



DECISION of the FEI TRIBUNAL

dated 2 September 2016

Positive Anti-Doping Case No.: 2015/BS05

Horse: BUENAVENTURA

FEI Passport No: 104TD11/FRA

Person Responsible/NF/ID: Candice Pilloni/10117821/FRA

Event/ID: CEI1* 80 – Miramas (FRA) - 2015_CI_1157_E_S_03_01

Date: 3 May 2015

Prohibited Substances: Oxycodone, Lidocaine, 3-Hydroxylidocaine

I. COMPOSITION OF PANEL

Mr. Erik Elstad, chair
Mr. Chris Hodson QC, member
Ms. Jane Mulcahy QC, member

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.

III. DESCRIPTION OF THE CASE FROM THE LEGAL VIEWPOINT

1. Relevant Articles of the Statutes/Regulations:

Statutes 23rd edition, effective 29 April 2014 ("**Statutes**"), Arts. 1.4, 38 and 39.

General Regulations, 23rd edition, 1 January 2009, updates effective 1 January 2015, 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 2015.

FEI Equine Anti-Doping Rules ("EAD Rules"), 2nd edition, effective 1 January 2015.

FEI Controlled Medication Rules ("ECM Rules"), 2nd edition, effective 1 January 2015.

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

FEI Code of Conduct for the Welfare of the Horse.

2. Person Responsible: Ms. Candice Pilloni

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)."

EAD Rules Art. 2.1.1: "It is each *Person Responsible's* personal duty to ensure that no *Banned Substance* is present in the *Horse's* body. *Persons Responsible* are responsible for any *Banned Substance* found to be present in their *Horse's Samples*, even though their *Support Personnel* will be considered additionally responsible under Articles 2.2 – 2.8 below where the circumstances so warrant. It is not necessary that intent, fault, negligence or knowing *Use* be demonstrated in order to establish an *EAD Rule* violation under Article 2.1."

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."

IV. DECISION

Below is a summary of the relevant facts, allegations and arguments based on the Parties' written submissions, pleadings and evidence adduced. 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 BUENAVENTURA (the "**Horse**") participated at the CEI1* 80 in Miramas, France, on 3 May 2015 (the "**Event**"), in the discipline of Endurance. The Horse was ridden by Ms. Candice Pilloni 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 3 May 2015.
- 1.3 Analysis of urine and blood sample no. 5539007 taken from the Horse at the Event was performed at the FEI approved laboratory, LGC Newmarket Road Laboratory, Fordham, Cambridgeshire ("**LGC**") in the United Kingdom. The analysis of the sample revealed the presence of 3-Hydroxylidocaine and Oxycodone in the urine, and Lidocaine and Oxycodone in the plasma.
- 1.4 The Prohibited Substances detected are Oxycodone, Lidocaine and 3-Hydroxylidocaine. Oxycodone is an opiate with analgesic effect and is classified as Banned Substance under the FEI Equine Prohibited Substance List. Therefore, the positive finding for Oxycodone, in the Horse's sample gives rise to an Anti-Doping Rule violation under the EAD Rules.
- 1.5 Lidocaine is a local anaesthetic, 3-Hydroxylidocaine (a metabolite of Lidocaine) is an opiate with analgesic effect. Lidocaine and 3-Hydroxylidocaine are classified as Controlled Medication Substances. No request had been made to administer Lidocaine to the Horse, and no Veterinary Form had been provided by the PR for the use of the substance on the Horse. Therefore, the positive finding for Lidocaine and its metabolite 3-Hydroxylidocaine in the Horse's sample at the Event gives rise to a Controlled Medication Rule violation under the EADCMRs.

2. The Further Proceedings

- 2.1 On 31 August 2015, the FEI Legal Department officially notified the PR, through the French National Federation ("**FRA-NF**"), of the presence of the Prohibited Substances following the laboratory analysis, the possible rule violation and the possible consequences. The Notification Letter included notice that the PR was provisionally suspended and granted her the opportunity to be heard at a

Preliminary Hearing before the FEI Tribunal.

