

DECISION of the FEI TRIBUNAL

dated 11 October 2021

(FEI Case Number:2020/BS03 BOUZARIKA)

FEI Tribunal Hearing Panel:

Mr. Cesar Torrente (COL)

FEI Tribunal Reference: C21-0018

Horse/Passport: BOUZARIKA/106RJ34/JOR

Person Responsible/ID/NF: Mr. MOHAMMAD SAID/10040466/JOR

APR/Trainer/ID/NF: Khldoon MOHD AL SAYED/10014556/JOR

Event/ID: CEI1* 80 – Wadi Rum (JOR), 2019_CI_1688_E_S_01

Date of Event: 13-14.11.2019

Prohibited Substance: Strychnine

Bar Code Nos.: 5588194

I. Summary of the Facts:

1. Memorandum of case: By Legal Department.

2. Case file: The FEI Tribunal duly took into consideration all evidence, submissions and documents presented in the case file and during the hearing.

3. Hearing: 15 June 2021 at 2.30 pm (Central European Time by videoconference (via Cisco WebEx).

Present

- The FEI Tribunal Panel, Mr. Cesar Torrente (COL)
- Ms. Hilary Forde, FEI Tribunal Clerk

PR:

- Mr. Sameh FARIS MOHAMMAD SAID

APR (FEI Registered Trainer):

- Mr. Khldoon MOHD AL SAYED

For the FEI:

- Ms. Anna Thorstenson, Legal Counsel
- Ms. Ana Kricej, Junior Legal Counsel

II. Factual background

1. Mr. Sameh FARIS MOHAMMAD SAID (FEI ID 10040466), the Person Responsible (**the PR**), is a rider for Jordan.
2. The Horse's registered Trainer in the FEI database at the time of the Event was Mr. Khldoon MOHD AL SAYED (**the APR**) (FEI ID 10014556).
3. The Fédération Equestre Internationale (**the FEI and together with the PR and APR, the Parties**), is the sole IOC recognised international federation for equestrian sports. The FEI is the governing body of the FEI equestrian disciplines (Dressage, Jumping, Eventing, Driving, Endurance, Vaulting, Reining, Para-Equestrian).

4. The PR participated, with the Horse, BOUZARIKA, **(the Horse)** (FEI ID 106RJ34) at the CEI1* 80 – Wadi Rum (JOR), 2019_CI_1688_E_S_01 on 13-14 November 2019 **(the Event)**.
5. Blood and urine samples were collected from the Horse on 14 November 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", collectively **(the Samples)** with reference number 5588194.
6. The laboratory analysis of the A sample reported an adverse analytical finding for Strychnine in the urine Sample, a "Prohibited Substance" under the FEI's Equine Anti-Doping and Controlled Medication Rules **(the EADCMRs)**.
7. Strychnine is an alkaloid and a toxic substance which causes muscular convulsion and is used as a rodenticide and is classified as a Banned Substance under the 2019 FEI Equine Prohibited Substances List.
8. The positive finding of Strychnine in the Horse's sample gave rise to an Anti-Doping Rule Violation under the EADCMRs. In particular, the EADCMRs applicable to these proceedings were adopted by the General Assembly in November 2018 and came into force on 1 January 2019. They apply to *'each Person Responsible and their Support Personnel by virtue of their membership in, accreditation by, or participation in the FEI or National Federation, or in their activities, Competitions or Events'*.¹
9. Most relevantly for present proceedings, Article 2.1 of the Equine Anti-Doping Rules **(the EADRs)** prohibits *'The presence of a Banned Substance or its Metabolites or Markers in a Horse's Sample'*. In addition, under Article 2.2 of the EADRs, the *'Use or Attempted Use of a Banned Substance or Banned Method'* is prohibited.
10. According to the FEI General Regulations (GRs) Article 118.3, *'the Person Responsible (PR) 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.
11. In addition, the use of a Banned Substance at any time to horses competing in events to which the EADRs apply constitutes a violation of

¹ Introduction to the EADCMR at p 2.

