

DECISION of the FEI TRIBUNAL

dated 1 July 2021

(FEI Case number: FEI 2020/BS02-BLUE DIAMOND)

FEI Tribunal Hearing Panel:

Ms. Diane Pitts

FEI Tribunal Reference: C21-0016

Horse/Passport: **BLUE DIAMOND/106HE36/JOR**

Person Responsible/ID/NF: Mr Fahad ALKHARMANI/10072564/KSA

Trainer/ID/NF: Mr Anas AL SAIED/10185797/JOR

Event/ID: CEI2* 120 – Wadi Rum (JOR), 2019_CI_1688_E_S_02

Date of Event: 13-14.11.2019

Prohibited Substances: Diisopropylamine

Bar Code Nos.: 5588193

I. Factual background

- 1.** Mr Fahad ALKHARMANI (FEI ID 10072564), the Person Responsible (**the PR**), is a rider for Saudi Arabia.
- 2.** Mr Anas AL SAIED (FEI ID 10185797), was the registered Trainer of the Horse in the FEI database at the time of the Event, the Additional Person Responsible (**the APR**).
- 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 sport. The FEI is the governing body of the FEI equestrian disciplines (Dressage, Jumping, Eventing, Driving, Endurance, Vaulting, Reining, Para-Equestrian).
- 4.** The PR competed with the horse, BLUE DIAMOND (**the Horse**) at the CEI2* 120 – Wadi Rum (JOR), 2019_CI_1688_E_S_02 (**the Event**).
- 5.** Blood 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", with collective reference number 5588193.
- 6.** The laboratory analysis of the A sample reported an adverse analytical finding for Diisopropylamine in the blood sample, which is a "Banned Substance" under the FEI's Equine Prohibited List.
- 7.** Diisopropylamine is a vasodilator used in the treatment of peripheral and cerebral vascular disorders and is classified as a Banned Substance under the FEI Equine Prohibited List. The positive finding of Diisopropylamine in the A Sample gave rise to an Anti-Doping Rule Violation under the Equine Anti-Doping and Controlled Medications Regulations (**the EADCMRs**).
- 8.** The EADCMRs applicable to these proceedings were adopted by the FEI 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 Most relevantly for present purposes, Article 2.1 of the Equine Anti-Doping

¹ Introduction to the EADCMR at p 2.

Rules² (EAD Rules) prohibits *'The presence of a Banned Substance or its Metabolites or Markers in a Horse's Sample'*. Furthermore, under Article 2.2 of the EAD Rules, the *'Use or Attempted Use of a Banned Substance or Banned Method'* are prohibited.

9. In addition, the administration of a Banned Substance at any time to horses competing in events to which the EAD Rules apply constitutes a violation of Article 2.2 of the EAD Rules, and its presence in a horse's sample at any time constitutes a violation of Article 2.1 of the EAD Rules.

II. Initial Proceedings

10. On 13 January 2020, the FEI Legal Department officially notified the PR and the APR through the National Federation of the Saudi Arabia (**the KSA-NF**) and the National Federation of Jordan (**JOR-NF**), respectively, of the presence of the Prohibited Substances in the A sample collected at the Event, the rule violation, and the potential consequences (**the Notification Letter**). In accordance with Article 7.4.1 of the EAD Rules, the Notification Letter also included notice that the PR and the APR were provisionally suspended from all competition until further notice from 13 January 2020 and granted them the opportunity to be heard at a Preliminary Hearing before the FEI Tribunal (**the Tribunal**) pursuant to Article 7.4.4 of the EAD Rules.
11. The Notification Letter also included notice that the Horse was also provisionally suspended for a period of two months, from the date of the Notification Letter, i.e., 13 January 2020 until 12 March 2020. The Provisional Suspension of the Horse was not challenged, and the Horse served the entire two-month period.
12. The PR and the APR were also informed in the Notification Letter of their right to request an analysis of the B sample, neither the PR nor the APR requested for a B sample analysis and this right was therefore waived.

