

CONSENT AWARD

dated 11 August 2023 and issued by the

FEI TRIBUNAL

Sitting in the following composition:

Sole Panel Member: Mr César Torrente (COL)

in the matter between:

FÉDÉRATION EQUESTRE INTERNATIONALE (FEI)

and

Ismail MOHD in his capacity as the **Additional Person Responsible** in the following case:

Case: C23-0007 MOHD

FEI Case 2023/FT06

Horse/ID/NF: JM DE CHOCOLATE/105LV80/UAE

Person Responsible/ID/NF: Rawal Singh SUJAN SINGH/10152471/IND(UAE)

Trainer/ID/NF: Ismail MOHD/10017691/UAE

Event/Date/ID: CEI2* 120 - Dubai (UAE), 11-12.01.2023, 2023_CI_1547_E_S_01

Date of sample collection: 11.01.2023

Prohibited Substance(s): Dexamethasone

Bar Code Nos.: 5620328

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 Ismail MOHD (FEI ID: 10017691), the Additional Person Responsible (the “APR”), is a trainer from UAE, and was the registered trainer for the horse, JM DE CHOCOLATE (the “Horse”), which competed at the CEI2* 120 - Dubai (UAE), on 11 and 12 January 2023 (the “Event”).

II. Factual background and initial proceedings

3. The Horse was tested during the Event and returned a positive result for Dexamethasone, which is a corticosteroid with anti-inflammatory effects. Dexamethasone is a “Controlled Medication Substance” under the FEI's Equine Prohibited Substances list.
4. The FEI informed the APR of the positive result in a notification letter dated 3 February 2023 (the “Notification Letter”).
5. In the Notification Letter, the FEI provided the APR 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.
6. On or before 13 February 2023, the APR requested the analysis of the B Sample
7. On 14 February 2023, the APR requested an urgent oral preliminary hearing to be held concerning his Provisional Suspension in view of the upcoming FEI Endurance World Championships for Seniors to be held in Butheeb, UAE (the “Championships”) that were scheduled to be held between 20 and 26 February 2023 where the Horse was registered to compete.
8. On 20 February 2023, the FEI Tribunal passed a preliminary decision denying the APR's application to lift his provisional suspension.
9. On 5 June 2023 (i.e., following several extensions of his deadline that were granted by the FEI), the APR submitted his explanations on the source of the adverse analytical finding (“AAF”). In particular, he explained that a groom had provided four eye drops of a product called TobraDex (containing 1mg/ml of dexamethasone) to

the Horse by mistake, as this medication was to be given to another horse. The groom did not inform about his mistake. The APR relied on an expert opinion who concluded that the AAF could have been caused by the administration of TobraDex in view of the presumed degradation rate and the dosage and time of administration of the eye drops (i.e., 43.5 hours before sample collection).

10. On 12 July 2023, after having evaluated the APR's explanations, the FEI issued a Notice of Charge (the "**Notice of Charge**"), charging him with a violation of Art. 2.1 of the ECM Rules. The FEI contended that the APR had managed to establish the source of the AAF. However, in view of his extensive experience in the sport and the limited information and evidence contained in his submission to establish his level of fault, the FEI considered that the APR was at significant fault or negligence for the ECM rule violation. Moreover, bearing in mind that the APR had committed a prior anti-doping rule violation in 2018 and that the overall range of the period of ineligibility was 12 to 30 months, the FEI submitted that the APR should be sanctioned as follows:

- Twenty-one (21) months ineligibility period in accordance with Art. 10.2 and 10.9 ECMR (subject to further reduction of three (3) months if Option 1a was chosen);
- A fine of 7 500 CHF (subject to reduction to 5 000 CHF if Option 1a was chosen);
- Legal costs of 1 500 CHF (subject to total elimination if Option 1a was chosen);
- Automatic publication of sanction.

11. As a result, through the Notice of Charge, the APR was given the options to admit the violation asserted and accept the proposed Consequences (Option 1a), admit the violation asserted and enter into a case resolution agreement (Option 1b), or challenge in writing the assertion of a violation and/or proposed Consequences within 20 days from receiving the Notice of Charge (Option 2).

12. On 18 July 2023, the APR submitted to the FEI a duly signed Acceptance of Consequences Form.

III. Summary of the proceeding before the FEI Tribunal

13. On 18 July 2023, the FEI submitted to the FEI Tribunal the duly signed Acceptance of Consequences Form together with the Notification and Charge Letters and requested that the FEI Tribunal issue a "Consent Award", confirming the accepted consequences that would be imposed on the APR.

14. On 21 July 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 26 July 2023.

15. On 21 and 24 July 2023, the FEI and the APR, respectively, informed the Tribunal that they did not have any objections to the constitution of the hearing panel.

16. Neither party requested an oral hearing.

IV. Jurisdiction

17. 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, 1 January 2021, updates effective 1 January 2023.

V. Early Admission and Acceptance of Sanction

18. 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

19. The APR 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 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

- o Fine of CHF 5'000; and
- o Costs of CHF 1'000 (in case of B-sampling).

20. The sole panel member confirms that the above Accepted Consequences comply with the ECM Rules 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 C23-0007 MOHD [2023/FT06 – JM DE CHOCOLATE] 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 Ismail MOHD (APR)

b. Any other:

- The NF of the APR, the UAE Equestrian Federation

FOR THE TRIBUNAL



Mr César Torrente (COL)