Article 2.2 of the EADRs, and its presence in a Horse's sample at any time constitutes a violation of Article 2.1 of the EADRs.

III. Initial Proceedings

12. On 13 January 2020, the FEI Legal Department officially notified the PR through the National Federation of the Jordan **(the JOR-NF)**, of the presence of the Prohibited Substance in the sample collected at the Event in the Horse and the potential consequences **(the Notification Letter)** based on the Laboratory's adverse analytical finding of Strychnine in the sample. In accordance with Article 7.4.1 of the EADRs, the Notification Letter also included notice that the PR was provisionally suspended from all competition until further notice from 13 January 2020 and granted him the opportunity to be heard at a Preliminary Hearing before the FEI Tribunal **(the Tribunal)** pursuant to Article 7.4.4 of the EADRs. The Notification Letter also included notice that the Horse was provisionally suspended for 2 months from 13 January 2020 until 12 March 2020.
13. In the Notification Letter of 13 January 2020, the PR was also informed of his right to request an analysis of the Horse's B sample in accordance with Article 7.1.4 (c) of the EADRs however the PR did not request same and by failing to issue this request his right was therefore waived.

IV. Summary of Legal Authority

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

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

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

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

FEI Equine Anti-Doping and Controlled Medication Regulations **(EADCM Regulations)**, 2nd edition, changes effective January 1st, 2019. The EADCM Regulations are comprised of the equine anti-doping rules **(the EADRs)** in the first half and the equine controlled medication rules **(the ECM Rules)** in the second half.

FEI Equine Anti-Doping Rules **(the EADRs)**, 2nd edition, changes effective January 1st, 2019.

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

FEI Code of Conduct for the Welfare of the Horse.

B. 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."

EADRs 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."

EADRs 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".

EADRs 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 reduction or suspension pursuant to Articles 10.4, 10.5 or 10.6, the period of Ineligibility shall be two years.

V. The Parties' Submissions

The Submissions of the PR

14. On 1 March 2021 the PR wrote to the FEI in response to the Notification Letter, and submitted a statement² explaining the following:

"I was riding a horse called Bouzarika owned by a Saudi guy, the day of the race was the only time I've ever hopped on the saddle. I had no idea that the horse was on Steroids and I had nothing to do with it, I do understand that the rider is responsible for his horse and his wellbeing. But I really do think that this action taken against me is a bit too much. 2 years for only riding the horse as a paid rider. I've never been suspended in my life, and I will never consider doing something like this."

15. The PR also filled out the FEI Questionnaire³, wherein he further clarified that:

"I have no clue of the way the substance entered the body, because I was not there when it happened, and I have no relation with the owner other than being a first-time rider at his stables.

Usually, I ride at our stables called Kanaan stables and it's a family-owned business, as of the stables I rode the horse at the people there helped me during the marathon and that's about it.

The horse is kept in a public stable.

To be honest I did not check (if feed supplement contained prohibited substances) as I have a general idea about the stables as being a respected endurance stable in Jordan.

To be honest I did not, (check for treatment with prohibited substances) as the race was in Wadi rum too far from any vet I know, and as I saw the horse, I did not notice anything wrong with it.

I only checked arms and legs and general check-up by myself, the horse was in a good condition prior to the race."

16. No further explanations or evidence was provided by the APR of the Horse, nor the Stable Personnel despite additional questions and reminders from the FEI to the NF.

Written Response of the FEI

² Statement from the PR dated 1 March 2021 submitted to the FEI Legal Department.

³ FEI questionnaire completed by the PR dated 3 March 2021.