III. Further Proceedings

13. By email dated 30 March 2021, the FEI submitted its request to the Tribunal

² Article 10.8.6 EAD Rules: 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.

for the appointment of a hearing panel.

- 14.** On 27 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 30 April 2021. The PR and APR were also granted the opportunity to respond to the FEI's allegations by submitting their respective positions by 17 May 2021. The PR and APR were 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 20 May 2021, failing which the right for an oral submission would be deemed as waived.
- 15.** On 27 April 2021, the FEI informed the Tribunal that it did not have any objections to the constitution of the hearing panel.
- 16.** Neither the PR nor APR communicated any objections to the composition of the hearing panel. Therefore, by not responding within the deadline, it was deemed that they agreed to the constitution of the hearing panel.
- 17.** Neither Party requested an oral hearing.

IV. Summary of Legal Authority

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

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

General Regulations, 24th edition, January 1st, 2019, Arts. 118, 143.1, 159, 164, 165 and 167 ("**GRs**").

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

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

FEI Equine Anti-Doping Rules ("**EAD Rules**"), 2nd edition, changes effective

January 1st, 2019.

FEI Equine Controlled Medication Rules ("**ECM Rules**"), 2nd edition, changes effective 1st, January 2019.

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

FEI Endurance Regulations ("**ERs**") effective January 1st 2019.

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.

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”.

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”.

Article 800 of the Endurance Rules: “the Trainer” is defined as the person who is in charge of the preparation of the Horse both physically and mentally for Competition. Prior to the Event, the Trainer is responsible for the conditioning of the Horse for the Competition which involves the exercise programme, nutrition of the Horse, seeking appropriate veterinary care and the administration of therapeutic substances under veterinary advice”.³

V. The Parties’ Submissions

The Submissions of the PR

18. The PR submitted a short statement to the FEI wherein he stated that:

³ Due to the above 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. This was further confirmed in the recent FEI Tribunal Decision of the cases 2019/FT07 and 2019/CM08 CASTLEBAR CADABRA and 2019/CM06 VAGABON DE POLSKI.³

"Based on your desire to clarify what happened in the Wadi Rum race. I am a Saudi Rider from the Kingdom of Saudi Arabia. I attended hours before the race and I hired a Jordanian horse. The trainer is also Jordanian. I left immediately after the race and I did not know about the use of any medicine because who takes care of the horse was the Jordanian trainer."

The PR submitted no further evidence other than the above statement despite the FEI sending reminders to the PR via the KSA-NF on 4 March 2021.

The Submissions of the APR

- 19.** The FEI confirmed that no information was received from the APR in relation to this case. Thus, the APR has not provided any possible reason or source in respect of the positive finding for Diisopropylamine in the Horse, despite reminders sent by the FEI to the JOR-NF on 4 March 2021 to furnish the FEI with his explanation for such finding.

Written Response of the FEI

- 20.** In respect of the violation of the EADCMRs of the PR and the APR, the FEI noted Article 3.1 of the EAD Rules makes it the FEI's burden to establish all the elements of the EAD Rule violation charged, to the comfortable satisfaction of the FEI Tribunal. Furthermore, the FEI stated that the elements of an 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. As such, the results of the analysis of the A Sample taken from the Horse at the Event confirming the presence of Diisopropylamine constituted sufficient proof of the violation of Article 2.1 of the EAD Rules.
- 21.** The FEI also pointed out that neither the PR nor the APR disputed the presence of Diisopropylamine in the Horse's Sample. Accordingly, the FEI respectfully submitted that it discharged its burden of establishing that the PR and the APR violated Article 2.1 of the EAD Rules.

Disqualification of results

- 22.** The FEI also noted that in respect of these proceedings Article 9 of the EAD Rules is applicable which 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". This rule will be applied even if the period of Ineligibility is reduced or eliminated under Article 10, e.g., on the basis of No (or No Significant) Fault or Negligence. In addition, the FEI explained 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 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 EAD Rules. In cases of team competition, Article 11 EAD Rules is also applied.

