

**DECISION of the FEI TRIBUNAL**

**dated 24 June 2021**

**in the matter of**

**FÉDÉRATION EQUESTRE INTERNATIONALE (FEI)**

**v.**

**RAFEA ALAMRI (PR and APR)**

**FEI Case numbers:  
2019/BS07 WALFAN  
2019/CM13 WALFAN &  
2020/FT08 ANKOR CLASS**

**FEI Tribunal Hearing Panel:**

**Mr Cesar Torrente**

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**FEI Tribunal Reference:** C21-0007

**Horse/Passport:** **WALFAN** /104ZY27/KSA and **ANKOR CLASS**/106JN74/KSA

**Person Responsible/ID/NF:** **Mr RAFEA ALAMRI** /10102507/KSA

**Trainer/ID/NF:** **Mr RAFEA ALAMRI** /10102507/KSA

**Event/ID:** CEI2\* 120 - Al Ula (KSA), 2019\_CI\_0094\_E\_S\_01\_01 (02.02.19)

**Event/ID:** CEI1\* 110 - Al Qaseem (KSA) 2019\_CI\_0188\_E\_S\_01(09.03.19)

**Event/ID:** CEI2\* 120 – Al Ula (KSA), 2020\_CI\_0100\_E\_S\_01 (01.02.20)

**Prohibited Substances:** Reserpine, Heptaminol, Phenylbutazone and Oxyphenbutazone.

**Bar Code Nos.:** 5578279/5581236/5587972

## **I. Factual Background**

1. Mr Rafea Alamri (FEI ID: 10102507), the Person Responsible and Additional Person Responsible (**the PR and APR**), is a rider and a trainer in the discipline of Endurance from the Kingdom of Saudi Arabia.
2. The Fédération Equestre Internationale (**the FEI and together with the PR, APR, 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).

### **First Anti-Doping Rule Violation: Case 2019/BS07 WALFAN.**

3. The PR participated with the horse, WALFAN (**Horse I**) at the event at the CEI2\* 120 - Al Ula (KSA) on 2 February 2019 (**Event I**).
4. The PR was also the Horse's registered trainer in the FEI database at the time of the Event I.
5. Blood samples were collected from the Horse I on 2 February 2019 for an in-competition doping control test under the FEI EADCM Regulations and the FEI Veterinary Regulations. The samples were 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" and were given the reference number 5578279 (**collectively, Sample I**).
6. The laboratory analysis of the A sample of Horse I Sample I reported adverse analytical findings for Reserpine, Heptaminol, Phenylbutazone, Oxyphenbutazone, all of which are "**Prohibited Substances**" under the FEI's Equine Anti-Doping and Controlled Medications Regulations (**the EADCM Regulations**).
7. Reserpine is a tranquiliser with long term sedation effects. Heptaminol is a stimulant which dilates blood vessels. Both are classified as Banned Substances under the FEI 2019 Equine Prohibited List. Phenylbutazone and Oxyphenbutazone are anti-inflammatory drugs with analgesic effects and classified as Controlled Medication Substances under the FEI 2019 Equine Prohibited List. Oxyphenbutazone is a metabolite of Phenylbutazone.

8. The positive findings of Reserpine, Heptaminol, Phenylbutazone and Oxyphenbutazone in the Horse's I Sample I gives rise to an Anti-Doping Rule Violation in accordance with the applicable EADCM Regulations as detailed at section II of this Decision.
9. By Notification Letter dated 4 March 2019, the FEI charged the PR with a violation of Article 2.1 of the Equine Anti-Doping Rules (**the EAD Rules**) based on the Laboratory's adverse analytical findings of Reserpine, Heptaminol, Phenylbutazone, Oxyphenbutazone in Horse's I Sample I collected at Event I.
10. In accordance with Article 7.4 of the EAD Rules, the FEI provisionally suspended the PR from all competition as of 4 March 2019.
11. The Horse I was also provisionally suspended for two months from 4 March 2019 to 3 May 2019 according to Article 7.4.1 of the EAD Rules.
12. In the Notification Letter dated 4 March 2019 issued by the FEI Legal Department, the PR was informed of his right to request an analysis of the B sample of Horse's I Sample I, however he did not request for the B Sample I to be analysed and therefore his right to request for the B Sample I analysis was waived in accordance with Article 7.1.5 of the EAD Rules. He also did not request an oral hearing in respect of this matter.
13. On 6 March 2019, the FEI received an email from the Saudi Arabian Equestrian Federation which confirmed that the PR and the Owner of the Horse I were notified of the charges in the case 2019/BS07 WALFAN.
14. On 19 March 2019, the PR submitted a letter to the FEI Legal Department with a short explanation wherein he apologised for the adverse findings in Case 2019/BS07 and claimed that he was not aware of the medicines since the pharmacies gave him new medicines and that he was new to this type of competition as was the horse.

**Second Anti-Doping Rule Violation: Case 2019/CM13 WALFAN.**

15. On 9 March 2019, the rider Ali Alhashem, (FEI ID: 10020258) entered with the horse, WALFAN (**Horse I**) at the CEI1\* 110 - Al Qaseem (KSA) (**Event II**). The rider Ali Alhashem and the Horse I were ultimately prevented from competing at Event II since the Horse I was serving a Provisional Suspension imposed on 4 March 2019.

16. The registered Trainer of Horse I in the FEI database at the time of the Event II was the APR.
17. The Horse I was selected for an in-competition doping control test at Event II and blood samples were collected from Horse I for testing under the FEI EADCM Regulations and the FEI Veterinary Regulations. The samples were sent to the FEI approved laboratory, the Hong Kong Racing Laboratory (**the Laboratory**) in Sha Tin, Hong Kong, China, for analysis. The samples were divided into an "A Sample" and a "B Sample" and sent to the Laboratory for analysis. The Horse I samples were given reference number 5581236 (**collectively, the Sample II**).
18. The Laboratory analysed the A sample of Horse I Sample II from Event II and reported an adverse analytical findings for Phenylbutazone and Oxyphenbutazone in the Sample II.
19. Phenylbutazone and Oxyphenbutazone are anti-inflammatory drugs with analgesic effect. Oxyphenbutazone is a metabolite of Phenylbutazone. The substances are classified as Controlled Medication Substances under the FEI 2019 Equine Prohibited Substances List.
20. The positive finding of Phenylbutazone and Oxyphenbutazone in the Horse's results is a Controlled Medication Rule Violation in accordance with Article 2.1 of the Equine Controlled Medication Rules (**the ECM Rules**).
21. In the Notification Letter dated 4 April 2019 issued by the FEI Legal Department to the APR, the FEI charged the APR with a violation of Article 2.1 of the ECM Rules based on the Laboratory's adverse analytical findings of Phenylbutazone and Oxyphenbutazone in the Horse's I Sample II collected at the Event II. The APR was also advised that this second rule violation would be processed in a consolidated procedure with the rule violation from the Case 2019/BS07 WALFAN.
22. At the time of the Event II, the APR and Horse I had been Provisionally Suspended since 4 March 2019; however, he did not comply with the conditions of Provisional Suspension as explained in the Notification Letter dated 4 March 2019 outlining the charges in the case 2019/BS07 WALFAN.
23. By Notification Letter dated 4 April 2019, the APR was informed that he had the right to request the analysis of Horse I, B Sample II. He did not request an analysis of Horse I, B Sample II therefore his right to request for the B Sample II analysis was waived in accordance with Article 7.1.5 of the ECM Rule. He also did not request a Hearing in respect of this matter.

24. Furthermore, the APR did not submit any explanations regarding this second anti-doping rule violation.
25. It is also noted that the FEI issued separate proceedings against the rider Mr Ali Alhashem. On 6 October 2020, the FEI Tribunal issued a decision against Mr Alhashem sanctioning him with a six (6) months ineligibility period for a violation of Article 2.1 of the ECM Rules: presence of a Controlled Medication Substance or its metabolites or markers in a horse's sample.

