

DECISION of the FEI TRIBUNAL

dated 22 September 2021

in the matter of

Mr Abdul-Aziz A. AL-SABRI

(FEI Case number: FEI 2019/CM20 – GUADALUPE D'IBERICA)

FEI Tribunal Hearing Panel:

Ms Harveen Thauli, one-member panel

FEI Tribunal Reference: C21-0027 [2019/CM20]

Person Responsible/ID/NF: Abdul-Aziz A. AL-SABRI/10042957/KUW

Horse/Passport/NF: GUADALUPE D'IBERICA/105UW81/ESP

Event/ID: CEI3* 160 - Rio Frio (POR), 2019_CI_0919_E_S_03

Date of Event: 07-09.06.2019

Prohibited Substance(s): Flunixin

Bar Code Nos.: 5580769

I. SUMMARY OF LEGAL AUTHORITY

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

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

General Regulations, 23rd edition, 1 January 2009, updates effective 1 January 2019, Arts. 118, 143.1, 161, 168 and 169 (“**GRs**”).

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

FEI’s Equine Anti-Doping and Controlled Medication Rules, Based upon the 2015 WADA Code, changes effective 1 January 2019 (“**EADCM Rules**”).

The World Anti-Doping Code - International Standard – Prohibited List – January 2019 (“**WADA Prohibited List**”).

B. Person Responsible: Mr Abdul-Aziz A. AL-SABRI.

C. Justification for sanction:

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

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

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* may be considered additionally responsible under this Article and 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 2.5 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 Controlled Medication violation.”

ECM Rules Art. 10.4 (b): “[...] Article 10.4 can apply in cases involving Specified Substances. Otherwise Article 10.4 only applies in exceptional circumstances. No Fault or Negligence does not apply in the following circumstances: [...] (b) the Administration of a Controlled Medication Substance by the Person Responsible’s veterinary personnel or member of the Support Personnel without disclosure to the Person Responsible. Persons Responsible are responsible for their choice of veterinary personnel and Support Personnel and for advising veterinary personnel and Support Personnel that the presence of a Controlled Medication Substance in a Horse’s system is forbidden during an Event without a valid Veterinary Form.”

ECM Rules, Art. 10.5.2.: “If a Person Responsible and/or member of the Support Personnel (where applicable) establishes in an individual case that he bears No Significant Fault or Negligence, then the otherwise applicable period of Ineligibility and other Sanctions (apart from Article 9) may be reduced in regard to such Person. When a Controlled Medication Substance or its Metabolites or Markers is detected in a Horse’s Sample in violation of Article 2.1 (presence of a Controlled Medication Substance and/or its Metabolites or Markers), the Person alleged to have committed the ECM Rule violation must also establish how the Controlled Medication Substance or its Metabolites or Markers entered the Horse’s system in order to have the period of Ineligibility and other Sanctions reduced.”

ECM Rules, Art. 10.10.2: “Where there have been substantial delays in the hearing process or other aspects of Medication Control not attributable to the Person Responsible and/or member of the Support Personnel alleged to have committed the Rule violation, the Hearing Panel may start the period of Ineligibility at an earlier date commencing as early as the date of Sample collection or the date on which another ECM Rule violation last occurred. All competitive results achieved during the period of Ineligibility including retroactive Ineligibility shall be Disqualified.”

II. Factual background

1. Mr. Abdul-Aziz A. AL-SABRI (FEI ID 10042957), the Person Responsible (the “PR”) is a dressage and endurance rider for the National Federation of Kuwait. He competed

in an endurance competition with the horse, GUADALUPE D'IBERICA (the "Horse") at the CEI3* in Rio Frio, Portugal, between 7 and 9 June 2019 (the "Event").

