

CONSENT AWARD

dated 6 July 2023 and issued by the

FEI TRIBUNAL

Sitting in the following composition:

Sole Panel Member: Ms Constance Popineau (FRA)

in the matter between:

FÉDÉRATION EQUESTRE INTERNATIONALE (FEI)

and

Khaled Saeed ALMOBTY in his capacity as the **Additional Person Responsible** in the following case:

Case: C23-0033 ALMOBTY

FEI Case reference: 2023/CM03, RIVERGUM HIGH SPEED

Person Responsible/ID/NF: Majed BIN OTHAYMAN /10048720/KSA

Trainer/ID/NF: Khaled Saeed ALMOBTY /10048262/KSA

Horse/Passport: RIVERGUM HIGH SPEED /106PK47/KSA

Event/Place/Date: CEI2* 120 - Al Ula (KSA) (03-04/03/2023) 2023_CI_0328_E_S_01_01

Date of sample collection: 04.03.2023

Prohibited Substance(s): Carprofen, Meloxicam

Bar Code Nos.: 5621610

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 Khaled Saeed ALMOBTY (FEI ID 10048262), the Additional Person Responsible (the “APR”), is a trainer from Saudi Arabia, and was the registered trainer for the horse, Rivergum High Speed (the “Horse”), which competed at the CEI2* 120 in Al Ula (KSA), between 3 and 4 March 2023 (the “Event”).

II. Factual background and initial proceedings

3. The Horse was tested during the Event and returned a positive result for Carprofen and Meloxicam. Carprofen is a non-steroidal anti-inflammatory drug for treatment of inflammatory and rheumatic disorders. Meloxicam is a non-steroidal anti-inflammatory substance with anti-inflammatory and analgesic effects. The abovementioned substances are classified as Controlled Medication Substances under the FEI Equine Prohibited Substances List.
4. The FEI informed the APR of the positive result in a notification letter dated 17 April 2023 (the “Notification Letter”). The APR was Provisionally Suspended by the FEI as of 17 April 2023, since two Controlled Medication Substances were detected in the Horse’s Sample, in accordance with Art. 7.4.1 of the Equine Controlled Medication Rules (the “ECM Rules”).
5. In the Notification Letter, the FEI provided the APR with an opportunity to provide his explanations as to the CM Rule Violations within 20 days as of the date of the Notification Letter.
6. On 28 April 2023, and then on 10 May 2023, the APR submitted his position, but did not offer any supporting evidence, despite several reminders from the FEI.
7. On 12 June 2023, by way of a notice of charge (the “Notice of Charge”) the FEI notified the APR the charges that were brought against him, i.e. an ECM Rule Violation following the positive result of the Horse’s sample for the substances Carprofen and Meloxicam.
8. In the Notice of Charge, the FEI, taking into account the APR’s explanations, indicated that he did not establish the source of the prohibited substances. The APR was

further provided with an option to admit the ECM Rule violation, accept the sanctions 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 ECM Rules.

9. On 12 June 2023, the APR submitted to the FEI a duly signed Acceptance of Consequences Form.

III. Summary of the proceeding before the FEI Tribunal

10. On 20 June 2023, the FEI submitted to the FEI Tribunal the duly signed Acceptance of Consequences Form together with the Notification Letter, the Notice of Charge and their respective annexes, and requested that the FEI Tribunal issue a "Consent Award", confirming the accepted consequences that would be imposed on the APR.
11. On 27 June 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 30 June 2023.
12. On 27 June 2023, the FEI informed the Tribunal that it did not have any objections to the constitution of the hearing panel.
13. On 30 June 2023, the APR informed the Tribunal that he did not have any objections 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, derives from the:

Statutes 24th edition, effective 19 November 2019 ("Statutes"), Arts. 1.5, 38 and 39.

General Regulations, 24th edition, updates effective 1 January 2023, 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, effective 1 January 2021, updates effective 1 January 2023.

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 APR has explicitly admitted the ECM Rule violation and accepted the following consequences (in accordance with the Art. 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; and
- Fine of CHF 2'500.-.

18. The sole panel member confirms that the above Accepted Consequences comply with the ECM Rules and finds no grounds to object to their terms.

19. Furthermore, the sole panel member notes that, pursuant to Art. 10.12.3 of the ECM Rules, *if a Provisional Suspension is respected by the Person Responsible, member of the Support Personnel, and/or other Person and/or Horse, then a credit shall be received for such period of Provisional Suspension against any period of Ineligibility which may ultimately be imposed as determined by the FEI Tribunal.* In this respect, the sole panel member notes that, since the APR has been suspended since 17 April 2023 in the present case, the Provisional Suspension already served shall be credited against the imposed Ineligibility Period.

ON THESE GROUNDS

1. The sole panel member hereby ratifies the Accepted Consequences in the case C23-0033 ALMOBTY [2023/CM03 – RIVERGUM HIGH SPEED] and incorporates its terms into this Consent Award.
2. Each Party is hereby ordered to perform the obligations and duties pursuant to the Accepted Consequences.
3. The Consent Award is pronounced without costs.
4. This Consent Award is final and is not subject to an appeal as the APR has waived this right.
5. This Consent Award shall be published in accordance with Article 14.3 of the ECM Rules.

DECISION TO BE FORWARDED TO:

a. The Parties:

- FEI
- Mr Khaled Saeed ALMOBTY (APR)

b. Any other:

- The NF of the APR, the Saudi Arabian Equestrian Federation

FOR THE TRIBUNAL



Ms Constance Popineau (FRA)