

CONSENT AWARD

Dated 5 October 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

Mr. Facundo MATTOS-in his capacity as the Person Responsible in the following case:

Case: C23-0047 MATTOS

FEI Case reference: 2023/FT43 PEGASO II- PR - Mr. Facundo MATTOS

Person Responsible/ID/NF: Facundo MATTOS/10255020/URU

Horse/Passport: PEGASO II/107LE36/URU

Event/ID: CCI3*-S- Tacuarembó (URU), 28-30.06.2023, 2023_CI_1796_C_S_01

Date of sample collection: 30.06.2023

Prohibited Substance: Lidocaine

Bar Code Nos.: 5626794

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. Facundo MATTOS (FEI ID 10255020) the Person Responsible (the "PR"), is an Endurance Rider from Uruguay (the "URU-NF") and participated with the Horse, PEGASO II (the "Horse") at the CCI3*-S- Tacuarembó (URU), 28-30.06.2023, 2023_CI_1796_C_S_01 (the "Event").

II. Factual background and initial proceedings

3. The Horse was tested during the Event and returned a positive result for Lidocaine which is a Controlled Medication Substance under the FEI's 2023 Equine Prohibited Substances List. Lidocaine is a local anaesthetic used in the treatment of various skin disorders and as a surface anaesthetic for minor surgery. The abovementioned substance is classified as a Controlled Medication Substance under the FEI Equine Prohibited Substances List.
4. The FEI informed the PR of the positive result for these Controlled Medication Substances by way of a notification letter dated 26 July 2023 (the "Notification Letter"). The FEI did not provisionally suspend the PR at this stage of the proceedings since only one Controlled Medication Substance was detected in the Horse's Sample in accordance with Article 7.4 of the Equine Controlled Medication Rules (the "ECM Rules").
5. In the Notification Letter, the FEI provided the PR with an option to accept the Administrative Sanctions ("Fast Track" sanctions) however due to his financial situation, the PR was unable to do so. On 8 August 2023 and 1 September 2023, the PR submitted a letter and email respectively, wherein he provided an explanation for the positive finding of Lidocaine and also details of his difficult financial situation including a salary payment slip.
6. On 8 September 2023, after the evaluation of the PR's particulars noted at paragraph 5 above, the FEI offered the PR the option of admitting the Rule Violation ("*Presence of a Controlled Medication Substance in the Horse's sample*") in order to receive an automatic three (3) month reduction of the Period of Ineligibility in accordance with Article 10.8.1 of the ECM Rules.

7. On 11 September 2023, the PR in the present case, elected to admit the violation and receive the agreed three (3) months reduction. Accordingly, the PR submitted to the FEI a duly signed copy 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 PR elected to admit the violation and receive a three (3) month reduction and, hence, serve a total ineligibility period of three (3) months.

In addition, by means of this form, the PR 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. Additionally, as the PR's monthly income equals approximately 1'050 CHF and given his personal financial circumstances, the FEI agreed to lower the Fine to 500 CHF.

III. Summary of the proceedings before the FEI Tribunal

8. On 13 September 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 PR.
9. On 29 September 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 4 October 2023.
10. On 1 and 2 October 2023 respectively, the FEI and the PR replied that he did not have any objections to the constitution of the hearing panel.
11. Neither party requested an oral hearing.

IV. Jurisdiction

12. 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 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

13. 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

14. The PR has explicitly admitted the ECM Rule violation and accepted the following consequences (the "Accepted Consequences") in accordance with Article 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 (the Provisional Suspension already served shall be credited against the imposed Ineligibility Period);
- Disqualification from the whole Event and forfeiture of all medals, points, prize money, etc. won at the Event with the Horse; and
- Fine of 500 CHF.

15. The sole panel member confirms that the 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 C23-0047 [FT43 PEGASO II - Mr. Facundo MATTOS (PR)] 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 PR has waived this right.
5. This Consent Award shall be published in accordance with Article 13.3 of the ECM Rules.

DECISION TO BE FORWARDED TO:

a. The Parties:

- FEI
- Mr Facundo MATTOS (PR)

b. Any other:

- The URU-NF

FOR THE TRIBUNAL



Ms. Constance Popineau (FRA).