



**DECISION of the FEI TRIBUNAL**

**dated 24 March 2017**

**Positive Controlled Medication Case No.:** 2016/CM04

**Horse:** AD ARGOS      **FEI Passport No:** 103IW56/KSA

**Person Responsible/NF/ID:** Abdullah Alsharbatly/KSA/10000564

**Event/ID:** CSI5\* GCT – Rome, Foro Italico (ITA) - 2016\_CI\_0181\_S\_S\_01

**Date:** 8 – 11 September 2016

**Prohibited Substance:** Triamcinolone Acetonide

**I. COMPOSITION OF PANEL**

Dr. Armand Leone, one member panel

**II. SUMMARY OF THE FACTS**

- 1. Memorandum of case:** By Legal Department.
- 2. Summary information provided by Person Responsible (PR):**  
The FEI Tribunal duly took into consideration all evidence, submissions and documents presented in the case file, as also made available by and to the PR.
- 3. Oral hearing:** 17 March 2017 - telephone conference call.

Present:

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

For the PR:

Mr. Abdullah Alsharbatly, PR  
Ms. Lisa Lazarus, Legal Counsel  
Mr. Piotr Wawrzyniak, Legal Counsel

Ms. Sophie de la Farge, Veterinarian

For the FEI:

Ms. Anna Thorstenson, FEI Legal Counsel  
Mr. Mikael Rentsch, FEI Legal Director

### **III. DESCRIPTION OF THE CASE FROM THE LEGAL VIEWPOINT**

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

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

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

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

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

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

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

FEI Code of Conduct for the Welfare of the Horse.

**2. Person Responsible:** Mr. Abdullah Alsharbatly, represented by Mr. P.M. Wawrzyniak of Schelstraete Advocaten, Oisterwijk, The Netherlands, and Ms. Lisa Lazarus, Co-Counsel

#### **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)."

ECM Rules Art. 2.1.1: "It is each Person Responsible's personal duty to ensure that no Controlled Medication Substance is present in the Horse body during an Event without a valid Veterinary Form. Persons Responsible are responsible for any Controlled Medication Substance found to be present in their Horse's Samples, even though their Support Personnel will be considered additionally responsible under Articles 2.2 – 2.5 ECM Rules where the circumstances so warrant. It is not necessary that intent, Fault, negligence or knowing Use be demonstrated in order to establish a Rule violation under Article 2.1."

## EADCMRs APPENDIX 1 – Definitions:

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

No Fault or Negligence. The Person Responsible and/or member of the Support Personnel establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had administered to the Horse, or the Horse's system otherwise contained, a Banned or Controlled Medication Substance or he or she had Used on the Horse, a Banned or Controlled Medication Method or otherwise violated an EAD or ECM Rule. (...)

No Significant Fault or Negligence. The Person Responsible and/or member of the Support Personnel establishing that his fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relationship to the EADCM Regulation violation."

## **IV. DECISION**

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

## **1. Factual Background**

- 1.1 AD ARGOS (the "**Horse**") participated at the CSI5\* GCT in Rome, Italy, from 8 to 11 September 2016 (the "**Event**"), in the discipline of Jumping. The Horse was ridden by Mr. Abdullah Alsharbatly 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 10 September 2016.
- 1.3 Analysis of the blood sample no. 5551381 taken from the Horse at the Event was performed at the FEI approved laboratory, the LGC Laboratory on Newmarket Road, Fordham, Cambridgeshire, UK ("**LGC**"). The analysis of the sample revealed the presence of Triamcinolone Acetonide in the plasma.
- 1.4 The Prohibited Substance detected is Triamcinolone Acetonide. Triamcinolone Acetonide is a corticosteroid with anti-inflammatory effects. This substance is classified as a Controlled Medication Substance under the FEI Equine Prohibited Substances List. Furthermore, no valid Veterinary Form exists for the respective substance. Therefore, the positive finding for Triamcinolone Acetonide in the Horse's sample gives rise to a Controlled Medication Rule violation under the EADCMRs.

## **2. The Further Proceedings**

- 2.1 On 12 October 2016, the FEI Legal Department officially notified the PR and the Owner of the Horse through the Saudi Arabian National Federation ("**KSA-NF**"), of the presence of the Prohibited Substance following the laboratory analysis, the possible rule violation and the possible consequences.
- 2.2 In the Notification Letter, the PR was also informed that due to the fact that he had been held responsible for a Controlled Medication Rule violation in February 2016 (Case 2016/FT05 – TALAN), the period of Ineligibility to be imposed on him shall be greater of: a) three months; b) one-half of the period of Ineligibility imposed for the first ECM Rule violation without taking into account any reduction under 10.6; or c) twice the period of Ineligibility otherwise applicable to the second ECM Rule violation treated as if it were a first violation, without taking into account any reduction under Article 10.6.

## **3. The B-Sample analysis**

- 3.1 Together with the Notification Letter of 12 October 2016, the PR and the Owner of the Horse were also informed that they were entitled (i) to the performance of a B-Sample confirmatory analysis on the positive sample; (ii) to attend or be represented at the B-Sample

analysis; and/or (iii) to request that the B-Sample be analysed in a different laboratory than the A-Sample.

- 3.2 Neither the PR nor the Owner of the Horse asked for the B-Sample to be analysed, and accepted the results of the A-Sample analysis.