17. In respect of the violation of the EADRs of the PR, the FEI noted that Article 3.1 of the EADRs makes it the FEI's burden to establish all the elements of the EADR violation charged, to the comfortable satisfaction of the FEI Tribunal. Furthermore, the FEI stated that the elements of Article 2.1 violation are straightforward, that 'It is not necessary that intent, fault, negligence or knowing use be demonstrated in order to establish an EAD Rule violation under Article 2.1'. Instead, it is a 'strict liability' offence, established simply by proof that a Banned Substance was present in the Horse's Sample.
18. As such, the FEI confirmed that the results of the analysis of the A Sample taken from Horse at the Event confirmed the presence of Strychnine and thus constituted sufficient proof of the violation of Article 2.1 of the EADRs.
19. The FEI also noted that the PR did not dispute the presence of Strychnine in the Horse's Sample. Accordingly, the FEI submitted that it had discharged its burden of establishing that the PR had violated Article 2.1 of the EADRs.

Presumption of fault:

20. The FEI furthered that as a result of the presumption of fault, pursuant to Article 10.2 of the EADRs, a PR with no previous doping offences who violates Article 2.1 of the EADRs is subject to a period of Ineligibility of two years, unless he is able to rebut the presumption of fault. In order to do this, the FEI noted that the rules specify that he/she must establish to the satisfaction of the Tribunal (it being his/her burden of proof, on the balance of probability⁴):
 - How the Prohibited Substance (here, Strychnine entered into the horse's system; and
 - That he/she bears No Fault or Negligence for that occurrence, i.e., that he/she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he/she had administered to the horse (or the horse's system otherwise contained) a Banned Substance (in which case, the presumptive two-year period of Ineligibility is eliminated completely pursuant to Article 10.4 of the EADRs); or
 - That he/she bears No Significant Fault or Negligence for that occurrence (in which case, the presumptive two-year period of

⁴ Art 3.1 EADR.

ineligibility may be reduced, depending on his degree of fault, pursuant to Article 10.5 of the EADRs).

21. The FEI noted that if the PR fails to discharge this burden, the presumption of fault stands, and therefore the two-year ban under Article 10.2 of the EADRs is the applicable sanction in this respect.

The 'threshold' requirement: proving how the Strychnine entered into the Horse's system

22. The FEI then addressed the threshold requirement in respect of the EADRs, the jurisprudence of the FEI Tribunal and CAS jurisprudence which clearly regard that: it is a strict threshold requirement of any plea of No (or No Significant) Fault or Negligence that the PR proves how the substance entered into the Horse's system.
23. The FEI also noted that this requirement must be 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.
24. The FEI submitted that in this context the PR must provide clear and convincing evidence proving how the Strychnine has entered the Horse's system.
25. In this case, the FEI noted that the PR did not submit any explanation as regards the source of the Strychnine in the Horse. Instead, the PR explained that he had no idea why Strychnine was found in the Horse's system since the Horse was not his and he only came for the Event as a paid rider.
26. Consequently, given the lack of a plausible source, the FEI submitted that the PR had not established how the Prohibited Substance entered the body of the Horse and the "threshold requirement" was not fulfilled in this case.

Fault/Negligence for the rule violation

27. In relation to the terms of the degree of Fault and Negligence by the PR for the rule violation, the FEI outlined how the starting point of any evaluation is the "*personal duty*" of the PR following from Article 2.1.1 of the EADRs, i.e., his personal duty to ensure that "*no Banned Substance is present in the Horse's body*".
28. Furthermore, the FEI noted that it is necessary to look at the definitions of *Fault*, as defined in Appendix 1 of the EADCMRs which states the following:

"Fault is any breach of duty or any lack of care appropriate to a particular situation ...the degree of risk that should have been perceived by the Person Responsible 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 degree of Fault, the circumstances considered must be specific and relevant to explain the Person Responsible's departure from the expected standard of behaviour."

"No fault - The Person Responsible 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."

"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... the Athlete must also establish how the Prohibited Substance entered the Horse's system."

29. The FEI further highlighted that Banned Substances are never to be found in a competition horse, they are substances with no legitimate use and have a high potential for abuse⁵. It is the PR's personal duty to ensure that no Banned Substance is present in the Horse's body.
30. As noted in paragraph 25 of the Decision, the FEI maintained that the PR failed to establish how the Prohibited Substance Strychnine entered the Horse's body. Consequently, they submitted that it is therefore not possible to evaluate the degree of the PR's level of Fault or Negligence based on the applicable rules.
31. As a result, the FEI argued that the presumption of fault as stipulated in Article 10.2 of the EADRs is applicable, and the FEI requested that the PR is sanctioned with two (2) years Ineligibility Period.

