

DECISION of the FEI TRIBUNAL

dated 27 October 2023

In the matter of

FÉDÉRATION EQUESTRE INTERNATIONALE (the FEI)

vs.

Mr. Fabian SEJANES

Represented by Mr. Mauricio Bermudez Acuña, AAAB Estudio Jurídico.

together, the Parties

(Reference No. FEI Tribunal: C22-0035)
(FEI Case number: 2022/HD05)

I. Composition of the FEI Tribunal Hearing Panel:

Ms Harveen Thauli (CAN), Panel Chair.

Case File: The FEI Tribunal (the **Tribunal**) duly took into consideration all the Parties' written submissions and communications received up to date.

II. Articles of the Statutes/Regulations which are applicable:¹

Statutes 24th edition, effective 17 November 2021 (the **Statutes**).

General Regulations 24th edition, effective 1 January 2023 (the **GRs**).

Internal Regulations of the FEI Tribunal, 3rd Edition, 2 March 2018 (the **IRs**).

FEI Anti-Doping Rules For Human Athletes, effective 1 January 2021 (the **ADRHAs**).

¹ All capitalized terms in this decision are defined in the relevant FEI Statutes or Regulations.

The World Anti-Doping Code - International Standard – Prohibited List – January 2022 (the **Prohibited List**).

III. Parties

1. The FEI is the IOC recognised international governing body for the equestrian sport disciplines of Dressage and Para-Equestrian Dressage, Jumping, Eventing, Driving, Para-Driving, Endurance, and Vaulting.
2. Fabian SEJANES (FEI ID 10001261) is an athlete registered with the National Equestrian Federation of Argentina (the **ARG-NF**) in the discipline of Jumping. Mr. Sejanes has extensive experience competing internationally. He competed with the horse, Harley VD Bisschop, FEI ID: 103XK19, at the FEI World Championships held in Herning, Denmark, from 5 to 14 August 2022 (the **Event**).
3. The ARG-NF is a member of the FEI and therefore, Mr. Sejanes is bound by the ADRHAs.

IV. Background:

4. Mr. Sejanes was selected for testing on 11 August 2022. He provided a urine sample, which was divided into an “A Sample” and “B Sample”. The samples were sent to the WADA-accredited laboratory, the Norwegian Doping Control Laboratory – Aker University Hospital in Oslo, NOR (the **Laboratory**) for analysis.
5. The Laboratory analysed Mr. Sejanes’ A Sample and reported an Adverse Analytical Finding (an **AAF**) for Hydrochlorothiazide and its metabolite, Chloraminophenamide, which are included in the category of class “S5 - Diuretics and Masking Agents” according to the Prohibited List. They are Specified Substances prohibited at all times (In and Out-of-Competition). Article 4.2.2 of the ADRHAs states the following about Specified Substances:

The Specified Substances and Methods identified in Article 4.2.2 should not in any way be considered less important or less dangerous than other doping substances or methods. Rather, they are simply substances and methods which are more likely to have been consumed or used by an Athlete for a purpose other than the enhancement of sport performance.
6. After the FEI was notified of the AAF, the FEI confirmed that neither the FEI nor the National Anti-Doping Agency of Argentina (the **ARG-NADO**) had granted Mr. Sejanes a Therapeutic Use Exemption (a **TUE**), which would have justified

the presence of the Prohibited Substances in his system.

7. On 11 October 2022, the FEI sent a letter to Mr. Sejanes (the **Notification Letter**) stating that:
 - a) The Prohibited Substances of Hydrochlorothiazide and its metabolite, Chloraminophenamide were present in his A Sample.
 - b) The positive finding of the Prohibited Substances in the A Sample constituted a violation of Articles 2.1 ADRHAs, *Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample*, and/or Article 2.2 ADRHAs, *Use of a Prohibited Substance*.
 - c) The FEI informed Mr. Sejanes that the ADRHAs require athletes who take medication that is on the Prohibited List must obtain a TUE pursuant to the International Standard for Therapeutic Use Exemptions.² The FEI noted that Mr. Sejanes had not declared the use of any medication on his Doping Control Form of 11 August 2022, the date of his urine test at the Event.
 - d) The FEI granted Mr. Sejanes a deadline of 20 days to provide an explanation for the alleged anti-doping rule violations (**ADRVs**).
 - e) The FEI did not provisionally suspend the Athlete because the Prohibited Substances were Specified Substances pursuant to Article 7.9.2 of the ADRHAs.
 - f) Mr. Sejanes had a right to voluntarily accept a Provisional Suspension pursuant to Article 7.4.4 of the ADRHAs.
 - g) Mr. Sejanes had the right to request an analysis of the B Sample within ten days from the receipt of the Notification Letter.
8. Mr. Sejanes did not request an analysis of the B Sample³ nor did he communicate whether he would accept a voluntary Provisional Suspension.
9. On 31 October 2022, Mr. Sejanes replied to the Notification Letter. He explained that the source of the Prohibited Substances in the A Sample was his medication that he took to treat his chronic medical condition.
10. On 8 November 2022, Mr. Sejanes provided the FEI with an updated Doping Control Form in which he wrote: [REDACTED] [REDACTED] (the **Updated Doping Form**).

² https://www.wada-ama.org/sites/default/files/resources/files/international_standard_istue_-_2021.pdf

³ Under Article 5.1.2.1(c) of the International Standard for Results Management, since Mr. Sejanes did not request an analysis of the B Sample, his ability to do so was irrevocably waived.

11. On 20 November 2022, Mr. Sejanes applied for a retroactive TUE to the FEI's TUE Committee and the International Testing Agency (the **ITA**). The ITA processed Mr. Sejanes' TUE application on the FEI's behalf.
12. On 13 February 2023, the ITA advised him that he had to apply for and obtain a standard (prospective) TUE from the ARG-NADO as he was not considered an International Level-Athlete under the ADRHAs, and he was taking his prescription medication regularly.
13. On 1 March 2023, the FEI's TUE Committee denied Mr. Sejanes' retroactive TUE for Hydrochlorothiazide because it found that Mr. Sejanes did not provide adequate medical justification for its use.
14. On 20 March 2023, the FEI charged Mr. Sejanes with a violation of Articles 2.1 and 2.2 of ADRHAs (the **Charge Letter**).
15. Between 25 and 27 April 2023, Mr. Sejanes sent an email replying to the Charge Letter.
16. On 20 June 2023, the FEI submitted the matter to the Tribunal and requested that a hearing panel be appointed to adjudicate this case. The FEI also submitted its Response with relevant exhibits.
17. On 7 July 2023, the Tribunal informed the Parties of the appointment of a one-person panel (the **Panel**). The Parties were asked to provide any objections to the constitution of the Panel by 11 July 2023. Mr. Sejanes was also provided with the opportunity to reply to the FEI's Response by 27 July 2023. Finally, the Parties were given a deadline of 2 August 2023, to indicate whether they requested that an oral hearing take place.
18. On 10 July 2023, the FEI informed the Tribunal that it did not have any objection to the constitution of the Panel. Mr. Sejanes did not respond; therefore, his silence was inferred as his agreement to the constitution of the Panel.
19. On July 26, 2023, Mr. Sejanes applied for a prospective TUE with the ARG-NADO.
20. On 27 July 2023, Mr. Sejanes submitted his Reply and relevant exhibits.
21. On 1 August 2023, the Panel reminded the Parties of their requirement to confirm by 2 August 2023, whether they wished a hearing take place. The Panel also asked Mr. Sejanes to provide certified English translations of the

