

CONSENT AWARD

dated 1 November 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

Maria De Las Mercedes GONZALEZ ABAD in her capacity as the **Person Responsible** in the following case:

Case: C22-0034 – GONZALEZ ABAD

FEI Case reference: 2022/BS06 AZIBO DE MORAN

Person Responsible/ID/NF: Maria De Las Mercedes GONZALEZ ABAD/10139475/ESP

Horse/Passport/NF: AZIBO DE MORAN/107UB68/ESP

Event/ID: CDIYH - Segovia (ESP) 07-10/07/2022, 2022_CI_0629_D_YH_01

Prohibited Substance(s): Reserpine, Altrenogest

Bar Code No.: 5614372

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, and para-equestrian.
2. Ms. Maria De Las Mercedes GONZALAZ ABAD (FEI ID 10139475), the Person Responsible (the “PR”), is a dressage Athlete from Spain who competed with the Horse, Azibo de Moran (the “Horse”) at the CDIYH in Segovia (ESP), between 7 and 10 July 2022 (the “Event”).

II. Factual background and initial proceedings

3. The Horse was tested during the Event and returned a positive result for Reserpine and Altrenogest. Reserpine is a tranquiliser used as long-term sedation, and Altrenogest is a hormone used for oestrus suppression and calming effects. Reserpine is a “Banned Substance” under the FEI's 2021 Equine Prohibited Substances list, and Altrenogest is a “Controlled Medication Substance” under the FEI's 2021 Equine Prohibited Substances List.
4. The FEI informed the PR of the positive result in a notification letter dated 2 August 2022 (the “Notification Letter”). As a result of the positive finding, the PR was Provisionally Suspended as of 2 August 2022, in accordance with Art. 7.4.1 of the FEI Equine Anti-Doping Rules (the “EAD Rules”).
5. The FEI subsequently charged the PR 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 29 August 2022.
6. In the Notice of Charge, the FEI provided the PR 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 19 September 2022, the FEI extended the deadline to reply to the acceptance of consequences until 26 September 2022, in view of the PR's request for lowering the fine, which the FEI had to evaluate before going forward with the case.

8. On 26 September 2022, the PR submitted to the FEI a duly signed Acceptance of Consequences Form.
9. The FEI submitted to the Tribunal that it accepted to reduce the fine to CHF 500.- in view of the following elements:
 - The PR works as trainer and train and compete dressage horses and this is her only source of income.
 - The PR's monthly income is 1'500 EUR.
 - The PR will by this violation lose her job and position as trainer at the farm, and cannot perform her job until the suspension is over.
 - The PR had no possibility to accept the consequences given the high fine of 5'000 CHF.
10. The PR had submitted, in support of her request for the fine reduction, extracts of her incomes for the months between August 2021 until July 2022.

III. Summary of the proceeding before the FEI Tribunal

11. On 27 September 2022, the FEI submitted to the FEI Tribunal the duly signed Acceptance of Consequences Form together with the Notification Letter and Notice of Charge Letters, as well as the income of the PR, and requested that the FEI Tribunal issue a "Consent Award", confirming the accepted consequences to be imposed on the PR.
12. On 11 October 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 5 January 2022.
13. On 11 October 2022, the FEI informed the Tribunal that it did not have any objections 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, 38 and 39.

General Regulations, 24th edition, 1 January 2022, 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

16. In accordance with Art. 10.8.1 of the EAD 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

17. The PR 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; and
- Fine of CHF 500.-;

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

19. In accordance with art. 10.8.1 of the EAD Rules, the PR 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 29 August 2022. While the AOC Form was eventually signed on 26 September 2022, the sole panel member notes that, by way of email exchanged between the PR and the FEI on 16-19 September 2022, the FEI extended the deadline to submit the Acceptance of Consequences, in view of documentations submitted by the PR, which had to be evaluated by the FEI. The Acceptance of Consequences was ultimately signed and submitted to the FEI on 26 September 2022, i.e. within the extended deadline.

20. 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 PR in the case C22-0034 GONZALEZ ABAD [2022/BS06 – Azibo de Moran] 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 PR 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 Maria De Las Mercedes GONZALEZ ABAD

b. Any other:

- The NF of the PR

FOR THE TRIBUNAL

A handwritten signature in black ink, appearing to be 'V. Horyna', written over a horizontal line.

Ms Valérie Horyna (SUI)