**Third Anti-Doping Rule Violation: Case 2020/FT08.**

26. On 1 February 2020, the rider Sultan ALSHAHRANI, participated with the Horse ANKOR CLASS (**Horse II**) at the CEI2\* 120 – Al Ula (KSA), (**Event III**).
27. The registered Trainer of Horse II in the FEI database at the time of the Event III was the APR.
28. The Horse II was selected for an in-competition doping control test during the Event III and urine and blood samples were collected from Horse II for testing under the FEI EADCM Regulations and the FEI Veterinary Regulations. The samples were sent to the FEI approved laboratory, the Hong Kong Racing Laboratory (**the Laboratory**) in Sha Tin, Hong Kong, China, for analysis. The samples were divided into an "A Sample" and a "B Sample" and sent to the Laboratory for analysis. The Horse's samples were given reference number 5587972 (**collectively, the Sample III**).
29. The Laboratory analysed Horse II A Sample III (both urine and blood) and reported an adverse analytical finding for Phenylbutazone and Oxyphenbutazone in the Sample III.
30. Phenylbutazone and Oxyphenbutazone are anti-inflammatory drugs with analgesic effect. Oxyphenbutazone is a metabolite of Phenylbutazone. The substances are classified as Controlled Medication Substances under the FEI 2020 Equine Prohibited Substances List.
31. The positive finding of Phenylbutazone and Oxyphenbutazone in the Horse's sample resulted in a Controlled Medication Rule Violation in accordance with the applicable EADCM Regulations.
32. By Notification Letter dated 31 March 2020 issued by the FEI Legal Department, the APR was charged with a violation of Article 2.1 of the ECM

Rules based on the Laboratory's adverse analytical findings of Phenylbutazone and Oxyphenbutazone in the Horse's II Sample III collected at the Event III. The APR was also advised that this third rule violation would be processed in a consolidated procedure with the rule violations from the cases 2019/BS07 WALFAN and 2019/CM13 WALFAN.

33. Furthermore, the APR was provisionally suspended since 4 March 2019, however he did not comply with the conditions of his Provisional Suspension as explained in the Notification Letter issued in respect of the first anti-doping rule violation.
34. The Notification Letter dated 31 March 2020, also informed the APR of his right to request a B sample analysis for Horse II. However, the B sample analysis of Sample III was not requested therefore the right to request for Horse II B sample analysis was waived in accordance with Article 7.1.5 of the ECM Rules. He also did not request a Hearing in respect of this matter.
35. On 4 April 2020, the FEI received an email from the Saudi Arabian Equestrian Federation who confirmed they contacted the APR in respect of the case 2020/FT08 ANKOR CLASS and notified him of the charges and reminded him that he was provisionally suspended from all competition from the 4 March 2019. They also reminded him that he was not eligible to participate in or attend, in any capacity, including as a spectator, any Event that is authorised or organised by the FEI or any National Federation, unless the FEI Tribunal decided otherwise. Furthermore, that he was prohibited from training any FEI and/or national horses during his provisional suspension.

The Saudi Arabian Equestrian Federation also confirmed that the APR stated that he was not the trainer for Horse II at Event III. The APR alleged that he did not attend this endurance event since he was provisionally suspended and that his name was added by the owner of Horse II in the entry system in error and that the trainer of Horse II at this time was the father of the PR for case 2020/FT08 ANKOR CLASS - Abdullah ALSHAHRANI. However, as the APR did not inform the National Federation of this before EVENT III, he has agreed to accept any consequences related to this error.

36. In relation to the separate proceedings initiated against the rider Sultan ALSHAHRANI, (FEI ID: 10191531), these proceedings were conducted by the FEI under the Administrative Procedure (so called "fast track" proceedings). On 7 April 2020, the rider Sultan ALSHAHRANI accepted the administrative sanctions proposed by the FEI under these proceedings.

## **II. Summary of Legal Authority**

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

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

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

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

FEI Equine Anti-Doping and Controlled Medication Regulations ("**EADCM Regulations**"), 2<sup>nd</sup> edition, changes effective January 1<sup>st</sup>, 2019, and 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. (Since there are two anti-doping rule violations which occurred in 2019 and 2020, both regulations are relevant).

FEI Equine Anti-Doping Rules ("**EAD Rules**"), 2<sup>nd</sup> edition, changes effective January 1<sup>st</sup>, 2019 and 2020.

FEI Equine Controlled Medication Rules ("**ECM Rules**"), 2<sup>nd</sup> edition, changes effective 1<sup>st</sup>, January 2019 and 2020.

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

FEI Endurance Regulations ("**ERs**") effective January 1<sup>st</sup>, 2019, and 2020

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."

**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:** "Burdens 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 reduction 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”.

### **III. The Parties' Submissions**

#### **C. Person Responsible /Additional Person Responsible**

37. As mentioned at paragraph 14, on 19 March 2019 the PR submitted a note to the FEI in respect of the first anti-doping rule violation (Case 2019/BS07 WALFAN) with a short explanation wherein he apologised for the adverse findings and alleged that he was not aware of new medicines the pharmacies gave him, that the horse was new and furthermore that they were both new to this type of competition. As noted, this explanation was in respect of the first anti-doping rule violation and no further explanations were submitted for the second and third anti-doping rule violations (Cases 2019/CM13 WALFAN and Cases 2020/FT08 ANKOR).

#### **D. Written Response of the FEI:**

38. On 10 February 2021, the FEI provided its response to this case and firstly addressed the merits of the case in relation to Mr Alamri's classification as PR and APR pursuant to the respective FEI Regulations.
39. The FEI noted that the EADCM Regulations 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'.<sup>1</sup> In addition, that in accordance with the FEI General Regulations 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 a Horse.

40. The FEI stated that in the discipline of Endurance the Trainer is defined as 'the person who is responsible for preparing the Horse both physically and mentally for competition'. This includes 'determining the appropriate exercise programme, nutrition, and veterinary care for the Horse' (like administration of therapeutic substances under veterinary advice).<sup>2</sup> Moreover, that due to the specificities of the Endurance discipline with Trainers making relevant decisions about their horses, a Trainer is always regarded as an additional Person Responsible in accordance with Art. 118.3 of the General Regulations.
41. To provide confirmation of the ambit of an APR, the FEI referred to the recent FEI Tribunal Decision dated 25 June 2020 in the case 2019/FT07 and 2019/CM08 CASTLEBAR CADABRA and 2019/CM06 VAGABON DE POLSKI where the Tribunal stated the following (paragraph 9.6): *'In casu, therefore, if the Trainer accepted to be registered for 154 horses in 2019, he is presumed to have accepted pursuant to Article 800.3-4 of the ERs to be "the person who is in charge of the preparation of the Horse both physically and mentally for Competition.(...)", and therefore he is presumed to have made relevant decisions about these horses, including the Horses in question. The Tribunal would expect that if a trainer does not carry out all tasks himself, he puts procedures in place to be informed and oversee all decisions regarding the horses he is the registered trainer for. Ultimately however, when registering as trainer for a horse, or a number of horses, this person accepts the responsibilities which come with such a registration, i.e., to be considered as additional Person Responsible pursuant to the GRs and EADCMRs. The Tribunal finds that the provision in the ERs, defining the role of the Trainer, has been precisely put in place in order to avoid the arguments made by the Trainer, namely that he was not responsible and did not take any relevant decisions for the Horses in question. In the view*

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<sup>1</sup> Introduction to the EADCMR at p 2.

<sup>2</sup> Article 800 of the Endurance Rules.

*of the Tribunal this provision has been put in place because the FEI expects trainers to take responsibility for all horses they train, regardless of the number of horses, as well as the decisions which might be made by others, such as veterinarians and grooms. And the reason for that is to safeguard the welfare of the horses, one of the statutory aims of the FEI.'*

42. Following which it was clarified that in the present proceedings, Mr ALAMRI, can be considered:
- The rider and the FEI registered Trainer of the Horse I in the case 2019/BS07 WALFAN; and
  - The FEI registered Trainer of the Horse I in the case 2019/CM13 WALFAN; and
  - The FEI registered Trainer of the Horse II in the case 2020/FT08 ANKOR CLASS.

By virtue of Mr Alamri's position in the above-named proceedings, he is considered the Person Responsible (PR) for the First Anti-Doping Rule Violation and the Additional Person Responsible (APR) for the Second and Third Anti-Doping Rule Violation in three consolidated cases detailed in this Decision.