- 23.** The FEI highlighted that there is a presumption of intentional administration in order to enhance performance i.e., Where a Banned Substance is found in a horse's sample, a clear and unequivocal presumption arises under the EAD Rules that it was administered to the horse deliberately, in an illicit attempt to enhance its performance. The FEI furthered that as a result of the presumption of fault, Article 10.2 of the EAD Rules provided that a PR/APR (for the purposes of this case "he" refers to the PR and APR) with no previous doping offences who violates Article 2.1 of the EAD Rules 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 rules specify that he must establish to the satisfaction of the Tribunal (it being his burden of proof, on the balance of probability⁴):
- How the Prohibited Substance (here, Diisopropylamine entered into the horse's system; and
 - That he bears No Fault or Negligence for that occurrence, i.e., that he did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he had administered to the horse (or the horse's system otherwise contained) a Banned Substance (in which case, the presumptive two-year period of Ineligibility is eliminated completely pursuant to Article 10.4 of the EAD Rules); or
 - That he bears No Significant Fault or Negligence for that occurrence (in which case, the presumptive two-year period of ineligibility may be

⁴ Art 3.1 EAD Rules

reduced by up to 50%, depending on his degree of fault, pursuant to Article 10.5 of the EAD Rules).

- 24.** The FEI further explained that if the PR and APR failed to discharge this burden, the presumption of intentional administration to enhance performance stands, and therefore the presumptive two-year ban under Article 10.2 is applied.
- 25.** In respect of the 'threshold' requirement and proving how Diisopropylamine entered into the Horse's system, the FEI referred to the EAD Rules, and the jurisprudence of the FEI Tribunal and the CAS which are clear, that it is a strict threshold requirement of any plea of No (or No Significant) Fault or Negligence that the PR/APR prove how the substance entered into the Horse's system. They furthered that this requirement must be strictly applied because without such proof it would be impossible to assess the PR's/APR's degree of Fault or Negligence (or No Significant Fault or Negligence) for the presence of the Banned Substance in the Horse.
- 26.** The FEI submitted in this context that the PR and APR must provide clear and convincing evidence how Diisopropylamine entered the Horse's system. However, in these proceedings, the FEI noted the PR only provided a short statement where he explained that he is a Saudi Arabian rider who attended just hours before the ride and had hired a Jordanian horse, and that the Trainer is also Jordanian. Furthermore, that he left immediately after the race and did not know about the use of any medicine because it was the Trainer who took care of the Horse. The FEI confirmed that nothing further was submitted. Thus, the FEI submitted that the threshold requirement of proving how the Prohibited Substance Diisopropylamine entered the horse's system, was therefore not fulfilled, neither by the PR nor the APR.
- 27.** In terms of the degree of Fault and Negligence by the PR/APR for the rule violation, the FEI outlined that the starting point of any evaluation is the "*personal duty*" of the PR following from Article 2.1.1 of the EAD Rules, i.e., his personal duty to ensure that "*no banned substance is present in the Horse's body*". Furthermore, they explained definitions of *Fault*, as defined in Appendix 1 of the EAD Rules (Emphasis added):

"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."

- 28.** In respect of the arguments relating to "Fault", the FEI 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. They furthered that it is a PR's personal duty to ensure that no Banned Substance is present in the Horse's body and that for No Fault or Negligence to be applied, pursuant to the Definition of No Fault or Negligence, the PR had to establish that he did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he had administered to the Horse, or the Horse's system otherwise contained, a Banned Substance.
- 29.** The FEI maintained that the PR and APR failed to establish the source of Diisopropylamine present in the Horse's sample and as such this threshold requirement was not fulfilled. A result of which the FEI submitted that there can be no reduction of the standard sanction for Banned Substances, namely two (2) years ineligibility period in accordance with Art 10.2 EAD Rules.
- 30.** The FEI also considered that due to the lack of information on the circumstances that led to this Equine Anti-Doping Rule Violation the FEI cannot evaluate the PR's and APR's level of Fault or Negligence for the Rule Violation, if any, according to Art. 10.4 and Art. 10.5 of the EAD Rules. Consequently, no elimination or reduction of the standard period of

⁵ Veterinary Regulations Article 1055

Ineligibility as stated in Art 10.2 EAD Rules in this case is possible under Article 10.4. or Art. 10.5 of the EAD Rules.

