



# **INTERNAL REGULATIONS OF THE FEI TRIBUNAL**

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**PART I: INTRODUCTION**

1. The *FEI Tribunal* is established under Article 38 of the *FEI Statutes* as a body of suitably qualified persons with legal expertise and appropriate knowledge and experience of Equestrian Sport who can sit on *FEI Tribunal Hearing Panels* (hereinafter "*Hearing Panels*") to hear and determine matters submitted to it by or through the *FEI Secretary General*.
2. Article 38.5 of the *FEI Statutes* authorises the *FEI Tribunal* to adopt these *Internal Regulations of the FEI Tribunal* in order:
  - (a) to regulate the affairs of the *FEI Tribunal* by setting forth its organisation and processes; and
  - (b) to establish procedures for the hearing and determination of matters brought before a *Hearing Panel* compatible with principles of due process and procedural fairness.
3. These *Internal Regulations of the FEI Tribunal* which replace those last updated on 1 January 2012, shall come into force as of 2 March 2018. Cases already pending before any *Hearing Panels* as of 2 March 2018 shall continue to be governed by the previous version of these *Internal Regulations of the FEI Tribunal*; but the Part III (*Procedural Rules of the FEI Tribunal*) shall apply to the extent practicable in relation to all cases brought before the *FEI Tribunal* for *Decision* after that date.
4. The purpose of these *Internal Regulations of the FEI Tribunal* is to ensure that the *FEI Tribunal* is able to fulfil the responsibilities given to it pursuant to the *FEI Rules and Regulations* and in particular to ensure that matters referred to it for determination are resolved fairly, efficiently and consistently. They may be amended by the *FEI Tribunal* by the passing of a *Resolution* by a Simple Majority of the *FEI Tribunal* members as and when necessary in order to ensure they remain fit for this purpose. Any amendments shall be published by the *FEI*, which shall at the same time confirm the date upon which such amendments shall come into effect, as well as any transitional arrangements if applicable.
5. In accordance with Article 50.3 of the *FEI Statutes*, these *Internal Regulations of the FEI Tribunal* shall be interpreted in a manner compatible to the fullest extent with the *FEI Rules and Regulations*. In the case of any conflict between the *FEI Rules and Regulations* and these *Internal Regulations of the FEI*, *FEI General Regulations* or Sport Rules (as applicable) will prevail. Should any other conflicts arise between regulations, the principles set forth in Article 50 of the *FEI Statutes* shall apply.
6. In these *Internal Regulations of the FEI Tribunal*, any defined terms as indicated by italics shall have the definition given to them in the *FEI Statutes*, the *FEI General Regulations*, and/or the applicable Sport Rules. The masculine gender used in relation to any physical person (for examples, Tribunal members, witnesses) shall, unless there is a specific provision to the contrary, be understood as including the feminine gender.

**PART II: ORGANISATIONAL RULES OF THE FEI TRIBUNAL****7. Membership**

- 7.1. Membership of the *FEI Tribunal* is determined in accordance with Article 38 of the FEI Statutes.
- 7.2. Membership of the *FEI Tribunal* (and of *Hearing Panels* convened from among the members of the *FEI Tribunal*) is personal and no delegation of functions may be accepted.

**8. FEI Tribunal Clerk**

- 8.1 The FEI Tribunal may be assisted by a clerk (the "***FEI Tribunal Clerk***").
- 8.2 The responsibilities of the *FEI Tribunal Clerk* include, but are not limited to:
- (a) sending notifications and Decisions to the parties to an *FEI Tribunal* proceeding on behalf of the *Hearing Panel* and/or the *FEI Tribunal Chair*;
  - (b) liaising with the parties to a proceeding on behalf of the *Hearing Panel* chair and/or the *FEI Tribunal Chair* and/or the Preliminary Hearing Panel member in relation to the convening of hearings and/or preliminary hearings;
  - (c) attending hearings and preliminary hearings for the purpose of taking notes;
  - (d) assisting the *Hearing Panel* in the preparation of *Decisions*;
  - (e) administering the *FEI Tribunal* email account; and
  - (f) attending the meetings of the *FEI Tribunal* and taking the minutes of the annual in-person meeting.

**9. Meetings of the FEI Tribunal**

- 9.1. There shall be at least one in-person meeting of the *FEI Tribunal* per year. The *FEI Tribunal Chair* shall convene the meeting(s) of the *FEI Tribunal*.
- 9.2. The *Agenda* of the meetings of the *FEI Tribunal* shall be set by the *FEI Tribunal Chair*. An item may be added to the *Agenda* by any *FEI Tribunal* member so long as such item is communicated to the *FEI Tribunal Chair* prior to the *Agenda* being distributed to the *FEI Tribunal* members. Should an issue arise after the *Agenda* has been distributed that an *Absolute Majority* of *FEI Tribunal* members resolve should be added to the *Agenda*, the *FEI Tribunal Chair* shall add such item to the *Agenda*.
- 9.3. Whenever possible, the *Agenda* shall be sent to the members of the *FEI Tribunal* at least two weeks prior to the scheduled meeting.

**10. Quorum of attendance**

- 10.1. For any meeting of the *FEI Tribunal* to be validly convened and to pass *Resolutions*, an *Absolute Majority* of all members of the *FEI Tribunal* must be present. If such quorum is not reached the meeting may still take place, but any *Resolution* proposed and voted upon at such meeting must be circulated to absent members within one week of the date of the meeting with a request to cast their vote within the deadline specified. If the total number of votes in person and by correspondence exceeds the number required to form a quorum, the vote will be regarded as having been validly cast at the meeting.
- 10.2. Attendance at the meeting by means of telephone and/or videoconference is permissible and shall be made available if requested by a member of the *FEI Tribunal*.

**11. Voting in meetings**

- 11.1. The passing of *Resolutions* by the *FEI Tribunal* shall require the approval of a Simple Majority of the members of the *FEI Tribunal* who are present at the meeting. The *FEI Tribunal Chair* shall not have an additional or a *Casting Vote*.
- 11.2. *Resolutions* take effect immediately upon Approval unless otherwise specified.