#### **4. Written submission by and on behalf of the PR**

- 4.1 On 2 November 2016, the PR provided his explanations to the positive finding. Together with his explanations the PR provided – among others – a Veterinary Report and a Veterinary treatment document by Dr. Sophie de la Farge, DMV of BMC & Mennessier Vétérinaires Equins from Chantilly, France, dated 18 August 2016 and 17 August 2016 respectively. The Veterinary Report states as follows:

*"The horse Argos was examined on 17th of August 2016.*

*The horse was sound but presented with a lack of propulsion of both hind legs on the circles. Both hind legs flexion tests were positive.*

*A radiographic examination of both hocks was performed and revealed mild to moderate degenerative changes of distal inter-tarsal and tarso-metatarsal joints.*

*An ultrasound examination of both stifles was performed and revealed some severe synovitis (inflammation) of both media fémoral-tibial joints.*

*The horse received intra-articular medication of both hocks (distal inter-tarsal and tarso-metatarsal joints) and stifles with triamcinolone (kenacort) and hyaluronic acid. (...)."*

- 4.2 Furthermore, according to the Veterinary treatment document, Dr. de la Farge applied a total of 12 mg kenacort to the Horse, indicating "x 6", *i.e.*, injections into six (6) joints. Furthermore, the document refers to a delay prior to competitions, *i.e.*, withdrawal period, of 20 days.

- 4.3 The PR submitted in essence that:

- a) He won the individual silver medal at the 2010 FEI World Equestrian Games, and that he was part of the Saudi team that won the bronze medal at the 2012 London Olympic Games. That he adhered to the fundamental imperatives of equestrian sport that have been recognized in the ECM Rules, and that in his daily equestrian life he followed the ECM Rules strictly. Further, he recognized that the welfare of the Horse was extremely important in the sport. In particular, he recognised that all treatments had to be given in the best health and welfare interests of the horse, and not for any other reasons and that no Controlled Medication Substance had to be given to any horse during or close to an event, unless the appropriate FEI guidelines for medication authorization

have been followed, and that the horse that had been injured and developed an illness could not compete and had to be given appropriate veterinary treatment and rest (or recovery period). Finally, that he maintained complete and accurate record of all treatments during or close to any event.

- b) He acquired the Horse in July 2016. That he was informed regarding an older injury of the hind legs that was also established during the pre-purchase examination, and that his veterinarian had assessed the injuries as manageable. That the Horse had become lame after an event in Poland, which was held from 21 to 23 July 2016. The Horse was examined by Dr. de la Farge, and that he did not compete with the Horse until the Event in question; in the meantime, he competed with his other horses.
- c) Regarding how the Triamcinolone Acetonide entered the Horse's system, the PR explained that the treatment with Triamcinolone Acetonide by Dr. de la Farge on 18/19 August 2016<sup>1</sup> had to have caused the positive finding. That, this was the only explanation, even though the detection time prescribed by the FEI was (168 hours) seven (7) days for this substance. That after observing more than a sufficient detection period he had been totally unaware of the Triamcinolone Acetonide in the Horse's blood. That when it came to Triamcinolone Acetonide it had been acknowledged that the usage of this substance might sometimes lead to very unexpected results, and that the results depended on the place where the injection was given and on the individual features (physiology) of the horse in question. That in this respect it happened regularly that a muscle and not a joint was being injected, and that it was acknowledged in the literature that an intra-articular ("**i.a.**") injection might be technically speaking quite complicated, as horses did not simply obey to the veterinarian's instructions, *e.g.*, they moved, or kicked. That the place where the injection was administered could however have significant effects on the withdrawal times and therefore also on the detection of the substance in question. The PR provided some supporting literature in this respect.
- d) Furthermore, the PR argued that the FEI acknowledged with its detection time list that *the "withdrawal time for a drug must be decided upon the treating veterinarian and is likely to be based on the detection time plus a safety margin, chosen with professional judgment and discretion to allow for individual differences between horses such as size, metabolism, degree of fitness, recent illness or disease etc."* That he had most probably become a victim of the afore mentioned circumstances and their vice-versa correlation. Trusting that he had observed a sufficient, in any event much longer detection time, then prescribed by the FEI, he thought that Triamcinolone Acetonide would have been out of the Horse's

---

<sup>1</sup> The Tribunal notes that the PR states 18/19 August 2016 on this account, whereas he states 17 August 2016 on all other accounts.

system during the Event. That otherwise he would have requested for a Veterinary Form.

- e) In conclusion, the PR submitted that he recognised that in cases like the case at hand a strict liability principle applied as described in Article 2.1.1 of the ECM Rules. That he had established “specific facts or circumstances” “by a balance of probability” on how the Triamcinolone Acetonide had entered the Horse’s system, namely by the treatment performed and documented by Dr. de la Farge on 17 August 2016. Furthermore, that it was very probable that the injection was administered outside of the joint of the Horse and that the withdrawal and detection time of Triamcinolone Acetonide had become significantly longer than one could reasonably expect. Furthermore, since he has acquired the Horse only in July 2016, he and Dr. de la Farge might not have assessed the withdrawal time correctly. Moreover, good faith on his part was proven by the fact that he allowed the Horse to recover to full fitness and competed in the said period with his other horses. In addition, that he had no reason not to disclose the treatment. Given the longer withdrawal period than advised, *i.e.*, 20 days, he had simply assumed that the Triamcinolone Acetonide was out of the Horse’s system; otherwise he would have requested a Veterinary Form. Finally, that he had proven that his goal was not to enhance the Horse’s performance in the competition, but rather to do everything necessary for the Horse’s welfare.