exhibits that he had submitted in Spanish.

22. On 2 August 2023, the FEI confirmed that it did not consider it necessary to hold a hearing. The FEI, however, requested the opportunity to submit a second round of written submissions to address Mr. Sejanes' arguments about his level of Fault or Negligence in his Reply. The FEI also requested English translations of the exhibits submitted in Spanish by Mr. Sejanes.
23. On 2 August 2023, Mr. Sejanes confirmed that he did not consider that a hearing was necessary. He further requested an opportunity to reply to FEI's second round of submissions if the Panel granted the FEI's request.
24. On 7 August 2023, and before deciding whether to grant a second round of written submissions, the Panel requested that the Parties reply to her questions by 31 August 2023,
25. On 15 August 2023, Mr. Sejanes submitted English translations of his exhibits.
26. On 22 and 23 August 2023, respectively, the FEI and Mr. Sejanes provided their answers to the Panel's questions.
27. On 24 August 2023, the Panel acknowledged receipt of the Parties' answers and further asked the Parties to explain the significance and relevance of the CAS cases that they referred to. The Panel further asked Mr. Sejanes to respond to her question in the letter dated 7 August 2023, on whether he had applied for TUEs for previous FEI competitions. He had only addressed the Tokyo Olympics in his answer of 23 August 2023.
28. On 24 August 2023, Mr. Sejanes explained to the Panel that he had informed the Olympic Committee of Argentina about his health condition. He stated that the Olympic Committee of Argentina did not advise him to apply for a TUE but apparently told him to refrain from taking his medications during the competition. Mr. Sejanes also attached a decision dated 17 August 2023, from the ARG-NADO denying his application for a retroactive TUE. He was still awaiting the ARG-NADO's response on the prospective TUE.
29. On 24 August 2023, the Panel requested an English translation of the ARG-NADO's decision.
30. On 24 August 2023, the FEI submitted its response explaining the significance and relevance of the CAS cases cited in its submissions.

31. On 25 August 2023, Mr. Sejanes submitted its response explaining the significance and relevance of the CAS cases cited in his submissions.
32. On 25 August 2023, the Panel informed Mr. Sejanes that he had not yet answered whether he had obtained TUEs for previous FEI competitions (aside from the Tokyo Olympics). If he had not, the Panel also asked him to provide his reasons for not doing so.
33. On 29 August 2023, the Panel gave a deadline to Mr. Sejanes of 31 August 2023 to answer whether he obtained TUEs for previous FEI competitions. Mr. Sejanes did not respond to this question. The Panel also granted the Parties a second round of submissions limited to an analysis of Mr. Sejanes level of Fault or Negligence in accordance with the objective and subjective elements set out in *Cilic v. ITF*⁴ (the **Cilic Decision**).
34. On 5 September 2023, the FEI provided its additional submissions.
35. On 12 September 2023, Mr. Sejanes submitted his reply to the FEI's additional submissions.

V. Mr. Sejanes' Medical History and Medications

36. The Panel received the following medical documents from Mr. Sejanes and the FEI:
 - a) an ambulatory report dated 15 September 2014;
 - b) the laboratory results dated 17 December 2020 of his blood analysis;
 - c) a certificate dated 24 October 2022 from a clinical cardiologist; and
 - d) a certificate dated 26 April 2023 attesting to Mr. Sejanes' medical condition from a cardiologist.

37. Mr. Sejanes' medical history and medications are summarised as follows:

■ [REDACTED]

■ [REDACTED]

⁴ *Cilic v. ITF* (CAS 2013/A/2237), paras. 69 to 76.

[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 d) Mr. Sejanes confirmed during these proceedings that he was still taking [REDACTED].

VI. The Legal Framework

38. The FEI has the burden of establishing that ADRVs have occurred under Article 3.1 of the ADRHAs. The standard of proof will be whether the FEI has established the commission of the ADRVs to the comfortable satisfaction of this Panel, bearing in mind the seriousness of the allegations that are made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt.
39. This Panel states that the evidence must be clear, cogent, and convincing to meet the standard of proof, whether the burden of proof is on the FEI or an Athlete.
40. The elements of a breach of Article 2.1.1 of the ADRHAs are straightforward: *It is the Athletes' personal duty to ensure that no Prohibited Substances enters their bodies. Athletes are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary that intent, Fault, Negligence or knowing Use on the Athlete's part be demonstrated in order to establish an anti-doping rule violation under Article 2.1.* It is a strict liability offence that is established by proving that a Prohibited Substance was present in an Athlete's sample. In this case, sufficient proof was established by the presence of Hydrochlorothiazide and its metabolite, Chloraminophenamide in Mr. Sejanes' A Sample under Article 2.1.2 of the ADRHAs. Furthermore, Mr. Sejanes did not dispute the findings in his A Sample.
41. Article 10.2 of the ADRHAs provides that an Athlete with no previous doping offence, but who violates Article(s) 2.1 and/or 2.2 of the ADRHAs and where the violation involves a Specified Substance, is subject to a period of ineligibility of

⁵ It is unclear if and when Mr. Sejanes stopped taking [REDACTED].

two years⁶ (four years if the FEI can establish that an anti-doping rule violation was intentional),⁷ unless the Athlete can establish that he bears No (Significant) Fault or Negligence. When the burden of proof shifts to the Athlete, the standard of proof is by a balance of probability.