**12. Resolutions by correspondence**

- 12.1. Between meetings, *Resolutions* may be passed by correspondence. In such cases, an *Absolute Majority* of *FEI Tribunal* members voting in the affirmative shall be required for the *Resolution* to pass. The use of email and other generally accepted electronic communication means is permissible.
- 12.2. *Resolutions* approved by way of correspondence must be included in the *Minutes* of the next meeting.

**13. Minutes of Annual FEI Tribunal meetings**

- 13.1. *Minutes* of the deliberations and *Resolutions* of the *FEI Tribunal* at the annual *FEI Tribunal* meeting shall be kept. The *Minutes* shall contain a summary of the deliberations, the proposed *Resolutions*, the declarations that a member requests to be recorded in the *Minutes*, and the *Resolutions* with the result of the votes.
- 13.2. The *Minutes* are submitted to the members of the *FEI Tribunal* for review and comment. The approved *Minutes* must then be signed by the *FEI Tribunal Chair*.
- 13.3. The *Minutes* of the annual meeting of the *FEI Tribunal* shall be made available to *FEI Bureau* members upon request.
- 13.4. *Minutes* of the annual meeting shall be kept under the supervision of the *FEI Tribunal Chair*.

**14. Expenses**

- 14.1. The reasonable expenses incurred by members of the *FEI Tribunal* in connection with *FEI* matters shall be refunded by the *FEI* in accordance with *FEI* policies.

**15. Role of the FEI Tribunal Chair**

- 15.1. The *FEI Tribunal Chair* leads and oversees the operation of the *FEI Tribunal* in order to ensure compliance with its responsibilities under the *FEI Rules and Regulations*.
- 15.2. The *FEI Tribunal Chair* shall chair meetings of the *FEI Tribunal*.
- 15.3. The *FEI Tribunal Chair* may attend and be present at *FEI Bureau* meetings and *FEI General Assemblies*. The *FEI Tribunal Chair* may attend other meetings related to the functions of the *FEI Tribunal* if necessary, in order to fulfil the mandate of the *FEI Tribunal* and with the invitation or approval of the *FEI Secretary General* and/or *FEI Legal Director*.
- 15.4. The *FEI Tribunal Chair* shall report to the *FEI President* and the *FEI Bureau* during *FEI Bureau* meetings and/or the *FEI General Assembly* (as applicable) about the annual plan of the *FEI Tribunal*, activities of the preceding period (with comparison to plan and goals), goals for the coming period, trends in case processing and

decision-making, and any other matter which may be of importance to the *FEI*. The *FEI Tribunal Chair* shall also provide a short written report about activities of the *FEI Tribunal* upon the request of the *FEI President* and/or *FEI Secretary General*, which shall be submitted to the *FEI President* and *FEI Secretary General*. These reports shall deal with general policies and activities of the *FEI Tribunal* and not with any specific case pending before a *Hearing Panel*.

- 15.5. Within one (1) month of election as the *FEI Tribunal Chair* or within one (1) month of a vacancy at *Deputy Chair* arising, the *FEI Tribunal Chair* shall appoint a *Deputy Chair*. The *Deputy Chair* shall undertake tasks and responsibilities as directed by the *FEI Tribunal Chair* in writing and chair meetings in the absence of the *FEI Tribunal Chair*.

## **16. Impartiality and abstention in case of conflict of interest**

- 16.1. Members of the *FEI Tribunal* must conduct themselves with the highest standards of integrity in the discharge of their responsibilities as members.
- 16.2. Members of the *FEI Tribunal* must comply at all times with the *FEI Rules and Regulations*.
- 16.3. Members of the *FEI Tribunal* must act impartially and without bias to the *FEI*, their *National Federation* (and should not be a contracted employee of any *National Federation*), and all other persons and bodies.
- 16.4. Members of the *FEI Tribunal* must refrain from dealing with or voting on matters in which their own interests or the interests of persons or bodies related to them are involved, and shall be bound by the *FEI Code of Ethics*, Article 158 of the *FEI General Regulations* ("Conflict of Interest"), and any other applicable *FEI* code of conduct. Whenever relevant each member of the *FEI Tribunal* must disclose any actual or potential conflict by submitting the appropriate form to the *FEI Secretary General*. Upon election as a member of the *FEI Tribunal*, each member of the *FEI Tribunal* shall complete and submit the Conflict of Interest Disclosure Statement, attached as Appendix 3 to the Internal Regulations of the *FEI*.

## **17. Confidentiality**

- 17.1. Save as expressly stated above, the affairs of the *FEI Tribunal* are confidential. In addition, save as expressly stated herein, all proceedings before a *Hearing Panel* are confidential. Members of the *FEI Tribunal* must observe and maintain that confidentiality and must not make any disclosure to any third party in breach of that confidentiality.
- 17.2. Without prejudice to the generality of Article 17.1, members of the *FEI Tribunal* must not disclose to any third party, including (without limitation) any member of the press/media, any matter relating to proceedings before a *Hearing Panel*, either during those proceedings or after those proceedings have concluded, and whether or not the member is sitting on the *Hearing Panel* in that particular case, save and to the extent that such disclosure may be required by law.

## **PART III: PROCEDURAL RULES OF THE FEI TRIBUNAL**

### **18. Jurisdiction**

- 18.1. In accordance with Article 38 of the *FEI Statutes*, the *FEI Tribunal* has the competence to hear and determine any matter properly submitted to it, including,

but not limited to, *Claims* (as provided for in Article 30 of these *Internal Regulations of the FEI Tribunal*), those matters specified in Article 163 (Protests and Disciplinary cases) and Article 165 (Appeals) of the *FEI General Regulations* and all disputes and procedures arising under the *FEI Anti-Doping Rules for Human Athletes* and the *FEI Equine Anti-Doping and Controlled Medication Regulations*. The *FEI Tribunal* also has jurisdiction to decide upon cases referred to it by the Independent Election Committee in accordance with the process set out in the Code of Conduct for FEI Elections.

