

CONSENT AWARD

dated 14 December 2022 and issued by the

FEI TRIBUNAL

Sitting in the following composition:

Sole Panel Member: Mr Martin Gibbs (GBR)

in the matter between:

FÉDÉRATION EQUESTRE INTERNATIONALE (FEI)

and

Ms. Cristina LOBERA SALES in her capacity as the Personal Responsible and the Additional Person Responsible in the following cases:

Cases: C22-0039 SALES

FEI Case references: Case 2022/CM06 LUKE_Ms. Cristina Lobera Sales
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

FEI Case references: Case 2022/FT48 MEZENGA IBN RC_Ms. Cristina Lobera Sales
Person Responsible/ID/NF: João Filipe FIALHO CABEÇA/10042764/POR
Trainer/ID/NF: Cristina LOBERA SALES/10042764/ESP (POR)
Horse/Passport: MEZENGA IBN RC/107ZT97/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.: 5614625

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. Cristina LOBERA SALES (FEI ID 10054663) is an endurance Athlete and a registered Trainer. During the CEI1*100, Alter do Chão (POR) on 08 October 2022 (the "Event"). Ms Lobera:
 - Competed with the Horse LUKE, being the Person Responsible vis-à-vis this Horse; and
 - In her capacity as Trainer, she was in charge of the Horse MEZENGA IBN RC.¹
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 MEZENGA IBN RC, the Trainer is also considered an additional Person Responsible (the "APR") pursuant to Article 118.3 of the General Regulations ("GRs").
4. Ms Lobera will therefore be referred to as the "PR/APR".

II. Factual background and initial proceedings

5. The Horses were tested during the Event and returned positive results for Phenylbutazone which is a Controlled Medication Substance under the FEI's Equine Prohibited Substances List.
6. The FEI informed the PR/APR of these positive results for this Controlled Medication Substance in the Horses' Samples by means of the Notification Letter dated 7 November 2022 and charged the PR/APR 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").

¹ The horses LUKE and MEZENGA IBN RC will be referred to jointly as the "Horses".

7. In the Notification Letter, the FEI provided the PR/APR with an option to admit the violation of the ECM Rules and accept the proposed consequences and benefit from a three (3) months reduction of the otherwise applicable Period of Ineligibility of six (6) months asserted by the FEI in accordance with Article 10.8.1 of the ECM Rules.
8. On 14 November 2022, the PR/APR voluntarily accepted a "Provisional Suspension" by signing the Voluntary Provisional Suspension Acceptance Form and provided her position concerning the two rule violations.
9. On 16 November 2022, the PR/APR submitted to the FEI a duly signed Acceptance of Consequences Form and accepted the sanctions of three (3) months, disqualification from the Event and forfeiture of all medals, points, prize money, etc. won at the Event with the Horses, and a fine of 2'500 CHF (the "Accepted Consequences"). Moreover, she waived her right of appeal and acknowledged that the Accepted Consequences would remain on her record for four (4) years pursuant to Article 10.9 of the ECM Rules.

III. Summary of the proceedings before the FEI Tribunal

10. On 17 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").
11. The FEI also explained that since the two rule violations occurred at the same FEI Event, the FEI were unable to notify Ms Lobera of the first rule violation before the second one occurred. Therefore, the violations would be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction, in accordance with Article 10.9.3.1 of the ECM Rules. The FEI also noted that the sanctions for both violations in these proceedings were exactly the same.
12. On 25 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 30 November 2022.
13. On 28 November 2022, the FEI informed the FEI Tribunal that it did not have any objections to the constitution of the hearing panel. The PR/APR did not respond; therefore, her silence was taken to be an agreement 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, is derived from the:

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

General Regulations, 24th 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, 3rd Edition, 2 March 2018 ("IRs").

FEI's Equine Anti-Doping and Controlled Medication Rules, 3rd 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

16. 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

17. The PR/APR has explicitly admitted a violation 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 the Final Decision issued by the FEI Tribunal (the Provisional Suspension if any, already served shall be credited against the imposed Ineligibility Period);
- Disqualification from the Event and forfeiture of all medals, points, prize money, etc. won at the Event with the Horses;
- A fine of CHF 2,500.

18. 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 PR/APR in the cases C22-0039 [2022/CM06 LUKE & 2022/FT48 MEZENGA IBN RC – Ms. Cristina Lobera Sales – (PR/APR)] and incorporates its terms into this Consent Award.
2. Each Party is hereby ordered to perform the obligations and duties as per the Acceptance of Consequences Form.
3. This Consent Award is pronounced without legal costs.
4. This Consent Award is final and not subject to a right of appeal as the PR/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
- Ms. Cristina LOBERA SALES (PR/APR)

b. Any other:

- The ESP- NF
- The POR-NF

FOR THE TRIBUNAL



Mr Martin Gibbs (GBR)