

CONSENT AWARD

Dated 27 June 2023 and issued by the

FEI TRIBUNAL

Sitting in the following composition:

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

in the matter between:

FÉDÉRATION EQUESTRE INTERNATIONALE (FEI)

and

Mr. Abdullah BASHOGERA in his capacity as the Additional Person Responsible in the following case:

Case: C23-0021 BASHOGERA

FEI Case reference: Case 2023/FT21 ALYAA - Mr. Abdullah BASHOGERA Trainer (APR)

Person Responsible/ID/NF: Iris WERRON/10087881/GER

Trainer/ID/NF: Abdullah BASHOGERA/10219364/KSA

Horse/Passport: ALYAA/108BO07/KSA

Event/ID: CEI2*120 - Al Ula (KSA), 03-04.03.2023, 2023_CI_0328_E_S_01

Date of sample collection: 04.03.2023

Prohibited Substance(s): Phenylbutazone, Oxyphenbutazone

Bar Code Nos.: 5619352

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 of the FEI equestrian disciplines (Dressage, Jumping, Eventing, Driving, Endurance, Vaulting and Para-Equestrian).
2. Mr. Abdullah BASHOGERA (FEI ID 10219364) the Additional Person Responsible (the "APR"), is a Trainer from Saudi Arabia (the "KSA-NF") and was in charge of the Horse, ALYAA (the "Horse") at the CEI2*120 - Al Ula (KSA), 03-04.03.2023, 2023_CI_0328_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 Phenylbutazone and Oxyphenbutazone which are a Controlled Medication Substances under the FEI's 2023 Equine Prohibited Substances List.
4. The FEI informed the APR of the positive result for these Controlled Medication Substances by way of a notification letter dated 17 April 2023 (the "Notification Letter) and charged him for a violation of Article 2.1 (Presence of a Controlled Medication Substance and/or its Metabolites or Markers in a Horse's Sample) and Article 2.2 (Use of a Controlled Medication Substance and/or Controlled Medication Method) of the Equine Controlled Medication Rules (the "ECMRs").
5. In the Notification Letter, the APR was provided with an option to admit the ECMRs violation and accept the proposed consequences of a three (3) month reduction of the otherwise applicable "Period of Ineligibility" of six (6) months, accompanied by a fine in accordance with Article 10.8.1 of the ECMRs.
6. On 1 May 2023, the APR submitted to the FEI a duly signed Acceptance of Consequences Form by means of 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 ECMRs.

III. Summary of the proceedings before the FEI Tribunal

7. On 9 May 2023, the FEI submitted to the FEI Tribunal the Notification Letter and the duly signed Acceptance of Consequences Form. In addition, the FEI requested the FEI Tribunal to issue a consent award confirming the Accepted Consequences that would be imposed on the APR.

8. On 22 May 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 25 May 2023.
9. On 22 May 2023, the FEI and KSA-NF informed the FEI Tribunal that it did not have any objections to the constitution of the hearing panel.
10. Neither party requested an oral hearing.

IV. Jurisdiction

11. The jurisdiction of the FEI Tribunal, which is not disputed, derives from the:

Statutes 24th edition, effective 17 November 2021 (“Statutes”), Arts. 1.5, 38 and 39.

General Regulations, 24th edition, 1 January 2020, Arts. 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, updates effective 1 January 2023 (“EADCMRs”). The EADCM Rules are divided into the Equine Anti-Doping Rules (the “EADRs”) and the ECMRs. As only the ECMRs apply in the present case, reference will be made hereinafter only to this second chapter of the EADCMRs.

V. Early Admission and Acceptance of Sanction

12. In accordance with Article 10.8.1 of the ECMRs *“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

13. The APR has explicitly admitted the ECMRs violation and accepted the following consequences (the "Accepted Consequences") in accordance with Article 10.8.1 of the ECMRs:

- A Period of Ineligibility of three (3) months commencing from the date of the Final Decision by the FEI Tribunal;
- Fine of CHF 2,500.

14. The sole panel member confirms that the Accepted Consequences comply with the ECMRs and finds no grounds to object to their terms.

ON THESE GROUNDS

1. The sole panel member hereby ratifies the Accepted Consequences in the case C23-0021 [2023/FT21- ALYAA- Mr. Abdullah BASHOGERA - 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 legal 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 shall be published in accordance with Article 13.3 of the ECMRs.

DECISION TO BE FORWARDED TO:

a. The Parties:

- FEI
- Mr. Abdullah BASHOGERA - Trainer (APR)

b. Any other:

- The KSA- NF
- The GER-NF

FOR THE TRIBUNAL

A handwritten signature in black ink, appearing to be 'J. Rodriguez', with a date '23/9/23' written below it.

Mr. Jose A. Rodriguez Alvarez (MEX).