## A. General procedures

### 19. Convening a Hearing Panel

- 19.1 The *FEI Tribunal Chair* shall nominate either one or three members of the *FEI Tribunal* to sit at the *Hearing Panel* hearing and determining the matter. As a general rule, matters involving *Abuse of Horse* shall be decided by three member *Hearing Panels* and all other cases by one member *Hearing Panels*. However the *FEI Tribunal Chair* shall have the authority to divert from this principle where the circumstances so warrant. Notwithstanding the foregoing, a Party may make an application to the *FEI Tribunal Chair* to have the case decided by a three member *Hearing Panel*.
- 19.2 For one member *Hearing Panels*, the appointed member shall serve as the Chair of the *Hearing Panel* in that matter (the "**Hearing Panel Chair**"). Where there are three members, the *FEI Tribunal Chair* shall nominate one of those three members to act as the *Hearing Panel Chair* in the matter. Where a member of the *FEI Tribunal* is appointed as the "Preliminary Hearing Panel member" in accordance with Article 28.3 of these *Internal Regulations of the FEI Tribunal*, that member may be appointed to the *Hearing Panel* that will decide on the merits of the case, unless one or both of the Parties object, in which case the *FEI Tribunal Chair* shall decide. If an objection is filed in relation to the appointment of the *FEI Tribunal Chair* as the "Preliminary Hearing Panel member", the *Deputy Chair* shall make the ruling.
- 19.3 *FEI Tribunal* members must notify the *FEI Tribunal Chair*, following review of the file of the matter and no later than within three (3) days of their nomination, if they have had any personal involvement with the matter and if they have any connection with any of the parties involved in the matter, or any other actual or apparent or potential conflict of interest of the type specified in Article 158 of the *FEI General Regulations* ("Conflict of Interest"). Upon receipt of such a notification from an *FEI Tribunal* member, the *FEI Tribunal Chair* shall inform the parties and the parties shall have three (3) days from receiving the information to inform the *FEI Tribunal Chair*, in writing, of any objection to the relevant *FEI Tribunal* member sitting on the *Hearing Panel*. Where an objection is filed, the *FEI Tribunal Chair* shall rule on the objection. If an objection is filed in relation to the *FEI Tribunal Chair*, the *Deputy Chair* shall make the ruling.
- 19.4 Failure by an *FEI Tribunal member* to notify the *FEI Tribunal Chair* of any such conflict shall be viewed as an indication that the *FEI Tribunal* member does not believe that any such conflict exists. Should circumstances emerge thereafter which cause the *Hearing Panel* member to believe that a conflict may exist after all, the *Hearing Panel* member shall promptly inform the *FEI Tribunal Chair*.
- 19.4 If an *FEI Tribunal* member, having been appointed to a *Hearing Panel* for a particular matter, is unable or unwilling for any reason to serve on the *Hearing Panel* for that matter, the *FEI Tribunal Chair* will appoint another member of the *FEI Tribunal* to replace such *FEI Tribunal* member on the *Hearing Panel*.

**20. Language**

- 20.1 All proceedings before the *Hearing Panel* shall normally be conducted in English but may be conducted in French by agreement of the parties.
- 20.2 Any party wishing to make submissions (personally or through their representative), or to rely on evidence, in a language other than English (or, where agreed, French) must provide an independent interpreter to interpret such submissions or evidence (if oral testimony) or accurate English translations of such evidence (if documentary) for the *Hearing Panel* and the other party/parties, at their own cost. The *Hearing Panel* may in its discretion order the other party/parties to pay some or all of those costs in appropriate circumstances.

**21. Legal representation**

- 21.1 In all proceedings before the *Hearing Panel*, the parties shall be entitled, at their own expense, to be represented by legal counsel and/or other relevant representative(s), who may make submissions on behalf of the parties.

**22. General principles**

- 22.1 Proceedings before the *Hearing Panel* shall be adversarial in nature. The *Hearing Panel* shall decide all cases based solely on the evidence received by it during its period of jurisdiction.
- 22.2 Where an issue arises that is not specifically provided for in these *Procedural Rules of the FEI Tribunal*, the *Hearing Panel* may resolve that issue in a manner that achieves the fair, consistent, and expeditious resolution of the matter.
- 22.3 Any procedure or *Decision* of a *Hearing Panel* shall not be quashed or invalidated by reason of any departure from the *Internal Regulations of the FEI Tribunal* unless such departure raises a material doubt as to the reliability of the findings or *Decisions* of the *Hearing Panel*.

**23. General powers of a Hearing Panel**

- 23.1 A *Hearing Panel* (or, if urgent action is required before a *Hearing Panel* is appointed, the *FEI Tribunal Chair*) shall have all powers necessary for, and incidental to, the discharge of its responsibilities under the *FEI Rules and Regulations* and these *Procedural Rules of the FEI Tribunal*, including (without limitation) the power, whether on the application of a party or of its own motion:
- (a) to order that certain potentially dispositive issues (e.g., as to jurisdiction) be heard and determined in advance of any other issues in the matter;
  - (b) to rule finally (subject only to any right of appeal to CAS) on its own jurisdiction to hear and determine proceedings brought before it either in a preliminary decision or in the *Decision* on the merits. When an objection to *FEI Tribunal* jurisdiction is raised, the *Hearing Panel* shall invite the opposing party (parties) to file written submissions on the matter of the *FEI Tribunal's* jurisdiction;
  - (c) to consolidate the proceedings with other substantially similar or related proceedings and/or order that concurrent hearings be held in relation to such proceedings;
  - (d) to allow one or more third parties to intervene or be joined in the proceedings, to make all appropriate procedural directions in relation to such joinder or



intervention, and thereafter to make a single final *Decision* or separate *Decisions* in respect of all parties, as it sees fit;