43. **FEI Submission - First Anti-Doping Rule Violation:**

As outlined at paragraphs 3-14 of this Decision, Sample I collected from Horse I at the Event I was reported positive for the following substances: Reserpine (Banned Substance), Heptaminol (Banned Substance), Phenylbutazone (Controlled Medication Substance), Oxyphenbutazone (Controlled Medication Substance). Article 2.1 of the EAD Rules makes '*[t]he presence of a Banned Substance and/or its Metabolites or Markers in a Horse's Sample*' an EAD Rule violation. Article 2.1.1 of the EAD Rules states that '*[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*'.

44. In addition, the FEI submitted that Article 2.1 of the ECM Rules makes '*[t]he presence of a Controlled Medication Substance and/or its Metabolites or Markers in a Horse's Sample*' an ECM Rule violation. Article 2.1.1 of the ECM Rules states that '*[i]t 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'.*

45. Furthermore, the FEI referred to Article 10.8.6 of the EAD Rules which governs violations involving both a Controlled Medication Substance or Method and a Banned Substance or Method (when based on the same factual circumstances). In such cases the PR *'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'*. As a consequence of this Article 10.8.6, the FEI charged the PR with a violation of Article 2.1 of the EAD Rules based on the Laboratory's adverse analytical findings in Horse I Sample I collected at the Event I as further stipulated in the Notification Letter dated 4 March 2019.
46. In accordance with Article 3.1 of the EAD Rules the FEI stated that it is their burden to establish all of the elements of the EAD Rule violation charged, to the comfortable satisfaction of the FEI Tribunal. Furthermore, that the elements of an Article 2.1 violation are straightforward insofar as *'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, the FEI noted that it is a *'strict liability'* offence, established simply by proof that a Banned Substance was present in the horse's sample. As evidenced by the scientific results submitted by the FEI, the analysis of the A Sample I taken from Horse I at the Event I confirmed the presence of Reserpine, Heptaminol, Phenylbutazone and Oxyphenbutazone and as such constituted sufficient proof of the violation of Article 2.1 of the EAD Rules.
47. In any event, the PR does not dispute the presence of Reserpine, Heptaminol, Phenylbutazone and Oxyphenbutazone in Horse I Sample I. To the contrary, in the short correspondence sent to the FEI, they noted that the PR apologised for the positive results and stated: *'I am not aware of the medicine to be used since the pharmacies is giving me a lot of medicine to be used and I am new to competition'*. Accordingly, the FEI submitted to the FEI Tribunal that it has discharged its burden of establishing that the PR has violated Article 2.1 of the EAD Rules in the Case 2019/BS07 WALFAN.
48. **FEI Submission - Second Anti-Doping Rule Violation:**

As outlined at paragraphs 15-25 of this Decision, the Sample II collected from Horse I at the Event II was reported positive to the following substances: Phenylbutazone (Controlled Medication Substance) and Oxyphenbutazone (Controlled Medication Substance). Article 2.1 of the

ECM Rules makes *'[t]he presence of a Controlled Medication Substance and/or its Metabolites or Markers in a Horse's Sample'* an ECM Rule violation. Article 2.1.1 of the ECM Rules states that *'[i]t 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'*.

49. As a result of the latter findings, the FEI charged the APR with a violation of Article 2.1 of the ECM Rules based on the Laboratory's adverse analytical findings in Horse I Sample II collected at Event II as further stipulated in the Notification Letter dated 4 April 2019. The samples were divided into an "A Sample" and a "B Sample" when sent to the Laboratory for analysis. As previously noted, Article 3.1 of the ECM Rules makes it the FEI's burden to establish all of the elements of the ECM Rule violation charged on the balance of probabilities. Furthermore, the FEI highlighted that the elements of an Article 2.1 violation are straightforward. *'It is not necessary that intent, fault, negligence or knowing Use be demonstrated in order to establish a Rule violation under Article 2.1'*. Instead, it is a *'strict liability'* offence, established simply by proof that a Controlled Medication Substance was present in the horse's sample. The result of the analysis of the A Sample of Sample II taken from Horse I at the Event II which confirmed the presence of Phenylbutazone and Oxyphenbutazone constituted sufficient proof of the violation of Article 2.1 of the ECM Rules.
50. In any event, the FEI submitted that the APR does not dispute the presence of Phenylbutazone, and Oxyphenbutazone in Horse I Sample II. The FEI also stated that the APR did not respond to the FEI Notification Letter dated 4 April 2019 and to the charges contained therein despite being sent a reminder email from the FEI to the Saudi Arabian Equestrian Federation dated 4 February 2020 in respect of the Case 2019/CM13 – WALFAN wherein they provided the APR with a further three-week deadline until 25 February 2020 to submit his Response to the FEI.

Notwithstanding the reminder sent from the FEI to provide a response to the charges, the APR did not submit any Response thus, the FEI maintained that had discharged their burden of establishing that the APR violated Article 2.1 of the ECM Rules in the Case 2019/CM13 WALFAN.

51. **FEI Submission- Third Anti-Doping Rule Violation:**

As outlined in paragraphs 26-36 of this Decision, the Sample III collected from Horse II at the Event III was reported positive for the following substances: Phenylbutazone (Controlled Medication Substance) and Oxyphenbutazone (Controlled Medication Substance). Consequently, as Article 2.1 of the ECM Rules is applied again for this violation wherein it states that *'[t]he presence of a Controlled Medication Substance and/or its Metabolites or Markers in a Horse's Sample'* an ECM Rule violation. Article 2.1.1 of the ECM Rules states that *'[i]t 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.'*

52. In this regard, the FEI charged the APR with a violation of Article 2.1 of the ECM Rules based on the Laboratory's adverse analytical findings in the Sample III collected from Horse II at the Event III, as further stipulated in the Notification Letter dated 31 March 2020. Furthermore, the FEI stated that Article 3.1 of the ECM Rules makes it the FEI's burden to establish all of the elements of the ECM Rule violation charged on the balance of probabilities. As such they noted the elements of an Article 2.1 violation and considered them straightforward given that *'It is not necessary that intent, fault, negligence or knowing Use be demonstrated in order to establish a Rule violation under Article 2.1'*. Instead, as noted in the first and second anti-doping rule violations, it is a *'strict liability'* offence, established simply by proof that a Controlled Medication Substance was present in the horse's Sample. Therefore, the FEI submitted that result of the analysis of the A Sample III taken from Horse II at the Event III which confirmed the presence of Phenylbutazone and Oxyphenbutazone constituted sufficient proof of the violation of Article 2.1 of the ECM Rules.
53. In any event, the FEI informed the Tribunal that the APR did not dispute the presence of Phenylbutazone and Oxyphenbutazone in Horse II Sample III nor did he provide a response to the FEI Notification Letter dated 31 March 2020 and to the charges contained therein. Accordingly, the FEI submitted to the Tribunal that it has discharged its burden of establishing that the APR violated Article 2.1 of the ECM Rules in the Case 2019/FT08 ANKOR CLASS.

#### **IV. Considerations of Fault or Negligence for all Three Violations**

54. In order to determine the applicable length of the Ineligibility period in the current case, the FEI submitted that the Fault or Negligence for each of the

anti-doping rule violations committed by the PR/APR must be evaluated. In this regard they noted the Definitions Section included in Appendix 1 of the EADCM Regulations wherein it states that:

*"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."*

- a. Furthermore, they noted that the starting point of any evaluation of the degree of Fault or Negligence by the PR is the "personal duty" of the PR following from Article 2.1.1 of the EAD Rules and from Article 2.1.1 of the ECM Rules, i.e., his personal duty to ensure that no Banned Substance and/or no Controlled Medication Substance without a valid Veterinary Form is present in the horse's body. In addition, the FEI highlighted that the EAD/ECM Rules in addition to the jurisprudence of the FEI Tribunal and the Court of Arbitration for Sport (CAS) stipulate that it is a strict threshold requirement of any plea of No (or No Significant) Fault or Negligence that the PR proves how the prohibited substance entered into the horse's system. They further 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 Horses.