Disqualification of results

32. The FEI also submitted that in accordance with Article 9 of the EADRs which provides that an EADR violation *'in connection with a test in a given Competition automatically leads to the Disqualification of the result of the PR and Horse combination obtained in that Competition with all resulting*

⁵ Veterinary Regulations Article 1055.

Consequences, including forfeiture of any related medals, points and prizes'. This rule applies even if the period of Ineligibility is reduced or eliminated under Article 10 of the EADRs, e.g., on the basis of No (or No Significant) Fault or Negligence.

Furthermore, the FEI stated that since this is a case with a Banned Substance, occurring during or in connection with an Event, in order to safeguard the level playing field, the FEI may disqualify all of the PR'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 EADRs.

VI. Further Proceedings

33. By email dated 31 March 2021, the FEI submitted its request to the Tribunal for the appointment of a hearing panel.
34. On 26 April 2021, the 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 29 April 2021. The PR was also granted the opportunity to respond to the FEI's allegations by submitting his respective position by 19 May 2021. The PR was also informed that the Tribunal will generally decide such cases based on written submissions. However, the Parties were informed that they had the right to request an oral hearing by 24 May 2021, failing which the right for an oral submission would be deemed as waived.
35. On 26 April 2021, the FEI informed the Tribunal that they did not have any objections to the constitution of the hearing panel.
36. On 27 April 2021, the PR requested an oral hearing before the Tribunal in this matter.
37. On 10 May 2021, further to the PR's request an oral hearing on the 27 April 2021, the following statements were presented via email to the Tribunal:
 - (i) A letter from the JOR-NF⁶, confirming that the PR had no intentions or plans to ride the Horse until 3 days before the Event;
 - (ii) A letter from the APR⁷ confirming that the Horse was fully under his supervision and control since 20 September 2019 and that the PR did

⁶ Statement dated 9 May 2021 from the JOR-NF.

⁷ Letter dated 10 May 2021 from the APR.

not encounter the Horse until the day before the Event.

38. In the email dated 10 May 2021, the PR also submitted the following points:

- that in terms of the adverse finding for Strychnine in the Horse, it was noted that two Horses (Bouzarika and K.S Defender) tested positive for this prohibited substance in the same stable under the same trainer. He furthered that the two horses were in the same stable almost two months before the race, yet the PR only encountered the horse one day before the race;
- that the PR understands FEI rules and regulations very well and that as the rider he is also held responsible for the adverse analytical finding. However, he had no power within his capacity to check the Horse's blood status one day before the race;
- that it would be a good idea to allow the rider or the owner to have the Horse's blood tested before the race to hand it over to the veterinarians as a protection strategy;
- The PR also asked the Tribunal to reduce the amount of the fine to a minimum as his financial situation is difficult to cover such large fees as he is 29 years old with at best a monthly income of less than \$300 per month and that he is not even listed in the government social security as his status is below the poverty line in Jordan.

39. On 8 June 2021, the Tribunal wrote to the Parties and confirmed the hearing on the 15 June 2021 at 2.30pm (Central European Time GMT+1).

40. On 9 June 2021, the FEI, PR and APR confirmed their attendance for the hearing on the 15 June 2021.

IV. Hearing.

41. During the hearing, the Parties had the opportunity to present their cases, submit their arguments and answer the questions posed by the Tribunal. After the Parties' submissions, the Tribunal closed the hearing and reserved its Decision. The Tribunal took into consideration in its deliberation all the evidence and the arguments presented by the Parties even if they may not all be summarised here.

42. During the hearing, the Parties acknowledged that the Tribunal had respected their right to be heard and their procedural rights.