42. If an Athlete can establish that he bears No Fault or Negligence, the presumptive two-year period of Ineligibility will be eliminated completely under Article 10.5 of the ADRHAs. If the Athlete can establish that he bears No Significant Fault or Negligence, the presumptive two-year period of Ineligibility will be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two years of Ineligibility, depending on the Athlete's degree of Fault under Article 10.6 of the ADRHAs. If the Athlete fails to discharge the burden, the presumptive two-year ban under Article 10.2 of the ADRHAs applies.
43. To benefit from the Fault-related reductions of No (Significant) Fault or Negligence under 10.5 or 10.6 of the ADRHAs, these Articles require that an Athlete must establish, as a pre-requisite, how the Prohibited Substance entered his system.⁸ If established, the period of ineligibility may be reduced further depending on the Athlete's degree of Fault.
44. In this case, Mr. Sejanas stated that he began taking ██████████ in 2014 to treat his medical condition, which was confirmed by two different cardiologists. Therefore, the Panel is satisfied that Mr. Sejanas discharged his burden of proof by establishing, as a pre-requisite, that the ██████████, which contains Hydrochlorothiazide, was the source of the Prohibited Substances present in his A Sample.
45. In terms of the Athlete's degree of Fault or Negligence for the ADRVs under Articles 2.1.1 and 2.2.1 of the ADRHAs, the starting point of any evaluation is the "*personal duty*" of the Athlete to ensure that no Prohibited Substances enters his body.
46. To assess the Athlete's degree of Fault or Negligence, it is necessary to examine the definitions of Fault, No Fault or Negligence and No Significant Fault or Negligence, as defined in Appendix 1 of the ADRHAs, as follows:

***Fault:** Fault is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an Athlete's or other Person's degree of Fault include, for example, the Athlete's or other Person's experience, whether the Athlete or other Person is a Protected Person, special considerations such as impairment, the degree of risk that should have been*

⁶ Article 10.2.2 ADRHA

⁷ Article 10.2.1.2 ADRHA

⁸ Although hearing panels have found that an Athlete did not act intentionally without the Athlete establishing the source, this is rare and there are only a (numerically) small number of cases in which hearing panels have deviated from this principle.

perceived by the Athlete and the level of care and investigation exercised by the Athlete in relation to what should have been the perceived level of risk. In assessing the Athlete's or other Person's degree of Fault, the circumstances considered must be specific and relevant to explain the Athlete's or other Person's departure from the expected standard of behavior. Thus, for example, the fact that an Athlete would lose the opportunity to earn large sums of money during a period of Ineligibility, or the fact that the Athlete only has a short time left in a career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of Ineligibility under Article 10.6.1 or 10.6.2.

No Fault or Negligence: *The Athletes or other Persons' establishing that they did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that they had Used or been administered the Prohibited Substance or Prohibited Method or otherwise violated an anti-doping rule. [...]*

No Significant Fault or Negligence: *The Athlete or other Person's establishing that any Fault or Negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relationship to the anti-doping rule violation. [...]*

47. The CAS hearing panel in the **Cilic Decision** set out how a hearing panel may reduce a suspension based on an Athlete's degree of No (Significant) Fault or Negligence, taking into consideration subjective and objective elements, as follows:

69. The breadth of sanction is from 0-24 months. As Article 10.4 says, the decisive criterion based on which the period of ineligibility shall be determined within the applicable range of sanctions is fault. The Panel recognizes the following degrees of fault:

- a. Significant degree of fault or considerable fault.*
- b. Normal degree of fault.*
- c. Light degree of fault.*

70. Applying these three categories to the to the possible sanction range of 0-24 months, the Panel arrived at the following sanction ranges:

- a. Significant degree of or considerable fault: 16-24 months, with a "standard" significant fault leading to a suspension of 20 months.*
- b. Normal degree of fault: 8-16 months, with a "standard" normal degree of fault leading to a suspension of 12 months.*
- c. Light degree of fault: 0-8 months, with a "standard" light degree of fault leading to a suspension of 4 months.*

71. In order to determine into which category of fault a particular case might fall, it is helpful to consider both the objective and the subjective level of fault. The objective element describes what standard of care could have been expected from a reasonable person in the athlete's situation. The subjective element describes what could have been expected from that particular athlete, in light of his personal capacities.

72. The Panel suggests that the objective element should be foremost in determining into which of the three relevant categories a particular case falls.

73. The subjective element can then be used to move a particular athlete up or down within that category.

74. Of course, in exceptional cases, it may be that the subjective elements are so significant that they move a particular athlete not only to the extremity of a particular category, but also into a different category altogether. That would be the exception to the rule, however.

aa) The objective element of the level of fault

At the outset, it is important to recognise that, in theory, almost all anti-doping rule violations relating to the taking of a product containing a prohibited substance could be prevented. The athlete could always (i) read the label of the product used (or otherwise ascertain the ingredients), (ii) cross-check all the ingredients on the label with the list of prohibited substances, (iii) make an internet search of the product, (iv) ensure the product is reliably sourced and (v) consult appropriate experts in these matters and instruct them diligently before consuming the product.

[...]

bb) The subjective element of the level of fault

76. Whilst each case will turn on its own facts, the following examples of matters which can be taken into account in determining the level of subjective fault [...]:

a. An athlete's youth and/or inexperience [...].

b. Language or environmental problems encountered by the athlete [...].

c. The extent of anti-doping education received by the athlete (or the extent of antidoping education which was reasonably accessible by the athlete) [...].

d. Any other "personal impairments" such as those suffered by:

i. an athlete who has taken a certain product over a long period of time without incident. That person may not apply the objective standard of care which would be required or that he would apply if taking the product for the first time [...]

[...]

48. Having found that sufficient proof was established by the presence of Hydrochlorothiazide and its metabolite, Chloraminophenamide in the A Sample, and the source of the Prohibited Substances was his prescription medication of ██████████, this Panel is left with rendering a decision on Mr. Sejanés' degree of Fault or Negligence.

VII. The Parties' Submissions:

49. Although the Panel has fully reviewed the submissions and carefully considered the arguments made, the Panel refers to only the facts, evidence and arguments that she considered necessary to explain her reasoning in this decision.

