Depending on the facts and circumstances of each case, the FEI Tribunal may determine that no purpose is served by imposing fines and contributions to legal costs within the range provided in these Guidelines. In some cases, fines and contributions to legal costs below the stated range, or no fines and contributions to legal costs at all, may be warranted. Conversely, the FEI Tribunal may determine that the facts and circumstances of a specific case may call for the imposition of fines and contributions to legal costs above or otherwise outside of a stated range. Examples include, but not are limited to, prior rule violations, egregious misconduct, the need for increased deterrence, or certain policy considerations.

## **FEI Tribunal Discretion**

The FEI Tribunal must always exercise judgment and discretion and consider appropriate aggravating and mitigating factors in determining appropriate fines and contributions to legal costs in every case. In addition, regardless of whether the fines and contributions to legal costs are within or outside of the range stated in the Guidelines, the FEI Tribunal must explain the basis for the fines and contributions to legal costs imposed.

## **Application for exceptional circumstances/facts to lower a fine and/or the contribution towards legal costs**

A Person, Athlete, Person Responsible and/or an additional Person Responsible may make an application to the FEI Tribunal and explain any exceptional circumstances/facts and reasons as to why the fine and/or contribution to legal costs to be imposed, if any, should be lower than the “standard” fine and/or contribution to legal costs. For example, if the Person Responsible competes at lower levels only (such as 1\* and 2\* competitions) and/or has “low” revenues/income.

## **Factors to take into consideration by the FEI Tribunal**

The FEI Tribunal shall also take into consideration the following non-exhaustive list of factors when assessing the level of the fines and contributions to legal costs: The complexity of the case, whether outside counsels were involved, any extra work on procedural grounds (delaying the process), whether there was an in-person hearing, whether expert statements / witnesses were needed, the prohibited substance(s) at stake (if any) etc.

## Categories of Rule Violations

A violation of the FEI Equine Anti-Doping and Controlled Medication Regulations (“EADCMRs”) in connection with a test in a given Competition automatically leads to the Disqualification of the result of the Person Responsible and Horse combination obtained in that Competition with all resulting Consequences, including forfeiture of any related medals, points and prizes. Where applicable, consequences to teams are detailed in Article 11 of the EADCMRs. Even if a Sanction is reduced or eliminated under Article 10 of the EADCMRs, such reduction or elimination shall under no circumstances reverse the automatic Disqualification of Individual Results mandated by Article 9 of the EADCMRs.

Please see also Articles 10.1 of the EADCMRs (Disqualification of Results in the Event during which an EAD/ECM Rule Violation Occurs).

Violations of the EADCMRs may also result in the imposition of a period of Ineligibility on the Person Responsible in accordance with Articles 10.2 and 10.3 of the EADCMRs.

Categories of fines and contribution to legal costs in the Sections I and II below are based on the EADCM Rules, Articles 10.2: “A fine of up to CHF 15,000 and appropriate legal costs shall also be imposed.”

### I. GUIDELINES FOR CONTROLLED MEDICATION CASES

#### (i) FINES:

##### 1. First time violation:

- |   |                          |
|---|--------------------------|
| a. With an elimination of the Ineligibility period based on No Fault/Negligence:          | <b>CHF 0</b>             |
| b. With a reduction of the Ineligibility period based on No Significant Fault/Negligence: | <b>CHF 1'000 – 3'000</b> |
| c. Without any reduction of the Ineligibility period:                                     | <b>CHF 3'000 – 5'000</b> |

##### 2. Multiple Violations:

**CHF 3'000 – 10'000**

##### 3. Aggravating Circumstances:

**CHF 5'000 – 10'000**

##### 4. Specified Substances cases:

**CHF 0 – 1'500**

#### (ii) CONTRIBUTIONS TOWARDS LEGAL COSTS<sup>1</sup>:

- |   |  |
|---|--|
| 1. If the PR can demonstrate No Fault/No Negligence (thus eliminating any Ineligibility period):  | <b>Each party shall bear its own costs</b> |
| 2. With a reduction of the Ineligibility period - No Significant Fault/Negligence:                | <b>CHF 0 – 1'500</b>                       |
| 3. Without any reduction of the Ineligibility period:   | <b>CHF 1'000 – 10'000</b>                  |
| 4. If a case is dropped (i.e. because the correct procedure was not followed): FEI to pay between | <b>CHF 1'500 – 10'000</b>                  |

<sup>1</sup> For the avoidance of any doubt, it does not apply to Atypical Findings where each party shall bear its own cost

## II. GUIDELINES FOR BANNED SUBSTANCE CASES

### (i) FINES:

#### 1. First time violation:

- |   |                                       |
|---|---------------------------------------|
| a. With an elimination of the Ineligibility period based on No Fault/Negligence:          | <b>CHF 0</b>                          |
| b. With a reduction of the Ineligibility period based on No Significant Fault/Negligence: | <b>CHF 3'000 – 7'500</b>              |
| c. Without any reduction of the Ineligibility period:                                     | <b>CHF 7'500 - 15'000<sup>2</sup></b> |

