

DECISION of the FEI TRIBUNAL

dated 4 November 2020

(FEI Case number: FEI 2019/BS08-MORO TIANKO)

FEI Tribunal Hearing Panel:

Ms Harveen Thauli

FEI Tribunal Reference: C20-0051

Horse/Passport: MORO TIANKO /104CS28/KSA

Person Responsible/ID/NF: Mr Mohammed ALALEWI /10112634/KSA

Trainer/ID/NF: Mohammed ALALEWI /10112634/KSA

Event/ID: CEI2* 120 - Al Ula (KSA) 2019_CI_0194_E_S_01_01

Date of Event: 02/02/2019

Prohibited Substances: Tolfenamic Acid, Lidocaine, Flunixin, Diclofenac,
Phenylbutazone, Oxyphenbutazone

Bar Code Nos.: 5578285

I. Factual background

- 1.** Mohammed Alalewi (FEI ID 10112634), the Person Responsible (the "**PR**"), is a rider for Saudi Arabia.
- 2.** The Fédération Equestre Internationale (the "**FEI**" and together with the PR, the "**Parties**"), is the sole IOC recognised international federation for equestrian sport. The FEI is the governing body of the FEI equestrian disciplines (Dressage, Jumping, Eventing, Driving, Endurance, Vaulting, Reining, Para-Equestrian).
- 3.** The PR participated with the horse, MORO TIANKO (the "**Horse**") at the event CEI2* 120 - Al Ula (KSA) on 2 February 2019 (the "**Event**").
- 4.** The Horse's registered trainer in the FEI database at the time of the Event was also Mr. Alalewi (FEI ID 10112634).
- 5.** Blood samples were collected from the Horse on 2 February 2019 and sent to the FEI approved laboratory, the Hong Kong Racing Laboratory (the "**laboratory**") in Sha Tin, Hong Kong, China, for analysis. The Horse's samples were divided into an "A sample" and "B sample".
- 6.** The laboratory analysis of the A sample reported adverse analytical findings for Tolfenamic Acid, Lidocaine, Flunixin, Diclofenac, Phenylbutazone, Oxyphenbutazone, all of which are "**Prohibited Substances**" under the FEI's Equine Anti-Doping and Controlled Medications Regulations (the "**EADCM Regulations**").

II. Initial Proceedings

- 7.** On the 4 March 2019, the FEI Legal Department officially notified the PR through the National Federation of Saudi Arabia ("**KSA-NF**"), of the presence of several Prohibited Substances in the A sample, the rule violation and the potential consequences (the "**Notification Letter**"). The Notification Letter included notice that the PR was provisionally suspended from all competition until further notice and granted him the opportunity to be heard at a Preliminary Hearing before the Tribunal.
- 8.** The Notification Letter also included notice that the Horse was also provisionally suspended for a period of two months, from the date of the

Notification Letter, i.e., 4 March 2019 until the 3 May 2019. The Provisional Suspension of the Horse was not challenged, and the Horse served the entire two month period.

9. The PR was also informed in the Notification Letter of his right to request an analysis of the B sample, which he did not do. He also did not challenge the results of the A sample.

III. Further Proceedings

10. By email dated 23 September 2020, the FEI submitted its request to the FEI Tribunal for the appointment of a hearing panel.
11. On 2 October 2020, the FEI Tribunal informed the Parties of the appointment of a one person hearing panel to decide this case. The Parties were asked to provide any objections to constitution of the hearing panel by 7 October 2020. The PR was also granted the opportunity to respond to the FEI's allegations that several Prohibited Substances were present in the horse's system by providing a statement of defence and any supporting evidence by 14 October 2020. The PR was informed that should he fail to comply with this deadline, the hearing panel would decide this case based on the file material in its possession. Finally, the Parties were informed that they had the right to request an oral hearing.
12. On 5 October 2020, the FEI informed the FEI Tribunal that it did not have any objections to the constitution of the hearing panel.
13. Neither the KSA-NF nor the PR communicated any objections to the composition of the hearing panel. Therefore, by not responding within the deadline, it was deemed that they agreed to the constitution of the hearing panel.
14. Neither Party requested an oral hearing.