The Submissions of the FEI

50. The FEI submitted that it is well-established in CAS jurisprudence that Athletes who were required to apply for and obtain a TUE before competing and who failed to comply with this requirement, cannot rely on the No Fault or Negligence provision during proceedings related to the Athlete's ADRVs.
51. The FEI cited the case of *WADA v. Stauber* (CAS 2006/A/1133) (the **Stauber Decision**) where the CAS hearing panel stated the following about No Fault or Negligence:

35. All Athletes being responsible for that what they ingest (Article 12 .1.1 of the Statutes) - whether within a medical treatment or not - the elimination of a period of suspension must not be found except in exceptional cases. In accordance with the constant jurisprudence of CAS, the Athlete cannot hide behind the potential misunderstanding of the antidoping rules by his doctor to escape any sanction. The prescription of a medicine by a doctor does not relieve the Athlete from checking if the medicine in question contains forbidden substances or not. Indeed, the personal, strict and proactive duty imposed on the athletes by the antidoping rules requires that an athlete who relies on third party advice (medically trained or trustworthy person), effectively raises the question whether a prohibited substance is contained or not.

36. In the present case - notwithstanding the fact that (a) the list of prohibited substance is published annually and therefore changed several times since 2003 and that (b) Mr Stauber changed twice doctors - he never made any such check in connection with the original prescription or with the renewed prescription,

either by himself or by asking questions to either one of the Doctors who prescribed the medicine.

37. Therefore, he has not exercised "the greatest vigilance" or "the utmost caution" and committed a fault. In addition, as a sporting elite, Mr Stauber has expressly undertaken in his declaration of submission to keep himself informed of the evolution of the rules and of the lists relating to the prohibited substances and methods. He should thus have known that the consummation of hydrocholothiazid was forbidden. As the Disciplinary Chamber has correctly stated, the suspension cannot thus be annulled on the basis of the provisions of Article 17.4.1 of the Statutes. [Emphasis added by the FEI.]

52. The FEI also referred to the CAS decision of *Nose v. Slovenian Cycling Federation* (CAS 2007/A/1356) (the **Nose Decision**) where the hearing panel stated:

7.5.9. The Panel accepts that (1) this was the Appellant's first exposure to an anti-doping procedure, (2) he had no intention to gain an unfair advantage when he administered the prohibited substance, (3) the prohibited substance was prescribed and applied for necessary medical treatment only, and (4) the Appellant did not conceal the use of the prohibited substance but openly admitted it. However, according to consistent CAS-jurisprudence, these grounds do not qualify for an exemption from, or reduction of the sanction which otherwise applies to an anti-doping rule violation.

*7.5.10. The Panel finds, however, that the circumstances related to the issuance of the TUE deserve closer review. The Appellant would not have been subject to an anti-doping procedure if a valid TUE had been issued. **As a principle, it is the responsibility of the athlete concerned to be in possession of a valid TUE, if he undergoes medical treatment which requires the administration of a prohibited substance. The respective rules and procedures are no secret but published in the rules of the UCI and available on the UCI's website.** Basically, it is the professional duty of an athlete to consult the rules, which the Appellant admittedly failed to do. It is for this reason **the Panel finds that the Appellant did not act without any fault.** [Emphasis added by the FEI.]*

53. The FEI summarised the established facts as follows:

- a) Mr. Senjanec tested positive at the Event for Prohibited Substances of Hydrochlorothiazide and its metabolite, Chloraminophenamide.
- b) Mr. Sejanec has most likely suffered from a chronic medical condition since 2014 and requires the medication of ██████████, which contains Hydrochlorothiazide.
- c) Mr. Sejanec did not have a TUE in place before the Event and he has never had any TUE granted to him by the FEI or the ARG-NADO.
- d) Mr. Sejanec is not considered an International Level-Athlete under the ADRHAs.

- e) Mr. Sejanes is a National-Level Athlete and should have obtained a TUE from the ARG-NADO before competing, whether in national or international competitions.
- f) Mr. Sejanes' applications for a retroactive TUE were rejected by the FEI TUE Committee and the ARG-NADO.
- g) As of 5 September 2023, Mr. Sejanes did not have a prospective TUE but despite this, he continued to compete in FEI competitions.

No Fault or Negligence

- 54. The FEI submitted that the definition of No Fault or Negligence in the ADRHAs and the World Anti-Doping Code (the **WADA Code**) provides that the elimination of the period of suspension is possible only in the case where the Athlete establishes that *he did not know or suspect, and could have not reasonably known or suspected even with the exercise of utmost caution, that he had Used or been administered the Prohibited Substance or Prohibited Method or otherwise violated an anti-doping rule.*
- 55. The FEI referred to paragraph 33 in the Stauber Decision where the CAS hearing panel state:
 - 33. The elimination of the period of suspension is possible only in the case where the Athlete establishes that he was unaware, that he did not doubt or could not have reasonably known or presumed, even with the greatest of vigilance or utmost caution, that he was being given a forbidden substance or forbidden method. The Athlete must therefore establish that he has done all that is possible, within his medical treatment, to avoid a positive testing result.*
- 56. The FEI submitted that Mr. Sejanes did not do all that was possible, within his medical treatment, to prevent the AAF for the following reasons:
 - a) Mr. Sejanes was aware that he was suffering from a medical condition requiring him to take medication daily since about 2014.
 - b) Mr. Sejanes stated in his submissions that he stopped taking his medication one week before the Event. This suggests that he must have had some knowledge that certain substances are prohibited In and Out-of-Competition and that his medication contained a Prohibited Substance because there was no other reason for him to stop taking it one week before the Event.
 - c) Despite being a frequent competitor in national and international competitions, it appeared that Mr. Sejanes never took the time to become familiar with the ADRHAs and his obligations to obtain a TUE before competing.
 - d) Mr. Sejanes received and opened emails containing a link to the FEI

Doping & Medication Control Guide (the **Guide**) for the Event. The Guide provided: an overview of the ADRHAs, including information on the TUE process and requirements; the Prohibited List; useful links to additional online resources; and contact details for help and advice. The Guide was available in seven languages, including Spanish.

