

DECISION of the FEI TRIBUNAL

dated 6 December 2023

in the matter of

Mr (Abdullah Abdulrahman ALSUGHAYER PR: Ref. C23-0046)

(FEI Case number: FEI 2023/CM08 –BALLOON PARIS)

FEI Tribunal Hearing Panel: Mr Brian Ward (CAN)

FEI Tribunal Reference: C23-0046 [FEI 2023/CM08_Abdullah Abdulrahman ALSUGHAYER]

Person Responsible/ID/NF: Abdullah Abdulrahman ALSUGHAYER/10048174/KSA

Additional Person Responsible/ID/NF: Osama ALSUGAIR /10269463/KSA

Horse/Passport/NF: BALLOON PARIS/107AF21/KSA

Event/ID: CEI2*120 - AI UIa (KSA), 03-04.03.2023, 2023_CI_0328_E_S_01

Prohibited Substance(s): Phenylbutazone, Oxyphenbutazone

Bar Code No.: 5621608

I. Introduction

1. This case pertains to FEI Case with reference 2023/CM08 BALLOON PARIS. In the present matter, the FEI notified Mr Abdullah Abdulrahman ALSUGHAYER that a violation of Article 2.1 of the Equine Controlled Medication Rules (the “ECM Rules”) – The Presence of a Controlled Medication Substance and/or its Metabolites or Markers in the Horse’s Samples – had occurred. The FEI notified Mr Abdullah Abdulrahman ALSUGHAYER of the respective charges in his capacity as the Person Responsible (the “PR”).
2. **Applicable Rules Provisions:**
 - Statutes 24th edition, effective 17 November 2021 (“Statutes”).
 - General Regulations, 24th edition, 1 January 2020, updates effective 4 April 2023 (“GRs”).
 - 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”).
 - FEI’s Endurance Rules, 11th Edition, effective 1 July 2020, updates effective 1 January 2023 (“ERs”).

II. Factual background

3. Mr Abdullah Abdulrahman ALSUGHAYER (FEI ID 10048174), the PR, was the rider of the Horse Balloon Paris (the “Horse”), which competed at the CEI2*120 - Al Ula (KSA), 03-04.03.2023, 2023_CI_0328_E_S_01 (the “Event”).
4. The Fédération Équestre Internationale (the “FEI” together with the PR, the “Parties”), 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).
5. Blood samples were collected from the Horse during the Event and returned a positive result for Phenylbutazone and Oxyphenbutazone.

6. Phenylbutazone is an anti-inflammatory medication with analgesic effects. Oxyphenbutazone is a metabolite of Phenylbutazone. The aforementioned substances are “**Prohibited Substances**” under the FEI Equine Prohibited Substances List that are therefore classified as “**Controlled Medication Substances**” under EADCMRs.
7. Furthermore, and as no Veterinary Form was submitted for the use of Phenylbutazone and Oxyphenbutazone, the Adverse Analytical Finding (the “**AAF**”) in the Horse’s Sample gave rise to an Equine Controlled Medication Rule Violation (the “**ECM Rule Violation**”) under the EADCMRs.

III. Procedural background

8. By way of a notification letter dated 17 April 2023, the FEI informed the PR of a possible violation of Article 2.1 (*The Presence of a Controlled Medication Substance and/or its Metabolites or Markers in a Horse’s Sample*) the ECM Rules. The FEI also informed the PR that their records indicated that the PR had a prior Controlled Medication violation registered against him: - Case 2022/FT12 POLA RP. Consequently, the current alleged Controlled Medication violation will be considered as a second Controlled Medication violation in accordance with Article. 10.9.1 of the ECM Rules.
9. In accordance with Article 7.4.1. of the ECM Rules, the FEI decided not to provisionally suspend the PR as of the date of the notification letter dated 17 April 2023 since only one Controlled Medication Substance (and its metabolite) was detected in the Horse’s Sample. Nonetheless, the PR was informed about his right to request to be voluntarily suspended but he did not elect to do so.
10. By way of a Notice of Charge dated 8 June 2023, the FEI formally notified the PR, through his National Federation, of the alleged ECM Rule Violation. The PR was given a deadline of 20 days to either admit the asserted violation and accept the proposed Consequences or challenge in writing the asserted violation and/or the proposed Consequences.

The FEI explained that the PR requested on several occasions to extend his deadline to admit the asserted violation and accept the reduced consequences. As a result, the FEI set a final deadline of 3 August 2023 for the PR to submit the Acceptance of Consequences Form (the “Form”). Accordingly, on 3 August 2023, the PR sent a signed Acceptance of Consequences Form however it did not reflect

the correct sanctions in respect of the PR (due to a prior ECM Rule Violation of the PR within the previous 4-year period). Subsequently, the FEI reissued the correct form to the PR for signing however the PR did not return a duly signed form to the FEI to date.