- (e) to expedite or to adjourn, postpone or suspend the proceedings, and/or to extend any deadline or time-limit otherwise provided for in these *Procedural Rules of the FEI Tribunal* or in its own directions or orders, upon such terms as it shall determine, where appropriate;
  - (f) to order any party to make any property, document or other thing in its possession or under its control available for inspection by the *Hearing Panel* and/or any other party. Where one of the parties is seeking such order of production, that party shall first demonstrate that such documents are likely to exist and be relevant to the outcome of the case and the other party shall be provided with the opportunity to comment on the requesting party's request;
  - (g) to appoint an expert (other than a legal expert) to assist or advise the *Hearing Panel* on a specific issue or issues, such expert to be and remain impartial and independent of the parties, and the costs of such expert to be borne by the parties or otherwise in such manner as directed by the *Hearing Panel*;
  - (h) to impose a *Provisional Suspension* or other provisional measures (on *Persons* or *Horses*) or to order such other interim relief as it sees fit pending its final determination of the matter;
  - (i) to issue *Fines*, warnings, *Disqualifications*, or other appropriate sanction against any *Person* or *Horse* (where applicable) within its jurisdiction;
  - (j) to impose a final *Suspension* (or *Ineligibility* period) on *Persons* found to have infringed the *FEI Rules and Regulations* and/or to impose other sanctions on them, such as the *Suspension* of *Horses*, *Support Personnel*, or the imposition of *Fines*, in accordance with the *FEI Rules and Regulations*; and
  - (k) to impose costs orders.
- 23.2 At any time during a proceeding before the FEI Tribunal, the FEI and the other party/parties to the proceeding may waive a hearing and enter into a settlement agreement to resolve the matter. The settlement agreement shall be submitted to the *FEI Tribunal* for approval and, where approved by the *FEI Tribunal*, such agreement shall be considered as a *Decision*. In any case where it is determined that a rule violation did not occur, the Decision may be Publicly Disclosed only with the consent of the Party who is the subject of the Decision.

## 24. Notices and periods of time

- 24.1 Any *Notice* or other communication required to be given by a party to the *Hearing Panel* and/or another party must be given in writing and must be sent by courier or first class post or transmitted by facsimile or email, or lodged on a secure dedicated website established by the *FEI* Legal Department for that purpose (with that lodging notified to the other party by email).
- 24.2 Delivery of *Notices* and communications to the *Hearing Panel* may be accomplished by sending them to the following address: *FEI Tribunal*, HM King Hussein I Building, Chemin de la Joliette 8, 1006 Lausanne, Switzerland or by electronic mail to [fei.tribunal@fei.org](mailto:fei.tribunal@fei.org).
- 24.3 Unless otherwise specified in the *FEI Rules and Regulations*, *Notices* and

communications to/from the *FEI* shall be made through the *FEI* Legal Department. Delivery of *Notices* and communications to the *FEI* Legal Department may be accomplished by sending them to the following address: HM King Hussein I Building, *FEI* Legal Department, Chemin de la Joliette 8, 1006 Lausanne, Switzerland. Delivery of *Notices* and communications to parties other than the *FEI* may be accomplished by sending them:

- (a) to their *National Federation* at the address or number then maintained for that *National Federation* at the *FEI*, for onward transmittal by the *National Federation* to the party; or
- (b) to the postal address or email address or fax number of the party or their legal representative (as applicable) notified by the party in writing (in which case each *Notice* and communication will be copied to their *National Federation*), provided that if the postal or email address or fax number proves to be ineffective in communicating with the party, then the *FEI* Legal Department may revert to sending the relevant materials in accordance with Article 24.3(a), above.

24.4 Unless otherwise provided in the applicable rules, any period of time to be calculated under these *Internal Regulations of the FEI Tribunal* shall begin to run on the day following the day when a *Notice* or other communication is received. The time limits under these *Internal Regulations of the FEI Tribunal* are respected if the communications by the parties are sent before midnight, time of the location of their own domicile or, if represented, of the domicile of their main legal representative, on the last day on which such time limits expire. *Non-Working Days* occurring during the respective period are included in calculating the running of that period, save that if the period, so calculated, ends on a *Non-Working Day*, then it shall be deemed to end on the next *Working Day*. For the purpose of these *Internal Regulations of the FEI Tribunal* a "Working Day" shall mean any day other than (i) Saturday or Sunday; or (ii) any day that is a bank holiday in Lausanne, Switzerland.

24.5 Upon application on justified grounds and after consultation with the other party (or parties), either the Chair of the *Hearing Panel* or, if the *Hearing Panel* has not yet been appointed, the *FEI Tribunal Chair*, may extend the time limits provided in these *Internal Regulations of the FEI Tribunal*, with the exception of the time limit for the filing of an *Appeal*, if the circumstances so warrant and provided that the initial time limit has not already expired.

## **25. Attendance at hearings**

25.1 An oral hearing will not be held in a matter unless requested by the *Respondent*, *Claimant* or *Appellant* or otherwise ordered by the *Hearing Panel*, whether on application by the *FEI* Legal Department or otherwise. If there is no oral hearing, the *Hearing Panel* shall determine the matter based on the written submissions and evidence provided to it.

25.2 Where an oral hearing is held in a matter (either in person, by videoconference, or by teleconference):

- (a) The parties shall have a right to attend that hearing themselves and/or through their legal representative(s). The timing of the hearing shall be fixed by the *Hearing Panel* in consultation with the parties.
- (b) The non-attendance of any party or their representative(s) at the hearing, after proper *Notice* of the hearing has been provided, shall not prevent the *Hearing Panel* from proceeding with the hearing in such party's absence (including for the avoidance of doubt, making its *Decision* concerning any

alleged infringement by the party and any related *Decision* as to sanctions), whether or not any written submissions are made by or on behalf of that party.

- (c) The failure of a party charged with infringement of the *FEI Rules and Regulations* to attend a hearing without reasonable grounds for doing so may allow the *Hearing Panel* to draw an adverse inference against such party, and the *Hearing Panel* may decide the matter accordingly.
- (d) Only witnesses in respect of whom witness statements have been submitted by the party calling such witness shall be permitted to give evidence at the hearing unless the parties agree otherwise or where ordered by the *Hearing Panel*.

## 26. Privacy of hearings

- 26.1 Save for good cause shown by any party, all hearings before the *Hearing Panel* shall be conducted on a private and confidential basis, attended only by the parties to the proceedings and their representatives and witnesses, as well as the representatives of any third party/ies permitted under the applicable rules to attend in order to participate and/or observe the proceedings.
- 26.2 The *Hearing Panel Chair* may permit the attendance of *FEI* personnel other than *FEI* Legal Department members if requested by the *FEI* Legal Department. The *Hearing Panel Chair* may also permit attendance by persons associated with another party or that party's *National Federation* if requested by that party for all or a portion of the hearing, as directed by the *Hearing Panel Chair*.
- 26.3 All persons attending any hearing shall respect the privacy and confidentiality of the proceedings, of the evidence and of all the documents and submissions prepared in connection with them. All evidence and submissions shall be privileged and confidential, even if a hearing is not conducted in private.
- 26.4 The foregoing provisions shall not limit in any way the evidence, testimony, arguments or other matters that a *Hearing Panel* may refer to, include or describe in its written *Decisions*, notwithstanding the fact that such *Decisions* may be released for general publication.