- 2.2 The Notification Letter further included notice, in accordance with Article 7.4 of the EAD Rules, that the Horse was provisionally suspended for a period of two (2) months, from the date of Notification, *i.e.*, 31 August 2015, until 30 October 2015. The above Provisional Suspension of the Horse has not been challenged, and the Horse has served the entire period of Provisional Suspension.

3. The B-Sample analysis

- 3.1 Together with the Notification Letter of 31 August 2015, the PR was also informed that she was 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 The PR did not request for the B-Sample to be analysed, and accepted the results of the A-Sample analysis.

4. Written submissions by the PR

- 4.1 On 12 September 2015, and from 13 to 19 November 2015, the PR provided her written explanations to the positive finding. Together with her submission the PR provided the FEI Medication Log Book for the Horse, which listed "Lidocaine" and "Ekyflogyl" (60 mL/day) under active substance and treatment and dosage, dated 15 April 2015. The PR also provided a prescription by Dr. Denis Chevé, veterinarian of the Horse, for the product Ekyflogyl, and an invoice, including amongst others the product "EKYFLOGYL FL. 125 ML", both dated 15 April 2015. Furthermore, the PR provided a prescription for herself by Dr. E. Canault, doctor at the Centre Hospitalier du Pays d'Aix, for "Oxycontin" – 10 mg, twice daily, for twenty-eight (28) days, and for "Oxynorm" – 5 mg, four times a day, for twenty-eight (28) days, dated 13 July 2015.
- 4.2 In essence, the PR explained that she was an Amateur rider, possessing only one horse. Further that riding was a simple entertainment, unpretentious victory, and that she normally only competed on a limited number of regional events close to where she lived.
- 4.3 Regarding the source of the Controlled Medication Substances, the PR explained that two weeks prior to the Event, the Horse had fallen in the paddock, which caused swelling in the pastern, and slight irregular point on the circle. That, following examination of the Horse, Dr. Chevé has delivered a gel – Ekyflogyl -, to be applied in order to eliminate the swelling. The gel has been applied according to prescription, twice daily over a period of fifteen (15) days prior to the Event. Moreover, that she had fully trusted the professional veterinarian, as she did not know all products, or their impact on a horse. Finally, the PR explained that she

has not checked the composition of the gel against the FEI Prohibited Substances List.

- 4.4 Regarding the source of the Banned Substance, the PR explained that she was on a long term supervised treatment with Oxycodone, issued in capsule form for 15 days, prescribed monthly. That this treatment was for humans, and that she has never given it to the Horse. That, according to her experts, either contact contamination - also considering the low doses detected -, or accidental absorption was the explanation for the Oxycodone finding in the Horse.
- 4.5 The PR further explained, that in 2015 she competed only in five competitions, and that, since she normally did not compete in international events, she was not used to FEI Rules. Further, that she has had no intention "to dope" the Horse, that on the contrary the welfare of the Horse was essential, and that the case at hand was her first doping offence. Finally, she explained that deep neglect and lack of knowledge on her part caused the positive finding.

5. Provisional Suspension

- 5.1 On 2 May 2015, the FEI requested the lifting of the Provisional Suspension. Together with its request, the FEI provided an email by Dr. Stuart Paine BSc (Hons), PhD, MRSC, CCHEM, CSci, ACS, dated 8 March 2016. In his email Dr. Paine explained as follows:

"A 5 mg dose is for mild to moderate pain.

Assuming 1000 mL of urine is produced on voiding then a concentration of 95 ng/mL in urine gives at least 95 micrograms oxycodone. This must be compared to the dose taken - so a 5 mg dose is equal to 5,000 micrograms of oxycodone.

95 micrograms = $(95/5000) \times 100\% = 2\%$ of 5 mg dose.