43. During the hearing both Parties maintained their previous submissions.
44. At the hearing, the PR, attended the hearing without legal representation but was assisted by Mr Husam Al-Jabai who helped translate the Proceedings for the PR. At the opening of the hearing, the PR requested that he is to be considered as a completely separate case to the APR, as the PR only decided to ride the Horse a day before the Event due to an injury of his own Horse. He explained that whilst he fully respects the EADCMRs of the FEI, he only met the APR at the vet check the day before the Event and had no idea a prohibited substance was in the Horse's system until the Notification Letter arrived.
45. The APR who was also present at the hearing, claimed that the drinking water for the horses located in the rest area at the Event ran out and the management of the Event used stand-by water from drinking tanks, and the APR stated that this water was not suitable drinking water for the horses, and he even saw dead mice near the water. The panel asked the APR if he had any written proof to support these assertions, and the APR further stated that while he had no documents to support these claims regarding the unsuitability of the water, the APR alleged he had heard from local civil authorities that this water was not suitable and that 80% of the horses that participated in this Event did not complete it. The APR also heard that one horse died after the Event, and many horses from the Event also had to attend the hospital and he suspected that such sicknesses were due to the poor drinking water supplied at the Event.
46. At the hearing the PR also re-emphasised his lack of knowledge and capacity to acquire any information about the Horse's blood status/medical administration given that he only made the decision to ride the Horse the day before the Event. He also repeated his request to the Tribunal to reduce any potential fine imposed to a minimum as his financial situation is very limited to cover such large fees, in particular he stated that he is only 30 years old with a monthly income not more than \$300 per month and he is not listed in the government social security as his status is below the poverty line in Jordan. In addition, he stated that he has been competing and riding for 15 years and in this time no breaches of the FEI Regulations have occurred.
47. The FEI noted in the hearing that despite the PR's lack of knowledge of the Horse he selected the ride, they queried what investigations or enquiries about the Horse the PR made before taking the decision to ride the Horse, as this was his responsibility. The PR stated that he asked the APR did the Horse have any treatments or medications and the APR said no, he furthered that the Horse looked very healthy and active and he had no concerns when he opted to ride it. The PR and APR also confirmed that

they use the FEI Clean Sport Application to keep abreast of any regulatory developments of the FEI Regulations.

48. Taking into consideration the claims made regarding the poor quality of the water supplied at the Event, the Tribunal asked the PR and the APR if anyone made contact with the civil authorities in this regard. The APR explained that he raised his concern with the JOR-NF, but he does not have anything in writing to evidence any of these submissions as it was only verbal communication. The APR also stated that there are many witnesses available to confirm his concerns regarding the water quality (which he communicated to the JOR-NF). Taking into account the seriousness of the assertions by the APR regarding the water quality, and that this was never before mentioned to the FEI or the Tribunal, the Tribunal decided to suspend the Proceedings and allowed the parties a 2-month period until 15 August 2021 to provide any additional statements (to be provided in English) for a better understanding for the case in respect of the below points:

1. Anyone on site who noticed anything concerning about the water tank and the quality of the water, and or witnessed the change of water tanks;
2. Anyone who witnessed about the problem/condition of the horses in the ride/after the ride, how many horses went to hospital and what were they treated for;
3. The veterinarian at the equine hospital, or other person treating the horses after the ride, confirming the horses' conditions and what they were treated for after the ride;
4. Anyone from the Event organisation or the JOR-NF who can confirm what you discussed about water contamination;
5. The comments/complaints sent by the APR/PR to the federation (water or other complaints), are they available;
6. If the medical logbook of the Horses is available;
7. Should the APR/PR be able to establish that the water was contaminated the FEI will argue no fault and negligence for the APR/PR of the case.

49. Despite this agreement made at hearing to provide the additional information, after the two-month period was completed, no information was ever provided in respect of the points listed at paragraph 48 of this Decision. Therefore, no continued hearing was arranged, and the Tribunal

proceeded to issue a Decision with the evidence, information and particulars supplied to date.