2. The Fédération Equestre Internationale (the "FEI" and together with the PR, the "Parties"), is the sole IOC recognised international federation for equestrian sport. The FEI is the governing body for the FEI equestrian disciplines of dressage, jumping, eventing, driving, endurance, vaulting, reining, para-equestrian.
3. Urine and blood samples were collected from the Horse during the Event and sent to the FEI approved laboratory, LGC Newmarket Road Laboratory (the "Laboratory") in Chambridgeshire, UK for analysis.
4. Analysis of the blood sample returned a positive result for Flunixin (the "Sample"), which is an anti-inflammatory drug with analgesic effect. It is a "Prohibited Substance" that is classified as "Controlled Medication Substance" under the FEI Equine Anti-Doping and Controlled Medication Regulations (the "EADCMRs").
5. No Veterinary Form was submitted for the use of Flunixin. Therefore, the adverse analytical finding (the "AAF") in the Sample gives rise to a Controlled Medication rule violation (the "CM Rule Violation") under the EADCMRs.
6. By way of a notification letter dated 21 August 2019, the FEI informed the PR of a possible violation of Article 2.1 (*The Presence of a Controlled Medication Substance and/or its Metabolites or Markers in a Horse's Sample*) of the FEI Equine Controlled Medication Rules (the "ECM Rules").
7. The PR was not provisionally suspended because the AAF involved only one CM Rule Violation (cf. Article 7.4.1 of the ECM Rules).
8. The PR provided his submissions to the FEI on 7 September and 10 October 2019.

III. Procedural background in front of the FEI Tribunal

9. By email dated 28 April 2021, the FEI submitted the FEI Response on the CM Rule Violation together with exhibits to the Tribunal for adjudication. The Kuwait Equestrian Federation (the "KUW-NF") was copied on the FEI's correspondence.
10. On 4 May 2021, the PR responded to the FEI Response of 28 April 2021.

11. On 17 May 2021, the Tribunal Chair acknowledged receipt of the Parties' respective submissions dated 28 April and 4 May 2021 and 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 the constitution of the hearing panel by 20 May 2021. Furthermore, the Tribunal Chair granted the PR with the opportunity to respond to the FEI's allegations about the Prohibited Substance discovered in the Horse's system, by providing a statement of defence and any supporting evidence by 7 June 2021. The Tribunal Chair further informed the PR that should he fail to respond within the deadline, the Tribunal hearing panel would decide this case based on file material in its possession. Finally, the Tribunal Chair informed the Parties of their right to request an oral hearing and asked the PR to submit a Power of Attorney, should he choose to be represented by a lawyer in these proceedings.
12. On 17 May 2021, the FEI informed the Tribunal that it did not have any objections to the constitution of the hearing panel.
13. On 14 June 2021, the Tribunal noted that the PR did not submit any additional submissions within the prescribed deadline. The Tribunal further confirmed that the case file consisted of the FEI Response and exhibits submitted by the FEI to the Tribunal on 28 April 2021, as well as the PR's position submitted on 4 May 2021. The Tribunal indicated that it would render a decision, based on the file material, which would be notified to the Parties in due course.
14. On 21 June 2021, the PR provided further submissions after he received the Tribunal's letter of 14 June 2021. The PR's submissions of 7 September 2019, 10 October 2019, 4 May 2021 and 21 June 2021 are summarised under Section III.A below.
15. Neither Party requested an oral hearing.

A. Written Submissions by the PR:

16. The PR discussed not having any role in the CM Rule Violation in his initial submission of 7 September 2019 to the FEI as follows:

"I rented the horse from [REDACTED] in Portugal I arrived 1 day before the race I checked the mare there is nothing wrong with the mare and she was 100% healthy and I asked the owner if she got any medical treat and they said No and everything Good in the mare trot and blood and everything. I know all the FEI rules and I follow it and when I ask the

*owner and I have witnesses with me Kuwait athlete Ahmed alrowaished. Therefore please consider this I have no fault in this case and I hope it will not record it in my file and make sure that I can register for pisa 120km race 2***

17. Upon request from the FEI, the PR provided additional submissions on 10 October 2019, where he responded as follows:

"I'm a endurance rider since 2005 and my first FEI race was in 2009 in Bahrain 120km. I'm competing in FEI races since 2009 and my target that I qualify for the world cup 2020. Yes I have more than 15 endurance horses in my country and I train horses for racing. All my horses in Kuwait is under my care and I know all the FEI rules about medicines and I respect all the rules. I train my horses in my country Kuwait for all the races in Kuwait and Gulf but I rent horses only when I ride in Europe and is you want to know anything more I would like to answer everything you need to know".