The question is whether "contact contamination" could transfer 2% of the 5 mg oxycodone human dose to the horse and also penetrate into the circulatory system? As I have said in my previous email, the product used (Ekyflogyon) on the internet <https://prequine.com/all-products/prequine/ekyflogyl/>, has a high content of DMSO. DMSO is a liquid that has a phenomenal ability to dissolve a drug and rapidly facilitates the penetration of that drug across tissue. Historically it has been used to get poorly soluble corticosteroids into tissues and nitrile gloves should be used when handling DMSO as the drug being applied can also be delivered to the person applying the treatment. If the PR applied Ekyflogyon without using gloves then it may be possible for 2% of the dose that the PR received to enter the horse's circulatory system. If the product applied to the horse did not contain DMSO then I would say that it's unlikely that 2% of the human dose could enter the horse's circulatory system but the fact that the product used does contain significant amounts of DMSO makes the likelihood of contact contamination a possibility."

- 5.2 The FEI was of the opinion that the PR has submitted plausible explanations of how the Banned Substance and the Controlled Medication Substances entered the Horse's system. Further that – as confirmed by Dr. Paine – it was indeed possible, as argued by the PR, that the presence of the Banned Substance, Oxycodone in the Horse's system was due to contact contamination arising from the application of Ekyflogyl by the PR to the Horse at a time when she herself was taking the product Canault (which contained Oxycodone) under prescription. That based on that, the FEI was satisfied that the requirements of Article 7.4.4 of the EAD Rules were fulfilled.
- 5.3 That the FEI was satisfied that the PR has demonstrated how the Oxycodone entered the Horse's system, and that the circumstances relating to the contact contamination were such that the FEI accepted that the PR bore No Fault or Negligence for the EAD Rule violation.
- 5.4 Further, that the FEI believed that since the PR has already been suspended for eight (8) months and given that the maximum period of Ineligibility that could be imposed by the Tribunal in relation to the alleged violation arising from the presence of two Controlled Medication Substances in the Horse's sample was six (6) months, the prerequisites of Article 7.4.4 (ii) of the EAD Rules were fulfilled.
- 5.5 On 10 May 2016, the FEI Tribunal Chair – as no Hearing Panel had yet been appointed – decided to lift the Provisional Suspension of the PR with immediate effect, *i.e.*, as of 10 May 2016.

6. Written submission by the FEI

- 6.1 On 8 July 2016, the FEI submitted its Answer to the explanations of the PR.
- 6.2 In essence the FEI submitted that:
 - a) Article 3.1 of the EAD Rules made it the FEI's burden to establish all of the elements of the EAD 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 EAD Rule violation under Article 2.1"*. Instead it was a "strict liability" offence, established simply by proof that a Prohibited 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 Oxycodone, Lidocaine and 3-Hydroxylidocaine, and together constituted "sufficient proof" of the violation of Article 2.1 of the EAD Rules. The PR did not dispute the presence of those Prohibited Substances in the Horse's sample. Accordingly, the FEI has discharged its burden of establishing that the PR has violated Article 2.1 of the EAD Rules.

