

## CONSENT AWARD

dated 2 December 2022 and issued by the

## FEI TRIBUNAL

Sitting in the following composition:

Sole Panel Member: Ms Harveen Thauli (CAN)

in the matter between:

**FÉDÉRATION EQUESTRE INTERNATIONALE (FEI)**

and

**Mr João Pedro Pereira LOPES** in his capacity as the **Additional Person Responsible** in the following case:

**Case: C22-0038 LOPES**

**FEI Case reference: Case 2022/CM06 LUKE**

**Person Responsible/ID/NF: Cristina LOBERA SALES/10042764/ESP (POR)**

**Trainer/ID/NF: João Pedro Pereira LOPES/10054663/POR**

**Horse/Passport: LUKE/107XS76/POR**

**Event/ID: CEI1\*100 - Alter do Chão (POR), 08.10.2022, 2022\_CI\_1179\_E\_S\_01**

**Date of sample collection: 08.10.2022**

**Prohibited Substance(s): Phenylbutazone**

**Bar Code Nos.: 5614622**

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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, and Para-Equestrian.
2. Mr. João Pedro Pereira LOPES (FEI ID 10054663) is the registered of "Trainer" of the horse, LUKE (the "Horse") who competed with its rider, Ms Cristina LOBERA SALES (the "Person Responsible") at the CEI1\*100, Alter do Chão (POR) on 08 October 2022 (the "Event").
3. According to Article 800.4.1 of the FEI's Endurance Rules ("ERs"), *"The Trainer is the person who is responsible for preparing the Horse both physically and mentally for competition (which includes determining the appropriate exercise programme, nutrition, and veterinary care for the Horse)."* Therefore, given the Trainer made relevant decisions about the Horse, the Trainer is also considered an additional Person Responsible (the "APR") pursuant to Article 118.3 of the General Regulations ("GRs").

## II. Factual background and initial proceedings

4. The Horse was tested during the Event and returned a positive result for Phenylbutazone, which is a Controlled Medication Substance under the FEI's 2022 Equine Prohibited Substances List.
5. The FEI informed the APR of the positive result for this Controlled Medication Substance by way of a notification letter dated 7 November 2022 (the "Notification Letter") and charged him for violations of Article 2.1 (*The Presence of a Controlled Medication Substance and/or its Metabolites or Markers in a Horse's Sample*) and Article 2.2 (*Use or Attempted Use of a Controlled Medication Substance or a Controlled Medication Method*) of the Equine Controlled Medication Rules (the "ECM Rules").
6. In the Notification Letter, the FEI provided the APR with an option to admit the ECM Rule violations and accept the proposed consequences of a three (3) month reduction of the otherwise applicable "Period of Ineligibility" of six (6) months in accordance with Article 10.8.1 of the ECM Rules and a fine of 2'500 CHF.
7. On 14 November 2022, the APR voluntarily accepted a "Provisional Suspension" of three (3) months and the fine of 2'500 CHF (the "Accepted Consequences"). He submitted to the FEI a duly signed Acceptance of Consequences Form in which he waived his right of appeal and acknowledged that the Accepted Consequences

would remain on his record for four (4) years pursuant to Article 10.9 of the ECM Rules

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

8. On 14 November 2022, the FEI submitted to the FEI Tribunal the duly signed Acceptance of Consequences Form together with the Notification Letter and requested the FEI Tribunal to issue a consent award confirming the Accepted Consequences (the "Consent Award").
9. On 21 November 2022, the FEI 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 24 November 2022.
10. On 21 November 2022, the FEI informed the FEI Tribunal that it did not have any objections to the constitution of the hearing panel. The APR did not respond; therefore, his silence was inferred as his agreement 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, is derived from the:

Statutes 24<sup>th</sup> edition, effective 17 November 2021 ("Statutes"), Articles 1.5, 38 and 39.

General Regulations, 24<sup>th</sup> edition, 1 January 2020, updates effective 1 January 2022 ("GRs") Articles 118, 143.1, 159, 164, 165 and 167.

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

FEI's Equine Anti-Doping and Controlled Medication Rules, 3<sup>rd</sup> Edition, effective 1 January 2021 ("EADCM Rules"). The EADCM Rules are divided into the Equine Anti-Doping Rules (the "EAD Rules") and (the "ECM Rules").

### V. Early Admission and Acceptance of Sanction

13. In accordance with Article 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**

14. The APR has explicitly admitted violations of the ECM Rules 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 this Decision (in case of a voluntary Provisional Suspension, the already served suspension will be credited against the imposed Period of Ineligibility); and
  - a fine of CHF 2,500.
15. The FEI Tribunal confirms that the 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 C22-0038 LOPES [2022/CM06 LUKE - Mr. Joao Pedro Pereira LOPES - Trainer (APR)] and incorporates its terms into this Consent Award.
2. Each Party is hereby ordered to perform the obligations and duties set out in the Acceptance of Consequences Form.
3. This Consent Award is pronounced without costs.
4. This Consent Award is final and not subject to a right of appeal as the APR has waived this right.
5. This Consent Award will be published in accordance with Article 13.3 of the ECM Rules.

DECISION TO BE FORWARDED TO:

- a. The Parties:  
- FEI

- Mr João Pedro Pereira LOPES (APR)

b. Any other:

- The POR- NF

- The ESP-NF

FOR THE TRIBUNAL

A handwritten signature in blue ink, appearing to read 'H Thauli', is centered within a light gray rectangular box.

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Ms Harveen Thauli (CAN)