18. On 4 May 2021, the PR provided submissions to the Tribunal, which are summarised as follows:

- a) He arrived in Portugal one day before the Event. He examined the Horse to ensure it did not show any signs of poor health or injuries and also checked the Horse's reflexes as well as its overall well-being. Another Kuwaiti endurance rider was present when the PR examined the Horse.
- b) The PR asked the Additional PR (the "APR") and his father, [REDACTED] whether the Horse had been given any Prohibited Substances. They apparently replied that the Horse had not received any Prohibited Substances or any other substances that would not comply with the FEI anti-doping rules.
- c) Despite his inquiries, the Sample showed that the Horse had been given the Controlled Medication Substance of Flunixin, before the Event. The PR submitted, however, that neither the APR nor Mr. [REDACTED] were intentionally deceitful and did not inform him of the Flunixin because they had the mistaken belief that enough time had passed for the Flunixin to withdraw from the Horse's system, before the start of the Event.
- d) He confirmed that while Flunixin had been given to the Horse within the allowable timeframe, it remained in the Horse's system because the Horse was also given Imizol, which is used to treat a chronic infection of *Theileria equi*, a disease caused by tick bites. He believed the Imizol delayed the withdrawal time of the Flunixin from the Horse's system, which led to the

unintentional CM Rule Violation.

- e) He understood that despite being unintentional, it remained a CM Rule Violation and accepted that the points he earned at the competition would be erased from his competition record.
 - f) The PR stated there was no contractual obligation for the APR to provide him with the Horse's recent blood tests in the lease contract between them. The PR, however, acknowledged having a moral obligation to review tests the Horse had received.
 - g) The PR still maintained he did all that he could possibly do to check the Horse before the Event to prevent this situation from happening. He believed he should not be held completely responsible for the CM Rule Violation because he had no control over the substances given to the Horse.
 - h) In view of the above, the PR requested that the Tribunal disqualify his results from the Event but not impose any fines or period of Ineligibility on him.
19. After receiving the Tribunal letter of 14 June 2021, the PR provided additional submissions on 21 June 2021. The Tribunal did not take these submissions into consideration when rendering its decision (discussed below).

B. Written Response by the FEI:

20. On 28 April 2021, the FEI provided its Response.
21. The FEI submitted that:
- a) In addition to the PR's submissions, the FEI obtained a witness statement from the Kuwaiti endurance rider, who was present with the PR before, during and after the Event. He stated that the Horse was fine at the first and final veterinarian checks.
 - b) The FEI also reached out to Mr [REDACTED], who confirmed that the Horse had received treatment for *Theileria equi*, about 10 days before the start of the Event. Mr [REDACTED] advised that the veterinarian thought there was enough time for the Flunixin to withdraw from the Horse's system.
 - c) Mr [REDACTED] confirmed he had a conversation with the PR about whether the Horse had received any Prohibited Substances. He did not mention the Flunixin to the PR because he assumed the Horse's system was clear of it.

- d) The FEI then discussed the CM Rule Violation.
- e) Article 3.1 of the ECM Rules makes it the FEI's burden to establish all the elements of the ECM Rule violation, to the comfortable satisfaction of the Tribunal.
- f) The elements of Article 2.1 of an ECM Rule violation are straightforward. *"It is not necessary that intent, fault, negligence or knowing Use be demonstrated in order to establish an ECM Rule violation under Article 2.1"*. Instead, it is a "strict liability" offence, established simply by proof that a Controlled Medication Substance was present in the Sample. The results of the Sample analysis confirmed the presence of Flunixin and constituted "sufficient proof" of the violation of Article 2.1 of the ECM Rules. Therefore, the FEI submitted that it had discharged its burden of establishing that the PR violated Article 2.1 of the ECM Rules.
- g) Article 10.2 of the ECM Rules provides that a Person Responsible with no previous doping and/or Controlled Medication offences, but who violates Article 2.1 of the ECM Rules, is subject to a period of Ineligibility of six (6) months, unless he can rebut the presumption of fault on a balance of probability (Article 3.1 of the ECM Rules). If the PR fails to do so, the six (6) months period of Ineligibility applies.
- h) To rebut the presumption of fault, the ECM Rules stipulate, and the jurisprudence of the FEI Tribunal and CAS is very clear: it is a strict threshold requirement that the PR proves how the Prohibited Substance entered the Horse's system before making any plea of No (or No Significant) Fault or Negligence. Indeed, this threshold requirement is strictly applied because without such proof, it would be impossible to assess the degree of Fault or Negligence (or No Significant Fault or Negligence) of the PR for the presence of the Prohibited Substance in the Horse.
- i) The FEI submitted, however, that the source of the AAF had been properly established in separate and earlier proceedings held against the APR.
- j) In the APR's proceedings (Decision of the FEI Tribunal dated 26 September 2019), the settlement agreement reached between the FEI and the APR stated the following: *"The Adverse Analytical Finding of Flunixin in the present case can be attributed to erroneous estimation of withdrawal time for a Flunixin intravenous injection. On 29 May 2019, the same veterinarian as per the previous paragraph, recommended to the father of the additional PR the administration of Flunixin (10ml, 500mg Flunixin meglumin, intravenous) 10 min before administration of Imizol (diprionate imidocarb, 10 ml, 2 mg/kg dose, intramuscular) for Theileria equi, due to most of the horses in that area being subjected to permanent infestation by ticks and therefore have chronic infections. Despite applying reasonable safety margins, in*