IV. Considering

A. Articles of the Statutes/Regulations which are, *inter alia*, applicable:

Statutes 24th edition, effective November 19th , 2019 ("**Statutes**"), Arts. 1.5, 38 and 39.

General Regulations, 24th edition, January 1st, 2020, Arts. 118, 143.1, 159, 164, 165 and 167 ("**GRs**").

Internal Regulations of the FEI Tribunal, 3rd Edition, March 2nd, 2018 ("**IRs**").

FEI Equine Anti-Doping and Controlled Medication Regulations ("**EADCM Regulations**"), 2nd edition, changes effective January 1st, 2020. The EADCM Regulations are comprised of the equine anti-doping rules (the "**EAD Rules**") in the first half and the equine controlled medication rules (the "**ECM Rules**") in the second half.

FEI Equine Anti-Doping Rules ("**EAD Rules**"), 2nd edition, changes effective January 1st, 2020.

FEI Equine Controlled Medication Rules ("**ECM Rules**"), 2nd edition, changes effective 1st, January 2020.

Veterinary Regulations ("**VRs**"), 14th edition 2018, effective January 1st, 2020, Arts. 1055 and seq.

FEI Code of Conduct for the Welfare of the Horse.

B. Person Responsible: Mr. Mohammed Alalewi.

C. Justification for sanction:

GRs Art. 143.1: "Medication Control and Anti-Doping provisions are stated in the Anti-Doping Rules for Human Athletes (ADRHA), in conjunction with The World Anti-Doping Code, and in the Equine Anti-Doping and Controlled Medication Regulations (EADCM Regulations)."

GRs Art. 118.3: "The Person Responsible shall be the Athlete who rides, vaults or drives the Horse during an Event, but the Owner and other Support Personnel including but not limited to grooms and veterinarians may be regarded as additional Persons Responsible if they are present at the Event or have made a relevant Decision about the Horse. In vaulting, the lunger shall be an additional Person Responsible."

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.”

EAD Rules Art. 3.1: “Burden and Standards of Proof. The FEI shall have the burden of establishing that an EAD Rule violation has occurred. The standard of proof shall be whether the FEI has established an EAD Rule violation to the comfortable satisfaction of the Hearing Panel bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where these EAD Rules place the burden of proof upon the Persons Responsible and/or member of their Support Personnel to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability, except where a different standard of proof is specifically identified”.

EAD Rules Art. 10.2: “The period of Ineligibility for a violation of Articles 2.1, 2.2 or 2.6 shall be as follows, subject to a potential reductio or suspension pursuant to Articles 10.4, 10.5 or 10.6, the period of Ineligibility shall be two years.

EAD Rules Art. 10.8.6: “Violations involving both a Controlled Medication Substance or Method and a Banned Substance or Method. Where a Person Responsible and/or member of the Support Personnel based on the same factual circumstances is found to have committed a violation involving both (a) Controlled Medication Substance(s) or (a) Controlled Medication Method(s) under the ECM Rules and (a) Banned Substance(s) or (a) Banned Method(s) under these EAD Rules, the Person Responsible and/or member of the Support Personnel shall be considered to have committed one EAD Rule violation and the Sanction imposed shall be based on the Banned Substance or Banned Method that carries the most severe Sanction”.

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's 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.”

ECM Rules Art. 10.2: “The period of Ineligibility for a violation of Articles 2.1, 2.2 or 2.6 shall be six months, subject to potential reduction or suspension pursuant to Articles 10.4, 10.5 or 10.6.

A Fine of up to CHF 15,000 and appropriate legal costs shall also be imposed for any Equine Anti-Doping or Controlled Medication violation”.

V. The Parties’ Submissions

A. The Submissions of the PR

- 15.** On 6 March 2019, the PR submitted a short statement to the FEI alleging he did not know that *“the horse had an operation a few days before the race and that he took some treatments and medications that appear in the analysis.”* He then stated, *“I offer you my apologies and regret for the unintentional mistakes and out of my will I promise you that it will not be repeated with me in the upcoming races and accept my utmost respect and appreciation.”*

