

CONSENT AWARD

dated 12 September 2023 and issued by the

FEI TRIBUNAL

Sitting in the following composition:

Sole Panel Member: Mr. Armand Leone (USA).

in the matter between:

FÉDÉRATION EQUESTRE INTERNATIONALE (FEI)

and

Mr. Mohammed ALHARBI in his capacity as the **Additional Person Responsible** in the following case:

Case: C23-0042 ALHARBI

FEI Case reference: 2023/FT16 FIRST D'EN ROCHELLE - Mr. Mohammed Alharbi -
Trainer

Person Responsible/ID/NF: Hasan Sencer BASTUG/10156850/TUR

Trainer/ID/NF: Mohammed ALHARBI/10084752/KSA

Horse/Passport: FIRST D'EN ROCHELLE/108AG86/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): Diclofenac

Bar Code Nos.: 5621618

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 of dressage, jumping, eventing, driving, endurance, vaulting and para equestrian.
2. Mr. Mohammed ALHARBI (FEI ID 10084752) the Additional Person Responsible (the "APR"), is a Trainer from Saudi Arabia (the "KSA-NF") and was in charge of the Horse, FIRST D'EN ROCHELLE (the "Horse") which competed at the CEI2*120 - 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 Diclofenac which is a Controlled Medication Substances under the FEI's 2023 Equine Prohibited Substances List. Diclofenac is an anti-inflammatory drug with analgesic effects.
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"). The APR was not Provisionally Suspended by the FEI as of 17 April 2023, since one Controlled Medication Substance (including its metabolite) was detected in the Horse's Sample, in accordance with Art. 7.4.1 of the Equine Controlled Medication Rules (the "ECMRs").
5. In the Notification Letter, the FEI also explained to the APR that he may receive a reduction of the otherwise applicable "Period of Ineligibility" based on his degree of Fault or Negligence, if any, depending on how promptly he admitted the violation and on the seriousness of the violation in accordance with Article 10.8.1 of the ECMRs.
6. On 27 July 2023, the APR submitted to the FEI a duly signed copy of the Acceptance of Consequences Form. According to this document, the FEI deemed that a six-month Period of Ineligibility was considered appropriate in accordance with Article 10.8.1 ECMRs. Therefore, the APR elected to admit the violation and receive a 3-month reduction and, hence, serve a total ineligibility period of 3 months. In addition, by means of this form, the APR 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 3 August 2023, the FEI submitted to the FEI Tribunal (the "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 23 August 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 28 August 2023.
9. On 23 August 2023, the FEI replied that he did not have any objections to the constitution of the hearing panel. The APR never replied therefore, his silence was inferred as agreement 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 2023 ("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 EADCMRs 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 (the Provisional Suspension already served shall be credited against the imposed Ineligibility Period);
- Fine of CHF 2,500
- Costs of CHF 1,000.

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 C23-0042 [Case 2023/FT16 FIRST D'EN ROCHELLE - Mr. Mohammed Alharbi - 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 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. Mohammed Alharbi (APR)

b. Any other:

- The KSA- NF

FOR THE TRIBUNAL

A handwritten signature in blue ink, appearing to read 'Armand Leone', is positioned above a horizontal line.

Mr. Armand Leone (USA).