- 31.** The FEI therefore respectfully submitted that the applicable period of Ineligibility to be imposed on the PR and APR in the present case shall be two (2) years, respectively.
- 32.** In respect of the matter of fines and costs, the FEI referred to Article 10.2 of the EAD Rules, which provide that a Person Responsible for an Article 2.1 violation should also be fined up to CHF 15,000 'unless fairness dictates otherwise' and should be ordered to pay 'appropriate legal costs'. The FEI respectfully submitted that fairness does not dictate that no fine be levied in this case and requested that a fine be imposed on the PR and APR and that they be ordered to pay the legal costs that the FEI incurred pursuing this matter.
- 33.** In summary and considering all the particulars of these proceedings, the FEI requested the following prayers for relief:

In respect of the PR

- (i) upholding the charge that the PR has violated Article 2.1 of the EAD Rules;
- (ii) disqualifying 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 EAD Rules;
- (iii) imposing a period of Ineligibility of two (2) years on the PR, commencing on the date of the decision, and crediting the Provisional Suspension already served as of 13 January 2020 (the date upon which the Provisional Suspension was imposed);
- (iv) fining the PR, a fine of 7 500 CHF; and
- (v) ordering the PR to pay the legal costs of 2 000 CHF that the FEI has incurred in these proceedings.

In respect of the APR - Trainer

- (vi) upholding the charge that the APR (Trainer) has violated Article 2.1 of the EAD Rules;
- (vii) imposing a period of Ineligibility of two (2) years on the APR, commencing on the date of the decision, and crediting the Provisional Suspension already served as of 13 January 2020 (the date upon which the Provisional Suspension was imposed);

- (viii) fining the APR a fine of 7 500 CHF; and
- (ix) ordering the APR to pay the legal costs of 2 000 CHF that the FEI has incurred in these proceedings.

VI. Jurisdiction

- 34.** 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 and APR are members of the KSA-NF and the JOR-NF respectively, which are members of the FEI, as such the PR and APR are bound by the EAD Rules.

VII. The Decision

- 35.** Given the FEI's single charge of Article 2.1 of the EAD Rules and the wording of Article 10.8.6 of the EAD Rules, this decision will refer to the EAD Rules only. As set forth in Article 2.1 of the EAD Rules, sufficient proof of an EAD Rule violation is established by the presence of a Banned Substance in the Horse's sample. The Tribunal is satisfied that the laboratory reports relating to the A sample reflect that the analytical tests were performed in an acceptable manner and the findings of the laboratory are accurate. The Tribunal is further satisfied that the test results evidenced the presence of Banned Substances in the A sample taken from the Horse at the Event. The Tribunal notes that the PR and APR did not challenge the accuracy of the test results or the positive findings.
- 36.** As a result, the Tribunal accepts that FEI has established the adverse analytical findings and has sufficiently proven the objective elements of the violation in accordance with Article 3 of the EAD Rules.
- 37.** Pursuant to Article 10.2.1 of the EAD Rules, the period of Ineligibility for an Article 2.1 EAD rule violation, *i.e.*, the presence of a Banned Substance in a Horse's sample is two (2) years, subject to a potential reduction or suspension pursuant to Articles 10.4, 10.5 or 10.6 of the EAD Rules.
- 38.** In cases brought under the EADCMRs, a strict liability principle applies as described in Article 2.1.1 of the EAD Rules. Once an EAD Rule violation has been established by the FEI, the PR and APR have the burden of proving that they bear "*No Fault or Negligence*" for the rule violation pursuant to Article 10.4 of the EAD Rules, or "*No Significant Fault or Negligence*" pursuant to Article 10.5 of the EAD Rules.