the veterinarian's opinion it is possible that the chronic infection of Theileria equi may have delayed the withdrawal times of both controlled medications detected. The FEI has evaluated the explanation on the cause of the Adverse Analytical Finding of Flunixin and finds it scientifically plausible. In the FEI's view, the intravenous administration of Flunixin on 29 May 2019 could have, on a balance of probability, resulted in a positive sample collected ten days later i.e. on 8 June 2019" (the "APR Settlement Agreement").

- k) The FEI further highlighted in the APR Settlement Agreement that studies have shown the re-uptake of Prohibited Substances such as Flunixin through horse droppings or contaminated bedding may result in prolonged detection times.
- l) The FEI, therefore, submitted it was satisfied that how the Prohibited Substance entered the Horse's body had been established.
- m) In evaluating the PR's level of Fault or Negligence, the FEI took the following factors into consideration:
- The AAF resulted from a Flunixin intravenous injection, which happened out-of-competition.
 - Mr. [REDACTED] and the veterinarian were aware that Flunixin was prohibited in-competition and it needed sufficient time to withdraw from the Horse's system, before the Event. The FEI acknowledged that some reasonable steps were taken to prevent an CM Rule Violation from happening.
 - The withdrawal time was miscalculated, despite adhering to the detection time of six (6) days as set out in the FEI List of Detection Times. The FEI found that it was scientifically plausible that the chronic infection of *Theileria equi* treated with Imizol delayed the withdrawal time of the Flunixin.
 - The PR arrived only one day before the Event and exercised due diligence by examining the Horse and asking the APR and Mr. [REDACTED] whether the Horse had received any treatments involving Prohibited Substances.
 - Mr. [REDACTED] did not mention the Flunixin because he assumed it was no longer in the Horse's system.
- n) In view of the above circumstances, the FEI was of the opinion that the PR had, on a balance of probability, established that he bore No Significant Fault or Negligence for the CM Rule Violation. This was also consistent with relevant case

law on miscalculated withdrawal times¹.

- o) In evaluating the range of the PR's level of No Significant Fault or Negligence, the FEI took the following factors into consideration:
- The PR had knowledge of the FEI's rules and regulations and was aware that the Horse could not compete at the Event with any Prohibited Substances in its system.
 - The PR carried out his own due diligence by examining the Horse and asking questions about whether the Horse had received any Prohibited Substances before the Event.
 - The PR could not have reasonably known that the Horse was treated for *Theileria equi*, but he did not take the extra step of reviewing the Horse's veterinary records.
- p) In view of the above, the FEI submitted the PR's level of Fault was "light" and recommended that a period of Ineligibility of two (2) months be imposed on him.
- q) On the disqualification of results, the FEI submitted that Article 9 of the ECM Rules, in conjunction with Article 10.1.2 ECM Rules, should apply, *i.e.*, that all individual results obtained in connection with an Event should be forfeited.
- r) On the fine to be imposed, the FEI submitted that Article 10.2. of the ECM Rules provides that, for a violation of Article 2.1 ECM Rules, a fine of up to CHF 15,000 and appropriate legal costs may also be imposed. According to the FEI Guidelines for fines and contributions towards legal costs, in cases of CM Rule Violations where the period of Ineligibility is reduced based on No Significant Fault or Negligence, the fine ranges between CHF 1'000 and CHF 3,000.
- s) On the costs of the proceedings, the FEI submitted that the PR should be ordered to pay appropriate legal costs, which the FEI submitted should range between 0 and CHF 1,500.
- t) The FEI requested the following prayers for relief:
- (i) *upholding the charge that the PR has violated Article 2.1 of the ECM Rules;*
 - (ii) *disqualifying the result of the PR and Horse combination obtained in the Event, and the consequent forfeiture of all medals, points, prize money, etc. won, pursuant to Article 9 and 10.1.2 of the ECM Rules;*

