

DECISION of the FEI TRIBUNAL

24 August 2022

(Reference No. FEI Tribunal: A22-0003)

In the matter of

ROYAL ENDURANCE TEAM OF BAHRAIN (the “RETB”)

vs.

FÉDÉRATION EQUESTRE INTERNATIONALE (the Respondent or the FEI)

together, the Parties

COMPOSITION OF THE FEI TRIBUNAL PANEL:

Ms. Constance Popineau (FRA), Panel Chair

Ms. Hilary Forde (IRE), FEI Tribunal Clerk

INTRODUCTION

1. The Appellant submitted this Appeal/Request for consideration (**the Appeal**) after their Rider, Mr Mohamed Abdulsamad Al Bastaki at the occasion of the Compiegne - CEI 3* 160 KM event (**the Event**) on the 25/06/2022 was downgraded by the Ground Jury (**GJ**) to a “Finished but not Ranked” status (**FNR**) due to the observation of the GJ that the Horse was galloping and not cantering at loop 6 of the Event.

Applicable Rule Provisions:

Statutes 24th edition, effective 19 November 2019 (the **Statutes**), Art. 38.1.

General Regulations 24th edition, updates effective 1 January 2022 (the **GRs**), Art. 161, Art. 162, Art. 165.

FEI Endurance Rules, 11th Edition, effective 1 July 2020, updates effective 1 January 2022 (the **Endurance Rules**).

Internal Regulations of the FEI Tribunal, 3rd Edition, 2 March 2018 (the **IRs**), Art. 18, Art. 23, Art. 38, Art. 39, Art. 40.

FACTUAL BACKGROUND

2. The Appellant, Mr Mohamed Abdulsamad Al Bastaki (FEI ID 10014225), is an FEI registered Endurance Rider for the Royal Endurance Team of Bahrain.
3. On 25 June 2022, Mr Mohamed Abdulsamad Al Bastaki (**the Athlete**) competed with the Horse DALAKANI DE VENELLES (**the Horse**) at the during the Compiègne - CEI 3* 160 KM Event.
4. According to the Appellant, the Athlete was the first placed finisher of the Event however the GJ imposed a FNR status on the Athlete at the Event owing to the reason that he was galloping and not cantering at loop 6 of the course. In line with which, the GJ issued a certificate of completion for qualification purposes, pursuant to Article 820.2 of the Endurance Rules.

PROCEDURAL BACKGROUND

5. On 30 June 2022, the Appellant submitted an Appeal Brief to the FEI Tribunal contesting the Decision of the GJ to impose a FNR status on the Athlete (**the Decision**) and asking the FEI Tribunal, *"To rectify this decision and restore our rider's original ranking, as the first placed winner at the CEI 3* 160 KM, Compiègne on 25/06/1982. At best the alleged infraction, if proven correct, should only lead to a yellow card"*.
6. On 30 June 2022, the FEI Tribunal (**the Tribunal**) acknowledged receipt of the Appellants' Appeal Brief against the Decision of the GJ and enclosures.

7. On 15 July 2022, the Tribunal informed the Parties of the nomination of a Sole Panel Member to handle the present matter, informing them of a deadline to object to the constitution of the named panel by 20 July 2022.
8. On 16 July 2022, the FEI confirmed they had no objection to the constitution of the named panel. Additionally, the FEI requested that the Tribunal would firstly rule on its own jurisdiction to hear the present matter and that the FEI's deadline to reply only commences once the jurisdiction of the Tribunal is determined.
9. On 29 July 2022, the Tribunal confirmed they would rule on their jurisdiction to hear the present matter. As such, the Tribunal confirmed that the deadline to submit the response would be stayed until the jurisdictional issue was concluded.

DECISION:

10. The Tribunal considered the matter pursuant to Article 161.2 and 162.2 of the GRs which state the following:

Article 161.2 (Decisions not subject to Protest)

There is no Protest against:

- (a) Decisions of the Ground Jury arising from the field of play, which are final and binding, such as, but not limited to:
 - (i) where the Decision is based on a factual observation of performance during a Competition or the awarding of marks for performance;
 - (ii) whether an obstacle was knocked down; whether a Horse was disobedient; whether a Horse refused at an obstacle or knocked it down while jumping;
 - (iii) whether an Athlete or Horse has fallen;
 - (iv) whether a Horse circled in a combination or refused or ran out;
 - (v) the time taken for the round;
 - (vi) whether an obstacle was jumped within the time; and/or
 - (vii) whether the particular track followed by an Athlete caused the Athlete to incur a penalty under the applicable Sport Rules.

Article 162.2 (Admissibility of Appeals)

An Appeal is not admissible:

- a. Against Decisions by the Ground Jury in cases covered by Article 161.2;
- b. Against Decisions made by the FEI Tribunal on Appeals arising from Decisions

made by the Ground Jury.

11. Thus, as requested from the outset by the FEI, the Tribunal would consider their jurisdictional authority to issue a decision prior to determining the merits of the case (if any).
12. Accordingly, the Tribunal considered that in line with the above noted GRs (Article 161.2 and Article 162.2), this matter was a Decision of the Ground Jury arising from a clear “Field of Play” decision, which was not subject to Appeal.
13. Furthermore, the Tribunal noted that the GJ made this Decision pursuant to Article 161.2 (i) of the GRs which was a factual observation of performance during a Competition and imposed the appropriate sanction on the Athlete. The Tribunal also confirms that any Decisions by the GJ in cases covered by Article 161.2 are not admissible pursuant to Article 162.2 (a) of the GRs.
14. While the application of this provision might be seen unfair by the Appellants in the present matter, it is not the Tribunal’s role to evaluate the fairness of a provision in the rules where it is automatically applied. The basis of the provision is a matter for the FEI to evaluate, via its legislative power, with input from the NFs, riders and trainers.
15. Accordingly, the Tribunal does not have jurisdiction to hear the present matter, which is to be considered non-appealable. The Appeal will therefore be declared inadmissible, and the Appellants will be required to pay the proceeding costs, which can be reduced to CHF 500, which will be satisfied by the deposit paid by the Appellants. All other prayers for relief are dismissed.

DECISION

16. The Tribunal decides as follows:
 1. The Appeal is not admissible.
 2. All other requests are dismissed.
 3. No Deposit shall be returned to the Appellants.
 4. Each party shall pay their own costs in these proceedings.
17. According to Article 165 of the GRs, this decision is effective from the date of oral or written notification to the affected Party or Parties.

18. According to Articles 162.1 and 162.7 of the GRs, this decision may be appealed before the Court of Arbitration for Sport (CAS) within twenty-one (21) days of the present notification.

DECISION TO BE FORWARDED TO:

- a. The Parties: Yes
- b. Any other: No

FOR THE TRIBUNAL



Ms Constance Popineau (FRA), Sole Panel Member