## 27. Recording of hearings

- 27.1 The *FEI* Legal Department may make arrangements for hearings to be recorded or transcribed unless otherwise directed by the *Hearing Panel Chair*. Any recording so made shall belong to the *FEI*.
- 27.2 Where a recording is available and a party has commenced an *Appeal* from the *Hearing Panel's Decision*, such party shall have the right to a transcript of the recording for use in connection with the *Appeal*, and the *FEI* Legal Department must provide such party with such transcript as soon as practicable upon request, subject to such party paying the costs involved in preparing the transcript and undertaking in writing not to share it with third parties. Otherwise, however, no person shall have the right to compel the production of any recording made of a hearing or a copy or a transcript save as required by law in connection with civil or criminal proceedings and then only if that person meets any costs or expenses incurred by the *FEI* in providing it.
- 27.3 Copies and transcripts of recordings shall remain confidential at all times. This shall not prevent submission of the transcripts to CAS on *Appeal*.

**28. Interim relief pending final determination**

- 28.1 Without prejudice to any other measures that may be taken by the FEI in accordance with the *FEI General Regulations*, *FEI Statutes* and or the relevant *Sport Rules*, in accordance with the powers conferred on the *FEI Tribunal*, a *Hearing Panel* (or the *FEI Tribunal Chair*, in urgent cases, before a *Hearing Panel* has been appointed) may, for good cause shown, grant an application for the *Provisional Suspension* of the *Respondent* (other than the *FEI*) or a *Horse*, or other interim relief, pending final determination of the *matter*.
- 28.2 Where the *Respondents* are provisionally suspended pursuant to Article 7.6 of the *FEI Anti-Doping Rules for Human Athletes*, Article 7.4 of the *Equine Anti-Doping Rules*, Article 7.4 of the *Equine Controlled Medication Rules*, and they exercise the rights conferred on them by those provisions to challenge the imposition of that *Provisional Suspension* at a *Preliminary Hearing* (as defined in those rules), the *FEI Tribunal Chair* may appoint any member of the *FEI Tribunal* to act as the "Preliminary Hearing Panel member" for purposes of those provisions.
- 28.3 Upon an application for interim relief other than under Article 28.2, above, unless otherwise ordered by the Person(s) hearing the application:
- (a) all parties shall have a right to be heard, for or against the application and their submissions should be in writing, unless the circumstances warrant otherwise; and
  - (b) the application should be heard and determined on an expedited basis.

**B. Specific procedures in Claims proceedings before the FEI Tribunal****29. The Parties**

- 29.1 The procedure set out below for *Claims* shall not apply for cases brought under the FEI Anti-Doping Rules for Human Athletes or the FEI Equine Anti-Doping and Controlled Medication Regulations. The specific procedure for *Appeals* is set out in Articles 40 - 46 of these *Internal Regulations of the FEI Tribunal*.
- 29.2 The party bringing the claim shall be referred to as the "Claimant". The party against whom the claim is brought shall be referred to as the "Respondent".
- 29.3 Where the *FEI* declines to pursue a claim referred to it by another party, that other party, may not bring the claim in their own name, but instead may *Appeal* to the *FEI Tribunal* against the *FEI's Decision* not to pursue the claim.

**30. The Claim**

- 30.1 To commence proceedings, the *Claimant* shall send a written *notice* to the *Respondent*, as set forth above, setting out the infringement(s) alleged to have been committed, including the specific rule, regulation, or principle alleged to have been infringed and a statement of the facts upon which such allegations are based, unless the procedure is otherwise provided for in the applicable rules. This *Notice* shall be referred to as the "**Notification Letter**".
- 30.2 The Notification Letter should also notify the Respondent of their entitlement to respond in one of the following ways:
- (a) to admit the alleged infringement(s) and, if the Claimant is the FEI, accept

certain administrative measures specified in the Notification Letter, in which

case the Respondent shall have no right of Appeal against such measures; or

- (b) to admit the alleged infringement(s) and have the sanctions determined by the Hearing Panel; or
  - (c) to deny the alleged infringement(s) and have liability and (if applicable) sanctions determined by the Hearing Panel.
- 30.3 The Respondent shall have a period of ten (10) days following receipt of the Notification Letter to send their initial response admitting or denying the alleged infringement. This initial response shall be referred to as the "**Reply**". The Respondent is not obliged to submit a Reply but failure to do so may allow the *Hearing Panel* to draw an adverse inference against the Respondent.
- 30.4 Within twenty (20) days of receiving the Reply or, if the Respondent does not submit a Reply within the deadline specified in Article 30.3 above, within thirty (30) days of sending the Notification Letter (whichever is earlier), the Claimant shall submit their claim (the "**Claim**") to the FEI Tribunal, with a copy to the Respondent. The *Claim* shall contain:
- (a) a copy of the *Notification Letter*;
  - (b) a copy of the *Reply* (if any);
  - (c) the *Claimant's* full claim brief, setting out its case on the issues it believes the *Hearing Panel* will have to resolve;
  - (d) written statements setting out the evidence of each witness (fact or expert) that the *Claimant* wishes to put into the record before the *Hearing Panel* in support of its case, with a statement from the witness attesting to the truth of the contents of the statement (or, in the case of an expert witness, attesting that the statement accurately sets out their opinions on the matters in issue);
  - (e) copies of all documentary evidence that the *Claimant* wishes to put into the record before the *Hearing Panel* in support of its case;
  - (f) copies of any legal authorities relied on by the *Claimant* in its brief; and
  - (g) whether or not the *Claimant* requests an oral hearing (in person, by videoconference, or by telephone) before a *Hearing Panel*.

The Claimant may apply to the *FEI Tribunal Chair* for permission to submit anything other than what is specified above.