- b. Bearing this requirement of proof in mind, the FEI submitted that in this context the PR/APR is required to provide clear and convincing evidence to prove how the Prohibited Substances entered Horse I and Horse II systems for each anti-doping rule violation. As noted in the earlier part of this Decision at Paragraph 14, the PR/APR sent a short letter to the FEI to apologise for the first anti-doping rule violation and provide an explanation, the FEI considered it a vague explanation wherein he referred to some products/medications given to him by some pharmacies. The FEI noted such explanation did not attempt to establish the source of the Prohibited Substances in Horse I Sample I and therefore cannot be deemed as determining how the Prohibited Substances entered the system of Horse I in respect of the first anti-doping rule violation.
- c. The FEI also highlighted that Banned Substances should never be present in a competition horse as they are substances with no legitimate use and have a high potential for abuse<sup>3</sup>. They stated that it is the PR/APR's personal duty to ensure that no Banned Substance is present in the Horse's system. The FEI also noted that the PR/APR did not send any explanations or evidence to the FEI in respect of the second and third anti-doping rule violations nor did the FEI have at its disposal any further information from other sources regarding the three anti-doping rule violations.
- d. Taking into account the submissions detailed above in relation to the level of Fault or Negligence for all three violations, the FEI concluded that the PR/APR failed to establish how the Prohibited Substances entered Horse I and Horse II bodies in all three anti-doping rule violations and therefore it is not possible to evaluate the degree of level of Fault or Negligence based on the applicable rules. As a consequence, the FEI submitted that the presumption of Fault as stipulated in the Article 10.2 of the EAD Rules and Article 10.2 of the ECM Rules shall stand for each of the three Anti-Doping Rule Violations.

55. **FEI's Submissions in relation to the Aggravating Circumstances for the First Anti-Doping Rule Violation (Case 2019/BS07):**

The FEI submitted that in accordance with Article 10.7 of the EAD Rules, in a case involving EAD Rule violation, if a presence of aggravating circumstances is established, *'then the period of Ineligibility otherwise applicable shall be increased up to a maximum of four years unless the*

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<sup>3</sup> Veterinary Regulations Article 1055.



*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'.*

In this regard the FEI outlined the aggravating circumstances present in relation to the First Anti-Doping Rule Violation:

- (i) The FEI noted that Sample I returned an adverse finding of three (3) different Prohibited Substances: two (2) of them being a Banned Substance and one (1) of them being Controlled Medication Substances (plus one metabolite of a Controlled Medication Substance);
- (ii) In addition, the FEI are not in receipt of any evidential explanation to determine the exact source of those Prohibited Substances hence the presumption of fault as stipulated in the Article 10.2 of EADCM shall stand;
- (iii) The combination of the detected Prohibited Substances is uncommon, and the FEI maintained that such a combination would not normally be associated with any form of a legitimate medical treatment and may have been administered for intentional purposes:
  - Reserpine (Banned Substance) is a long-acting sedative which has been reported to produce a number of side effects including hypotension, reduced heart rate, increased gastrointestinal motility, and diarrhoea. It is a Banned Substance that should never be found in a competition horse, as it has no legitimate use and has a high potential for abuse – it is mostly abused to keep horses calm so they can be ridden/handled safely or to keep their heart rates down.
  - Heptaminol (Banned Substance) is stimulant which dilates blood vessels and is therefore suggested for treating low blood pressure in humans. Heptaminol is not approved for use in veterinary medicine, and it seems to be abused in horses in a belief to stop a condition called 'tying up' (whole body muscle cramp) which horses can be eliminated for in Endurance or as a heart stimulant.
  - Phenylbutazone (Controlled Medication Substance) is an anti-inflammatory drug with analgesic effects. It is sometimes abused to mask any pain/lameness that is already present before the horse started the ride or first horse inspection.

- Oxyphenbutazone (Controlled Medication Substance) is a metabolite of Phenylbutazone.
- (iv) The FEI noted that the PR admitted in his correspondence of 19 March 2019 that he is *"not aware of the medicines since the pharmacies is giving me a lot of medicine to be used and I am new to the competition, and I was planning to attend only 2 loops of the race. The horse is new and I want to prepare him for the races."* The latter correspondence together with the nature of the detected Prohibited Substances, indicated to the FEI that the PR used some products/medicines in order to prepare Horse I for competitions. Such measures taken by the PR led the FEI to conclude that the products containing Prohibited Substances to the Horse I were intentionally administered.
- (v) The FEI stated that as the PR was the rider and the registered Trainer of Horse I, and as provided in the particulars of the case, Trainers in the Endurance discipline are the main decision makers regarding horses they are registered for and as such they are responsible for decisions regarding the feed and supplements (if any) of the horse; shoeing type and cycle; choice of the veterinarian; veterinarian treatments including any administration of medications; training regime and exercise program; competition schedule, etc. The FEI therefore submitted that the claim that a "cocktail" of Prohibited Substances was administered to Horse I without the knowledge of the responsible Trainer, whether it was an intentional and direct administration of the Prohibited Substances with the aim of enhancing performance at the sports competitions or whether it was highly negligent behaviour on the part of the PR was impossible. Furthermore, the FEI noted that the PR did not submit any reliable and/or convincing evidence regarding (a) the source of the Prohibited Substances, (b) his lack of knowledge on the administration of the Prohibited Substances to the Horse.
56. In this regard, the FEI referred to the recent FEI Tribunal Decision dated 4 November 2020 in the case of MORO TIANKO, wherein the FEI Tribunal agreed with the FEI that when there is a "cocktail" of Prohibited Substances (including Banned Substances) detected in the horse's sample, the combination of those Prohibited Substances could not have been connected with any legitimate medical treatment, as there was no reliable explanation from the PR on how the Prohibited Substances entered the horse's body and nature of the Prohibited Substances indicated the possible performance enhancing effects –and as such these were considered as aggravating circumstances and the sanction imposed on the PR was increased. In that

case the FEI Tribunal ultimately sanctioned the PR with three (3) years of Ineligibility Period in comparison to the standard two (2) years of Ineligibility.

57. In the FEI's opinion, the Case 2019/BS07 WALFAN presented many similarities to Case 2019/BS08 MORO TIANKO and therefore the FEI submitted that the aggravating circumstances outlined are similarly present in the First Anti-Doping Rule Violation committed by the PR.
58. **FEI's submissions on Applicable Sanction / Ineligibility Period:**

In relation to the Rules governing multiple violations, Article 10.8 of the ECM Rules governs situations with Multiple Violations and in particular Article 10.8.1 of the ECM Rules provides that: *'For a Person Responsible and/or member of the Support Personnel's second ECM Rule violation (within the previous 4 years), the period of Ineligibility shall be the 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 Article 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.*

*The period of Ineligibility established above may then be further reduced by the application of Article 10.6.'*

59. Furthermore, the FEI presented that Article 10.8.2 of the ECM Rules specifies that: *'For a third ECM Rule violation, within the previous 4 years, the Hearing Panel shall have the discretion to increase the Sanction to up to 4 years of Ineligibility. For a fourth or more ECM Rule violation, within the previous 4 years, the Hearing Panel shall have the discretion to impose a lifetime period of Ineligibility and shall in no circumstances render a Sanction of less than 4 years Ineligibility.*

*The conditions set out in Articles 10.8.1 and 10.8.2 above shall apply in case one or more of the rule violations previously committed were EAD Rule violations. However, these Articles shall also be applicable if the EAD Rule violation preceding the current ECM Rule violation occurred in the previous 10 years.'*