57. The FEI concluded that Mr. Sejanec could not rely on the No Fault or Negligence provision.

No Significant Fault or Negligence

58. The FEI submitted that the CAS jurisprudence confirmed in cases where Athletes did not obtain a TUE before competing despite being required to do so by the respective rules, such Athletes could still have their sanctions reduced based on the No Significant Fault or Negligence provision.⁹ Ultimately, the length of sanctions imposed in those cases depended on the specific circumstances of each case. The FEI agreed with the CAS jurisprudence and stated that the provision of No Significant Fault or Negligence applied to Mr. Sejanec.
59. The FEI acknowledged the following factors in favour of Mr. Sejanec as follows:
- a) Mr. Sejanec most likely suffered from a chronic medical condition and requires the medication of ██████████, which contains Hydrochlorothiazide.
 - b) Mr. Sejanec is prescribed ██████████ by a doctor.
 - c) Mr. Sejanec was upfront about his medical condition and his prescription medication during these proceedings and in his Updated Doping Form.
 - d) Mr. Sejanec stopped using his medication one week before the Event.
 - e) Mr. Sejanec did not receive any in-person anti-doping education from the FEI and it was unclear whether he attended any education through the ARG-NF.
 - f) Mr. Sejanec's Fault lies not in his use of Hydrochlorothiazide in and of itself, but rather in failing to apply for and obtain a TUE for Hydrochlorothiazide before competing as required by the ADRHAs.
60. The FEI maintained that the following factors worked against Mr. Sejanec:
- a) Although the Athlete is not considered an International-Level Athlete, he

⁹ *Nose v Slovenian Cycling Federation* (CAS 2007/A/1356), paras.7.5.11 to 7.5.15; *Stewart v Federation Internationale de Motocyclisme* (CAS 2015/A/3876), paras.77 to 84; *WADA v Stauber & Swiss Olympic Association* (CAS 2006/A/1133), paras.38 to 42; *WADA v Sundby & FIS* (CAS 2015/A/4233), paras.105 and 119

is frequent competitor in the International Circuit. As of 5 September 2023, the FEI stated that he had competed in 708 FEI competitions since his first registration with the FEI in 2006. Therefore, he is expected to become familiar with the ADRHAs, including the relevant TUE requirements.

b) It seemed very unlikely that the Olympic Committee of Argentina would advise Mr. Sejanes to stop taking his medication before participating in the Tokyo Olympics. Furthermore, Mr. Sejanes' legal counsel did not provide any evidence proving that this conversation took place and with whom.

c) As confirmed by the FEI Communications Department, Mr. Sejanes received and opened the email with the link to the Guide. The Guide made it very clear to every Athlete participating at the Event that:

This Guide made it very clear to every athlete participating at the World Championships that:

WHAT'S AT RISK?

Humans

- *As an athlete, you are strictly liable for any prohibited substance found in your system, regardless as to how it got there or whether you had any intention to cheat. This principle is called "strict liability".*
- ***If you use a prohibited substance without having received a corresponding Therapeutic Use Exemption (TUE), you will be liable if you test positive for the substance in question.***
- *If you test positive, you will be disqualified and will lose your medals. In the case of a team competition, your team may be eliminated.*
- *Depending on the anti-doping rule violation, consequences and sanctions may include: results disqualification, ineligibility and financial consequences. Consequences and sanctions will be made public." (page 6 of the Guide)*

2. Run a medication check

- *With your team doctor's help, review all existing or foreseen medical treatments against the Prohibited List.*
- ***Apply for a Therapeutic Use Exemption (TUE) for any prescribed treatment involving prohibited substances and /or methods.***
- *If your medication check reveals that you are taking non-prescribed treatments containing prohibited substances, consult with your doctor for a non-prohibited alternative. (page 7 of the Guide)*

[Emphasis added by the FEI.]

d) Mr. Sejanes only has himself to blame for failing to become familiar with the ADRHAs or the Guide before the Event.

e) Mr. Sejanes displayed a nonchalant attitude by waiting until 26 July 2023 to file his prospective TUE application when the ITA advised him to do so

on 13 February 2023.

- f) As of 5 September 2023, Mr. Sejanés did not have a prospective TUE and continued to compete in FEI competitions.
61. In specific reference to the Cilic Decision at paragraph 76, the FEI submitted the following subjective elements to assist the Panel in determining Mr. Sejanés' degree of Fault:
- a) Youth and/or inexperience: Mr. Sejanés is an experienced rider in the discipline of Jumping. He has been registered with the FEI since 2006 and has competed in approximately 708 FEI competitions. Mr. Sejanés participated in the Tokyo Olympics and the Event.
 - b) Language or environmental problems encountered by the athlete: There did not appear to be any language or environmental problems. Furthermore, the Guide was available in Mr. Sejanés' native language of Spanish.
 - c) The extent of the anti-doping education received by the athlete (or the extent of the anti-doping education which was reasonably accessible by the athlete): Although Mr. Sejanés did not undergo any in-person anti-doping education by the FEI (and it is unclear whether he underwent such in-person anti-doping education at the AGO-NF), he received and opened the email containing the link to the Guide, which had information about the TUE requirements and the application process as well as contact details for help and advice.
62. The FEI compared this matter to *UKAD v. Thompson*¹⁰ (the **Thompson Decision**) where Mr. Thompson was also diagnosed [REDACTED] and was taking a medication containing Hydrochlorothiazide to treat his medical condition. In his case, Mr. Thompson was given an opportunity to apply for a retroactive TUE but he failed to cooperate with the TUE application process despite the extensive assistance that UKAD had provided him. The hearing panel found that Mr. Thompson's degree of Fault was high but despite his lackadaisical attitude towards the anti-doping process, he at no point displayed any mischievous or dishonest intent. The hearing panel sanctioned him with a period of Ineligibility of 18 months.
63. The FEI submitted that Mr. Sejanés similarly had a lackadaisical attitude towards the anti-doping process, which placed his degree of Fault at the higher range.

¹⁰ *UKAD v. Thompson*, SR/00000180224

64. Therefore, the FEI requested the Panel:
- a) *to uphold the charge that the Athlete has violated ADRHA Articles 2.1 and 2.2;*
 - b) *to impose a period of Ineligibility of eighteen (18) months on the Athlete, commencing on the date of the Tribunal's final decision in this matter*
 - c) *to disqualify all results obtained by the Athlete at the Event, with all resulting consequences, including forfeiture of any medals, points, and prizes pursuant to ADRHA Articles 9 and 10.1;*
 - d) *to disqualify all other competitive results obtained by the Athlete from the date of sample collection (11 August 2022), with all resulting consequences, including forfeiture of any medals, points, and prizes pursuant to ADRHA Article 10.10;*
 - e) *to impose a fine on the Athlete of CHF 3'000; and*
 - f) *to order the Athlete to pay CHF 1'500 as a contribution to the legal costs that the FEI has incurred in these proceedings.*