## **5. Response by the FEI**

5.1 On 22 December 2016, the FEI provided its Response.

5.2 The FEI submitted in essence that:

- a) The PR committed two prior Controlled Medication Rule violations. The first violation in February 2012 (Case: 2012/CM03 LOBSTER 43), where the PR was suspended for eight (8) months by the FEI Tribunal, which suspension has been replaced by a two (2) months period of Ineligibility by the Court of Arbitration for Sport (“**CAS**”). The second violation was in February 2016 (Case: 2016/FT05 TALAN), which was dealt with under the Administrative Procedure. In Controlled Medication cases the violation stayed on the record for four (4) years, therefore any new violation within the previous four years counted legally. In this case the new violation counted as a second violation, since the first violation, *i.e.*, the case of February 2012, was out of the four-year period. However, the FEI noted that in total it was the third ECM Rule violation of the PR.
- b) Detection time was the approximate period of time for which a drug (or its metabolite) remained in a horse’s system, such that it can be detected by the laboratory and the FEI provided a list of some detection times only as a guide. The withdrawal time – on the other hand – has to be decided by the treating veterinarian and was likely

to be based on the detection time and an added safety margin. This margin had to be determined using professional judgement and discretion to allow for individual differences between horses such as size, metabolism, degree of fitness, recent illness or disease etc. to be taken into consideration. The safety margin in most cases should be multiplied with two. The detection time given for Triamcinolone Acetonide is 168 h (7 days), or 12 mg injected via i.a. route in one joint. The Veterinary report of Dr. de la Farge however stated an injection of 12 mg in six joints. Regarding the List of Detection times on the FEI webpage, the FEI highlighted that: "*Reliance on this list shall not be a defence in any future proceedings taken under the FEI Veterinary Regulations and/or the FEI Equine Anti-Doping and Controlled Medication Regulations*". That it was well established among veterinarians that when a joint is injected, there was always a risk of leakage and it needed to be taken into consideration when deciding the withdrawal time for a specific drug.

- c) Triamcinolone Acetonide was a human drug with anti-inflammatory agent, used in the treatment of orthopaedic disease *e.g.*, osteoarthritis. It was a substance that was long lasting in the body, *i.e.*, in humans it had an effect from one to six weeks. In some countries it was also registered for animals. That – as mentioned in an article provided by the PR – "*For instance, following IM administration of 0.1 mg/kg, TA can be detected for upwards of 40 days while concentrations fall below the accepted detection point by about four days following 9 mg of IA administration*". This meant that if an injection was not fully i.a., it could last longer, and up to 40 days in the body of the Horse.
- d) In accordance with Article 1048 to 1051 of the VRs, Veterinary Forms are used for treatment with certain Controlled Medication Substances during competition. A Controlled Medication Substance may be administered at an event or close prior to an event, if there was a case of a genuine medical emergency. Veterinary Form 1 covers treatments with Controlled Medication Substances but only for use in an emergency. However, it was not possible to submit a Veterinary Form 1 for i.a. use of Triamcinolone Acetonide. The Veterinary Form 1 did not guarantee the horse's participation in an event. The FEI argued that should there have been any doubt that the Horse could test positive for Triamcinolone Acetonide, it would have been possible for the PR to test for this substance, before competition, using the FEI's Elective Testing scheme. Triamcinolone Acetonide, a corticosteroid with anti-inflammatory effects, could therefore not be used at a competition. Firstly, since injections in the joints are prohibited at all competitions, and secondly with such a treatment the horse was not fit to compete. Thus, there was no Veterinary Form that could be applied or valid in a case of injection of Triamcinolone Acetonide in the joint.
- e) Further, that Veterinarians providing services to sports horses should be able to inject a joint correctly and accurately, as well as convey to the client, the potential risks of the procedure. It was a



well-established fact that the detection times for substances were different according to the route of administration, *i.e.*, intra-articular, intravenous, intramuscular and subcutaneous, and as demonstrated on the FEI List of Detection Times.

- f) Article 3.1 of the ECM Rules made it the FEI's burden to establish all of the elements of the ECM Rule violation charged, to the comfortable satisfaction of the Tribunal. The elements of an Article 2.1 violation were straightforward. *"It is not necessary that intent, fault, negligence or knowing Use be demonstrated in order to establish an ECM Rule violation under Article 2.1"*. Instead it was a "strict liability" offence, established simply by proof that a Controlled Medication Substance was present in the Horse's sample. The results of the analysis of the A-Sample taken from the Horse at the Event confirmed the presence of Triamcinolone Acetonide, and constituted "sufficient proof" of the violation of Article 2.1 of the ECM Rules. That in any event, the PR did not dispute the presence of Triamcinolone Acetonide in the Horse's sample. Accordingly, the FEI has discharged its burden of establishing that the PR has violated Article 2.1 of the ECM Rules.
- g) Where a Controlled Medication Substance was found in a horse's sample without a valid Veterinary Form, a clear and unequivocal presumption arose under the 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 ECM Rules provided that a Person Responsible with no previous doping offences who violated Article 2.1 of the ECM Rules was subject to a period of Ineligibility of six (6) months, unless he was able to rebut the presumption of fault. And that to do this the rules specified that he must establish to the satisfaction of the Tribunal (it being his burden of proof, on a balance of probability) (i) How the Prohibited Substances entered the Horse's system; and (ii) that he bore No Fault or Negligence for that occurrence; or alternatively (iii) that he bore No Significant Fault or Negligence for that occurrence. If the PR failed to discharge this burden, the presumptive six-month ban under Article 10.2 of the ECM Rules applied. However, if the PR has a prior offence within a four-year period, the period of Ineligibility to be imposed, in accordance with Article 10.8 of the ECM Rules, shall be the greater of (i) three months; (ii) one-half of the period of Ineligibility imposed for the first ECM Rule violation without taking into account any reduction under Article 10.6 of the ECM Rules; or (iii) twice the period of Ineligibility otherwise applicable to the second ECM Rule violation treated as if it were a first violation, without taking into account any reduction under Article 10.6 of the ECM Rules.
- h) The ECM Rules stipulated, 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(s) entered into the Horse's system. The FEI submitted in this context that the PR must provide clear and convincing evidence that proved how the Triamcinolone Acetonide

has entered the Horse's system. That the PR has explained how the veterinarian injected the substance in order to treat the Horse in a joint a few weeks prior to the Event. That there was no other explanation for the positive case, and the FEI was of the opinion that it was more plausible than not, on a balance of probability, that the Triamcinolone Acetonide entered the Horse as explained by the PR. The FEI found that it was a plausible explanation for how the substance entered into the Horse's system, but left it for the Tribunal to evaluate if the PR has fulfilled the threshold requirement.