11. Therefore, by email dated 17 August 2023, the FEI submitted the case files to the Tribunal for adjudication. The PR's NF, the KSA-NF, was copied to the FEI's correspondence.
12. On 19 September 2023, the Tribunal informed the Parties of the appointment of a one-person hearing panel to decide this case. The Parties were asked to provide any objections to the constitution of the hearing panel by 22 September 2023. Furthermore, the Tribunal granted the PR with the opportunity to respond to the FEI's allegations about the Prohibited Substances discovered in the Horse's system, by providing a statement of defence and any supporting evidence by 9 October 2023. The Tribunal further informed the PR that should they fail to respond within the deadline, the Tribunal hearing panel would decide this case using the file material in its possession. Finally, the Tribunal informed the Parties of their right to request an oral hearing.
13. On 19 September 2023, the FEI informed the Tribunal that it did not have any objections to the constitution of the hearing panel.
14. The PR did not provide any objection to the constitution of the hearing panel or submit any statement of defence within the prescribed deadline.
15. Neither party requested an oral hearing.

IV. The Parties' Submissions:

A. *The Submissions of the PR:*

16. During the proceedings the PR submitted various emails concerning his case to the FEI which can be summarised as follows:
 - 16.1 That during the Event, some unusual incidents occurred, wherein the Organising Committee seized several bags and medicines that had nothing to do with the PR, but that such items were in a close proximity to the stable of the PR's Horse;

- 16.2 That the Event Organiser's did not provide any designated storage areas for the participants which may have prevented any potential contamination incidents;
- 16.3 That in the past three years, the PR's Horse did not suffer from any, which demonstrated its lack of need for any Prohibited Substance;
- 16.4 That there was a noticeable leniency in stable security at the Event and as such the PR believed that anyone could have entered the stables and touched the horses, alleging that even some equine accessories were stolen during the Event;
- 16.5 The PR also provided some pictures and videos allegedly taken during the Event and stated that after reviewing the security camera footage provided by the Organising Committee, the PR claimed that the horses could have been contaminated during the Sample Collection process. He claimed that the Sample Collection Personnel touched and collected various drugs and needles from all horses in the submitted footage without changing gloves and then entered the horses' boxes without the presence of the owners or trainers;
- 16.6 The PR requested not to be punished as he always endeavoured to follow and abide by the regulations and that it was impossible to admit to something that didn't happen, as he knew his Horse and he knew exactly what he did or did not do.

B. Submissions by the FEI:

17. On 17 August 2023, the FEI submitted, together with the case file, its Response to the Tribunal.
18. The FEI submitted that:
 - 18.1 Article 2.1 of the Equine Controlled Medication Rules (the ECM Rules) prohibits 'The presence of a Controlled Medication Substance or its Metabolites or Markers in a Horse's Sample'. Furthermore, it states that 'Persons Responsible are responsible for any Controlled Medication Substance found to be present in their Horse's samples (...).'
 - 18.2 Article 3.1 of the ECM Rules makes it the FEI's burden to establish all the elements of the ECM Rule Violation charged on the balance of probabilities.

- 18.3 The elements of Article 2.1 of an ECM Rule Violation are straightforward. *"It is not necessary that intent, fault, negligence or knowing Use be demonstrated in order to establish an ECM Rule violation under Article 2.1"*. Instead, it is a "strict liability" offence, established simply by proof that a Controlled Medication Substance was present in the Horse's sample. The results of the A sample analysis confirmed the presence of Phenylbutazone and Oxyphenbutazone, and together constituted sufficient proof of the violation of Article 2.1 of the ECM Rules. Therefore, the FEI submitted that it has discharged its burden of establishing that the PR violated Article 2.1 of the ECM Rules.
19. The FEI also submitted (as previously noted at paragraph 10 of the Decision that given this was the PR's second ECM Rule Violation committed within a previous 4-year period (in accordance with Article 10.9.1.1 of the ECM Rules):
- 'For a Person Responsible and/or member of the Support Personnel's and/or other Person's second ECM Rule violation (within the previous 4 years), the period of Ineligibility shall be the greater of:*
- (a) three months;*
- (b) a period of Ineligibility in the range between:*
- (i) the sum of the period of Ineligibility imposed for the first ECM Rule violation plus the period of Ineligibility otherwise applicable to the second ECM Rule violation treated as if it were a first violation; and*
- (ii) twice the period of Ineligibility otherwise applicable to the second ECM Rule violation treated as if it were a first violation with the period of Ineligibility within this range to be determined based on the entirety of the circumstances and the Person Responsible and/or member of the Support Personnel's and/or other Person's with respect to the second violation.'*
20. Therefore, the FEI submitted that the first step in these proceedings was to establish the applicable sanction to this second ECM Rule Violation treated as if it were a first violation.
21. Moreover, the FEI submitted that in accordance with Article 10.2 of the ECM Rules a PR with no previous doping and/or Controlled Medication offences, but who violates Article 2.1 of the ECM Rules, was subject to a period of Ineligibility of six (6) months, unless he can rebut the presumption of fault on a balance of probability (Article 3.1 of the ECM Rules). If the PR fails to do so, the six (6) months period of Ineligibility applies.