The Submissions of the Athlete

65. At the outset, Mr. Sejanes submitted that he bore No Fault or Negligence for his anti-doping rule violations and that he should not be sanctioned any period of Ineligibility. He referred to paragraph 33 of the Stauber Decision, which is set out in this Decision at paragraph 55 above, to support his position that he acted with the utmost duty of caution.
66. Mr. Sejanes further submitted that the provision of No Significant Fault or Negligence should only be considered as a secondary argument, but should the Panel find Mr. Sejanes bore No Significant Fault or Negligence, his circumstances fall within the "light degree of fault". He stated that a reasonable person in his situation would agree that he exercised the utmost duty of care. Therefore, he should only be sanctioned a period of Ineligibility of up to eight months. To support his argument of a minimum sanction, Mr. Sejanes cited *Kendrick v. ITF*¹¹ where the CAS hearing panel stated:
- 32. [...] Although consistency of sanctions is a virtue, correctness remains a higher one: otherwise unduly lenient (or, indeed, unduly severe) sanctions may set a wrong benchmark inimical to the interests of sport.*
67. Mr. Sejanes highlighted the following objective elements to support his position that he bore No Fault or Negligence:
- a) Mr. Sejanes was diagnosed with an incurable disease by a physician on examination of his laboratory results and other related tests.
 - b) A physician prescribed Mr. Sejanes medication containing

¹¹ *Kendrick v. ITF* (CAS 2011/A/2518)

Hydrochlorothiazide that he has to take daily.

- c) Mr. Sejanas was not aware of any other treatment available to treat his medical condition.
 - d) Mr. Sejanas has participated in over 600 international competitions without being sanctioned for violating any anti-doping rules. He has a "*flawless record*" of no ADRVs since 2014. Since he has competed for over eight years without violating any ADRVs, this instilled in him a "*longstanding belief*" that he was complying with the rules.
 - e) More than one billion people according to the World Health Organisation's data suffer from Mr. Sejanas' medical condition and the majority receive the same treatment as him.
 - f) Mr. Sejanas stopped taking his medication one week before the Event, but he did not know how long the medication would stay in his system.
 - g) Mr. Sejanas applied for a retroactive TUE with the FEI TUE Committee and the ARG-NADO, after he received the AAF.
 - h) Mr. Sejanas applied for a prospective TUE with the ARG-NADO after he learned that he had to do so.
 - i) Mr. Sejanas did not hide his medical condition or his prescription medication, after he received the AAF.
 - j) The FEI did not provisionally suspend Mr. Sejanas because his medication did not enhance his athletic performance.
 - k) Abstaining from taking his medication would pose a serious risk to Mr. Sejanas' life and discontinuing its use during competition could lead to a severe cardiovascular event or loss of life.
68. In specific reference to the Cilic Decision at paragraph 76, Mr. Sejanas submitted the following subjective elements to assist the Panel in determining his degree of Fault:
- a) Youth and/or inexperience: Mr. Sejanas did not consider himself an International-Level Athlete under the ADRHAs. Therefore, he is presumed to have a more limited understanding of the ADRHAs than that of an International-Level Athlete.
 - b) Language or environmental problems encountered by the athlete: Mr. Sejanas acknowledged that the anti-doping rules are available in Spanish. Despite this, he was "fully convinced" that he was complying with the rules and has never been sanctioned for any ADRVs.
 - c) The extent of the anti-doping education received by the athlete (or the extent of the anti-doping education which was reasonably accessible by the athlete): Mr. Sejanas has not received any anti-doping education from the ARG-NF, the Olympic Committee of Argentina or the FEI. Mr. Sejanas

wrote: “[...] *It should also be understood that the complexity of these rules makes them not easily accessible to an inexperienced person or someone who does not consider themselves an International-Level Athlete. [...]*”

d) Any other “personal impairments’ such as those suffered by an athlete who has taken a certain product over a long period of time without incident. That person may not apply the objective standard of care which would be required or that he would apply if taking the product for the first time: Mr. Sejanés stated that the objective standard of care is much lower for him because he has been taking prescription medication since 2014 without any ADRVs. He wrote: “[...] *Thus, the conviction of not doing anything wrong is deeply rooted in his sporting consciousness and how he conducted himself as an Athlete to fulfil all the requirements. [...]*”

69. The FEI TUE Committee denied Mr. Sejanés’ application for a retroactive TUE because it found that Mr. Sejanés did not provide “*adequate medical justification*” to justify his use of Hydrochlorothiazide. The ARG-NADO denied his application for a TUE because of his “*untimeliness*” in applying for one since he has had his medical condition since 2014. In both instances, Mr. Sejanés submitted that these denials were unfair and illegal. Furthermore, Mr. Sejanés stated that for the FEI to conclude that he suffered from a serious medical condition requiring medication containing Hydrochlorothiazide proved that the ITA and the FEI TUE Committee had all the necessary information to grant him a retroactive TUE.
70. Mr. Sejanés submitted that his fault was the result of not having “*requested*” a TUE before the Event and cited from the CAS decision of *WADA v. Sundby & FIS*¹² (the **Sundby Decision**) where the hearing panel stated: “[...] *The Athlete’s fault lies indeed in failing to request a TUE, the grant of which would have enabled him to compete without breach of the rules. [...]*” Mr. Sejanés stated in his email of 31 October 2023: “*I recognise that I should apply [sic] the FEI in order to obtain a Therapeutic Use Exemptions. But as I am not a frequent competitor in the International Circuit, I was not being warned enough about the time drugs remain in blood.*”
71. Mr. Sejanés argued that the Nose Decision does not apply in this case because Mr. Nose took medication to treat virility problems and did not seriously impact his life unlike Mr. Sejanés who requires medication to live. He further argued that the Panel should not rely on the Thompson decision because this decision was rendered by a national hearing panel and only CAS decisions apply in this case.

¹² *WADA v. Sundby & FIS* (CAS 2015/A/4233), para. 105

72. Mr. Sejanas submitted that his actions met the standard for the duty of absolute care, as he had done everything possible to avoid an AAF. Therefore, the Athlete requested that the Panel:
- a) *declare that the Athlete bears No Fault or Negligence as proven;*
 - b) *declare that the Athlete will not have a period of Ineligibility and that he will not be sanctioned with a fine or costs of this process;*
 - c) *subsidiarily and if No Fault or Negligence is denied, the exception of No Significant Fault or Negligence" be declared proven. Consequently, a sanction adjusted to the light degree of fault is granted.*

VIII. Jurisdiction

73. The Tribunal has jurisdiction over this matter pursuant to Article 38 of the Statutes, Article 159 of the GRs, Articles 8.1.1.1 and 8.1.2.1 of the ADRHAs, as well as Article 18 of the IRs. Mr. Sejanas is a member of the ARG-NF and as such, he is bound by the ADRHAs. The jurisdiction of the Tribunal is undisputed.

