

CONSENT AWARD

dated 31 August 2022 and issued by the

FEI TRIBUNAL

Sitting in the following composition:

Sole Panel Member: Ms Valérie Horyna (SUI)

in the matter between:

FÉDÉRATION EQUESTRE INTERNATIONALE (FEI)

and

Mr Fares JEMAI in his capacity as the **Additional Person Responsible** in the following case:

Case: C22-0029 JEMAI

FEI Case reference: 2022/FT03, HARITH

Person Responsible/ID/NF: Majdeddine NEFZI/10153313/TUN

Trainer/ID/NF: **Fares JEMAI/10210817/TUN**

Horse/Passport/NF: HARITH/106ZP59/TUN

Event/ID: CEI1*100 - Tunis (TUN), 21.05.2022, 2022_CI_1893_E_S_01

Prohibited Substance(s): Ibuprofen

Bar Code Nos.: 5611382

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. Mr Fares JEMAI (FEI ID 10210817), the Additional Person Responsible (the “APR”), is a Trainer from Tunisia and was the Trainer for the horse, Harith (the “Horse”) at the CEI1* 100 in Tunis (TUN), on 21 May 2022 (the “Event”).

II. Factual background and initial proceedings

3. The Horse was tested during the Event and returned a positive result for Ibuprofen, which is a non-steroidal anti-inflammatory drug (NSAID) used as anti-inflammatory and analgesia. Ibuprofen is listed as a “Controlled Medication Substance” under the FEI's 2022 Equine Prohibited Substances list. The positive result gave rise to a Controlled Medication Rule Violation.
4. The FEI informed the APR of the positive result in a notification letter dated 29 June 2022 (the “**Notification Letter**”). The FEI decided not to provisionally suspend the APR since only one Controlled Medication Substance was detected in the Horse's sample, but the APR was informed of his right to request to be voluntarily suspended, pursuant to Art. 7.4.9 of the FEI Equine Controlled Medication Rules (the “**ECM Rules**”).
5. On 10 July 2022, the APR requested to be voluntarily provisionally suspended. The APR's provisional suspension thus started as of 10 July 2022.
6. In the Notification Letter, the FEI had provided the APR with an option to admit the rule violation, accept the proposed consequences and benefit from a three (3) month reduction of the otherwise applicable period of “Ineligibility” of six (6) months in accordance with Art. 10.8.1 of the ECM Rules.
7. On 18 July 2022, the APR submitted to the FEI a duly signed Acceptance of Consequences Form, dated 18 July 2022.

III. Summary of the proceeding before the FEI Tribunal

8. On 19 July 2022, the FEI submitted to the FEI Tribunal the duly signed Acceptance of Consequences Form together with the Notification Letter and requested that the FEI Tribunal issue a "Consent Award", confirming the accepted consequences to be imposed on the APR.
9. On 11 August 2022, the Tribunal Chair informed the Parties of the appointment of a sole panel member to adjudicate and approve this case. The Parties were asked to provide any objections to the constitution of the panel by 15 August 2022.
10. On 11 August 2022, the FEI informed the Tribunal that it did not have any objections to the constitution of the hearing panel.
11. On 15 August 2022, the FEI transmitted to the Tribunal a correspondence received from the APR on 13 August 2022. In said correspondence, the APR indicated that, while he indeed appeared to be the Trainer of the Horse in the FEI Database, he did not train the Horse at all in 2022. Due to the rule provided for at Art. 828.3 of the FEI Endurance Rules, the APR was too late to change the name of the Trainer of the Horse, which is why he still appeared on the FEI website. The APR thus considered that he could not be held responsible for the CM Rule Violation.
12. In its 15 August 2022 email, the FEI maintained its request for the issuance of a Consent Award confirming the accepted consequences to be imposed on the APR, since (i) he had been clearly informed of his rights, (ii) he chose to admit the CM Rule Violation and accepted the reduced consequences as per the "Acceptance of Consequences" Form and (iii) the EADCM Rules do not allow for further reductions of sanctions below the already reduced consequences.
13. On 26 August 2022, the Sole Panel Member acknowledged receipt of the Parties' respective correspondences. In view of the discrepancy between the duly signed Acceptance of Consequences Form signed by the APR, and his subsequent position remitted in the course of the proceedings, the APR was requested to submit his position in this respect by 31 August 2022.
14. On 30 August 2022, the APR confirmed his request for the issuance of a Consent Award confirming that he has accepted the consequences to be imposed.
15. Neither party requested an oral hearing.

IV. Jurisdiction

16. 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 202, updates effective 1 January 2022, 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

17. 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

18. The APR 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 (in case of Voluntary Provisional Suspension, the already served suspension shall be credited against the imposed Ineligibility Period); and
- A Fine of CHF 2'500; and

- o Costs of CHF 1'000.- (only in case of B-sampling).

19. The sole panel member confirms that the above Accepted Consequences comply 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 APR in the case C22-0029 JEMAI [2022/FT32 – HARITH] 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 13.3 of the ECM Rules.

DECISION TO BE FORWARDED TO:

a. The Parties:

- FEI
- Mr Fares JEMAI (APR)

b. Any other:

- The Tunisian Equestrian Federation (NF of Mr JEMAI)

FOR THE TRIBUNAL



Ms Valérie Horyna (SUI)