B. Written Response of the FEI

- 16.** On 23 September 2020, the FEI provided its response in this case.
- 17.** The FEI submitted the following about the science and consequences of the positive findings for the Prohibited Substances as follows:
- a. Tolfenamic Acid is a non-steroidal anti-inflammatory drug with anti-inflammatory and analgesic effects and is classified as a “Banned Substance” under the 2019 FEI Prohibited List.
 - b. The positive finding of Tolfenamic Acid in the A sample gives rise to an EAD Rule violation under the EADCM Regulations.
 - c. Lidocaine is a local anaesthetic with local anaesthetic effects and also used for the treatment of certain skin diseases. Diclofenac is a non-steroidal anti-inflammatory drug with anti-inflammatory and analgesic

effects. Flunixin, Phenylbutazone and Oxyphenbutazone are anti-inflammatory drugs with analgesic effects. Lidocaine, Diclofenac, Flunixin, Phenylbutazone and Oxyphenbutazone are classified as "Controlled Medication Substances" under the 2019 FEI Prohibited List.

- d. The positive findings of Lidocaine, Flunixin, Diclofenac, Phenylbutazone and Oxyphenbutazone in the A Sample give rise to ECM Rule violations under the EADCM Regulations (as no valid Veterinary documentation exists for these substances).
- 18.** The FEI stated the following about the violations of the EADCM Regulations:
- a. Article 2.1 of the EAD Rules prohibits "*The presence of a Banned Substance or its Metabolites or Markers in a Horse's Sample*". Similarly, Article 2.1 of the ECM Rules prohibits "*The presence of a Controlled Medication Substance or its Metabolites or Markers in a Horse's Sample*".
 - b. Article 2.1.1 of the EAD Rules states that: "*It is each Person Responsible's personal duty to ensure 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 [...].*"
 - c. Article 2.1.1 of the ECM Rules states that: "*It is each Person Responsible's personal duty to ensure no Controlled Medication Substance is present in the Horse's 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 [...].*"
- 19.** The FEI highlighted that Article 10.8.6 of the EAD Rules specifically governs this situation where the PR committed violations involving both a Banned Substance and Controlled Medication Substances when based on the same factual circumstances, that is, the same samples taken from the Horse at the same Event. Article 10.8.6 states, in part, that the PR "*shall be considered to have committed one EAD Rule violation and the Sanction imposed shall be based on the Banned Substance [...].*" Given this wording, the FEI charged the PR with a violation of Article 2.1 of the EAD Rules based on the adverse analytical findings of all the Prohibited Substances found in the A sample. Given the single charge of Article 2.1 of the EAD Rules and the wording in Article 10.8.6, the FEI's submissions referred to the EAD Rules only.

- 20.** The FEI argued that:
- a. Under Article 3.1 of the EAD Rules makes it the FEI's burden to establish all the elements of the EAD Rule violation, to the comfortable satisfaction of the FEI Tribunal.
 - b. The elements of an Article 2.1 violation are straightforward: *"It is not necessary that intent, fault, negligence or knowing Use be demonstrated to establish an EAD Rule violation under Article 2.1."* Instead it is a *"strict liability"* offence, established simply by proof that a Banned Substance was present in the Horse's Sample. The results of the A sample analysis confirmed the presence of the Tolfenamic Acid (the Banned Substance) as well as the Controlled Medication Substances and constituted sufficient proof of the violation of Article 2.1 of the EAD Rules. In any event, the PR did not dispute the presence of all the Prohibited Substances in the A sample. Therefore, the FEI submitted that it discharged its burden of establishing that the PR violated Article 2.1 of the EAD Rules.
 - c. When a Prohibited Substance is found in a horse's sample, there is a clear and unequivocal presumption of fault under the EAD Rules that it was administered to a horse in a deliberate attempt to enhance its performance. As a result of this presumption, Article 10.2 of the EAD Rules provides that a Person Responsible with no previous doping offence, but who violates Article 2.1 of the EAD Rules, is subject to a period of *"Ineligibility"* of two (2) years, unless he can rebut the presumption of fault. If the PR fails to do so, the two (2) year period of Ineligibility applies.
 - d. To rebut the presumption of fault, the EAD Rules stipulate, and the jurisprudence of the FEI Tribunal and CAS is very clear: it is a strict threshold requirement that the PR proves how the Prohibited Substances entered into the Horse's system before making any plea of No (or No Significant) Fault or Negligence. Indeed, this threshold requirement is strictly applied because without such proof, it would be impossible to assess the PR's degree of Fault or Negligence (or No Significant Fault or Negligence) for the presence of the Prohibited Substances in the Horse.
 - e. In this case, the PR submitted a short statement alleging he did not know the Horse had an operation a few days before the Event and received treatment and medication as part of that operation.

