

CONSENT AWARD

dated 8 March 2023 and issued by the

FEI TRIBUNAL

Sitting in the following composition:

Sole Panel Member: Mr Brian Ward (CAN)

in the matter between:

FÉDÉRATION EQUESTRE INTERNATIONALE (FEI)

and

Mr Hector Guillermo LAZCANO ALZAIBAR in his capacity as the **Person Responsible** in the following case:

Case: C23-0008 LAZCANO ALZAIBAR

FEI Case reference: 2022/FT55 (2022/ATF15), NAZARET

Person Responsible/ID/NF: Hector Guillermo LAZCANO ALZAIBAR/10021161/URU

Horse/Passport/NF: NAZARET/107AG06/URU

Event/Date//ID: CCI1*-Intro-Tacuarembó (URU), 29.08.-01.09.22, 2022_CI_0877_C_S_01

Prohibited Substance(s): Caffeine

Bar Code Nos.: 5606191

Date of sample collection: 01.09.2022

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 Hector Guillermo LAZCANO ALZAIBAR (FEI ID 10021161), the Person Responsible (the "PR"), is an Eventing Athlete from Uruguay, who competed with the horse, NAZARET (the "Horse") at the CCI1* in Intro-Tacuarembó (URU), on 29.08-01.09.2022 (the "Event").

II. Factual background and initial proceedings

3. The Horse was tested during the Event and returned a positive result for Caffeine, which stimulates the central nervous system. Caffeine 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 PR of the positive result in a notification letter dated 5 December 2022 (the "Notification Letter").
5. In the Notification Letter, the FEI had provided the PR with an option to admit, within 14 days, the administrative procedure, since (i) only one Controlled Medication Substance was detected in the Sample, (ii) it was his first (and the Horse's first) offense, and (iii) the Event during which the Sample was taken was not part of the Olympic Games, Paralympic Games or the World Equestrian Games. The Administrative Procedure would have resulted in the following sanctions: (i) Disqualification of the result(s) obtained at the Event and forfeiture of all prizes and prize money won at the Event; (ii) fine of CHF 1'500.- and costs of CHF 1'000.- or, if a B Sample analysis is requested and the administrative consequences are accepted after the B analysis, CHF 2'000.-.
6. For financial reasons, the PR was unable to accept the Administrative Procedure.
7. In the context of the FEI procedure, the PR submitted, on 2 February 2023, a summary of his financial situation, which was analysed by the FEI.
8. On 6 February 2023, the FEI, after having evaluated the PR's submission, offered him the option of admitting the Rule Violation ("*Presence of a Controlled Medication Substance in the Horse's sample*"), 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 FEI Equine Controlled Medication Rules (the “**ECM Rules** “), with a lowered fine justified by the financial situation of the PR and his family.

9. On 9 February 2023, the PR submitted to the FEI a duly signed Acceptance of Consequences Form.
10. On the same day, the PR requested to be voluntarily provisionally suspended, pursuant to Art. 7.4.9 of the ECM Rules, provisional suspension which was approved and confirmed by the FEI on 9 February 2023.

III. Summary of the proceeding before the FEI Tribunal

11. On 16 February 2023, 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 PR.
12. On 23 February 2023, 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 27 February 2023.
13. On 23 February 2023, the FEI informed the Tribunal that it did not have any objections to the constitution of the hearing panel. No objection to the constitution of the hearing panel was received from the PR.
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 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 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 (the Provisional Suspension already served shall be credited against the imposed Ineligibility Period); and
- Disqualification from the whole Event and forfeiture of all medals, points, prize money, etc. won at the Event with the Horse; and
- A Fine of CHF 500.

18. 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 PR in the case C23-0008 LOZCANO ALZAIBAR [2022/FT55 (2022/ATF15) – NAZARET] 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 13.3 of the ECM Rules.

DECISION TO BE FORWARDED TO:

a. The Parties:

- FEI
- Mr Hector Guillermo LAZCANO ALZAIBAR (PR)

b. Any other:

- The FEDERACIÓN URUGUAYA DE DEPORTES ECUESTRES (NF of Mr LAZCANO ALZAIBAR)

FOR THE TRIBUNAL



Mr Brian Ward (CAN)