- i) 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 of the degree of Fault and Negligence by the PR for the rule violation was the "*personal duty*" of the PR following from Article 2.1.1 of the ECM Rules, *i.e.*, his personal duty to ensure that "*no Controlled Medication Substance is present in the Horse's body*".
- j) 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. That it should be noted that in the so-called Glenmorgan decision (CAS 2014/A/3591 Sheikh Hazza Bin Sultan Bin Zayed Al Nahyan v. FEI (para 2015)) CAS has 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*".
- k) Further, the Sole Arbitrator in a CAS decision (CAS 2015/A/4190 Mohammed Shafi Al Rumaithi v. FEI) endorsed the rationale behind the FEI's policy of making the Athlete/rider the Person Responsible, stating (at para 57):

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

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

*The Sole Arbitrator respectfully agrees".*

- l) Further, that in the Glenmorgan case, the Panel confirmed (para 203 & 209) that the rider was best fit to control the Horse before a competition. "*... Among them (any support personnel), the rider is best able to function as the "last check" on the physical condition of*

*the horse immediately prior to and during the race, regardless of whether he knows the horse or mounts it for the first time. An experienced rider can quite often identify with the naked eye an irregularity in the condition and behaviour of the animal both before mounting and during the competition."*

- m) *"The Panel wishes to emphasize again that the fault or negligence which determines the measure of the Appellant's sanction is not that of the Dr. It is the Appellant's own fault and negligence in not having exercised the standard of care applicable to a PR which, like the non-equine Athlete, is placed at the exercise of "utmost caution". It is the PR's personal duty to ensure that no Banned Substance is present in the Horse's body."*
- n) The FEI further argued that the Panel in the Glenmorgan case imposed an eighteen (18) months suspension on the PR, even though it was clear that the veterinarian had administered the substance to the horse and failed in his normal duty of care. The duty of care was still on the PR who was the responsible for any treatment given to their horses by their veterinarians.
- o) In light of the stated CAS jurisprudence on this point, the FEI respectfully submitted that making the PR prima facie responsible for the condition of the Horse while competing, subject to his ability to prove he bears No (Significant) Fault or Negligence for the horse's positive test was a reasonable and justifiable stance.
- p) Further, as CAS jurisprudence confirmed, the rider was, no matter what, the Person Responsible for the horse he was competing with, and could not delegate that duty to another person. That the PR therefore had an obligation to ensure that no Prohibited Substance entered into the Horse's system, and had to act with utmost caution in order to fulfil this duty. That conclusions to be drawn from the case law were that the duty of care was very high and that this duty of care was non-delegable. In addition, that Persons Responsible were responsible for their Support Personnel and the medical/veterinary treatments given to their horses by their veterinarians.
- q) The FEI argued that the PR was a professional rider who competed at the top level with several horses, and was currently ranked in the top thirty (30) at the FEI World Cup Jumping standings, and ranked sixth (6<sup>th</sup>) on the Arabic League World Cup standings. That, as a top level athlete and horse owner, he should be well aware of the rules. The case at hand was however the PR's second ECM Rule violation in 2016, and the third violation in total since 2012; the latter did not stay on record, as it was outside the four-year period.
- r) Moreover, the FEI argued that the fact that the PR only bought the Horse in July 2016 and did not know the Horse very well could not be a reason for extenuating circumstances. Before competing with a new horse he had to make sure that he was comfortable with its medication history. The PR has not provided a copy of the medication

logbook for the Horse.

- s) Further that Triamcinolone Acetonide was a drug with long lasting effects in the body, and that there were other alternative drugs with similar effects that were not as long lasting as Triamcinolone Acetonide. That, considering that the PR was aware of the risk of injection into the joint and leakage to surrounding tissues, - as mentioned by himself -, he had to be even more precautious about doing such injections and choosing a veterinarian that could perform such injections without any risks taken. Contrary to the PR's submission, there is no valid Veterinary Form for Triamcinolone Acetonide since, firstly injections in the joints at competitions were strictly prohibited, secondly it was not an emergency treatment, and thirdly if the horse was treated it was not fit to compete.
- t) The FEI was of the opinion that it was lacking information which made it difficult to properly evaluate the level of fault of the PR. The FEI was further of the opinion that the PR had thus far in the proceedings not proved that he acted with utmost caution in order to avoid a violation. Especially, since it was well established that the PR was responsible for the choice of support personnel and veterinarians. Hence, he had not established No Fault or Negligence for the rule violation.
- u) The FEI argued that it could potentially consider No Significant Fault or Negligence for the rule violation, but it needed to be further reassessed when the lacking information had been provided. The FEI possibly considered the facts that the PR did not compete until twenty-two (22) days after the injection and added extra time to the withdrawal time, and that he competed with his other horses instead of the Horse during that period of time. If the PR could show that he bore no significant fault and no significant negligence for the rule violation, the normal six (6) months suspension could be reduced by one-half, to a three (3) months suspension. However, since this was the second ECM Rule violation for the PR in 2016, the FEI submitted that the provisions of the ECM Rules relating to multiple violations as set out in Article 10.8.1 of the ECM Rules had to apply, and that the FEI might submit – provided that the PR could demonstrate that he bore no significant fault or negligence for the rule violation – that a period of six (6) months of the Ineligibility should be imposed on the PR.
- v) Pursuant to Article 9 of the ECM 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. Furthermore, since this was a case with a Controlled Medication Substance, occurring during or in connection with an Event, and in order to safeguard the level playing field, the FEI may disqualify all of the Person Responsible's individual results obtained in that Event, with any and all Horses with which the Person Responsible competed, with all consequences, including forfeiture of all medals, points and prizes, in accordance with Article 10.1.2 of the ECM Rules.