- f. The FEI submitted that the PR did not corroborate his statement with any reliable evidence such as the Horse's medical records, the log book indicating the date of the operation, the clinic where the operation occurred, the exact names of the medications administered to the Horse and their purpose, to name a few.
- g. The FEI stated that to accept a simple statement as proof would undermine the whole anti-doping system and efforts to eradicate doping in sport. The FEI further highlighted that Banned Substances, in particular, are never to be found in a competition horse because they are substances with no legitimate use and have a high potential for abuse.¹ Furthermore, it was the PR's personal duty under Article 2.1.1 of the EAD Rules to ensure that no Banned Substance was present in the Horse's body.
- h. The FEI submitted that the PR failed to establish, on a balance of probability, the "threshold requirement" of how the Prohibited Substances entered the Horse's body. Since it was not possible to evaluate the PR's level of Fault or Negligence, the FEI further submitted that Article 10.2 of the EAD Rules, which imposes a period of Ineligibility of two (2) years and a fine of up to CHF 15,000, applies.
- i. The FEI noted that the PR was not only the rider but also the registered trainer of the Horse. In the Endurance discipline, the trainer is defined as *"the person who oversees the preparation of the Horse both physically and mentally for Competition. Prior to the Event, the Trainer is responsible for the conditioning of the Horse for the Competition which involves the exercise programme, nutrition of the Horse, seeking appropriate veterinary care and the administration of therapeutic substances under veterinary advice."*²
- j. It has been also confirmed in previous FEI Tribunal decisions³ that given the specific nature of Endurance racing, trainers indeed make relevant and concrete decisions about their horses, including: feed and supplements (if any); shoeing type and cycle; choice of the veterinarian and veterinarian treatments such as the administration of medications; training regime and exercise program; and the horse's competition schedule.

¹ Article 1055 of the Veterinary Regulations

² Art. 800 of the Endurance Rules, updated 9th Edition, effective 1 February 2019

³ See for example the FEI Tribunal Decision dated 25 June 2020 in the case 2019/FT07 and 2019/CM08 CASTLEBAR CADABRA and 2019/CM06 VAGABON DE POLSKI

- k. The FEI submitted it was, therefore, difficult to believe that the PR would not have been aware of the Horse's alleged operation as any operation would have had a crucial impact on the Horse's training activities and competition schedule. Assuming this highly improbable scenario, the FEI stated that the PR's lack of knowledge of the Horse's supposed operation and medications amounted to a flagrant breach of his duty of care as a trainer.

21. Aggravating Circumstances

- a. The FEI submitted that if a case involving an EAD Rule violation presents aggravating circumstances, which justify the imposition of period of Ineligibility greater than the standard sanction, Article 10.7 of the EAD Rules states "*[...] the period of Ineligibility otherwise applicable shall be increased up to a maximum of four years unless the Person Responsible [...] can prove to the comfortable satisfaction of the FEI Tribunal that he/she did not knowingly commit the EAD Rule violation. The occurrence of multiple substances or methods may be considered as a factor in determining aggravating circumstances under this Article 10.7.*"
- b. In the current proceedings, the FEI submitted that the following aggravating circumstances are present:
- the analysis of the A sample reported adverse analytical findings for five (5) different Prohibited Substances: one (1) Banned Substance and four (4) Controlled Medication Substances (plus one metabolite of a Controlled Medication Substance);
 - the PR did not establish the exact source of the Prohibited Substances, so the presumption of fault as stipulated in the Article 10.2 of the EAD Rules applies;
 - the Horse tested positive for several non-steroidal anti-inflammatory drugs ("**NSAIDs**"), which in combination could be damaging to the Horse's internal organs such as the liver or kidney;
 - if there was indeed an operation, a sedative (e.g. detomidine and butorphanol) would normally be used regardless of the procedure. Given the detection times of these sedatives (which is 48 to 72 hours)⁴ when compared to the detection time of Tolfenamic Acid (which cannot be found more than 48 hours after administration)⁵,