- b) Where a Banned Substance was found in a horse's sample, a clear and unequivocal presumption arose under the EAD 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 EAD Rules provided that a Person Responsible with no previous doping offence who violated Article 2.1 of the EAD Rules was subject to a period of Ineligibility of two (2) years, unless she was able to rebut the presumption of fault. And that to do this the rules specified that she 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 she bears No Fault or Negligence for that occurrence, *i.e.*, that she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that she had administered to the Horse (or the Horse otherwise contained) a Banned Substance (in which case, the presumptive two-year period of Ineligibility was eliminated completely pursuant to Article 10.4 of the EAD Rules); or (iii) that she bears No Significant Fault or Negligence for that occurrence (in which case, the presumptive two-year period of Ineligibility may be reduced by up to 50 %, depending on her degree of fault, pursuant to Article 10.5 of the EAD Rules). If the PR failed to discharge this burden, the presumption of intentional administration and performance stood.
- c) The EAD Rules stipulate, and the jurisprudence of the Tribunal and the 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 entered into the horse's system. In the FEI's opinion, the PR's explanations of how the Banned and Controlled Medication Substances entered the Horse's body were plausible explanations. Further, that the statement of Dr. Paine confirmed that it was indeed possible, as argued by the PR, that the presence of the Banned Substance, Oxycodone in the Horse's system and in the sample taken, was due to contact contamination arising from the application of Ekyflogyon by the PR to the Horse at a time when she herself was taking the product "Canault" (which contains Oxycodone) under prescription. The FEI was therefore satisfied that the PR has fulfilled the requirement of Article 10.4 of the EAD Rules, *i.e.*, how the substances entered into the Horse's body.
- d) In terms of the degree of Fault and Negligence by the PR for the rule violation, the FEI argued that the starting point of any evaluation was the "*personal duty*" of the PR following from Article 2.1.1 of the EAD Rules, *i.e.*, the personal duty to ensure that "*no Banned Substance is present in the Horse's body*". Furthermore, that the FEI, through the FEI Clean Sport programme and in particular the "Athlete's Guide" had gone to considerable lengths to communicate relevant information on the EADCMRs to Athletes. Moreover, that the panel in the CAS decision (CAS 2014/A/36 91 Sheikh Hazza Bin Sultan Bin Zayed Al Nahyan v. FEI), had stated that the Athlete's Guide "*contains straightforward advice both to PRs and Support Personnel in a non-technical, non-legal form*", describing the

Athlete's Guide as "*required reading*". In light of the stated CAS jurisprudence, the FEI submitted that making the PR prima facie responsible for the condition of the Horse while competing, subject to her ability to prove she bears No (Significant) Fault or Negligence for the rule violation was a reasonable and justifiable stance.

- e) Regarding the Banned Substance, the FEI submitted that it could not expect the PR to suspect or reasonably have known even with the exercise of utmost caution, that her personal human medication could be transmitted to the Horse through contact contamination by applying the gel. The FEI was of the opinion that the PR was at no fault for the EAD Rule violation and that the period of Ineligibility for the EAD Rule violation should therefore be completely eliminated pursuant to Article 10.4 of the EAD Rules.
- f) Regarding the ECM Rule violation, the FEI argued that it has considered the facts that the treatment was given after the fall of the Horse in the paddock in order to improve the welfare of it, that the PR admitted that she should have investigated the product further to be sure it did not contain any Prohibited Substances, and that she also admitted a lack of knowledge of the FEI rules. The FEI was of the opinion that, even if the PR has consulted a veterinarian and has full confidence in that person, the PR has been negligent by not controlling the substance given to the Horse any further. Neither did she educate herself about the current rules. The FEI therefore contended that no reduction of the sanction according to Article 10.4 to 10.5 of the ECM Rules could be applied.
- g) Finally, the FEI argued that since there was no fault for the EAD Rule violation, the period of Ineligibility for that violation had to be completely eliminated pursuant to Article 10.4 of the EAD Rules. That the period of Ineligibility should instead be based on Article 10.2 of the ECM Rules, where the period of Ineligibility shall be six (6) months, subject to potential reduction or suspension pursuant to Articles 10.4 and 10.5 of the ECM Rules. Since there was no reduction possible, the FEI submitted that the total period of Ineligibility for the violations should be six (6) months. Since the PR has already been provisionally suspended for eight (8) months, all Provisional Suspension should be credited and no further period of Ineligibility should be applied on the PR.
- h) Pursuant to Article 9 of the EAD Rules, the result of the PR and Horse combination obtained in the Competition shall be disqualified with all resulting Consequences, including forfeiture of any related medals, points and prizes.
- i) As fairness did not dictate that no fine be levied in the case at hand, the FEI duly requested that a fine be imposed on the PR, and that the PR was ordered to pay the legal costs that the FEI has incurred in pursuing this matter. That in relation to the Banned Substance and the contact contamination the FEI had to consult with the expert Dr. Paine, which increased the costs of the proceeding. The

FEI therefore requested the Tribunal to take that into consideration when deciding on the fine and legal costs.