IX. Legal Discussion

74. At the outset, the Panel wishes to address Mr. Sejanas' argument that because he is not considered an International-Level Athlete, he is presumed to have a more limited understanding of the ADRHAs than that of an International-Level Athlete. The Panel disagrees.
75. The purpose of the ADRHAs is to protect the health of athletes and provide them with the opportunity to pursue human excellence without the Use of Prohibited Substances and Prohibited Methods. The ADRHAs seek to maintain the integrity of sport by ensuring the respect for rules, other competitors, fair competition, a level playing field, and the value of clean sport to the world. Integrity of sport is primordial and fundamental for its existence. The ADRHAs apply equally to athletes, whether national or international.
76. Mr. Sejanas is also reminded that any ADRV is a strict liability offence, which means that an Athlete is solely responsible for any Prohibited Substances found in his system, regardless of how the Prohibited Substances entered his system. CAS hearing panels have confirmed the principle that ignorance of the ADRVs is no defence.¹³ The CAS hearing panel in *WADA v. Galiulina & FIG*¹⁴ stated:

[...] Unfortunately for the Athlete, there is no such thing as "innocent" violation of the rules. In the interest of fair competition, the anti-doping rules must be applied

¹³ *Balandin v. RUSADA* (CAS 2019/A/6249), para. 59 and *WADA v. West & FIM* (CAS 2012/A/3029), para. 71

¹⁴ *WADA v. Galiulina & FIG* (CAS 2012/A/3037), para. 37.

with equality to all competitors, and ignorance is no defence. Athletes and their coaches and teams must take care to conduct themselves in accordance with the rules and regulations that correspond to their sport and to their level of competition. In sum, this is an open-and-shut case in which WADA's appeal is irresistible, irrespective of the Athlete's apparent naivety. [Emphasis added.]

77. Mr. Sejanés' presumption is not only an invalid argument but also an excuse given he did not dispute the AAF in his A Sample nor did he request an analysis of his B Sample. Therefore, the Panel will analyse Mr. Sejanés' degree of fault without any regard to his argument that he is presumed to have a more limited understanding of the ADRVs.

No Fault or Negligence

78. The definition of No Fault or Negligence is set out in paragraph 46 above. The starting point of any evaluation of ADRVs under Articles 2.1 and 2.2 of the ADRHAs is the Athlete's "*personal duty*" to ensure that no Prohibited Substances enter his body.
79. In interpreting the definition of No Fault or Negligence and an Athlete's personal duty, the Panel is guided by the comments of the CAS hearing panel in the Stauber Decision. The hearing panel confirmed in paragraph 35 the strict liability principle of an ADRV by stating: "[...] *All Athletes being responsible for what they ingest [...] – whether within a medical treatment or not [...].*" The hearing panel further found at paragraph 33 that: "[...] *The Athlete must therefore establish that he has done all that is possible, within his medical treatment, to avoid a positive testing result*" and at paragraph 37, that an Athlete must exercise "*the greatest vigilance*" or "*the utmost caution*" to prevent an ADRV.
80. The ADRHAs require that an Athlete who takes medication containing a Prohibited Substance on the Prohibited List must apply for and obtain a TUE. As a principle, it is the Athlete's responsibility to obtain a TUE before competing. This principle was reinforced in the Nose Decision. Mr. Sejanés appeared to understand this when he acknowledged in his email of 31 October 2023 that he should have applied to the FEI for a TUE.
81. Mr. Sejanés stated many times in his submissions that he exercised the utmost caution, and a reasonable person would agree that he acted with the utmost duty of care. He did not, however, support his conclusions with any concrete evidence. For example, Mr. Sejanés did not state whether he:
- a) read the label of his medication (or otherwise ascertained its ingredients);
 - b) cross-checked the ingredients on the label with the Prohibited List;

- c) conducted an Internet search of his medication;
 - d) reviewed the Guide for the Event, which was also available in his native language of Spanish; and
 - e) consulted appropriate experts in these matters and instructed them diligently before taking his medication.
82. Mr. Sejanes has been taking medication for a chronic medical condition since 2014. During these approximately nine years, it would appear that Mr. Sejanes did not take any proactive steps to become familiar with the ADRHAs. Although he did not receive any education on the ADRHAs from the FEI or his AGO-NF, this was neither the FEI's responsibility nor the AGO-NF's because the starting point for any ADRV is his own "*personal duty*" to ensure that no Prohibited Substances entered his system. Furthermore, there is an abundance of information available online that explains the ADRHAs in understandable language. His reason that the ADRHAs are too complex to understand is simply another excuse.
83. The Panel finds that Mr. Sejanes did not discharge his burden of establishing that he bore No Fault or Negligence.

No Significant Fault or Negligence

84. The definition of No Significant Fault or Negligence is set out in paragraph 46 above. To make a finding of No Significant Fault or Negligence requires viewing the totality of the circumstances while taking into account the criteria for No Fault or Negligence to conclude that the ADRV was not significant.
85. The FEI submitted that the provision of No Significant Fault or Negligence applies to Mr. Sejanes. On viewing the totality of the circumstances, the Panel accepts that:
- a) This was Mr. Sejanes first exposure to an anti-doping procedure.
 - b) Mr. Sejanes had no intention of gaining an unfair advantage with his medication.
 - c) The Prohibited Substances were prescribed and required for a chronic medical condition.
 - d) Mr. Sejanes did not conceal the use of the Prohibited Substances but admitted it during these proceedings and in his Updated Doping Form.
 - e) Mr. Sejanes stopped taking his medication one week before the Event. However, the above factors are not enough to convince this Panel that Mr. Sejanes did not act without any fault.
86. The CAS hearing panel in the Cilic Decision suggests that the objective

elements should be foremost in determining into which of the three relevant categories a particular case falls: significant degree of fault, normal or moderate degree of fault, or light degree of fault.

