

CONSENT AWARD

Dated 30 March 2023 and issued by the

FEI TRIBUNAL

Sitting in the following composition:

Sole Panel Member: Jose A. Rodriguez Alvarez (MEX).

in the matter between:

FÉDÉRATION EQUESTRE INTERNATIONALE (FEI)

and

Ms **Melania VANINA** in her capacity as the **Person Responsible** in the following case:

Case: C23-0004 VANINA

FEI Case reference: Case 2022 BS07 ERYN - Ms. Melania Vanina

Person Responsible/ID/NF: Melania VANINA/10160936/SUI

Horse/Passport: ERYN/105SX59/SUI

Event/Date/ID: CEI1*100 Oberstammheim (SUI) 20.08.22, 2022_CI_1711_E_S_01

Date of sample collection: 20.08.2022

Prohibited Substance(s): Flufenamic acid

Bar Code No.: 5611251

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 Melania VANINA (FEI ID 10160936), the Person Responsible (the "PR"), is a rider from Switzerland and competed with the Horse, ERYN (the "Horse"), at the CEI1*100 Oberstammheim (SUI) 20.08.22, 2022_CI_1711_E_S_01, (the "Event").

II. Factual background and initial proceedings

3. The Horse was tested during the Event and returned a positive result for Flufenamic acid, which is a non-steroidal anti-inflammatory drug used for the treatment of rheumatic disorders (the "Prohibited Substance"). Flufenamic acid is a "Banned Substance" under the FEI's 2022 Equine Prohibited Substances list.
4. On 26 September 2022, the FEI notified the PR an alleged Equine Anti-Doping Rule Violation (the "EADRV") and imposed a Mandatory Provisional Suspension as from such date on the Person Responsible and Horse in accordance with Article 7.4.1 of the Equine Anti-Doping Rules (the "EAD Rules")¹.
5. In the Notification Letter, 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 Article 10.8.1 of the EAD Rules.
6. On 3 October 2022, the PR requested a B-Sample analysis (i.e., within 10 days of the Notification Letter).
7. On 25 October 2022, the FEI notified to the PR the result of the confirmatory analysis of the B-Sample which confirmed the presence of the Prohibited Substance. The PR was granted a 14-day deadline to provide an explanation or admit the violation and accept the consequences.

¹ FEI Equine Anti-Doping & Controlled Medication Rules (EADCMR), 3rd edition, effective 1 January 2021 is composed of the Equine Anti-Doping Rules and the Equine Controlled Medication Rules.

8. On 21 December 2022, the FEI maintained the charges for the alleged violation against the PR.
9. On 1 February 2023, the PR submitted to the FEI a duly signed Acceptance of Consequences Form electing to admit the violation and receive a six (6) month reduction in the applicable period of ineligibility.

III. Summary of the proceeding before the FEI Tribunal

10. On 1 February 2023, the FEI submitted to the FEI Tribunal (the "Tribunal") the duly signed Acceptance of Consequences Form together with the Notification Letter and its Annexes, and requested that the FEI Tribunal issue a "Consent Award", confirming the accepted consequences to be imposed on the PR.
11. On 8 February 2023, the Tribunal acknowledged receipt of the Acceptance of Consequences documentation and of the FEI's letter of 1 February 2023. However, the Tribunal noted that, on review of the case file, several pieces of the case file/clarifications were missing. Consequently, the Tribunal requested the following information (with supporting evidence) from the FEI in order to be provided with the complete case file:
 - 1) Request from the PR for the B-Sample to be analysed (mentioned in the 25 October 2022 FEI letter).
 - 2) Position submitted by the PR (mentioned in the 21 December 2022 FEI Notice of Charge).
 - 3) According to the 21 December 2022 FEI Notice of Charge, the PR was offered to accept the Administrative Procedure within 14 days. Based on the file provided, the PR only accepted said procedure on 1 February 2023, i.e., after the deadline. Thus, the Tribunal noted that the formal requirements related to said proceedings were not respected and requested that the FEI provided clarifications in this respect.
 - 4) The entire file established to date in these proceedings, incl. any exchanges which occurred between the FEI and the PR.
12. On 13 February 2023, the FEI provided the Tribunal with the missing items of the case file.
13. On 3 March 2023, 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 8 March 2023.

14. On 4 March 2023, the FEI informed the Tribunal that it did not have any objections to the constitution of the hearing panel. Neither the PR nor the Swiss Equestrian Federation (the "SUI-NF") informed the Tribunal of any objection to the constitution of the hearing panel. Therefore, by not responding within the deadline, the PR's silence was inferred as her agreement to the constitution of the hearing panel.

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 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 ("EADCMR"), 3rd edition, changes effective 1 January 2021.

V. Early Admission and Acceptance of Sanction

17. In accordance with Article 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

18. 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 Final Decision by the FEI Tribunal (the Provisional Suspension already served shall be credited against the imposed Ineligibility Period); and
- A two (2) month period of provisional suspension of the Horse, commencing as of the date of the Notification letter; and
- 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 5'000.-; and
- Costs of CHF 1'000.- (in case of B-sampling).

19. 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.

20. However, in respect of the issues raised at paragraph 11 of this Consent Award, the Tribunal wishes to highlight the importance of being provided the essential elements of the file when the parties request the issuance of a consent award that will confirm the accepted consequences to be imposed on the PR. The Tribunal is able to duly exercise its power to ratify an agreement reached between the parties upon review of the necessary documents of the case file. Only at that stage can the Tribunal be entitled to acknowledge that all the applicable rules have been respected.

ON THESE GROUNDS

1. The sole panel member hereby ratifies the Accepted Consequences by the PR in the case C23-0004 VANINA [ERYN Case 2022 BS07] 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 Melanina Vanina

b. Any other:

- The SUI-NF

FOR THE TRIBUNAL



Jose A. Rodriguez Alvarez (MEX).