## **6. Rebuttal submission by and on behalf of the PR**

- 6.1 On 15 January 2017, the PR provided further explanations. Together with his explanations the PR submitted a statement by Dr. Philippe Heilés, DVM MSc, Equine Veterinarian of the Clinique Equine des Breviaires, in Les Breviaires, France. Dr. Heilés stated that he has worked with the PR since 2008, and that he was very familiar with the PR's horses when they were competing. He took care of the veterinary management of the PR's horses and assisted the PR in purchase examinations when he asked him to do so; this was also the case with the Horse. That when he had vetted the Horse on 16 June 2016 in Belgium, the horse was in good condition, but had been out of competition for six (6) months. That based on the opinion from the owner and the veterinarian in charge of the Horse the previous year he had given a reserved opinion about the long-term prognosis for high level show jumping competitions.
- 6.2 Dr. Heilés further stated that he had checked the Horse just before his holidays on 1 August 2016, and had made a treatment of the back and of both stifle joints (medial compartments). That the PR had called him 10 or 15 days later saying that the Horse was not a 100 %. That he – since he was on holidays at that time – had recommended Dr. de la Farge, whom he considered a good choice, as she was following the International Society of Equine Locomotor Pathology (ISELP) that focuses on lameness on horses, and she was not a random, unfamiliar with sport horses.
- 6.3 Moreover, Dr. Heilés stated that from his point of view, the period recommended by Dr. de la Farge should normally be sufficient for triamcinolone to withdraw from the Horse's body following an intra-articular injection, but that it was always difficult to know exactly the withdrawal time after multiple injections. In addition, Dr. Heilés confirmed that - from his experience - multiple injections with Triamcinolone Acetonide might be tricky, as there was always a risk of leakage. The withdrawal times could then be significantly longer. The withdrawal time was also dependent on the physiology of a horse in question.
- 6.4 Finally, Triamcinolone Acetonide was a drug with long lasting effects in the body, and there were other alternative drugs with similar effects that were not as long lasting as Triamcinolone Acetonide. That this drug was never his first choice, but that it was very personal, and that the PR should in his opinion not be considered responsible for the molecule (medication) choice made by Dr. de la Farge. That the PR has followed very strictly all the recommendations by Dr. de la Farge, and that in his view he had no significant fault or negligence for the rule violation. Together with his statement Dr. Heilés provided two Veterinary examination reports for the Horse, dated 16 June 2016 and 1 August 2016.
- 6.5 In essence, the PR further argued that:

- a) He bore No Fault or Negligence for the rule violation, as he had exercised the "utmost caution" to prevent that the Controlled Medication substance was present in the Horse's system during the competition *inter alia* by (i) approaching a professional veterinarian – specialized in locomotor problems of sport horses; (ii) a veterinarian whom he could trust; (iii) following the veterinarians advice regarding the rest and recovery period; (iv) exercising even greater caution by waiting for an additional period to elapse before competing; and (v) demonstrating that objectively he had no interest whatsoever to enhance the Horse's performance. That the case at hand was not comparable with the decisions referred to by the FEI in its Response.
- b) In this respect, the PR argued that – contrary to the cases referred to by the FEI in its Response, from which appeared that riders must probably have had an interest in the respective rule violations -, he has had no interest whatsoever to enhance the Horse's performance. That there had been nothing for him at stake at the very moment and that he had alternative horses to ride. It was obvious that he would not have competed with the Horse at the Event if he had the impression and/or indication that the Horse was not comfortable and/or not fit. It had to be noted that the official Veterinarian at the Event considered the Horse to be "fit to compete". In addition, he exercised additional due care and caution by observing additional days of rest exceeding the twenty (20) days period recommended by Dr. de la Farge before entering the Event. He has had no intention to harm the Horse.
- c) The PR further explained that he had taken the greatest possible care in selecting a veterinarian whom he could trust and who would be capable of assessing the Horse's problem and capable of professionally treating it. Regarding the withdrawal times he trusted both Dr. de la Farge and the FEI List of Detection Times. That – he maintained best practices in show jumping, and that Dr. Heilés confirmed his best practices regarding the veterinary management treatment of his horses.
- d) That should the Tribunal find that he bore any fault or negligence for the rule violation, then the Tribunal had to take into consideration that he acted in good faith providing all the cooperation and explanations required in the case at hand, and voluntarily suspending himself. The PR requested that the sanction was not greater than three (3) months, taking into consideration his voluntary suspension.
- e) Finally, the PR argued that the Controlled Medication violation in 2012 was subject to the statute of limitation – as also acknowledged by the FEI. Regarding the ECM Rule violation of February 2016, the PR explained that he had followed the advice of the KSA-NF, which had instructed him to admit the violation and follow the Administrative procedure. At that point in time – and without legal advice - he had not been aware that the

violation would be recorded.

## **7. Provisional Suspension of the PR**

- 7.1 On 17 November 2016, the FEI Legal Department officially notified the PR to confirm receipt of the PR's written acceptance of voluntary Provisional Suspension on 16 November 2016, in accordance with Article 10.10.5 of the ECM Rules.
- 7.2 On 6 February 2017, the PR requested the lifting of the voluntary Provisional Suspension. The PR based its request on Article 7.4.4 (ii) of the ECM Rules. In essence, the PR argued that he will be able to demonstrate based on the factual record how the Prohibited Substance entered into the Horse's system (via a legitimate and documented treatment performed by a reputable veterinarian). Further, that he bore No Significant Fault or Negligence for the rule violation, as he had been relying on the veterinarian's recommended withdrawal period and then adding his own additional margin for safety purposes. Moreover, it was the PR's position that three (3) months was an appropriate sanction for the specific nature of his violation. Given that he has already served a Provisional Suspension of three (3) months, he requested the lifting of the Provisional Suspension as of 20 February 2017.
- 7.3 On 6 February 2017, the FEI stated that, due to the fact that the PR has voluntarily provisionally suspended himself, the FEI did not oppose to the lifting of the Provisional Suspension of the PR. However, the FEI clarified, that the fact that the FEI did not oppose to the lifting of the Provisional Suspension, did not necessarily mean that the FEI agreed that three (3) months was an appropriate sanction for the violation in question.
- 7.4 On 8 February 2017, the Tribunal decided to lift the Provisional Suspension of the PR as of 19 February 2016 midnight CET.
- 7.5 The Tribunal took note that the PR had been provisionally suspended for almost three (3) months, *i.e.*, from 16 November 2016. Given that there might be a possibility that the Provisional Suspension, if maintained, could result in a longer duration than the Final Suspension imposed by the Tribunal, the Tribunal decided to lift the Provisional Suspension at that point in time in the proceedings, and pending the oral hearing in the case at hand.