⁴ https://inside.fei.org/system/files/FEI%20Detection%20Times%202018_0.pdf

⁵ <https://beva.onlinelibrary.wiley.com/doi/abs/10.1111/j.2042-3306.1992.tb04778.x>

the sedatives (or their metabolites) should have been found in the A sample. This was not the case;

- without any specific evidence to the contrary, a presence of the Banned Substance of Tolfenamic Acid together with the other NSAIDs in the A sample (as presented in this case) suggested the intentional administration of the Prohibited Substances; and
 - the PR was the Horse's rider and the registered trainer. As explained above, trainers in the Endurance discipline are the key decision-makers for the horses they are registered to train. It is therefore impossible to claim that a "cocktail" of Prohibited Substances would have been administered without the responsible trainer's knowledge. In any event, the PR did not submit any reliable and convincing evidence on the source of the Prohibited Substances, or his lack of knowledge on the administration of the Prohibited Substances, to the Horse.
- c. Considering the above aggravating circumstances, the FEI recommended a period of Ineligibility of three (3) years be imposed on the PR pursuant to Article 10.7 of the EAD Rules. The FEI stated that the Provisional Suspension already served by the PR be credited against the period of Ineligibility pursuant to Article 10.10.4 of the EAD Rules.
- d. The FEI requested the following prayers for relief:
- (i) *upholding the charge that the PR violated Article 2.1 of the EAD Rules;*
 - (ii) *imposing a period of Ineligibility of three (3) years on the PR, commencing on the day of the decision (the Provisional Suspension served by the PR be credited against the imposed Ineligibility Period);*
 - (iii) *disqualifying the result of the PR and Horse combination obtained in the Event, and the consequent forfeiture of all medals, points, prize money, etc. won, pursuant to Articles 9 and 10.1.2 of the EAD Rules;*
 - (iv) *fining the PR in the amount of ten thousand (10,000 CHF); and*
 - (v) *ordering the PR to pay the legal costs of two thousand (2,000 CHF) that the FEI has incurred in these proceedings.*

VI. Jurisdiction

- 22.** The FEI Tribunal has jurisdiction over this matter pursuant to Article 38 of the Statutes, Article 159 of the GRs, the EADCM Regulations, as well as Article 18 of the IRs. The PR is a member of the KSA-NF, which is a member of the FEI; therefore, the PR is bound by the EAD Rules.

VII. The Decision

- 23.** Given the FEI's single charge of Article 2.1 of the EAD Rules against the PR and the wording in Article 10.8.6, this decision will refer to the EAD Rules only.
- 24.** As set forth in Article 2.1 of the EAD Rules, sufficient proof of an EAD Rule violation is established by the presence of a Banned Substance in the Horse's sample. The Tribunal is satisfied that the laboratory reports relating to the A sample reflect that the analytical tests were performed in an acceptable manner and that the findings of the laboratory are accurate. The Tribunal is further satisfied that the test results evidence the presence of not only a Banned Substance but also Controlled Medication Substances in the A sample taken from the Horse at the Event. The Tribunal notes that the PR did not challenge the accuracy of the test results or the positive findings.
- 25.** As a result, the FEI has established the adverse analytical findings and has sufficiently proven the objective elements of the violation in accordance with Article 3 of the EAD Rules.
- 26.** Pursuant to Article 10.2.1 of the EAD Rules, the period of Ineligibility for an Article 2.1 EAD rule violation, *i.e.*, the presence of a Banned Substance in a Horse's sample is two (2) years, subject to a potential reduction or suspension pursuant to Articles 10.4, 10.5 or 10.6 of the EAD Rules.
- 27.** In cases brought under the EADCM Regulations, a strict liability principle applies as described in Article 2.1.1 of the EAD Rules. Once an EAD Rule violation has been established by the FEI, the PR has the burden of proving that he bears "*No Fault or Negligence*" for the rule violation pursuant to Article 10.4 of the EAD Rules, or "*No Significant Fault or Negligence*" pursuant to Article 10.5 of the EAD Rules.
- 28.** In order for Articles 10.4 and 10.5 of the EAD Rules to be applicable, the PR must establish, as a threshold requirement, how the Prohibited Substance entered the Horse's system.