The *Claim* shall be sent by email to the FEI Tribunal (fei.tribunal@fei.org), with a copy to the Respondent.

- 30.5 Within twenty (20) days of receiving the Claim, the Respondent shall submit its answer (the "**Answer**"). The Answer shall contain:
- (a) an answering brief addressing the *Claimant's* arguments, and setting out all of the *Respondent's* case on the issues (including any defences) that the Respondent believes the *Hearing Panel* will have to resolve;
  - (b) any defence of lack of jurisdiction;

- (c) written statements setting out the evidence of each witness (fact or expert) that the Respondent wishes to put into the record before the Hearing Panel, with a statement from the witness attesting to the truth of the contents of the statement (or, in the case of an expert witness, attesting that the statement accurately sets out their opinions on the matters in issue);
- (d) copies of all documentary evidence that the *Respondent* wishes to put into the record before the *Hearing Panel*;
- (e) copies of any legal authorities relied on by the *Respondent* in their brief; and
- (f) whether or not the *Respondent* requests an oral hearing (in person, by videoconference, or by telephone) before a *Hearing Panel*.

The Respondent may apply to the *FEI Tribunal Chair* for permission to submit anything other than what is specified above.

The *Answer* shall be sent by email to the FEI Tribunal (fei.tribunal@fei.org), with a copy to the *Claimant*.

### **31. Directions**

- 31.1 Upon receipt of the *Answer*, the FEI Tribunal Chair shall convene a *Hearing Panel* in accordance with Article 19. If the Respondent fails to submit an *Answer* by the stated time limit, the *Hearing Panel* may nevertheless proceed with the case and issue a *Decision*.
- 31.2 Unless the parties agree otherwise or the *Hearing Panel* Chair orders otherwise for good cause shown, the parties shall not be permitted to supplement their written arguments or evidence with further written submissions or evidence after submission of the *Claim* and accompanying documents (in the case of the Claimant) and the *Answer* and accompanying documents (in the case of the Respondent). Notwithstanding the foregoing, the *Claimant* may be permitted by the *Hearing Panel* to introduce evidence and/or a statement from an expert witness no later than fourteen (14) days following receipt of the *Answer* for the sole and specific purpose of addressing evidence and/or a witness statement from an expert witness referred to in the *Answer*. The Respondent may be permitted by the *Hearing Panel* to respond in writing to the Claimant's submission on the Respondent's expert witness, such response to be submitted within a deadline to be determined by the *Hearing Panel*.
- 31.3 If an oral hearing has been requested, the *Hearing Panel* Chair, in consultation with the parties, shall also fix the date, time and venue of that hearing (ordinarily, if the hearing is in person, the venue shall be the *FEI* Headquarters in Lausanne, Switzerland).
- 31.4 Prior to issuing directions, the *Hearing Panel* Chair may (but is not required to) hold a pre-hearing conference call with the parties so that they can make any submissions they deem relevant in relation to the directions that should be issued in the case.
- 31.5 Either party shall be at liberty to apply to the *Hearing Panel* Chair for amended or supplemental directions prior to the full hearing, where necessary in order to ensure that the record is complete and the parties are properly prepared for the full hearing.
- 31.6 The parties may at any time file a joint statement listing all facts that are agreed by the parties, and any other relevant matters that are not in dispute as between the parties, to which the *Hearing Panel* shall give due consideration.

- 31.7 The *Hearing Panel* Chair may at any time ask the parties to provide additional submissions and/or evidence, including expert testimony or opinions, as necessary.
- 31.8 It shall not be improper for a party, its officers, employees, legal advisors or other representatives to interview its witnesses or potential witnesses in advance of any hearing.
- 31.9 The *Hearing Panel* may require that expert witnesses for the opposing parties meet to try to narrow down areas in dispute.
- 31.10 If it appears to the *Hearing Panel* that a *Respondent* may be subject to sanction on account of an infringement of the *FEI Rules and Regulations* that has not previously been notified or that an infringement may have occurred by a *Person* other than the *Respondent*, the *FEI* shall ensure that the *Respondent* or such other *Person* is informed of and given a reasonable time to deal with the new allegation(s), including by adjourning the proceedings if relevant and necessary.

### **32. Burden and standard of proof**

- 32.1 The *Claimant* shall have the burden of proving that the *Respondent* committed the infringement(s) alleged in the *Claim*.
- 32.2 Unless otherwise stated in the relevant rules, the standard of proof on all questions to be determined by the *Hearing Panel* shall be by the comfortable satisfaction of the *Hearing Panel*.

### **33. Procedure at the hearing (if such is held)**

- 33.1 Where a hearing is requested or ordered, upon request of either party the *Hearing Panel* Chair may agree, at their discretion, to hold the hearing by telephone or videoconference.
- 33.2 At the beginning of the hearing, the *Hearing Panel* Chairs will introduce themselves and the other members of the *FEI Panel*, and each party (and their representative(s), where applicable) shall introduce themselves.
- 33.3 The *Hearing Panel* Chair will then state the purpose of the hearing and outline the procedure to be followed. The parties and their representatives will be invited to raise any preliminary queries and/or to make any submissions on preliminary issues (including but not limited to proposed procedure) as the *Hearing Panel* Chair may see fit.
- 33.4 After any preliminary matters have been addressed, at the discretion of the *Hearing Panel* Chair, each party (the *Claimant* first, the *Respondent* second) may make an opening statement. The *Hearing Panel* Chair may limit the amount of time permitted for opening statements.