## **8. Additional submission by the PR**

- 8.1 On 7 March 2016, the PR provided a further statement. The PR explained that he had been riding horses since he was six (6) years old, and started to compete in show jumping when he was nine (9) years old. Further that he earned his living and supported his family exclusively through his riding activities, *i.e.*, him being a professional rider. That at the time of the Event he had competed with eight (8)

horses, and that the Horse had been his fifth (5<sup>th</sup>) horse.

- 8.2 Regarding how he selected Dr. de la Farge for the treatment of the Horse, he explained that since he felt that the Horse needed veterinary treatment, and since the situation could not wait until Dr. Heilés came back from his vacation, he had inquired amongst the horse community near his stables in Gouvieux, France for a recommendation for a well-regarded veterinarian. Dr. de la Farge had been recommended to him by several sources, and Dr. Heilés had confirmed to him that BMC Mennessier was a well-known partnership in Chantilly, part of a larger international partnership of Baker and McVeigh, and that Dr. de la Farge was a good choice as she followed the International Society of Equine Locomotive Pathology (ISLEP) focusing on lameness in horses.
- 8.3 Furthermore, the PR explained that after the Horse had been examined by Dr. de la Farge, he had discussed a treatment plan with her, and Dr. de la Farge had advised him that the treatment would be with Triamcinolone Acetonide. That through the FEI Clean Sport App on his phone he had confirmed that the substance in question was a Controlled Medication Substance (and not a Banned Substance), and could therefore be used on a horse but not during or close to a competition. Further, that he had requested Dr. de la Farge how long the Horse needed to rest before competing again. That they had discussed that the FEI Detection time provided for Triamcinolone Acetonide was seven (7) days but that it would be longer because more than one joint was injected. The PR had pressed Dr. de la Farge on this point, and she had told him that to be absolutely save, he should wait twenty (20) days from the treatment date to compete with the Horse again. Dr. de la Farge had informed him that she had treated many horses with the exact same medication, and had never had any issues with horses who received the same treatment and competed twenty (20) days later. The PR further explained that, given Dr. de la Farge's multiple assurances and her expertise, he had trusted her recommendation and followed it. In fact, he even added a couple of days to her 20-day recommendation and competed with the Horse at the Event twenty-two (22) days later.
- 8.4 The PR further stated his sincere regrets for the two (2) Controlled Medication violations in the last four (4) years, and stated that he wished to explain his previous violations, even though they could not be legally considered as a previous violation for sanctioning purposes. The PR explained that the first violation in February 2012 (Case: 2012/CM03 LOBSTER 43) involved the Controlled Medication substances Phenylbutazone and Oxyphenbutazone. That at the time he believed and he still believed to date that it concerned contamination, even though he did not manage to prove it. That since that violation, he had with his support staff agreed on procedures for avoiding contamination. Further, that he decided not to compete at shows where he lacked confidence in the cleanliness and anti-contamination procedures of the organisers. That none of his horses had – to his knowledge – been subject to contamination with Prohibited Substances since. Regarding the more recent violation of February 2016 (Case:



2016/FT05 TALAN) which was dealt with under the Administrative Procedure, the PR explained that he had been bringing the horse TALAN to the Sharjah Clinic and that it had been treated with Betamethasone for some back and stifle problems. That he had not known the veterinarian, not selected the veterinarian himself, and that the veterinarian had not previously treated his horses. That he had followed the veterinarian's advice and competed with the horse after only a short rest period in reliance on his assurances. That he had learned from his experiences that it was not enough to protect his horses from contamination by rigidly controlling the environment, and that it was not enough to have them treated at a clinic and follow the veterinarian's advice. Those were the reasons why he had approached the situation with the Horse much more carefully.

- 8.5 Moreover, the PR explained that the case at hand was very different from his previous violations and that no change in his procedures could possibly have shielded him from this positive test. He genuinely did not know what more he could have done since he was not a veterinarian himself and he had no choice but to rely on the experts, such as the respected veterinarian from a well-regarded clinic in the case at hand. That he had relied on Dr. de la Farge and that he believed that it had been reasonable for doing so.
- 8.6 Finally, the PR explained that his three (3) months voluntary suspension had caused him serious professional harm, such as, next to loss of income in prize money, also losing the chance to finish at the top in the Arab League, falling in the world rankings and that he consequently stopped receiving invitations to shows and lost the interest of sponsors which was very costly for his career. That, his suspension had not been merely one of convenience during a non-competition period. As a professional rider, he competed all year long and did not have any periods of rest that were free from competition. Finally, that it had been his decision to voluntarily suspend himself and he believed that it was the right thing to do, so that he could review his procedures with his horses and to be confident in his anti-doping and horse welfare practices.

## **9. Final Hearing**

- 9.1 On 16 March 2017, – prior to the Final Hearing - the Parties, in accordance with Article 19.14 of the IRs, provided a joint statement of facts. Among others, the joint statement of facts included that the Parties agreed on the source of the Triamcinolone Acetonide, namely that the substance entered the Horse's system via a treatment from the veterinarian Dr. de la Farge on 17 August 2016.
- 9.2 At the outset of the Final Hearing, the Parties confirmed that the main issue to be discussed during the Final Hearing was the question of fault for the rule violation of the PR.
- 9.3 At the end of the Final Hearing, the Parties acknowledged that they

had ample opportunity to present their cases, submit their arguments and answer to the questions posed by the Tribunal. After the Parties' final submissions, the Tribunal closed the hearing and reserved its final decision. The Tribunal heard carefully and took into consideration in its discussion and subsequent deliberation all the evidence and the arguments presented by the Parties even if they have not been summarized herein.