¹ Cf. for instance 2018 CM14 MORA INOCENTE, 2018 CM15 EL PANGUE CIROMAGNUM, 2019 CM18 ELBRUS

- (iii) imposing a period of Ineligibility of two (2) months on the PR, commencing from the date of the Final Decision;*
- (iv) fining the PR in the amount of 1'500 CHF; and*
- (v) ordering the PR to pay the legal costs of 1'000 CHF that the FEI has incurred in these proceedings.*

IV. Jurisdiction

22. The Tribunal has jurisdiction over this matter pursuant to Article 38 of the Statutes, Article 161 of the GRs, the ECM Rules and Article 18 of the IRs. The PR is a member of the KUW-NF, which is a member of the FEI; therefore, the PR is bound by the ECM Rules.

V. The Decision

23. Although the Tribunal has fully considered all the facts, allegations, legal arguments and evidence in the present proceedings, it only refers to the submissions and evidence it considers necessary to explain its reasoning in this decision.

1. The Person Responsible

24. The PR is the Person Responsible for the Horse pursuant to Article 118.3 of the GRs as he was the Horse's rider at the Event.

2. Considering

25. The Tribunal did not consider the PR's submissions of 21 June 2021 because the deadline for submissions had already expired.
26. As for the CM Rule Violation, the Sample confirmed the presence of a Controlled Medication Substance in the Horse's system. As set forth in Article 2.1 of the ECM Rules, sufficient proof of an ECM Rule violation is established by the presence of a Prohibited Substance in a horse's sample. The Tribunal is satisfied that the report relating to the Sample reflects that the analytical tests were performed in an acceptable manner and that the Laboratory findings were accurate. The Tribunal is further satisfied that the test results evidenced the presence of Flunixin in the Sample taken from the Horse at the Event. Flunixin is a Controlled Medication Substance, the presence of which is prohibited under Article 2.1 of the ECM Rules.

27. As a result, the FEI has established an AAF and sufficiently proven the objective elements of the offence in accordance with Article 3.1 of the ECM Rules.
28. Pursuant to Article 10.2.1 of the ECM Rules, the period of Ineligibility for an Article 2.1 violation is six (6) months, subject to a potential reduction of the suspension pursuant to Articles 10.4 or 10.5 of the ECM Rules.
29. The PR has the burden of proving that he bears "*No Fault or Negligence*" for the CM Rule Violation (Article 10.4 of the ECM Rules) or "*No Significant Fault or Negligence*" (Article 10.5 of the ECM Rules).
30. In order for Articles 10.4 and 10.5 of the ECM Rules to apply, the PR must establish as a threshold requirement how the Prohibited Substance entered the Horse's system.
31. The APR Settlement Agreement provides an explanation for how the Prohibited Substance entered the Horse's system. The Horse received an intravenous injection of Flunixin on 29 May 2019. Flunixin has a detection time of 144 hours, or 6 days, which ordinarily would have resulted in it not being detected 10 days later on 8 June 2019, when the Horse was selected for sampling. However, the detection time is not the same as the withdrawal time. While the detection time is the approximate period of time for which a Prohibited Substance remains in a horse's system, the withdrawal time for the Prohibited Substance, which is normally determined by the treating veterinarian, is based on the detection time multiplied by 2, as a safety margin, that takes into consideration the horse's size, metabolism, degree of fitness, any recent illnesses or diseases, etc..² In the present case, the Horse was also given Imizol 10 minutes after the Flunixin. The FEI found it was scientifically plausible that the chronic infection of *Theileria equi* treated with Imizol may have delayed the withdrawal time of the Flunixin.
32. The Tribunal further notes that studies have shown the re-uptake of Flunixin may delay its withdrawal time.
33. The Tribunal finds that the PR established, to the comfortable satisfaction of the Tribunal, how the Prohibited Substance entered the Horse's system.
34. Article 10.4 (b) provides that No Fault or Negligence does not apply in the circumstance where "*the Administration of a Controlled Medication Substance by the Person Responsible's veterinary personnel or member of the Support Personnel without disclosure*