### **34. Evidence**

- 34.1 Once opening statements are completed, the *Claimant* shall be invited to present evidence in support of its case, followed by the *Respondent* presenting evidence in defence of the case.
- 34.2 Subject to Article 25.2(d), above, the *Hearing Panel* shall have the power to allow, refuse or limit the evidence or appearance at the hearing of any witness. No evidence (testamentary or documentary) may be admitted unless it has been properly authenticated or a foundation has been provided by the party offering it. An email from the personal email address of a witness to a party and/or a party's legal

- representative, attesting to certain facts concerning the case, shall constitute a witness statement for the purpose of these *Internal Regulations of the FEI Tribunal*. Subject strictly thereto, however, formal rules applicable in other courts or tribunals in relation to the admissibility of evidence shall not apply in proceedings before the *Hearing Panel*. Instead, facts may be established in such proceedings by any reliable means, and factors such as hearsay shall go not to admissibility but rather to the weight to be given by the *Hearing Panel* to such evidence.
- 34.3 Subject always to Article 34.2, above, the parties shall make available to be heard by the *Hearing Panel* (in person or, with the permission of the *Hearing Panel*, by videoconference or telephone) the witnesses whose statements and reports they have submitted in advance of the hearing. The parties are responsible for the availability of those witnesses and the costs of their attendance at the hearing.
- 34.4 If a witness whose appearance has been requested fails without a valid reason to appear for testimony, the *Hearing Panel*, shall disregard any witness statement or declaration related to that witness unless, in exceptional circumstances, the *Hearing Panel* decides otherwise.
- 34.5 In any case where witnesses attend before the *Hearing Panel* but refuse or fail to answer questions put to them by or on behalf of the other party or the *Hearing Panel*, then the *Hearing Panel* may infer that the answers of that witness to those questions would have been adverse to the party offering that witness. If the witness is the party, then the *Hearing Panel* may infer that the answers of the party to those questions would have been adverse to that party.
- 34.6 Where witnesses appear at a hearing (whether in person or by videoconference or telephone), before providing testimony they shall first affirm, in a manner determined appropriate by the *Hearing Panel*, that they are telling the truth. Thereafter, the written statement of those witnesses, if supplied in accordance with Articles 30.4(d) or 30.5(c) (as applicable), above, shall stand as their direct evidence. The *Hearing Panel* may in its discretion allow direct examination of witnesses appearing at the hearing (to supplement their written testimony or where no witness testimony was submitted), cross-examination of those witnesses by the party against whom their evidence is offered, and re-direct examination of those witnesses in relation to the matters on which they were cross-examined.
- 34.7 The *Hearing Panel* is entitled to ask fact and expert witnesses questions at any time during the hearing and may recall witnesses for such purpose at any time.
- 34.8 Witnesses will not ordinarily be admitted to the hearing room prior to giving their evidence, and after giving their evidence all such witnesses will ordinarily be required to withdraw from the hearing room.
- 34.9 Any documentary or other evidence relied on by a party must be properly authenticated upon presentation to the *Hearing Panel*.
- 35. Closing arguments**
- 35.1 Once the evidence stage is concluded, the parties may be invited to make closing arguments, including any legal submissions. Unless otherwise ordered, the *Claimant* will go first and the *Respondent* will have the last word.
- 35.2 The *Hearing Panel* may in its discretion (a) limit the amount of time permitted for closing statements; (b) invite submissions on both liability (i.e., whether the *Claimant* has met its burden of proving that the *Respondent* infringed the rule(s) in question) and sanctions to be imposed if liability is established, or (c) limit closing arguments to submissions on liability, with submissions on sanction to follow only if the *Hearing*



*Panel* finds that the *Claimant* has met its burden on liability.

- 35.3 In lengthy and/or complex cases, the *Hearing Panel* may require the parties to provide their closing arguments in writing, or to provide written summaries of their closing arguments in advance of oral submissions.
- 35.4 Once the hearing is closed, the parties shall not be authorised to produce further written pleadings unless the *Hearing Panel* Chair so orders.

### **36. Principles relevant to the determination of sanctions**

- 36.1 Where an infringement of the *FEI Rules and Regulations* or their associated documents has been established, the *Hearing Panel* will impose sanctions in accordance with any specific sanction provisions set out in such rules or their associated documents for such infringement or else in accordance with the general sanction provisions of Article 161 (“FEI Tribunal”) and Article 169 (“Penalties”) of the *FEI General Regulations*.

### **37. Costs**

- 38.1 The *Hearing Panel* may award costs in accordance with Article 169.10 of the *FEI General Regulations* and with reference to the FEI Guidelines for Fines and Contributions towards Legal Costs.

### **38. Decision of the Hearing Panel**

- 38.1 The *Hearing Panel* shall make its *Decision* by a Simple Majority. All *Hearing Panel* members must take part in the deliberations of the *Hearing Panel* and no member of the *Hearing Panel* may abstain.
- 38.2 The *Hearing Panel* will issue its *Decision* as soon as reasonably practicable after the hearing, in writing, with reasons, in accordance with Article 39, below.
- 38.3 The *Hearing Panel* may decide to communicate the operative part of the *Decision* to the parties, prior to the reasons. The *Decision* shall be enforceable from such notification of the operative part by courier, facsimile and/or electronic mail. In exceptional circumstances, the *Hearing Panel* may advise the parties verbally of its *Decision* following the close of the hearing and the *Decision* shall be enforceable immediately unless the *Hearing Panel* specifies otherwise.

### **39. Written Decisions**

- 39.1 In all cases, the *Hearing Panel* shall issue its *Decision* in writing, dated and signed by the *Hearing Panel* Chair, as soon as practicable after the end of the hearing, or, if there is no hearing, after the written submissions and evidence related to the case have been provided to it.

The written *Decision* shall set out and explain:

- (a) the *Hearing Panel's* findings, with reasons, as to what infringement(s), if any, the *Respondent* has committed;
- (b) the *Hearing Panel's* findings, with reasons, as to the sanctions to be imposed as a result of such infringement(s). In relation to any infringement(s) in respect of which the relevant *FEI Rules and Regulations* give the *Hearing Panel* discretion as to sanctions to be imposed, the *Decision* shall explain in detail

the reasons why the *Hearing Panel* has exercised that discretion in the way that it has;

- (c) what costs award (if any) the *Hearing Panel* is imposing as a result of such findings, with reasons; and
- (d) any rights of *Appeal* that lie in respect of the *Decision*.

39.2 The time to *Appeal* shall not begin to run until receipt of the written, reasoned *Decision*. The *Hearing Panel* (or the *FEI* where instructed by the *Hearing Panel* to do so) will send copies of the *Decision* to the parties and to any other *Person* that has a right of *Appeal* against the *Decision*.

