

CONSENT AWARD

dated 7 March 2022 and issued by the

FEI TRIBUNAL

Sitting in the following composition:

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

in the matter between:

FÉDÉRATION EQUESTRE INTERNATIONALE (FEI)

and

Elena LOSEVA in her capacity as the **Additional Person Responsible** in the following case:

Case: C21-0064 LOSEVA

FEI Case reference: 2021/BS08 [REDACTED]

Person Responsible/ID/NF: [REDACTED]

Trainer/ID/NF: Elena LOSEVA/10015343/RUS

Horse/Passport/NF: [REDACTED]

Event/ID: CEIYJ2\* 120 Novotersky (RUS), 28-30.05.2021, 2021\_CO\_1818\_E\_YJ\_02

Prohibited Substance(s): Meldonium

Bar Code No.: 5592980

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## 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 for the FEI equestrian disciplines of dressage, jumping, eventing, driving, endurance, vaulting, reining, and para-equestrian.
2. Ms. Elena LOSEVA (FEI ID 10015343), the Additional Person Responsible (the "APR"), is a trainer from Russia and was the trainer for the horse, [REDACTED] (the "Horse") at the CEIYJ2\* in Novotersky (RUS), on 29 May 2021 (the "Event").

## II. Factual background and initial proceedings

3. The Horse was tested during the Event and returned a positive result for Meldonium, which is an Anti-ischaemic used to treat ischaemia of the coronary arteries and increases blood flow to improve recovery time after exercise. Meldonium is a "Banned Substance" under the FEI's 2021 Equine Prohibited Substances list.
4. The FEI informed the APR of the positive result in a notification letter dated 28 July 2021 (the "Notification Letter"). As a result of the positive finding, the APR was Provisionally Suspended as of 28 July 2021, in accordance with Art. 7.4.1 of the FEI Equine Anti-Doping Rules (the "EAD Rules").
5. The FEI subsequently charged the APR with a violation of Article 2.1 (*The Presence of a Banned Substance and/or its Metabolites or Markers in a Horse's Sample*) and Article 2.2 (*Use or Attempted Use of a Banned Substance or a Banned Method*) of the EAD Rules in a Notice of Charge dated 19 October 2021.
6. In the Notice of Charge, the FEI provided the APR with an option to admit the rule violation, accept the proposed consequences and benefit from a six (6) month reduction of the otherwise applicable period of "Ineligibility" of two (2) years in accordance with Art. 10.8.1 of the EAD Rules.
7. On 3 December 2021, the APR submitted to the FEI a duly signed Acceptance of Consequences Form.

### III. Summary of the proceeding before the FEI Tribunal

8. On 7 December 2021, the FEI submitted to the FEI Tribunal the duly signed Acceptance of Consequences Form together with the Notification Letter and Notice of Charge Letters and requested that the FEI Tribunal issue a "Consent Award", confirming the accepted consequences to be imposed on the APR.
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 24<sup>th</sup> edition, effective 19 November 2019 ("Statutes"), Arts. 1.5, 38 and 39.

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

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

FEI Equine Anti-Doping and Controlled Medication Regulations ("EADCMRs"), 3<sup>rd</sup> 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 a Person Responsible and/or member of the Support Personnel and/or other Person, after being notified by the FEI of a potential EAD Rule violation that carries an asserted period of Ineligibility of two (2) years or more years (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 EAD Rule violation charge, the Person Responsible and/or member of the Support Personnel and/or other Person may receive a six (6) 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 six (6) 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 APR has explicitly admitted the rule violation and accepted the following consequences (in accordance with the Article 10.8.1 of the EAD Rules):

- A period of Ineligibility of eighteen (18) months commencing from the date of the Consent Award issued by the FEI Tribunal (all served provisional suspension shall be credited);
- A two (2) month period of provisional suspension of the Horse, commencing as of the date of the Notification letter;
- Disqualification from the whole Event and forfeiture of all medals, points, prize money, etc. won at the Event with the Horse;
- Fine of CHF 500.-; and
- Cost of the B sample (if applicable).

15. The sole panel member notes that, based on exceptional circumstances and the evidence provided by the APR, the FEI and the APR have agreed to lower the fine to CHF 500.- in the present matter.

16. In accordance with art. 10.8.1 of the EAD Rules, the APR must admit the Rule Violation « *no later than 20 days after receiving notice of the EAD Rule Violation charge* ». In the present matter, the « Charge Letter » was notified on 19 October 2021. While the AOC Form was eventually signed on 3 December 2021, the sole panel member notes that, by way of email exchanged between the APR and the FEI, the APR admitted the infringement on 4 November 2021 already, further stating that she « accept punishment N1, but please make price cheaper ». Therefore, and given the circumstances, the sole panel member will consider that the 4 November 2021 admission by the APR constituted the Rule Violation admission within the 20 days deadline as per art. 10.8.1 of the EAD Rules. The sole panel member deems however that, for future cases, the Parties should make sure to have the AOC form signed within the 20-days deadline provided for in art. 10.8.1 of the EAD Rules, and that the present Consent Award shall not be seen as creating a precedent.

17. In view of the above, the sole panel member confirms that the above Accepted Consequences comply with the EAD 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 APR in the case C21-0064 LOSEVA [2021/BS08 [REDACTED]] and incorporates its terms into the Consent Award.
2. Each Party is hereby ordered to perform the obligations and duties pursuant to the Acceptance of Consequences Form.
3. The Consent Award is pronounced without costs.
4. This Consent Award is final and is not subject to an appeal as the APR has waived this right.
5. This Consent Award shall be published in accordance with Article 14.3 of the EAD Rules.

### DECISION TO BE FORWARDED TO:

a. The Parties:

- FEI
- Ms Elena LOSEVA

b. Any other:

- The NF of the APR

FOR THE TRIBUNAL



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Mr Jose A. Rodriguez Alvarez (MEX)