V. Jurisdiction

50. The FEI Tribunal has jurisdiction over this matter pursuant to Article 38 of the Statutes, Article 159 of the GRs, the EADCMRs, as well as Article 18 of the IRs. The PR is a member of the JOR-NF, which is a member of the FEI; therefore, the PR is bound by the EADRs.

VI. The Decision

51. As set forth in Article 2.1 of the EADRs, sufficient proof of an EADR violation is established by the presence of a Banned Substance in the Horse's sample. Accordingly, the Tribunal is satisfied that it has been demonstrated through the results of the laboratory analysis of the A sample confirming the presence of Strychnine in the Horse) as sufficient proof that a violation of Article 2.1 of the EADRs has occurred. The Tribunal is also satisfied that the laboratory reports relating to the A sample reflect that the analytical tests were performed in an acceptable manner and the findings of the laboratory are accurate. In addition to the scientific evidence presented, the Tribunal notes the PR did not challenge the performance of the tests, accuracy of the test results or the positive findings.
52. As confirmed by various CAS panels as well as jurisprudence of the FEI Tribunal, the PR must 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/APR. The PR's scenario must reach a 51% threshold for it to be successful.⁸ However, in this case, the Tribunal notes that the PR did not provide any theoretical possibilities for the positive findings other than such results were out of his control due to the fact that he had only decided to ride the horse the day before the Event and therefore he could not have any knowledge of what substances may have been in the Horse. In this regard, the Tribunal must emphasize that in accordance with Article 2.1.1 of the EADRs which states "[i]t 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". (Emphasis added).

⁸ 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.

53. In relation to fines and costs, the Tribunal has considered the PR's representations made via email on 10 May 2021 to the Tribunal, seeking for the fine to be lowered. As previously noted in paragraph 46, the PR has very limited income and is in a difficult economic situation. The Tribunal reviewed the PR's request to reduce the fine to be imposed in accordance with the FEI Guidelines for fines and contribution towards legal costs (dated January 2021) and took into account the cooperation of the PR with the FEI in this case and the PR's responsive manner when dealing with the FEI and Tribunal. Furthermore, the Tribunal noted this case had not involved outside counsel or witnesses and the Hearing had been short. In light of these factors the Tribunal decides to reduce the amount of the fine requested by the FEI by 50%.

VII. Disqualification of Results

54. Since an EADR 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 EADRs.

VIII. Sanctions

55. In summary, the Tribunal imposes the following sanctions on the PR in accordance with Article 169 of the GRs and Article 10 of the EADRs:
- a. upholds the charge that the PR has violated Article 2.1 of the EADRs;
 - b. disqualifies the result of the PR and Horse combination obtained in the Competition and the Event, and the consequent forfeiture of all medals, points, prize money, etc. won, pursuant to Articles 9 and 10.1.2 of the EADRs;
 - c. imposes a period of Ineligibility of two (2) years on the PR. The period of the Provisional Suspension, effective from 13 January 2020 is credited against the period of Ineligibility imposed in this decision. Therefore, the PR will be ineligible until 12 January 2022;
 - d. the PR is fined in the amount of **three thousand seven hundred and fifty Swiss Francs (3,750 CHF)**; and
 - e. the PR will contribute **two thousand Swiss Francs (CHF 2,000)** for costs that the FEI has incurred in these proceedings.
56. 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 EADRs).

57. Where a PR who has been declared Ineligible, violates the prohibition 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 10.11.13 of the EADRs).
58. According to Article 168 of the GRs, the present decision is effective from the day of the written notification to the Parties concerned.
59. This Decision is subject to appeal in accordance with Article 12.2 of the EADRs. An appeal against this Decision may be brought by lodging an appeal with the Court of Arbitration for Sport (CAS) within twenty-one (21) days of receipt hereof.
60. This Decision shall be notified to the PR, the JOR-NF and to the FEI.
61. This Decision shall be published in accordance with Article 13.3 of the EADRs.

FOR THE FEI TRIBUNAL

A handwritten signature in blue ink, appearing to read 'Torrente', with a large, stylized flourish above it.

Mr Cesar Torrente, One-Member Panel