39.3 Save where the relevant rules provide otherwise, or the *Hearing Panel* orders otherwise for good cause shown, following their receipt by the parties the *Decisions* of the *Hearing Panel* shall be published on the *FEI*'s website or through other means, as determined by the *FEI*.

### C. **Specific procedures in Appeal proceedings before the FEI Tribunal**

#### **40. Commencing the Appeal**

40.1 An *Appeal* before the *FEI Tribunal* pursuant to Article 165 ("Appeals") of the *FEI General Regulations* is commenced by filing a valid *Notice of Appeal* with the *FEI Secretary General* within the deadline specified in the *FEI General Regulations*.

40.2 To be valid, the *Notice of Appeal* must satisfy the formal requirements set out in Articles 165 ("Appeals") and 166 ("Deposit") of the *FEI General Regulations*. Without prejudice thereto, the *Notice of Appeal* must be signed by the person bringing the *Appeal* (who shall be referred to as the "**Appellant**") or their authorised representative, must be accompanied by a copy of the *Decision* that is being appealed, and must identify:

- (a) the name, address and full contact details of the *Appellant* and/or their authorised representative;
- (b) the provisions in the applicable rules that establish the right to *Appeal* the *Decision* in question to the *FEI Tribunal*;
- (c) the part(s) of the *Decision* that is/are being appealed; and
- (d) the grounds of the *Appeal*.

40.3 The *Notice of Appeal* may be accompanied by an *Appeal Brief* setting out the arguments in support of the *Appeal*, and any supporting witness statements, expert reports, or other evidence relied upon, as well as copies of any legal authorities cited in the *Notice of Appeal*, and must be accompanied by any deposit required under the *FEI General Regulations*. Where a transcript or recording of the first instance hearing is available, it shall also be filed, either with the *Notice of Appeal* or as soon thereafter as it becomes available.

#### **41. FEI as Respondent**

41.1 In all *Appeals* to the *FEI Tribunal*, the *FEI* shall be the *Respondent* to the *Appeal*, except where the *FEI* is the party filing the *Appeal* (and the following articles shall be interpreted accordingly).

**42. Convening a Hearing Panel to determine the Appeal**

- 42.1 The *FEI Secretary General* or their designee in the *FEI Legal Department* will forward a copy of the *Notice of Appeal* and accompanying documents to the *FEI Tribunal Chair*, with a request that the *Tribunal Chair* convenes a *Hearing Panel* to hear and determine the Appeal.
- 42.2 Subject to Article 19, *Hearing Panels* convened to hear Appeals shall be typically comprised of one member, unless otherwise ordered by the *FEI Tribunal Chair*.

**43. Decision to remain in effect**

- 43.1 Unless the *Hearing Panel Chair* orders otherwise, the *Decision* being appealed shall remain in full force and effect pending determination of the Appeal.

**44. Answer**

- 44.1 Within 20 days of receipt of the *Notice of Appeal* and accompanying documents unless the parties agree to an alternate schedule, the *FEI* shall file with the *Hearing Panel* and serve on the *Appellant* an answer containing its defence to the *Appeal* (including any claim of lack of jurisdiction). The answer may be accompanied by any supporting witness statements, expert reports, or other evidence relied upon, as well as copies of any legal authorities cited in the answer.
- 44.2 Unless the parties agree otherwise or the *Hearing Panel Chair* orders otherwise for good cause shown, the parties shall not be permitted to supplement their written arguments or evidence with further written submissions after submission of the *Notice of Appeal* and accompanying documents (in the case of the *Appellant*) or the answer and accompanying documents (in the case of the *FEI*). Notwithstanding the foregoing, the *Appellant* may be permitted, with the permission of the *FEI Tribunal*, to introduce evidence and/or a statement from an expert witness no later than fourteen (14) days following receipt of the *Respondent's* answer for the sole and specific purpose of addressing evidence and/or a witness statement from an expert witness referred to in the *Respondent's* answer.

**45. Hearing**

- 45.1 In accordance with Article 25, an oral hearing may be held in any matter, but otherwise the *Hearing Panel* will determine the *Appeal* based on the papers referenced above.
- 45.2 Where an oral hearing is held, new evidence should not be presented unless there is good cause shown for why it was not available for the original proceeding (if an original proceeding took place).
- 45.3 The *Hearing Panel Chair* shall determine how, when and where the oral hearing is to be conducted (including whether it shall be in person, by videoconference, or by teleconference). Save where the *Hearing Panel Chair* orders otherwise, the following procedures shall be followed at the hearing:
- (a) The *Appellant* shall address the *Hearing Panel*, summarising their case on Appeal.
  - (b) The *FEI* shall address the *Hearing Panel*, summarising its case.
  - (c) Any evidence shall be dealt with in accordance with Article 34, above, applied

mutatis mutandis.

- (d) The *FEI* shall make closing submissions.
- (e) The *Appellant* shall make closing submissions.

#### **46. Decisions**

- 46.1 The *Hearing Panel* hearing the *Appeal* shall rule on the *Appeal* by a Simple Majority. If the *Hearing Panel* consists of more than one member, all members must take part in the deliberations of the *Hearing Panel* and no member of the *Hearing Panel* may abstain.
- 46.2 The *Hearing Panel* shall have the power to:
- (a) allow or dismiss the *Appeal*;
  - (b) exercise any power that the body against whose *Decision* the *Appeal* was made could have exercised, whether the effect is to increase or decrease any award, order or sanction originally imposed;
  - (c) remit the matter for new hearing;
  - (d) order that any deposit be forfeited or returned as it deems appropriate;
  - (e) make such order as to costs as it deems appropriate; and
  - (f) make such further or other order as it considers appropriate either generally or for purpose of giving effect to its *Decision*.
- 46.3 The *Hearing Panel* may decide to communicate the operative part of the *Decision* to the parties, prior to the reasons. The *Decision* shall be enforceable from such notification of the operative part by courier and/or facsimile and/or electronic mail. In exceptional circumstances, the *Hearing Panel* may advise the parties verbally of its *Decision* following the close of the hearing and the *Decision* shall be enforceable immediately unless the *Hearing Panel* specifies otherwise.
- 46.4 The *Hearing Panel* shall publish a written statement of its *Decision* in accordance with the provisions of Article 39 above, applied mutatis mutandis.