#### 2. Multiple Violations:

**CHF 10'000 – 15'000\***

#### 3. Aggravating Circumstances:

**CHF 10'000 - 15'000\***

#### 4. Specified Substances cases:

**CHF 0 – 1'500**

### (ii) CONTRIBUTIONS TOWARDS LEGAL COSTS<sup>3</sup>:

- |   |  |
|---|--|
| 1. If the PR can demonstrate No Fault/No Negligence (thus eliminating any Ineligibility period):                | <b>Each party shall bear its own costs</b> |
| 2. With a reduction of the Ineligibility period - No Significant Fault/Negligence:                              | <b>CHF 1'500 – 5'000</b>                   |
| 3. Without any reduction of the Ineligibility period:   | <b>CHF 2'000 - 15'000</b>                  |
| 4. If a case is dropped (i.e. because the correct procedure was not followed): Contribution <u>from the FEI</u> | <b>CHF 3'000 – 15'000</b>                  |

<sup>2</sup> Note: The Fine may be up to CHF 25'000 for a violation of Article 2.7 of the EADCMRs

<sup>3</sup> For the avoidance of any doubt, it does not apply to Atypical Findings where each party shall bear its own cost

## Categories of Rule Violations

A violation of the FEI Anti-Doping Rules for Human Athletes (“ADRHA”) in connection with a test in a given Competition automatically leads to the Disqualification of the result(s) obtained in that Competition with all resulting Consequences, including forfeiture of any related medals, points and prizes. Where applicable, consequences to teams are detailed in Article 11 of the ADRHA. Even if a Sanction is reduced or eliminated under Article 10 of the ADRHA, such reduction or elimination shall under no circumstances reverse the automatic Disqualification of Individual Results mandated by Article 9 of the ADRHA.

Please see also Articles 10.1 of the ADRHA (Disqualification of Results in the Event during which an Anti-Doping Rule Violation Occurs).

Violations of the ADRHA may also result in the imposition of a period of Ineligibility on the Athlete in accordance with Articles 10.2 and 10.3 of the EADCMRs.

Categories of fines and contribution to legal costs in the Sections III below are based on the ADRHA, Articles 10.12:

*“Where an Athlete or other Person commits an anti-doping rule violation, the FEI Tribunal may, in its discretion and subject to the principle of proportionality, elect to (a) have the FEI recover from the Athlete or other Person costs associated with the anti-doping rule violation and/or (b) fine the Athlete or other Person in an amount up to 15’000 Swiss Francs, and in accordance with the FEI Guidelines for Fines and Contributions towards Legal Costs.”*

### III. GUIDELINES FOR HUMAN DOPING CASES

#### (i) FINES:

##### 1. First time violation:

- |   |                           |
|---|---------------------------|
| a. With an elimination of the Ineligibility period based on No Fault/Negligence:          | <b>CHF 0</b>              |
| b. With a reduction of the Ineligibility period based on No Significant Fault/Negligence: | <b>CHF 3’000 – 7’500</b>  |
| c. Without any reduction of the Ineligibility period:                                     | <b>CHF 7’500 - 15’000</b> |

##### 2. Multiple Violations: **CHF 10’000 – 15’000**

##### 3. Aggravating Circumstances: **CHF 10’000 - 15’000**

#### (ii) CONTRIBUTIONS TOWARDS LEGAL COSTS<sup>4</sup>:

- |   |  |
|---|--|
| 5. If the Athlete can demonstrate No Fault/No Negligence (thus eliminating any Ineligibility period):           | <b>Each party shall bear its own costs</b> |
| 6. With a reduction of the Ineligibility period - No Significant Fault/Negligence:                              | <b>CHF 1’500 – 5’000</b>                   |
| 7. Without any reduction of the Ineligibility period:   | <b>CHF 2’000 – 15’000</b>                  |
| 8. If a case is dropped (i.e. because the correct procedure was not followed): Contribution <u>from the FEI</u> | <b>CHF 3’000 – 15’000</b>                  |

<sup>4</sup> For the avoidance of any doubt, it does not apply to Atypical Findings where each party shall bear its own cost

#### **IV. FOR NON-DOPING CASES (I.E. DISCIPLINARY, CLAIMS, APPEALS):**

##### **(i) FINES:**

As set out in the FEI General Regulations and/or relevant Sport Rules.

##### **(ii) CONTRIBUTIONS TOWARDS LEGAL COSTS:**

1. If the FEI Tribunal decides that the person in question does not deserve any sanction or if the person's appeal or claim is upheld (such as due to lack of jurisdiction of the FEI, insufficient evidence, original FEI Decision was invalid, etc):

Contribution from the FEI to the person:

**CHF 0 – 15'000**

2. If the person is sanctioned by the FEI Tribunal:

**CHF 1'500 – 15'000**