39. In order for Articles 10.4 and 10.5 of the EAD Rules to be applicable, the PR and APR must establish, as a threshold requirement, how the Prohibited Substance entered the Horse's system.
40. As confirmed by various CAS panels as well as FEI Tribunals, the PR and APR must present facts substantiated with concrete evidence. Speculation or theoretical possibilities are not sufficient. The PR submitted a statement dated 18 March 2021 to the FEI without any supporting evidence wherein he alleged that he attended the Event hours before the race and hired a Jordanian horse. He confirmed that he had no knowledge about the use of any medicines administered to the Horse as it is the Trainer who takes care of the Horse. Despite such confirmations as to lack of knowledge of the medicines administered to the Horse, the PR did not dispute the presence of Diisopropylamine in the Horse's sample and did not provide any reason for it being there. Thus, given the lack of evidence or explanations, the Tribunal finds that the PR has not established – on a balance of probability – how the Banned Substance of Diisopropylamine entered the Horse's system.
41. Where the first hurdle has not been met, *i.e.*, establishing the source of the Banned Substance, the Tribunal cannot continue with the second step and evaluate the PR's and APR's degree of fault. The Tribunal finds that no reduction under Articles 10.4 and 10.5 of the EAD Rules is warranted in this case.
42. The Tribunal further agrees with the FEI's recommendation for the fine and costs.

VIII. Disqualification of Results

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

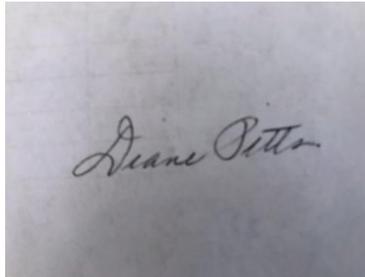
IX. Sanctions

44. In summary, the Tribunal imposes the following sanctions on the PR and APR in accordance with Article 169 of the GRs and Article 10 of the EAD Rules:
 - a. upholds the charge that the PR and APR violated Article 2.1 of the EAD Rules;

- 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 EAD Rules;
 - c. imposes a period of Ineligibility of two (2) years on both the PR and APR. 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 and APR will each be ineligible until 12 January 2022;
 - d. the PR and APR are each fined in the amount of **seven thousand five hundred Swiss Francs (CHF 7,500) each**; and
 - e. the PR and APR will each contribute **two thousand Swiss Francs (CHF 2,000)** for costs that the FEI has incurred in these proceedings.
- 45.** No PR and 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 (Article 10.11.1 of the EAD Rules).
- 46.** Where a PR or APR who has been declared Ineligible violates the conditions as set out in paragraph 45 during Ineligibility, the results of any such participation will be disqualified and a new period of Ineligibility equal in length up to the original period of Ineligibility will be added to the end of the original period of Ineligibility. In addition, further sanctions may be imposed if appropriate (Article 10.11.3 of the EAD Rules).
- 47.** In addition, the Tribunal notes that although the APR has a prior Administrative Procedure with the FEI, such Administrative Procedure does not constitute a prior violation for purposes of this decision. The Tribunal does, however, request that the FEI take note of the fact that this is the second case in less than a year involving the horse Blue Diamond and a Banned or Controlled Substance.
- 48.** This Decision is subject to appeal in accordance with Article 12.2 of the EAD Rules. 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.

49. This Decision shall be notified to the PR/APR and to the NF of the PR/APR, and to the FEI.
50. This Decision shall be published in accordance with Article 13.3 of the EAD Rules.

FOR THE FEI TRIBUNAL

A rectangular image showing a handwritten signature in cursive script. The signature appears to read "Diane Pitts".

Ms. Diane Pitts, One-Member Panel