60. Finally, the FEI noted that Article 10.8.4.1 of the ECM Rules stipulate that: *'For purposes of imposing sanctions under Article 10.8, an ECM Rule violation will only be considered a second violation if FEI can establish that the Athlete or other Person committed the second ECM Rule violation after the Person Responsible or other Person received notice pursuant to Article 7, or after the FEI made reasonable efforts to give notice of the first ECM Rule violation. If the FEI cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction.'*
61. The FEI explained that the above-mentioned Rules provide for certain pre-conditions that need to be fulfilled in order for a violation to be considered a subsequent violation (second, third, etc.) in terms of applying a sanction:
- a) the ECM Rules violations must occur within four (4) years period and the EAD Rule violation preceding the ECM rule violations must have occurred in the previous ten (10) years;
  - b) the Person will be considered to have committed subsequent anti-doping rule violations, only if the FEI can establish that this Person committed the subsequent violation after he/she received a notice pursuant to Article 7 (of the ECM or EAD Rules respectively), or after the FEI made reasonable efforts to give notice of the previous anti-doping rule violations.
62. The FEI submitted that in the present matter, the first anti-doping rule violation (the EAD Rule violation) happened on 2 February 2019, the second anti-doping rule violation (the ECM Rule violation) occurred on 9 March 2019 and the third anti-doping rule violation (the ECM Rule violation) took place on 1 February 2020 and as such all of the three anti-doping rule violations happened within a one (1) year period and consequently the first pre-condition for applying sanctions for multiple rules violations is fulfilled.
63. Regarding the second pre-condition, the following observations were presented by the FEI which fulfilled the second pre-condition for applying sanctions for multiple rules violations in the present matter:
- a) The PR committed the first anti-doping violation on 2 February 2019, and he was notified about the respective charges through the Notification Letter dated 4 March 2019. On 6 March 2019, the FEI received an email from the Saudi Arabian Equestrian Federation which confirmed that the PR and the Owner of the Horse I were notified regarding the charges in the case 2019/BS07 WALFAN;

- b) The APR committed the second anti-doping rule violation on 9 March 2019 (after he was advised about the first anti-doping rule violation as demonstrated above) and he was notified about the second anti-doping rule violation and the respective charges through the Notification Letter dated 4 April 2019;
- c) The APR committed the third anti-doping rule violation on 1 February 2020 (after he was advised about the first and the second anti-doping rule violation as demonstrated above) and he was notified about the third anti-doping rule violation and the respective charges through the Notification Letter dated 31 March 2020.
64. Consequently, the FEI submitted that the first, second and third anti-doping rule violations shall be considered as separate violations for purposes of deciding on the applicable Ineligibility Period in the current proceedings.
65. The FEI explained that the Applicable Ineligibility Period must be examined in greater detail due to the unique elements of this case which are as follows:
- It concerns three (3) subsequent anti-doping rule violations for which proceedings have been consolidated and a single decision will be issued by the FEI Tribunal;
  - Substantial delays occurred due a backlog of cases the FEI Legal Department were experiencing at this time which albeit is not attributable to the behaviour of the PR/APR in these proceedings and after such delays a third anti-doping rule violation occurred, before the first two violations were adjudicated;
  - Although the PR/APR did not compete as a rider in International Competitions since 2 February 2019, he was a registered trainer in the FEI Database and as such he violated the Provisional Suspension imposed upon him on 4 March 2019. The FEI also explicitly removed the PR/APR's name as a registered Trainer from the FEI database in 2019, following his second anti-doping rule violation, due to the Provisional Suspension. Nevertheless, he was again registered by his National Federation as a Trainer in 2020 which was a clear violation of the applicable rules.
66. Therefore, as a result of the unique circumstances of this consolidated case, the FEI presented two (2) possible scenarios regarding the imposition of the Ineligibility Period on the PR/APR, taking into account all the particulars

of these cases. Furthermore, the FEI submitted that given the extensive knowledge and experience, the FEI Tribunal is in the best position to appreciate all the particular issues of the present matter and decide on the applicable Ineligibility Period based on one of the proposed scenarios, which are outlined in the following paragraphs.

**Scenario 1 – stricter approach**

67. If adopted by the FEI Tribunal, the first scenario supports that sanctions for each anti-doping rule violation are established separately and calculated to give a total Ineligibility Period to be imposed on the PR/APR of the three (3) separate anti-doping rule violations. The rationale for this approach is that:
- a) in normal circumstances the PR/APR would have been first sanctioned for his first anti-doping rule violation and would have served the sanction in its entirety; then he would commit the second anti-doping rule violation, been sanctioned and he would serve the second sanction in its entirety and finally he would commit the third anti-doping rule violation, sanctioned for it and serve the third sanction in its entirety;
  - b) in the current case however, the PR/APR violated the terms of the Provisional Suspension by being a registered Trainer in the FEI Database on at least two occasions during his period of Provisional Suspension and as such two additional anti-doping rule violations were registered against the PR/APR in this period;
  - c) the PR/APR should not benefit in any way from the fact that all three anti-doping rule violations are considered together in order to receive a shorter sanction (as will be presented by the FEI in the second possible scenario below) in comparison to a person who has duly served a Provisional Suspension (thus did not commit any anti-doping rule violations while waiting for his/her case being heard) or in comparison to a person who has served Ineligibility Period for each of the violations separately as demonstrated in letter (a) above.
68. In accordance with the first scenario, the FEI also presented to the Tribunal each of the proposed sanctions per anti-doping rule violation separately which are as follows:

**First Anti-Doping Rule Violation**

69. Article 10.2 of the EAD Rules provides that the period of Ineligibility for a first violation of Article 2.1 of the EAD Rules (Presence of a Banned

Substance in a Horse's Sample) shall be two years, subject to potential reduction or suspension pursuant to Articles 10.4, 10.5 or 10.6 of the EAD Rules. However, the FEI maintained that given the presumption of Fault applies to each of the anti-doping rules violations presented in this case, the PR does not qualify for any reduction or suspension of the standard Ineligibility Period of two (2) years.

70. Furthermore, the FEI noted that if Article 10.7 of the EAD Rules stipulates that *'if the FEI establishes in an individual case involving an EAD Rule violation other than violations under Article 2.7 that aggravating circumstances are present which justify the imposition of a period of Ineligibility greater than the standard sanction, then the period of Ineligibility otherwise applicable shall be increased up to a maximum of four years'*. In this regard and as outlined at paragraphs 55-57 of this Decision, the aggravating circumstances presented in the First Anti-Doping Rule Violation and the case 2019/BS07 WALFAN has many similarities with the Case 2019/BS08 MORO TIANKO where the person responsible was ultimately sanctioned by the FEI Tribunal with a three (3) years of Ineligibility Period. Therefore, the FEI submitted that in the current matter and taking into account the comparable circumstances of this case, the PR should also be sanctioned with three (3) years of an Ineligibility Period for his First Anti-Doping Rule Violation in accordance with Article 10.7 of the EAD Rules.

### **Second Anti-Doping Rule Violation**

71. Article 10.8.1 of the ECM Rules provides that for the APR's (as he is categorised for this rule violation) second ECM Rule violation (which should be counted as such even if the previous violation was an EAD Rule violation in accordance with the second paragraph of the Article 10.8.2 of the ECM Rules), the period of Ineligibility shall be the 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 Article 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.'*

72. Therefore, the FEI noted that the first step is to establish a period of Ineligibility applicable to the second ECM Rule violation treated as if it were

a first violation. As already mentioned in this Decision, the presumption of Fault applies to each of the anti-doping rule violation and the APR does not qualify for any reduction or suspension of the standard Ineligibility Period of six months provided in the Article 10.2 of the ECM Rules (treated as if it were a first violation).

73. Therefore, the FEI calculated that one-half of the period of Ineligibility imposed for the first anti-doping rule violations is eighteen (18) months (36 months divided by 2 equals 18 months. Moreover, that twice the six months of Ineligibility Period results in twelve (12) months' Ineligibility Period (6 months multiplied by 2 equals 12 months). Therefore, bearing in mind all of the options provided in the Article 10.8.1 of the ECM Rules, eighteen (18) months' Ineligibility Period is the greatest.
74. Consequently, the APR should be sanctioned with additional eighteen (18) months' Ineligibility Period for his Second Anti-Doping Rule Violation in accordance with the Article 10.8.1 of the ECM Rules.

### **Third Anti-Doping Rule Violation**

75. Article 10.8.2 of the ECM rules provides that for a third ECM Rule violation (which shall be counted as such also in cases when one or more of the rule violations previously committed were EAD Rule violations in accordance with the second paragraph of the Article 10.8.2 of the ECM Rules), the Hearing Panel shall have the discretion to increase the sanction to a four (4) year period of Ineligibility. Consequently, the FEI noted that it is only reasonable and proportionate to sanction the APR , with an additional three (3) years' Ineligibility Period for his third anti-doping rule violation (double in comparison to his Second Anti-Doping Rule Violation), especially having regard to the fact that:
- a) the third anti-doping rule violation involves the same prohibited substances as in the first and second anti-doping rule violation (Phenylbutazone and Oxyphenbutazone);
  - b) the APR consciously and deliberately violated the Provisional Suspension imposed upon him by the FEI for the second time;
  - c) despite his previous experiences and anti-doping rule violations, the APR did not carry out any precautions to ensure that no Controlled Medications Substances are administered to the horses during or in the close vicinity of competitions.