87. The Panel has already examined the objective elements in paragraphs 81 and 82 above. Based on this analysis, the Panel finds that Mr. Sejanes' degree of fault is significant.
88. According to the Cilic Decision, the subjective elements can then be used to move a particular Athlete up or down within that category. The Panel considered the following:
 - a) Mr. Sejanes is an experienced rider in the discipline of Jumping. He has been registered with the FEI since 2006 and has competed in over 700 FEI competitions, including the Tokyo Olympics and the Event. He stated that he has not been sanctioned for violating any anti-doping rules and he has a "*flawless record*". This may be so but Mr. Sejanes was not previously tested until he competed at the Event. If he had been tested after 2014, it is more than likely that the results of a urine analysis would have found Hydrochlorothiazide and its metabolite, Chloraminophenamide in his system.
 - b) Mr. Sejanes claimed that he stopped taking his medication one week before the Event. The only plausible reason for doing so is that he must have had some knowledge that some substances are prohibited In and Out-of-Competition and that his medication contained a Prohibited Substance. This is further supported by his statement that he did not know how long his medication would stay in his system when he stopped taking it during the week before the Event.
 - c) Mr. Sejanes stated that the denial by the ITA and the FEI TUE Committee to grant him a retroactive TUE was unfair and illegal. He argued that the FEI was aware of his medical condition, yet his application was denied for lack of "*adequate medical justification*". The ITA and the FEI TUE Committee evidently required more information than simply an awareness of his medical condition. There is no evidence that he reached out to the FEI TUE Committee to find out what type of medical documents was needed for his TUE application.
 - d) In any event, the ITA informed Mr. Sejanes that he had to apply to the ARG-NADO for a prospective TUE. As of the date of this Decision, the Panel has not been informed on whether he has received his prospective TUE. Despite this, he acknowledged in his submissions that he is still competing. He seems to be doing so based on his belief that the ARG-NADO will grant him a prospective TUE. It is unclear what Mr. Sejanes

does not understand. He has been made aware since the AAF in his A Sample that he must have a valid TUE before he competes. Although he submitted that the Sundby Decision stated that he was only required “to request a TUE” before he competed, Mr. Sejanes failed to read the balance of the sentence, which states: “*the grant of which would have enabled him to compete without breach of the rules.*” He is clearly showing a wanton disregard for the requirements in the ADRHAs. Although he may think he committed a technical violation, the Panel states that the World Anti-Doping Agency would disagree with him. A violation is a violation, and he continues to disrespect the rules and the value of clean sport.

- e) The ITA told him to apply for a prospective TUE on 13 February 2023, but he waited over five months before applying for a TUE on 26 July 2023.
 - f) Mr. Sejanes stated that the FEI did not provisionally suspend him because in his view, the FEI knew that his medication did not enhance his athletic performance. Article 7.4.2 of the ADRHAs states that Provisional Suspensions are optional for Specified Substances, which is the classification for Hydrochlorothiazide. Therefore, the FEI was not required to impose a Provisional Suspension on him. Instead, the FEI asked Mr. Sejanes whether he would accept a voluntary Provisional Suspension under Article 7.4.4 of the ADRHAs. He never responded.
 - g) The Panel agrees with the FEI that it seems unlikely that the Olympic Committee of Argentina would advise Mr. Sejanes to stop taking his medication before participating in the Tokyo Olympics. He did not produce any correspondence evidencing this advice. The Panel further finds it difficult to believe that any Olympic Committee would give such advice in the first place and then give such advice without a “paper trail”.
 - h) Furthermore, Mr. Sejanes contradicted himself in his submissions. The Panel notes that on the one hand, Mr. Sejanes stopped taking his medication before the Event and the Tokyo Olympics, but on the other hand, he states that abstaining from taking his medication could lead to a severe cardiovascular event or loss of life.
89. In response to Mr. Sejanes’ statement that the Panel cannot rely on the Thompson Decision because it was rendered by a national hearing panel, the Panel disagrees. This decision was issued by an independent anti-doping tribunal where the rules were premised on the WADA Code. The Panel may take guidance from a national hearing panel as well as CAS. There are similarities between this matter and the Thompson Decision. Both had Hydrochlorothiazide in their system and displayed a lackadaisical attitude towards the TUE process but neither acted with mischievous or dishonest intent.

90. After considering the objective and subjective elements as well as Mr. Sejanés' seemingly cavalier attitude towards the TUE requirements and process, the Panel finds that the FEI's suggestion of a period of Ineligibility of 18 months is reasonable and justified.
91. The Panel also finds that the FEI's request for a fine of CHF 3,000 and a contribution to legal costs of 1,500 CHF is in keeping with the FEI Guidelines for Fines and Contributions towards Legal Costs and Article 10.12.1 of the ADRHAs.

X. Terms of Decision:

92. The Panel finds that the FEI has established to its comfortable satisfaction that Mr. Sejanés committed ADRVs. Accordingly, the Panel confirms the following terms in this Decision:
 - a) Mr. Sejanés violated Articles 2.1 and 2.2 of the ADRHAs.
 - b) Mr. Sejanés is suspended for a period of eighteen (18) months effective from the date of notification of this Decision pursuant to Article 10.14 of the ADRHAs.
 - c) All results obtained by Mr. Sejanés at the Event are disqualified, with all resulting consequences, including forfeiture of any medals, points and prizes pursuant to Articles 9 and 10.1 of the ADRHAs.
 - d) All other competitive results obtained by Mr. Sejanés from the date of his sample collection (i.e., 11 August 2022) are disqualified, with all resulting consequences, including forfeiture of any medals, points and prizes pursuant to Article 10.10 of the ADRHAs.
 - e) Mr. Sejanés is ordered to pay a fine of three thousand Swiss Francs (CHF 3'000).
 - f) Mr. Fabian is ordered to pay one thousand five hundred Swiss Francs (CHF 1'500) as a contribution to the legal costs that the FEI has incurred in these proceedings.
93. Mr. Sejanés, his National Federation of Argentina and the FEI will be notified of this Decision.
94. Mr. Sejanés may not, during the period of Ineligibility, participate in any capacity in a Competition or activity (other than authorized antidoping Education or rehabilitation programs) authorized or organized by any Signatory, Signatory's member organization, or a club or other member organization of a Signatory's member organization, or in Competitions authorized or organized by any professional league or any international- or national-level Event organisation or any elite or national-level sporting activity

funded by a governmental agency (Article 10.14.1 of the ADRHAs).

95. If Mr. Sejanas violates any of the conditions in the previous paragraph during the period of Ineligibility, the results of any such participation will be disqualified and a new period of Ineligibility equal in length up to the original period of Ineligibility will be added to the end of the original period of Ineligibility. In addition, further sanctions may be imposed if appropriate (Article 10.14.3 of the ADRHAs).
96. This Decision will be published in accordance with Article 14.3 of the ADRHAs.
97. According to Article 170 of the GRs, this Decision is effective from the date of written notification to the persons and bodies concerned.
98. This decision is subject to appeal in accordance with Article 13.2 of the ADRHAs. An appeal against this Decision may be brought by lodging an appeal with the Court of Arbitration for Sport (CAS) within twenty-one (21) days of receipt of this Decision.

FOR THE TRIBUNAL



Ms Harveen Thauli, Panel Chair