

CONSENT AWARD

dated 27 January 2022 and issued by the

FEI TRIBUNAL

Sitting in the following composition:

Sole Panel Member: Mr José A. Rodriguez Alvarez (MEX)

in the matter between:

FÉDÉRATION EQUESTRE INTERNATIONALE (FEI)

and

Agustin COVARRUBIAS in his capacity as the **Person Responsible** in the following case:

Case: C21-0065 COVARRUBIAS

FEI Case reference: 2021/CM09, D

Person Responsible/ID/NF: **Agustin COVARRUBIAS**/10032966/CHI

Horse/Passport: D/105GA09/BEL

Event/ID: CSI3*- Opglabbeek (BEL) 28-31.10.21, 2021_CI_1080_S_S_01

Prohibited Substance(s): Dexamethasone, Phenylbutazone, Oxyphenbutazone

Bar Code No.: 5603102

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. Agustin COVARRUBIAS (FEI ID 10032966), the Person Responsible (the “PR”) and Jumping rider from Chile competed with the horse D (the “Horse”) at the CSI3* in Opglabbeek (BEL), on 28.10.2021 (the “Event”).

II. Factual background and initial proceedings

3. The Horse was tested during the Event and returned a positive result for Dexamethasone, Phenylbutazone, Oxyphenbutazone, Controlled Medication Substances under the FEI's Equine Prohibited Substances List 2021.
4. The FEI informed the PR of the positive result in a notification letter dated 6 December 2021 (the “Notification Letter”). As a result of the positive finding, the PR was Provisionally Suspended as of 6 December 2021, in accordance with Art. 7.4.1 of the FEI Equine Controlled Medication Rules (the “ECM Rules”).
5. The PR was notified by the FEI of possible violations of Article 2.1 (*The Presence of a Controlled Medication Substance and/or its Metabolites or Markers in a Horse's Sample*) and Article 2.2 (*Use or Attempted Use of a Controlled Medication Substance or a Controlled Medication Method*) of the ECM Rules.
6. In the Notification Letter, the PR was provided with an option to admit the Rule Violation, accept the sanctions and receive an automatic 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 ECM Rules.
7. On 7 December 2021, the PR submitted to the FEI a duly signed Acceptance of Consequences Form.

III. Summary of the proceeding before the FEI Tribunal

8. On 10 December 2021, the FEI submitted to the FEI Tribunal the duly signed Acceptance of Consequences Form alongside with the Notification Letter requesting the FEI Tribunal to issue a consent award confirming the accepted consequences to be imposed on the PR.

9. On 29 December 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 5 January 2022.
10. On 29 December 2021, the FEI informed the Tribunal that it did not have any objections 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 ECM Rules *"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 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.-; and
- Costs of CHF 1'000.- (in case of B-sampling).

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 case C21-0065 COVARRUBIAS [2021/CM09 – D] 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 costs.
4. This Consent Award is final and is not subject of an 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. Agustin COVARRUBIAS

b. Any other:

- The NF of the PR

FOR THE TRIBUNAL



Mr José A. Rodríguez Álvarez (MEX)