² Cf. FEI List of Detection times, available on the FEI Website

to the Person Responsible. Persons Responsible are responsible for their choice of veterinary personnel and Support Personnel and for advising veterinary personnel and Support Personnel that the presence of a Controlled Medication Substance in a Horse's system is forbidden during an Event without a valid Veterinary Form." Given the wording of this Article, the Tribunal finds that the PR bears No Significant Fault or Negligence for the CM Rule Violation and may reduce the otherwise applicable period of Ineligibility and other sanctions.

35. The Tribunal agrees with the FEI that the PR's degree of Fault is "light". In particular, the Tribunal notes the steps taken by the PR to examine the Horse and ask questions about the Horse's health, including whether the Horse had been given any Prohibited Substances, before the Event. The PR confirmed being aware of his duties under the FEI Rules and Regulations many times and acknowledged the CM Rule Violation.. The only other step the PR could have taken would have been to check the Horse's veterinarian records. Although he stated he did not have a contractual obligation to review the Horse's records, he acknowledged having a moral obligation to do so.
36. The Tribunal notes the wording of Article 10.4 (b) and the PR's acknowledgement of a moral obligation to review the Horse's veterinarian records. However, even if the PR had reviewed the Horse's veterinarian records, he may have been led to believe the Horse's system would be clear of the Flunixin because the veterinarian calculated there was enough time for it to withdraw from the Horse's system. Therefore, taking this additional step of reviewing the Horse's veterinarian records may not have prevented the CM Rule Violation because it would not have been unreasonable for the PR to rely on the veterinarian's calculation, which included extra days as a safety margin. Given the foregoing, the Tribunal finds that the applicable period of Ineligibility to be imposed on the PR is two (2) weeks pursuant to Article 10.2, 10.4 (b) and 10.5.2 of the ECM Rules.
37. The Tribunal notes the delay in this case. The CM Rule Violation was detected in June 2019 and the PR was notified in August 2019. He provided his initial submissions in September and October 2019. The case files were given to the Tribunal for adjudication in late April 2021, i.e. almost two years after the CM Rule Violation took place.
38. Due to this unjustified delay, the Tribunal holds that Art. 10.10.2 of the ECM Rules (*Delays not attributable to the Person Responsible and/or member of the Support Personnel*), should be applied and the period of Ineligibility start on an earlier date. The Tribunal imposes a period of Ineligibility that starts on 8 June 2019, the date when the Horse was selected for sampling.

VI. Disqualification of Results

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

VII. Fine & legal costs

40. Given the FEI's delay in bringing proceedings to the Tribunal for adjudication, the Tribunal is not ordering the PR to pay any costs. Given the PR's degree of Fault was light, the Tribunal is not fining the PR.

VIII. Operative part of the Decision

41. In summary, the Tribunal imposes the following sanctions in accordance with Article 169 of the GRs and Article 10 of the ECM Rules:
- a) The Tribunal upholds the charge that the PR violated Article 2.1 of the ECM Rules.
 - b) The Tribunal disqualifies the results of the PR and Horse combination obtained in the Event, and the consequent forfeiture of all medals, points, prize money, etc. won, pursuant to Article 9 and 10.1.2 of the ECM Rules.
 - c) The PR bears No Significant Fault for the Rule Violation and the applicable Period of Ineligibility is two (2) weeks, starting on 8 June 2019 and expiring on 22 June 2019. Therefore, the PR is no longer ineligible.
 - d) All competitive results achieved by the PR during the retroactive Period of Ineligibility shall be disqualified with all resulting consequences, including forfeiture of any related medals, points and prizes in accordance with Article 10.10.2 of the ECM Rules.
42. In accordance with Article 12 of the ECM Rules the Parties may appeal against this decision by lodging an appeal with the Court of Arbitration for Sport (CAS) within twenty-one (21) days of its receipt.

IX. DECISION TO BE FORWARDED TO:

- a. The Parties: Yes
- b. The NF of the PR: Yes
- c. Any other: No

FOR THE TRIBUNAL

A handwritten signature in blue ink, appearing to read "H. Thauli", is centered on a light gray rectangular background.

Ms Harveen Thauli, One-Member Panel