7. Jurisdiction

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

8. The Person Responsible

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

9. The Decision

- 9.1 As stated in Article 2.1.2 of the EAD Rules, sufficient proof of an EAD Rule violation is established by the presence of a Banned 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 LGC are accurate. The Tribunal is satisfied that the test results evidence the presence of the Banned Substance Oxycodone 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. Oxycodone is classified as a Banned Substance under the FEI Equine Prohibited Substances List.
- 9.2 Furthermore, as set forth in Article 2.1.2 of the ECM Rules, in cases where the PR waives analysis of the B-Sample and the B-Sample is not analysed, sufficient proof of an ECM Rule violation is established by the presence of a Controlled Medication Substance in the Horse's A-Sample without a valid Veterinary Form. The Tribunal is satisfied that the laboratory report of the A-Sample reflects that the analytical tests were performed in an acceptable manner and that the findings of the LGC are accurate. The Tribunal is satisfied that the test results evidence the presence of Lidocaine and 3-Hydroxylidocaine. The PR did not contest the accuracy of the test results or the positive finding. Lidocaine and its metabolite 3-Hydroxylidocaine are classified as a Controlled Medication Substance under the Equine Prohibited Substances List.
- 9.3 The FEI has therefore established an Adverse Analytical Finding for a Banned Substance and for a Controlled Medication Substance and its metabolite (for which no Veterinary Forms exist), and has sufficiently proven the objective elements of an offence in accordance with Articles 2.1 of the EAD and ECM Rules.

- 9.4 In cases brought under Article 2.1 of the EADCMRs, the so-called strict liability principle, as described in Articles 2.1.1 of the EAD Rules and 2.1.1 of the ECM Rules, applies. This means that once a positive finding of a Prohibited Substance has been established, an EAD Rule violation, or an ECM Rule violation respectively, has been established by the FEI, and it is not necessary that intent, fault, negligence or knowing use on the part of the PR be demonstrated in order to establish an EAD Rule violation, or an ECM Rule violation. Rather the PR has the burden of proving that she bears "No Fault or Negligence" for the positive finding as set forth in Articles 10.4 of the EAD Rules and the ECM Rules, or "No Significant Fault or Negligence," as set forth in Articles 10.5 of the EAD Rules and the ECM Rules. However, in order to benefit from any elimination or reduction of the applicable sanction under Articles 10.4 or 10.5 of the EAD Rules and the ECM Rules, the person alleged to have committed the Article 2.1 EAD Rules violation or an Article 2.1 ECM Rules violation, must first establish how the Prohibited Substance(s) entered the horse's system. This element is a "pre-requisite" to the application of Articles 10.4 or 10.5 of the EAD Rules and the ECM Rules. The standard of proof is that the PR must establish "specific facts or circumstances" "by a balance of probability".
- 9.5 The Tribunal takes note of the explanations by the PR on how the Prohibited Substances entered the Horse's system, namely that the presence of the Banned Substance Oxycodone in the Horse's system was due to contact contamination arising from the application of Ekyflogyon (which contains Lidocaine) by the PR to the Horse at a time when she herself was taking the product "Canault" (which contains Oxycodone) under prescription. In this respect the Tribunal takes further note of Dr. Paine's statement confirming that such contact contamination it was indeed possible. Finally, the Tribunal also takes note that the FEI accepted that the PR has established how the Prohibited Substances entered the Horse's system. As a result, the Tribunal finds that the PR has established on a balance of probability – as required in accordance with Articles 3.1 of the EAD Rules and the ECM Rules – how the Prohibited Substances entered the Horse's system.
- 9.6 In a second step the Tribunal needs to examine the question of "No Fault or Negligence" or "No Significant Fault or Negligence" for the rule violation. In this respect the Tribunal holds that – in accordance with Article 2.1 of the EAD Rules - it is the PR's personal duty to ensure that no Banned Substance is present in the Horse's body at any stage. Furthermore – in accordance with Article 2.1 of the ECM Rules, it is the PR's personal duty to ensure that no Controlled Medication Substance is present in the Horse's body during an Event without a valid Veterinary Form.
- 9.7 With regard to the Banned Substance, the Tribunal follows the FEI submission, and finds that the PR could not have suspected or reasonably have known even with the exercise of utmost caution, that her personal human medication could be transmitted to the Horse through contact contamination by applying the gel. As a result the