- 9.4 During the Final Hearing Dr. de la Farge explained that she was treating high level racing horses, show jumpers and endurance horses on a daily basis, and that she was using the substance in question on those horses also. That she, as well as all members of an international group (about 30 veterinarians in 5 different practices), agreed that this substance provides the best results. That there existed other substances with similar effects, *i.e.*, other corticosteroids, but that scientific literature described the effects of those substances as not as good in "high level horses". Dr. de la Farge confirmed that she injected several joints, and that she was aware that different withdrawal times applied when injecting joints or the surrounding tissue. That she had calculated a withdrawal time of twenty (20) days for the Horse. Finally, that she had used the substance in question on many horses before, whether under racing rules or FEI Rules, and had previously never had any problems.
- 9.5 The PR maintained his submissions in writing. In addition, he argued that the question of fault in the present case was relatively narrow. That he did everything he possibly could have done as a rider, and that he had executed the required duty of care. He had to rely on the expertise of a veterinarian, and that Dr. de la Farge had assured him that she had used this substance/treatment "100 times" before. She had told him that fifteen (15) days withdrawal time was sufficient, but that if he wanted to be really save, he should increase the withdrawal time to twenty (20) days. In his opinion, it would have been negligent on his side if he had waited for his usual veterinarian, *i.e.*, Dr. Heilés, to come back from his vacation, and only thereafter treat the Horse. That the present case was different from a number of cases in FEI jurisprudence where the PR was held responsible for the actions of his or her veterinarian. That in those cases the riders in applying due diligence could have avoided the positive findings. In the case at hand there was however nothing that the PR could have done to higher the diligence.
- 9.6 In answering the FEI's question whether he had used Triamcinolone Acetonide on other horses before, the PR stated that he was not a veterinarian, and that he always left any medication treatment to a veterinarian. That he always asked the veterinarian what was better for the horse, and that he had cancelled a world cup final twice because he preferred to take care of his horses' health. That prior to the case at hand he had not known about the substance in question. That after he had been notified of the positive finding, the veterinarian of the KSA-NF had told him that the substance in question could be tricky and could be detected up to forty (40) days, when injected

outside the joints. Furthermore, he had heard about a case of a friend of his, whose horse had tested positive for the substance in question twenty-six (26) days after injection. Moreover, the PR explained that Dr. Heilés had told him that he did not like to use this substance, as it was an old medication, and there existed better ones, which were more efficient, and where the detection time was only one (1) week. Finally, the PR explained that since he was a professional rider, and made a living from show jumping, he could therefore not take any risk to ride a horse which was not clean in a competition. If he would have had even 1 % doubt that the Horse was not clean, he could have ridden any of the other eight (8) horses at the Event.

- 9.7 The PR argued that Article 10.4 of the ECM Rules, *i.e.*, No Fault or Negligence, applied in the present case. That should the Tribunal however believe that Article 10.5.2 of the ECM Rules, *i.e.*, No Significant Fault or Negligence, rather than Article 10.4 of the ECM Rules applied in the case at hand, the period of Ineligibility of the PR should not be any longer than the voluntary Provisional Suspension already served by the PR.
- 9.8 Regarding the disqualification of results from the Event, the PR argued – and the FEI agreed - that, given the nature of the case, and since he had established how the Prohibited Substance entered the Horse’s system, the results of the other horses he competed with during the Event should not be disqualified.
- 9.9 During the Final Hearing the FEI argued that Article 10.4 of the ECM Rules, *i.e.*, No Fault or Negligence, was not applicable in the case at hand, as in the opinion of the FEI – to which the PR agreed – the PR’s degree of duty of care was even higher given his previous rule violations. The FEI expected from professional riders that they learned from previous rule violations, and that therefore the PR had to be “even more cautious”. The FEI questioned what the PR actually knew about the substance, and what kind of research he did with regard to the substance in question.
- 9.10 Furthermore, the FEI argued that – as Dr. Heilés stated – there was always a risk of leakage when injecting joints, and the FEI pointed out that the substance in question was never Dr. Heilés first choice, as it was long-lasting. That if one injected the substance in question in the surrounding tissue instead of in the joint, the detection time was then up to sixty (60) days.
- 9.11 The FEI agreed that the PR acted with No Significant Fault or Negligence, and argued that the period of Ineligibility of the PR should at least be three (3) months in the case at hand. However, since it concerned a second violation, Article 10.8 of the ECM Rules applied, which meant a total of six (6) months suspension. Further, since the wording of the rule included “shall” there was not much margin on its application. Ultimately, the FEI left it for the Tribunal to decide on the length of the PR’s period of Ineligibility.