76. In summary, and having regard to all of the above considerations, the FEI proposed that in terms of a stricter approach the PR/APR shall be sanctioned with a total of seven and a half (7,5) years of an Ineligibility Period (which is the addition of the three separate sanctions as detailed above) for his three separate and consecutive anti-doping rule violations arising from the subsequent cases: 2019/BS07 WALFAN & 2019/CM13 WALFAN & 2020/FT08 ANKOR CLASS.

77. **Scenario 2 – milder approach**

In the second scenario that the FEI presented the applicable Ineligibility Period shall be based on Article 10.8.2 of the ECM Rules which specifies that: *'For a third ECM Rule violation, within the previous 4 years, the Hearing Panel shall have the discretion to increase the Sanction to up to 4 years of Ineligibility. (...).'*

The rationale for this approach is that:

- a) All three (3) anti-doping rule violations are considered together in a consolidated procedure and there should be only one (1) sanction issued for those three (3) violations based on the most severe provision;
- b) Due to a high volume of cases in the FEI at that time, substantial delays occurred in the procedure which was not related to any action of the PR/APR resulting in occurrence of a third anti-doping rule violation before the first two anti-doping rule violations were dealt with;
- c) Given the above circumstances, the present matter is uncommon, and the FEI acknowledged that it should be treated accordingly when there are:
  - three separate anti-doping rule violations;
  - the first anti-doping rule violation involves two Banned Substances which should never be found in a horse's system;
  - aggravating circumstances present in the First Anti-Doping Rule Violation as detailed at paragraphs 55-57 of this Decision;
  - two of the Substances (Phenylbutazone and Oxyphenbutazone) were present in all three Samples I, II, III collected from Horse I and Horse II indicated that no measures whatsoever were taken by the PR/APR or his staff in order to prevent the occurrence of anti-doping rule violations in the future;

- the PR/APR also consciously and deliberately violated the Provisional Suspension imposed upon him on 4 March 2019.

78. Therefore, the FEI contended that the PR/APR shall be sanctioned with the maximum sanction available under Article 10.8.2 of the ECM Rules: *'For a third ECM Rule violation, within the previous 4 years, the Hearing Panel shall have the discretion to increase the Sanction to up to 4 years of Ineligibility.'* Consequently, the PR/APR is liable to be sanctioned for four (4) years of Ineligibility Period for his anti-doping rule violations arising from the cases: 2019/BS07 WALFAN & 2019/CM13 WALFAN & 2020/FT08 ANKOR CLASS.

79. **In terms of the Starting Date of the Ineligibility Period in relation to the Violation of the Provisional Suspension:**

The FEI also made reference to Article 10.10.4 of the EAD Rules that provides: *'If a Provisional Suspension is imposed and respected by the Person Responsible and/or member of the Support Personnel, or Horse, then a credit shall be received for such period of Provisional Suspension against any period of Ineligibility which may ultimately be imposed as determined by the FEI Tribunal.'* In this regard, the PR/APR was Provisionally Suspended on 4 March 2019 as indicated in the Notification Letter of 4 March 2019.

80. Nevertheless, the FEI submitted that the PR/APR consciously and deliberately violated his Provisional Suspension: he was continually registered as a Trainer of horses in the FEI Database in both 2019 and in 2020. As such the PR/APR was the person in charge of the preparation of the horses (he was registered for) for competitions, both physically and mentally, and therefore he ought to have made the relevant key decisions about those horses during that period.

81. It was further noted that the FEI had explicitly removed the PR/APR's name as a registered Trainer from the FEI database in 2019, following his second anti-doping rule violation, due to his Provisional Suspension. Nevertheless, he was again registered by his National Federation as a trainer in 2020 which was a clear violation of the applicable rules. Notably, had the PR/APR respected the Provisional Suspension imposed upon him on 4 March 2019, the second and the third anti-doping rule violation would not have been committed.

82. In any case, from the factual circumstances of the present case it is evident that the implementation of a Provisional Suspension was not respected by the PR/APR and therefore he cannot receive any credit for it.
83. Consequently, the FEI requested that the ineligibility period imposed on the PR/APR starts from the date of the FEI Tribunal's decision in the current proceedings in accordance with the Article 10.10 of the EADCM Regulations.
84. Furthermore, the FEI submitted that pursuant to Article 9 of the EAD/ECM Rules, all competitive results obtained by the PR/APR in the Event I are disqualified with all resulting consequences (including forfeiture of any related medals, points and prizes).
85. The FEI also referred to Article 10.2 of the EAD/ECM Rules which states that a PR should also be fined up to CHF 15,000 and be ordered to pay '*appropriate legal costs*' for a violation of Article 2.1. The FEI then referenced the FEI Guidelines for Fines and Contributions towards Legal Costs for additional guidance on the appropriate fines and legal costs for these proceedings and noted that:

- a) for Banned Substance Cases, should be within a range of CHF 10'000 – 15'000 for Multiple Violations and Aggravating Circumstances;
- b) for Controlled Medication Cases, should be within a range of CHF 3'000 – 10'000 for Multiple Violations.

In addition, the Guidelines provide that the contribution towards legal costs in circumstances where there was no reduction in the Ineligibility Period should be:

- a) for Banned Substance Cases, within a range of CHF 2'000 – 7'500.
- b) for Controlled Medication Cases, within a range of CHF 1'000 – 5'000.

86. They furthered that given that the current proceedings involved three (3) separate anti-doping rule violations (Multiple Violations) and as Aggravating Circumstances are present in the First Anti-Doping Rule Violation, the FEI respectfully requested that:

- a) In the case where the FEI Tribunal decides to impose a fine on the PR/APR of seven and a half (7,5) years of an Ineligibility Period as per the stricter scenario above –the FEI requested that the PR/APR is fined thirty- five thousand (35'000) CHF, being an addition of fines imposed for each Anti-Doping Rule Violation separately (15'000 CHF for the First

Anti-Doping Rule Violation, 10'000 CHF for the Second Anti-Doping Rule Violation and 10'000 CHF for the Third Anti-Doping Rule Violation); *or alternatively*

- b) In the case where the FEI Tribunal decides to sanction the PR/APR with four (4) years of Ineligibility Period as per the milder scenario above – the FEI requested that the PR/APR is fined with fifteen thousand (15'000) CHF.
  - c) In any event, the FEI requested that the FEI Tribunal order the PR/APR to pay the legal costs that the FEI has incurred in pursuing this matter, namely four thousand (4000) CHF.
87. In conclusion, the FEI submitted a summary of their requests for relief and for the Tribunal to issue a Decision in respect of the following:
- i. upholding the charge that the PR has violated Article 2.1 of the EAD Rules in the case 2019/BS07 WALFAN (it being the First Anti-Doping Rule Violation committed by the PR);
  - ii. upholding the charge that the APR has violated Article 2.1 of the ECM Rules in the case 2019/CM13 WALFAN (it being the Second Anti-Doping Rule Violation committed by the PR);
  - iii. upholding the charge that the APR has violated Article 2.1 of the ECM Rules in the case 2020/FT08 ANKOR CLASS (it being the Third Anti-Doping Rule Violation committed by the PR);
  - iv. imposing on the PR/APR :
    - an Ineligibility Period of seven and a half (7,5) years for his three separate and consecutive anti-doping rule violations following from the cases: 2019/BS07 WALFAN & 2019/CM13 WALFAN & 2020/FT08 ANKOR CLASS, in accordance with Articles 10.2 of the EAD Rules, 10.8.1 of the ECM Rules and 10.8.2 of the ECM Rules and a fine of thirty-five thousand (35'000) CHF (first approach), *or alternatively*;
    - an Ineligibility Period of four (4) years in accordance with Article 10.8.2 of the ECM Rules and a fine of fifteen thousand (15'000) CHF (second approach);
  - v. confirming that the Ineligibility Period shall start running as of the day of the decision issued by the FEI Tribunal;

- vi. disqualifying all competitive results obtained by the PR at the CEI2\* 120 - Al Ula (KSA) held on 2 February 2019 pursuant to Article 9 of the EAD/ECM Rules;
- vii. ordering the PR/APR to pay the legal costs of four thousand (4'000) CHF that the FEI has incurred in these proceedings.