Tribunal finds that the PR was at no fault for the EAD Rule violation. Following Article 10.4 of the EAD Rules the period of Ineligibility for the EAD Rule violation otherwise applicable is therefore eliminated.

- 9.8 With regard to the Controlled Medication Substances, the Tribunal finds that the PR has not established that she had fulfilled the duty of care expected of her as a rider and Horse owner: all she did was to rely on her veterinarian without making any further enquiry or taking any other precautionary measures. In this respect, the Tribunal takes note that the PR argued that she was an amateur rider, riding in few competitions only, and that she had not been familiar with the FEI rules applicable during the Event. The Tribunal however finds that the fact that the PR was (only) an amateur rider, does not release her of the duty of care expected from her as a rider and Horse owner. In addition, the Tribunal is of the opinion that any rider – whether professional or amateur – competing in FEI competitions has to make him or herself aware of the FEI rules, including the EADCMRs, prior to participating in such events.
- 9.9 Accordingly, the Tribunal finds that the PR has acted negligently in performing her duties as competitor and Horse owner. The Tribunal therefore comes to the conclusion that no reduction or elimination of the otherwise applicable period of Ineligibility for the ECM Rule violation is warranted.

10. Disqualification

For the reasons set forth above, the Tribunal disqualifies the Horse and the PR combination from the Competition and any medals, points and prize money won must be forfeited, in accordance with Article 9 of the EAD Rules.

11. Sanctions

- 11.1 As a result of the foregoing, the otherwise applicable period of Ineligibility for the EAD Rule violation is eliminated pursuant to Article 10.4 of the EAD Rules.
- 11.2 In accordance with Article 10.2 of the ECM Rules, the period of Ineligibility for a violation of Article 2.1 of the ECM Rules shall be six (6) months. The Tribunal takes note that the PR has been provisionally suspended from 31 August 2015 until and including 10 May 2016, *i.e.*, more than eight (8) months. The Tribunal takes also note that the FEI accepted, and the Tribunal finds, that the period of Provisional Suspension shall be credited against the period of Ineligibility imposed.
- 11.3 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** for

the present rule violation. The period of Provisional Suspension, effective from 31 August 2015, the date of imposition of the Provisional Suspension, to 10 May 2016, the date of the lifting of the Provisional Suspension, shall be credited against the period of Ineligibility imposed in this decision. Therefore no further period of Ineligibility shall be imposed on the PR.

2) The PR is fined **one thousand five hundred Swiss Francs (CHF 1'500,-)**.

3) The PR shall contribute **one thousand Swiss Francs (CHF 1'000,-)** towards the costs of the judicial procedure.

11.4 According to Article 168 of the GRs, the present decision is effective from the day of written notification to the persons and bodies concerned.

11.5 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:

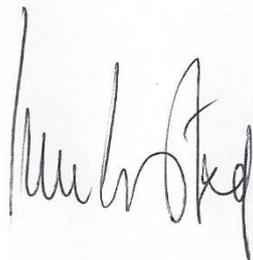
a. The person sanctioned: Yes

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 'Erik Elstad', is written over a light blue rectangular background.

THE CHAIR, Mr. Erik Elstad