

CONSENT AWARD

dated 3 May 2022 and issued by the

FEI TRIBUNAL

Sitting in the following composition:

Sole Panel Member: Mr. José A. Rodriguez Alvarez (MEX), one-member panel.

in the matter between:

FÉDÉRATION EQUESTRE INTERNATIONALE (FEI)

and

Ms. Chiara Marrama in her capacity as the **Athlete** in the following case:

Case: C22-0009 - Mr. Chiara Marrama (Athlete)

FEI Case reference: (2021/HD04) CHIARA MARRAMA

Athlete/ID/NF: Ms. Chiara Marrama/10017324/ITA

Event/ID: CEI3* 160 Citta della Pieve (ITA) /2021_CL_1088_E_S_02_01

Date of Event: 12-14 November 2021

Anti-Doping Rule Violation: Article 2.3 of the Anti-Doping Rules for Human Athletes (the ADRHA)

Date of the Rule Violation: 13 November 2021

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. Ms. Chiara Marrama, the Athlete (**the Athlete**) is an endurance rider from Italy and participated with the Horse **PALIUSZ (the Horse)** at the CEI3* 160 Citta della Pieve _CI_1088_E_S_02_01 (ITA) (**the Event**) on 12-14 November 2021.

II. Factual background and initial proceedings

3. On 13 November 2021 the Athlete participated in the Event CEI3* 160 Citta della Pieve (ITA) held in Citta della Pieve, Italy. After the Event, she was selected for an in-competition doping control test.
4. When the Athlete entered the Doping Control Station, the Athlete informed the Doping Control Officer (**the DCO**) that she did not want to provide the urine sample because she was menstruating. The DCO explained to her that this was not a valid reason to refuse to provide a test. Thereafter, the Athlete became upset and asked the DCO not to perform the test and if the DCO could select another athlete to provide the urine sample for her. The DCO informed the Athlete this was not acceptable and constituted a violation of the ADRHA¹, in particular Article 2.3 of the ADRHA² which constituted a violation for “Evading, Refusing or Failing to Submit to Sample Collection”, after notification as authorised in these Anti-Doping Rules, or other applicable anti-doping rules”.
5. At this point the DCO explained the Athlete’s rights and responsibilities to her and the consequences of a refusal to provide the sample. After which the Athlete informed the DCO that she had taken “everything” and therefore “the test would certainly be positive for all banned substances”.
6. The DCO then proceeded to call the President of the Ground Jury (**the PGJ**), Mr Davide Gobbo, wherein he explained the ongoing situation. The DCO reiterated the consequences of a refusal to provide the doping control sample in the presence of the PGJ. On hearing this, the PGJ also tried to convince the Athlete to provide a sample, but she said that she was afraid of losing her job because she belonged to

¹ FEI Anti-Doping Rules for Human Athletes, effective 1 January 2021: <http://inside.fei.org/content/anti-doping-rules>

² FEI Anti-Doping Rules for Human Athletes effective 1 January 2021 Article 2.3: Evading Sample Collection or, without compelling justification, refusing or failing to submit to Sample collection after notification as authorised in these Anti-Doping Rules, or other applicable anti-doping rules.

the Military Corps, and that she was torn and undecided about what to do. The DCO thanked the PGJ, and they left the Athlete with his assistant to think about her decision and the DCO continued sampling other athletes.

7. After the DCO had completed the last sample collection from the other athletes, the DCO called the Athlete inside the Doping Control Station however the Athlete confirmed to the DCO that she did not want to provide the urine sample, that she felt unwell and left the sampling station. Before she left, the DCO requested that the Athlete detailed the reasons for her refusal to provide a sample on the Doping Control Form. The Athlete then asked the DCO to write on the form that she “had the period and...was aware of the consequences of the refusal”.
8. The PR was subsequently charged by the FEI with a violation of Article 2.3 of the ADRHA (refusing to submit to Sample Collection after being notified of the selection for an In-Competition Testing) through a Notice of Charge dated 9 February 2022.
9. In the Notice of Charge, the PR was provided with an option to admit the Rule Violation and accept the proposed consequences or challenge in writing the assertion of a violation and/or proposed Consequences within 20 days.
10. On 11 February 2022, the Athlete submitted to the FEI a duly signed Acceptance of Consequences Form and benefitted from a one-year reduction in the applicable Period of Ineligibility of four years asserted by the FEI in accordance with Article 10.8.1 of the ADRHA.

III. Summary of the proceedings before the FEI Tribunal

11. On 16 February 2022, the FEI submitted to the FEI Tribunal **(the Tribunal)** the duly signed Acceptance of Consequences Form alongside with the Notification and Charge Letter requesting the Tribunal to issue a Consent Award confirming the accepted consequences to be imposed on the Athlete. The FEI also informed the Tribunal that the Athlete decided to voluntarily Provisionally Suspend herself from 2 December 2021.
12. On 11 March 2022, 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 14 March 2022.
13. On 14 March 2022, the FEI informed the Tribunal that they did not have any objection to the constitution of the hearing panel. The Athlete nor the Italian Equestrian Federation **(the ITA-NF)** did not inform the Tribunal of any objection to the

constitution of the hearing panel. Therefore, by not responding within the deadline, it was deemed they agreed to the constitution of the hearing panel.

14. Neither party requested an oral hearing.

IV. Jurisdiction

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

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

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 Anti-Doping Rules for Human Athletes, 1 January 2021, Arts. 2.3 and 10.8.1 ("ADRHAs").

V. Early Admission and Acceptance of Sanction

16. In accordance with Article 10.8.1 of the ADRHAs "Where an Athlete or other Person, after being notified by the FEI of a potential anti-doping rule violation that carries an asserted period of Ineligibility of four (4) 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 anti-doping rule violation charge, the Athlete or other Person may receive a one (1) year reduction in the period of Ineligibility asserted by the FEI. Where the Athlete or other Person receives the one (1) year 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

17. The Athlete has explicitly admitted the Rule Violation and accepted the following consequences (in accordance with the Article 10.8.1 of the ADRHAs):

- A Period of Ineligibility of three (3) years commencing from the date of the Final Decision issued by the FEI Tribunal (the provisional suspension already served (since 2 December 2021) 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 5,000.

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

THE DECISION

1. The Sole Panel Member hereby ratifies the Accepted Consequences by the Athlete in the C22-0009 Marrama and incorporates its terms into the Consent Award. As such the Athlete is suspended for three (3) years commencing from the date of the Final Decision issued by the FEI Tribunal (taking into account then Provisional Suspension period already served).
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 Athlete has waived her right.
5. This Consent Award shall be published in accordance with Article 14.3 of the ADRHAs.

DECISION TO BE FORWARDED TO:

a. The Parties:

- FEI
- Ms. Chiara Marrama

b. Any other:

- The Secretary General ITA-NF of the Athlete.
- National Anti-Doping Agency (NADO ITALIA).
- WADA Results Management Team.

FOR THE TRIBUNAL



Mr. José A. Rodríguez Álvarez (MEX)