

CONSENT AWARD

dated 7 October 2021 and issued by the

FEI TRIBUNAL

Sitting in the following composition:

Sole Panel Member: Mr. Mohammed Al-Saberi (UAE), one-member panel.

in the matter between:

FÉDÉRATION EQUESTRE INTERNATIONALE (FEI)

and

Mr. Bertrand Bougault in his capacity as the **Person Responsible** in the following case:

Case: C21-0050 - Mr. Bertrand BOUGAULT (PR)

FEI Case reference: (2021/CM03) CASH LULU D'AUBIGNY

Person Responsible/ID/NF: Mr. Bertrand Bougault/10061276/FRA

Horse/Passport: CASH LULU D'AUBIGNY/106CJ97/FRA

Event/ID: CSI1 *- Bourg en Bresse (FRA) 20-23.05.21, 2021_CI_0839_S_S_02

Prohibited Substances: Flunixin, Hydrochlorothiazide

Bar Code Nos.: 5601356

I. Parties

1. The Fédération Equestre Internationale (**the FEI**) 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).
2. Mr. Bertrand Bougault, the Person Responsible (**the PR**) is a rider from France and was the PR for the Horse **CASH LULU D'AUBIGNY (the Horse)** when he participated at the CSI1*- Bourg en Bresse (FRA) 20-23.05.21, 2021_CI_0839_S_S_02 (**the Event**).

II. Factual background and initial proceedings

3. The Horse was tested during the Event and returned a positive result for Flunixin and Hydrochlorothiazide, Controlled Medication Substances under the FEI's Equine Prohibited Substances List 2021.
4. The PR was informed of the positive result by the FEI through the Notification Letter dated 12 July 2021.
5. The PR was subsequently charged by the FEI with a violation of Article 2.1 (*The Presence of a Controlled Medication Substance and/or its Metabolites or Markers in a Horse's Sample*) of an Equine Controlled Medication Rule Violation (**the ECMRV**) through a Notice of Charge dated 12 July 2021.
6. In the Notice of Charge, the PR was provided with an option to admit the Rule Violation, accept the proposed consequences and benefit from a three (3) months reduction of the otherwise applicable Period of Ineligibility of six (6) months asserted by the FEI in accordance with Art. 10.8.1 of the ECMR.
7. On 29 August 2021, the PR submitted to the FEI a duly signed Acceptance of Consequences Form.

III. Summary of the proceedings before the FEI Tribunal

8. On 1 September 2021, the FEI submitted to the FEI Tribunal the duly signed Acceptance of Consequences Form alongside with the Notification and Charge Letter requesting the FEI Tribunal to issue a consent award confirming the accepted consequences to be imposed on the PR.

9. On 6 September 2021, the Tribunal informed the Parties of the appointment of a one-person hearing panel to adjudicate and approve this case. The Parties were asked to provide any objections to the constitution of the hearing panel by 9 September 2021.
10. On 6 September 2021, the FEI informed the Tribunal that they did not have any objection to the constitution of the hearing panel. No objection was received from the PR to the constitution of the hearing panel.
11. Neither party requested an oral hearing.

IV. Jurisdiction

12. The jurisdiction of the FEI Tribunal, which is not disputed, derives from the:

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

General Regulations, 24th edition, 1 January 2021, Arts. 118, 143.1, 159, 164, 165 and 167 ("GRs").

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

FEI Equine Anti-Doping and Controlled Medication Regulations ("EADCMRs"), 3rd edition, changes effective 1 January 2021.

V. Early Admission and Acceptance of Sanction

13. In accordance with Art. 10.8.1 of the ECMR *"Where Person Responsible and/or member of the Support Personnel and/or other Person, after being notified by the FEI of a potential ECM Rule violation that carries an asserted period of Ineligibility of six (6) months or more (including any period of Ineligibility asserted under Article 10.4), admits the violation and accepts the asserted period of Ineligibility no later than twenty (20) days after receiving notice of an ECM Rule violation charge, the Person Responsible and/or member of the Support Personnel and/or other Person may receive a three (3) month reduction in the period of Ineligibility asserted by the FEI. Where the Person Responsible and/or member of the Support Personnel and/or other Person receives the three (3) month reduction in the asserted period of Ineligibility under this Article 10.8.1, no further reduction in the asserted period of Ineligibility shall be allowed under any other Article"*.

VI. Ratification of the Accepted Consequences

14. The PR has explicitly admitted the Rule Violation and accepted the following consequences (in accordance with the Article 10.8.1 of the ECM Rules):

- A Period of Ineligibility of three (3) months commencing from the date of the Final Decision issued by the FEI Tribunal (the provisional suspension already served shall be credited against the imposed Ineligibility period); and
- Disqualification from the whole Event and forfeiture of all medals, points, prize money, etc. won at the Event with the Horse; and
- Fine of CHF 2,500.

15. The Sole Panel Member confirms that the above Accepted Consequences are in compliance with the ECM Rules and finds no grounds to object to the terms of the Accepted Consequences.

ON THESE GROUNDS

1. The Sole Panel Member hereby ratifies the Accepted Consequences by the PR in the C21-0050 Bougault and incorporates its terms into the Consent Award.
2. Each Party is hereby ordered to perform the obligations and duties as per the Acceptance of Consequences Form.
3. The Consent Award is pronounced without legal costs.
4. This Consent Award is final and is not subject to a right of appeal as the PR has waived his right.
5. This Consent Award shall be published in accordance with Article 13.3 of the ECM Rules.

DECISION TO BE FORWARDED TO:

a. The Parties:

- FEI
- Mr. Bertrand Bougault

b. Any other:

- The Secretary General FRA-NF of the PR

FOR THE TRIBUNAL



Mr. Mohammed Al-Saberi (UAE)