## **VI. Jurisdiction**

88. 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/APR is a member of the KSA-NF, which is a member of the FEI; therefore, the PR/APR is bound by the EADCM Regulations.

## **VII. The Decision**

89. As set forth in Article 2.1 of the EAD/ECM Rules, sufficient proof of an EAD/ECM Rule violation is established by the presence of a Banned/Medication Substance and/or its Metabolites or Markers in a Horse's Sample. The Tribunal is satisfied that the laboratory's adverse analytical findings relating to the Samples I, II, III reflect that the analytical tests were performed in an acceptable manner and that the findings of the laboratory are accurate. The Tribunal also notes that the PR/APR did not challenge the accuracy of the test results or the positive findings.
90. 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/ECM Rules.
91. Pursuant to Article 10.2.1 of the EAD/ECM Rules, the period of Ineligibility for an Article 2.1 EAD/ECM rule violation, *i.e.*, the presence of a Banned Substance in a Horse's sample is two (2) years and for the presence of a Controlled Medication Substance in a Horse's sample is six (6) months respectively, subject to a potential reduction or suspension pursuant to Articles 10.4, 10.5 or 10.6 of the EAD Rules.
92. In cases brought under the EADCM Regulations, a strict liability principle applies as described in Article 2.1.1 of the EAD/ECM Rules. Once an EAD/ECM Rule violation has been established by the FEI, the PR/APR has the burden of proving that he bears "*No Fault or Negligence*" for the rule violation pursuant to Article 10.4 of the EAD/ECM Rules, or "*No Significant Fault or Negligence*" pursuant to Article 10.5 of the EAD/ECM Rules.

93. In order for Articles 10.4 and 10.5 of the EAD Rules to be applicable, the PR/APR must establish, as a strict threshold requirement, how the Prohibited Substance entered the Horse's system.
94. As confirmed by various CAS panels as well as jurisprudence of the FEI Tribunal, the PR/APR 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 /APR's scenario must reach a 51% threshold for it to be successful.<sup>4</sup>
95. In relation to his first anti-doping rule violation (Case 2019/BS07), the PR submitted a short statement without any corroborating evidence. He made no effort to establish the source of the Prohibited Substances or how exactly they entered the Horse's system, he vaguely referred to some products/medications given to him by some pharmacies. Given the lack of evidence and the PR's/APR's letter which indicated that the Prohibited Substances in the Horse's system were the result some products/medications given to him can only be considered as mere speculation. Furthermore, the PR was the rider and registered trainer of Horse I, thus he was the person responsible for preparing Horse I both physically and mentally for competition and a key decision maker regarding the feed and supplements (if any) to be administered, shoeing type and cycle; choice of veterinarian; veterinarian treatments including any administration of medications, hence his lack of knowledge of the exact products or medication administered to Horse I is implausible. The elements of an Article 2.1 EAD Rule violation do not require "intent, fault or negligence or knowing use be demonstrated", it is a strict liability offence and as a result, the Tribunal finds that the FEI have established all the elements of the EAD Rule violation charge<sup>5</sup> to the comfortable satisfaction of the Hearing Panel.

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<sup>4</sup> 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.

<sup>5</sup> Article 10.8.6 of the EAD Rules governs violations involving both a Controlled Medication Substance or Method and a Banned Substance or Method (when they are based on the same factual circumstances). In such cases the PR *'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'*.

96. In relation to his second anti-doping rule violation, the Tribunal notes that the APR has provided no explanation for the presence of Phenylbutazone and Oxyphenbutazone nor disputed their presence in Sample II taken from Horse I. As a result, the Tribunal finds that the FEI has established its burden of proof on the balance of probabilities (in accordance with Article 3.1 of the ECM Rules) that the APR has violated Article 2.1 of the ECM Rules.
97. In relation to his third anti-doping rule violation, the APR is charged with a violation of Article 2.1 of the ECM Rules based on the Laboratory's adverse analytical findings of the Controlled Medication Substances Phenylbutazone and Oxyphenbutazone in the Horse's II Sample III collected at the Event III. Similarly, to the second anti-doping rule violation, the FEI's burden of proof is established by evidence that these Controlled Medication Substances were present in the horse's sample. In any event the APR did not dispute the presence of Phenylbutazone and Oxyphenbutazone nor provide any explanation for the adverse findings and as such the Tribunal finds that the FEI has discharged its burden of establishing the APR violated Article 2.1 of the ECM Rules in this third case.
98. Furthermore, the Tribunal note that the PR/APR has failed to establish how the prohibited substances entered Horse I and Horse's II bodies in all three anti-doping rule violations and therefore where the first hurdle has not been met, *i.e.*, establishing the source of the Banned and/or Controlled Medication Substance, the Tribunal cannot continue with the second step and evaluate the PR's/APR's degree of fault. The Tribunal finds that under Articles 10.4 and 10.5 of the EAD Rules no reduction can be granted for any of these violations. Consequently, the presumption of Fault as stipulated in Article 10.2 of the EAD/ECM Rules shall stand for each of the three anti-doping rule violations.
99. Having regard to the imposition of the Ineligibility Period on the PR/APR the Tribunal notes that the FEI have presented two possible scenarios to be considered when taking into account all the particulars of this case and if adopted will result in either (a) a first scenario that supports a stricter sanctioning regime whereby each anti-doping rule violation is considered separately and calculated to give a total Ineligibility Period to be imposed on the PR/APR of the three (3) separate anti-doping rule violations or (b) a second scenario wherein the applicable Ineligibility Period shall be based on Article 10.8.2 of the ECM Rules which specifies that: *'For a third ECM Rule violation, within the previous 4 years, the Hearing Panel shall have the discretion to increase the Sanction to up to 4 years of Ineligibility. (...)'*.

**Scenario A:**

In the case where the Tribunal decides to impose the first scenario on the PR/APR, it is noted that each anti-doping violation is established separately and will ultimately result in seven and a half (7,5) years of an Ineligibility Period (taking into account the detailed calculations as outlined at paragraphs 67-76 of this Decision) and the FEI have requested that the PR/APR is fined thirty- five thousand (35'000) CHF, being an addition of fines imposed for each Anti-Doping Rule Violation separately (15'000 CHF for the First Anti-Doping Rule Violation, 10'000 CHF for the Second Anti-Doping Rule Violation and 10'000 CHF for the Third Anti-Doping Rule Violation); *or alternatively*

**Scenario B:**

The Tribunal notes that in the second scenario presented the applicable Ineligibility Period is based on Article 10.8.2 of the ECM Rules which specifies that: *'For a third ECM Rule violation, within the previous 4 years, the Hearing Panel shall have the discretion to increase the Sanction to up to 4 years of Ineligibility. (...)'* and that the rationale for this approach is that all three (3) anti-doping rule violations are considered together in a consolidated procedure and there should be only one (1) sanction issued for those three (3) violations based on the most severe provision.