- 29.** As confirmed by various CAS panels as well as FEI Tribunals, the PR has to present facts substantiated with concrete evidence. Speculation or theoretical possibilities are not sufficient. Furthermore, it was suggested by various CAS panels that the 51% threshold was understood as meaning that panels should separately compare each alternative scenario with the scenario invoked by the PR. The PR's scenario has to reach a 51% threshold for it to be successful.⁶
- 30.** The PR submitted a short statement without any corroborating evidence. He made no effort to explain how the Prohibited Substances entered the Horse's system. Given the lack of evidence, the PR's theory that the Prohibited Substances in the Horse's system were the result of an operation is mere speculation. Furthermore, the PR was the Horse's trainer, so his lack of knowledge of the operation is suspect. As a result, the Tribunal finds that the PR has not established – on a balance of probability – how the Banned Substance entered the Horse's system.
- 31.** Where the first hurdle has not been met, *i.e.*, establishing the source of the Banned Substance, the Tribunal cannot continue with the second step and evaluate the PR's degree of fault. The Tribunal finds that no reduction under Articles 10.4 and 10.5 of the EAD Rules is warranted in this case. The Tribunal further notes that Article 10.6 of the EAD Rules was not invoked.
- 32.** The Tribunal has considered the aggravating circumstances raised by the FEI and set out in section 21. Given the totality of the aggravating circumstances, the Tribunal agrees with the FEI's recommendation that the PR serve a period of Ineligibility of three (3) years. The Tribunal notes the PR has been provisionally suspended since 4 March 2019. The PR will be credited for the time already served pursuant to Articles 10.10.4 of the EAD Rules.
- 33.** The Tribunal further agrees with the FEI's recommendation for the fine and costs.

⁶ See for example Viret, M., "Evidence in Anti-Doping at the Intersection of Science & Law", *Asser International Sports Law Series*, Springer 2016, (pp. 521-538), as well as CAS 2011/A/2234 & 2386, UCI v. Contador & RFEC, and CAS 2010/A/2230, IWBF v. UKAD & Gibbs. See for example also Case 2017/BS32 SAURA DE FONDCOMBE, Final Tribunal Decision dated 24 February 2020.

VIII. Disqualification of Results

- 34.** Since an EAD Rule has been violated, and for reasons of ensuring a level playing field, the Tribunal disqualifies the Horse and the PR combination from the competition and the entire Event, and all medals, points and prize money won must be forfeited, in accordance with Articles 9 and 10.1.2 of the EAD Rules.

IX. Sanctions

- 35.** In summary, the Tribunal imposes the following sanctions on the PR in accordance with Article 169 of the GRs and Article 10 of the EAD Rules:
- a. upholds the charge that the PR has violated Article 2.1 of the EAD Rules;
 - b. imposes a period of Ineligibility of three (3) years on the PR. The period of the Provisional Suspension, effective from 4 March 2019 is credited against the period of Ineligibility imposed in this decision. Therefore, the PR will be ineligible until the 3 March 2022;
 - c. the PR is fined in the amount of **ten thousand Swiss Francs (CHF 10,000)**; and
 - d. the PR will contribute **two thousand Swiss Francs (CHF 2,000)** for costs that the FEI has incurred in these proceedings.
- 36.** No PR 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 authorised or organised by the FEI or any National Federation, or participate in any capacity in Competitions authorised or organised by any international or national-level Event organisation (Article 10.11.1 of the EAD Rules).
- 37.** Where a Person Responsible who has been declared Ineligible violates the conditions in section 36 during Ineligibility, the results of any such participation will be disqualified and a new period of Ineligibility equal in length up to the original period of Ineligibility will be added to the end of the original period of Ineligibility. In addition, further sanctions may be imposed if appropriate (Article 10.11.3 of the EAD Rules).
- 38.** According to Article 168 of the GRs, the present decision is effective from the day of the written notification to the Parties concerned.

- 39.** In accordance with Article 12 of the EAD 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 its receipt.

FOR THE FEI TRIBUNAL

A handwritten signature in blue ink, appearing to read "H. Thauli", is centered on the page. The signature is written in a cursive, flowing style.

Ms Harveen Thauli, One-Member Panel