## **10. Jurisdiction**

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

## **11. The Person Responsible**

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

## **12. The Decision**

- 12.1 As stated in Article 2.1.2 of the ECM Rules, sufficient proof of an ECM Rule violation is established by the presence of a Controlled Medication Substance in the Horse's A-Sample where the PR and the Owner waive analysis of the B-Sample and the B-Sample is not analysed. The Tribunal is satisfied that the laboratory reports relating to the A-Sample reflect that the analytical tests were performed in an acceptable manner and that the findings of the LGC are accurate. The Tribunal is satisfied that the test results evidence the presence of Triamcinolone Acetonide in the sample taken from the Horse at the Event. Neither the PR nor the Owner did contest the accuracy of the test results or the positive finding. This substance is classified as Controlled Medication Substance under the Equine Prohibited Substances List. The presence of Triamcinolone Acetonide during an Event without a valid Veterinary Form is prohibited under Article 2.1 of the ECM Rules.
- 12.2 The FEI has therefore established an Adverse Analytical Finding, and has sufficiently proven the objective elements of an offence by the PR, in accordance with Articles 2.1 of the ECM Rules.
- 12.3 In cases brought under Article 2.1 of the ECM Rules a strict liability principle applies as described in Articles 2.1.1 of the ECM Rules. Once an ECM Rule violation has been established by the FEI, the PR has the burden of proving that he bore "No Fault or Negligence" for the rule violation as set forth in Article 10.4 of the ECM Rules, or "No Significant Fault or Negligence," as set forth in Article 10.5 of the ECM Rules.
- 12.4 However, in order to benefit from any elimination or reduction of the applicable sanction under Article 10.4 or 10.5 of the ECM Rules, the PR must first establish how the Controlled Medication Substance entered the Horse's system. This element is a prerequisite to the application of Article 10.4 or 10.5 of the ECM Rules.
- 12.5 To start with, the Tribunal takes note that the Parties agreed on the source of the Triamcinolone Acetonide, namely that it entered the Horse's system via a treatment from the veterinarian Dr. de la Farge on

17 August 2016. The Tribunal finds that the PR has established - on a balance of probability, as required under Article 3.1 of the ECM Rules - how the Prohibited Substance had entered the Horse's system.

- 12.6 In a second step, the Tribunal needs to examine the degree of fault of the PR for the rule violation. To start with, in accordance with Article 2.1.1 of the ECM Rules, the Tribunal considers that it is the PR's personal duty to ensure that no Controlled Medication Substance is present in the Horse's body during an Event without a valid Veterinary Form. For No Fault or Negligence to apply, pursuant to the Definition of No Fault or Negligence (Appendix 1 of the EADCMRs), the PR has to establish that he did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he had administered to the Horse, or the Horse's system otherwise contained, a Controlled Medication Substance.
- 12.7 In the case at hand, the PR however knew that the Horse was administered a Controlled Medication Substance. The Tribunal finds, that the PR, by agreeing on the treatment with Triamcinolone Acetonide, accepted the potential risks of the procedure, and thus accepted that there could be a complication. Hence in the case at hand, the PR accepted the risk of leakage from an intra-articular injection, and as a result the longer detection time of the substance in question, and also accepted the increased risk of leakage that results when injecting multiple joints (6 in this case) as part of the treatment of the Horse.
- 12.8 No Significant Fault or Negligence applies where the PR establishes that his fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relationship to the EADCM Regulation violation.
- 12.9 The Tribunal finds that the degree of fault of the PR is to be considered as small, when viewed in the totality of the circumstances in the present case. The Tribunal agrees with the PR, that he did everything he could have possibly done when selecting the veterinarian treating the Horse. In the view of the Tribunal, the PR was careful when selecting his veterinarian, and he made sure to find someone with expertise and who was recommended also by his usual veterinarian, who was not available to treat the Horse at the time. As a result, the Tribunal finds the period of Ineligibility of the PR for the present rule violation shall be one (1) month.
- 12.10 However, the PR has a prior offence within a four-year period, *i.e.*, the ECM Rule violation of February 2016. Pursuant to Article 10.8 of the ECM Rules, the period of Ineligibility to be imposed shall be the greater of (i) three months; (ii) one-half of the period of Ineligibility imposed for the first ECM Rule violation without taking into account any reduction under Article 10.6 of the ECM Rules; or (iii) twice the period of Ineligibility otherwise applicable to the second ECM Rule violation treated as if it were a first violation, without taking into account any

reduction under Article 10.6 of the ECM Rules. The period of Ineligibility of the PR shall therefore be three (3) months.

- 12.11 In this respect, the Tribunal takes note that the PR has voluntarily provisionally suspended himself on 16 November 2016, and the Tribunal has lifted his voluntary Provisional Suspension as of 19 February 2017, midnight CET, *i.e.*, the PR has been provisionally suspended just over three (3) months.

### **13. Disqualification**

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

### **14. Sanctions**

- 14.1 As a result of the foregoing, the period of Ineligibility imposed on the PR for the present rule violation shall be one (1) month. However, since PR has a prior offence within a four-year period, *i.e.*, the ECM Rule violation of February 2016, - in accordance with Article 10.8 of the ECM Rules - the total period of Ineligibility imposed on the PR shall be three (3) months.
- 14.2 The Tribunal takes note that the PR has voluntarily provisionally suspended himself on 16 November 2016, and the Tribunal has lifted his voluntary Provisional Suspension as of 19 February 2017, midnight CET, *i.e.*, the PR has been provisionally suspended just over three (3) months. The Tribunal finds, that the period of Provisional Suspension shall be credited against the period of Ineligibility imposed.
- 14.3 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 **three (3) months**. The period of Provisional Suspension, effective from 16 November 2016, the date of the voluntary Provisional Suspension, to 19 February 2017, the date of the lifting of the voluntary 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 five hundred Swiss Francs (CHF 1'500,-)** towards the costs of the judicial procedure.

- 14.4 No Person Responsible who has been declared Ineligible may, during the period of Ineligibility, participate in any capacity in a Competition or activity that is authorised or organised by the FEI or any National Federation or be present at an Event (other than as a spectator) that is authorized or organized by the FEI or any National Federation, or participate in any capacity in Competitions authorized or organized by any international or national-level Event organisation (Article 10.11.1 of the ECM Rules).
- 14.5 Where a Person Responsible who has been declared Ineligible violates against participation or attendance during Ineligibility, the results of any such participation shall be Disqualified and a new period of Ineligibility equal in length up to the original period of Ineligibility shall be added to the end of the original period of Ineligibility. In addition, further sanctions may be imposed if appropriate (Article 10.11.2 of the ECM Rules).
- 14.6 According to Article 168 of the GRs, the present decision is effective from the day of written notification to the persons and bodies concerned.
- 14.7 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**



---

**Dr. Armand Leone, one member panel**