Therefore, the Tribunal notes under this scenario the PR/APR shall be sanctioned with the maximum sanction available under Article 10.8.2 of the ECM Rules: *'For a third ECM Rule violation, within the previous 4 years, the Hearing Panel shall have the discretion to increase the Sanction to up to 4 years of Ineligibility.'* Consequently, the PR/APR is accountable for a four (4) year Period for his anti-doping rule violations arising from the cases: 2019/BS07 WALFAN & 2019/CM13 WALFAN & 2020/FT08 ANKOR CLASS

100. Thus, having reviewed the sanctioning scenarios proposed by the FEI for this consolidated case, the Tribunal must firstly consider the aggravating circumstances raised by the FEI before we can assess the appropriate scenario to implement. In this regard the Tribunal note that in the Case 2019/BS07 WALFAN- the First Anti-Doping Rule Violation aggravating circumstances have been established by virtue of the following factors:

- Sample I returned an adverse finding of three (3) different Prohibited Substances: two (2) of them being a Banned Substance and one (1) of them being Controlled Medication Substances (plus one metabolite of a Controlled Medication Substance);



- In addition, no evidential explanations were presented to the FEI in order to determine the exact source of those Prohibited Substances hence the presumption of fault as stipulated in Article 10.2 of the EADCM Rules shall apply;
- The combination of the detected Prohibited Substances- Reserphine, Heptaminol, Phenylbutazone, Oxyphenbutazone and the nature of their use in this context is unusual i.e., at the preparation stage pre-competitions, and as such they cannot be associated with any form of a legitimate medical treatment and suggests that such administration was for intentional purposes;
- As already noted by the Tribunal at paragraph 95 of this Decision, in relation to the first anti-doping rule violation (Case 2019/BS07), the PR only submitted a short letter without any corroborating evidence. Taking into account the dearth of evidence so far available and the PR's/APR's apology letter suggesting that the Prohibited Substances in the Horse's system were the result of some products/medications given to him by the pharmacy does not carry any evidential weight to this case;
- Additionally, as already noted, the PR was the rider and registered trainer of Horse I, and as such he was the key decision maker and person responsible for preparing the Horse I both physically and mentally for competition regarding the feed and supplements (if any) to be administered, shoeing type and cycle; choice of veterinarian; veterinarian treatments including any administration of medications, hence he should have detailed knowledge of the exact products or medication administered to Horse I.

101. Accordingly, and having regard to the abovementioned aggravating factors, the Tribunal note that pursuant to Article 10.7 of the EAD Rules wherein it states that if in a case involving an EAD Rule violation, a presence of aggravating circumstances is established, *'then 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'*.

In this regard, the Tribunal also refers to their previous jurisprudence in the recent case of MORO TIANKO dated 4 November 2020, wherein the

Tribunal noted that when there is a “cocktail” of Prohibited Substances (including Banned Substances) detected in the horse’s sample, the combination of those Prohibited Substances could not have been connected with any legitimate medical treatment and no reliable explanation is provided from the PR as to their origins other than possible performance enhancing effects –these were considered as aggravating circumstances and the sanction imposed on the PR was increased. In that case the Tribunal ultimately sanctioned the PR with three (3) years of Ineligibility Period in comparison to the standard two (2) years of Ineligibility.

102. The Tribunal considers that the Case 2019/BS07 WALFAN in these proceedings is very similar to Case 2019/BS08 MORO TIANKO and therefore the aggravating circumstances outlined are similarly present in the First Anti-Doping Rule Violation committed by the PR in respect of the first case in these proceedings and period of Ineligibility may be increased. In addition to the seriousness of the aggravating circumstances presented and evaluated, the Tribunal also takes into account the irresponsibility of each of these three (3) violations combined and the repetitive and consistent breaches without any logical explanation provided by the PR/APR of the EADCM violations and violation of the terms of the Provisional Suspension in place despite reminders from the FEI and his own National Federation of these charges. In addition, all such violations were committed by an experienced rider and trainer. Having regard to the latter, the Tribunal submits that the stricter sanctioning approach is the appropriate scenario for the violations as detailed in this Decision at paragraphs 67-76.

103. In respect of fines and costs to be considered, the Tribunal note that in accordance with Article 10.2 of the EADCM Rules that for a violation of an Article 2.1, a Person Responsible shall be fined up to fifteen thousand (15’000) CHF and appropriate legal costs shall also be imposed. The FEI Guidelines for Fines and Contributions Towards Legal Costs (the **Guidelines**) further specifies that fines:

- for Banned Substance Cases, should be within a range of CHF 10’000 – 15’000 for Multiple Violations and Aggravating Circumstances;
- for Controlled Medication Cases, should be within a range of CHF 3’000 – 10’000 for Multiple Violations.

In addition, the Guidelines provide that the contribution towards legal costs in case there was no reduction in the Ineligibility Period should be:

- for Banned Substance Cases, within a range of CHF 2’000 – 7’500;

- for Controlled Medication Cases, within a range of CHF 1'000 – 5'000.

Having regard to the current proceedings which involve three (3) separate anti-doping rule violations (Multiple Violations) and the Aggravating Circumstances present in the First Anti-Doping Rule Violation, the Tribunal accepts that when implementing the stricter scenario the PR/APR may be fined thirty five thousand (35'000) CHF, being an addition of fines imposed at the top-end of the guidelines for each Anti-Doping Rule Violation separately giving the seriousness of the cases (15'000 CHF for the First Anti-Doping Rule Violation, 10'000 CHF for the Second Anti-Doping Rule Violation and 10'000 CHF for the Third Anti-Doping Rule Violation).

Finally having regard to the Guidelines and the parameters outlined in relation to the legal costs, the Tribunal also orders a contribution to the legal costs that the FEI has incurred in pursuing this matter of four thousand (4000) CHF taking into account the contribution guidelines above and the proposal submitted by the FEI who have been processing this case to date and the costs attributed to same.

### **VIII. Disqualification of Results**

104. In accordance with Article 9 of the EAD Rules wherein it provides that an EAD Rule 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 Consequences, including forfeiture of any related medals, points and prizes'*, the same principle is applicable for a violation of Article 9 of the ECM Rules and as a result both rules apply.
105. Consequently, and for reasons of ensuring a level playing field, the Tribunal confirms the disqualification of all competitive results obtained by the PR in the Event I with all resulting Consequences (including forfeiture of any related medals, points, and prizes) in accordance with Articles 9 of the EAD/ECM Rules. Disqualification of the results in relation to Event II and Event III are not applicable as he was ultimately prevented from competing in Event II since they (the PR and Horse I) were provisionally suspended since 4 March 2019. In respect of Event III, the APR was already under a Provisional Suspension since 4 March 2019 despite failing to comply with the conditions of this suspension.

### **IX. Terms of the Decision**

106. In summary, the Tribunal imposes the following sanctions on the PR/APR in accordance with Article 169 of the GRs, Article 10 of the EAD/ECM Rules and Article 10.7 of the EAD Rules:
- a. upholds the charge that the PR has violated Article 2.1 of the EAD Rules in the case 2019/BS07 WALFAN (the First Anti-Doping Rule Violation committed by the PR);
  - b. upholds the charge that the APR has violated Article 2.1 of the ECM Rules in the case 2019/CM13 WALFAN (the Second Anti-Doping Rule Violation committed by the APR);
  - c. upholds the charge that the APR has violated Article 2.1 of the ECM Rules in the case 2020/FT08 ANKOR CLASS (the Third Anti-Doping Rule Violation committed by the APR);
  - d. imposes on the PR/APR an Ineligibility Period of seven and a half **(7,5)** years for his three separate and consecutive anti-doping rule violations following from the cases: 2019/BS07 WALFAN & 2019/CM13 WALFAN & 2020/FT08 ANKOR CLASS, in accordance with Articles 10.2 of the EAD Rules, 10.8.1 of the ECM Rules and 10.8.2 of the ECM Rules and a fine of **thirty-five thousand Swiss Francs (CHF 35'000)**;
  - e. confirms that the Ineligibility Period shall start running as of the day of the decision issued by the FEI Tribunal;
  - f. disqualifies all competitive results obtained by the PR at the CEI2\* 120 - Al Ula (KSA) held on 2 February 2019 pursuant to Article 9 of the EAD/ECM Rules;
  - e. orders the PR/APR to pay the legal costs of **four thousand Swiss Francs (CHF 4'000)** CHF that the FEI has incurred in these proceedings.
107. In accordance with Article 10.11.1 of the EADCM Rules No PR/APR 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.
108. In accordance with Article 10.11.3 of the EAD Rules and 10.11.2 of the ECM

Rules), where a PR/APR who has been declared Ineligible violates the conditions as set out in paragraph 107 of this Decision 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.

109. According to Article 165 of the GRs, the present decision is effective from the day of the written notification to the Parties concerned.

110. In accordance with Article 12.2 of the EAD/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 the present notification.

**X. DECISION TO BE FORWARDED TO:**

**a. The Parties: Yes**

**b. The Secretary General of the NF of the person sanctioned: Yes**

**c. The President of the Organising Committee of the Event through his NF: No**

**d. Any other: No**

**FOR THE FEI TRIBUNAL**

A handwritten signature in blue ink, appearing to read 'Torrente', with a large, stylized initial 'T' at the beginning.

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**Mr Cesar Torrente, One-Member Panel**