22. To rebut the presumption of fault, the ECM Rules stipulate, and the jurisprudence of the FEI Tribunal and CAS is very clear: it is a strict threshold requirement that the PR prove how the Prohibited Substance entered the Horse's system before making any plea of No (or No Significant) Fault or Negligence. Indeed, this threshold requirement is strictly applied because without such proof, it would be impossible to assess the degree of Fault or Negligence (or No Significant Fault or Negligence) of the PR for the presence of the Prohibited Substance in the Horse.
23. In this case, the PR stated that he did not administer the Prohibited Substances to the Horse and that it was possible that third parties contaminated his Horse with the detected Prohibited Substance. The FEI noted that the claims of the PR were not supported by any evidence apart from his own word and speculations. The PR submitted some photographs and videos (including the videos provided by the Organising Committee of the Event), however those photographs and videos did not provide any information on the source of the Prohibited Substance or the circumstances of the violation. The PR did not provide any evidence as to who, when how and why his horse could have been contaminated with the Prohibited Substances in questions.
24. Furthermore, the FEI submitted that the latest allegations; wherein it was suggested that the Sample Collection Personnel who collected various drugs and needles from all horses and then touched those horses without changing gloves were responsible for contaminating them with the Prohibited Substances was completely baseless. The FEI noted that there was no single video, photograph or direct witness statement which confirmed that the supposed actions of the Sample Collection personnel ever occurred.
25. Moreover, the FEI noted that even if those allegations could have been proven by independent evidence, it was highly unlikely that simple skin contact with a tiny quantity of the Phenylbutazone could provide an adverse result in the Horse's Sample. As stated above and in accordance with the applicable rules, the FEI submitted that it was not enough to claim that some hypothetical situation resulted in the source of the Prohibited Substance, the source must be established and corroborated by independent evidence. This was obviously not the case in the current matter.
26. Consequently, the FEI confirmed that the PR did not discharge his burden of proof of establishing how Phenylbutazone and Oxyphenbutazone entered the body of the Horse and the "threshold requirement" has not been met in this case. Should the PR submit additional evidence in regard to the source of the Prohibited Substances during the course of the proceedings in front of the FEI Tribunal, the

FEI reserved its right to respond to this additional evidence.

27. In respect of the level of Fault/Negligence by the PR for the rule violation, the FEI explained that the starting point of any evaluation is the 'personal duty' of the PR following from Article 2.1.1 of the ECM Rules, i.e., his personal duty to ensure that 'no Controlled Medication Substance is present in the Horse's body during an Event without a valid Veterinary Form'.
28. Furthermore, the FEI noted that (as defined in Appendix 1 of the EADCMRs):

'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 Person Responsible and/or member of the Support Personnel's and/or other Person's degree of Fault include, for example, the Person Responsible's and/or member of the Support Personnel's and/or other Person's experience, whether the Person Responsible and/or member of the Support Personnel and/or other Person is a Minor, special considerations such as impairment, the degree of risk that should have been perceived by the Person Responsible and/or member of the Support Personnel and/or other Person and the level of care and investigation exercised by the Person Responsible and/or member of the Support Personnel and/or other Person in relation to what should have been the perceived level of risk. In assessing the Person Responsible's and/or member of the Support Personnel's and/or other Person's degree of Fault, the circumstances considered must be specific and relevant to explain the Person Responsible's and/or member of the Support Personnel's and/or other Person's departure from the expected standard of behaviour. Thus, for example, the fact that the Person Responsible would lose the opportunity to earn large sums of money during a period of Ineligibility, or the fact that the Person Responsible only has a short time left in their career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of Ineligibility under Articles 10.6.1 or 10.6.2.'

'No Fault or Negligence. The Persons Responsible and/or members of the Support Personnel and/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 administered to the Horse, or the Horse's system otherwise contained, a Banned or Controlled Medication Substance or they had Used on the Horse, a Banned or Controlled Medication Method or otherwise violated an EAD or ECM Rule. Except in the case of a Minor, for any violation of Article 2.1, the Athlete must also establish how the Prohibited Substance entered the Horse's system.'

'No Significant Fault or Negligence. The Person Responsible and/or member of the Support Personnel establishing that their 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 EADCM Regulation violation. Except in the case of a Minor, for any violation of Article 2.1 of the EAD Rules and Article 2.1 of the ECM Rules, the Person Responsible must also establish how the Prohibited Substance entered the Horse's system.'

29. As presented by the FEI in their submissions, they considered that the PR failed to establish how the Controlled Medication Substances entered the Horse's system and therefore it was not possible to evaluate the PR's level of Fault or Negligence based on the relevant rules. As a consequence, the presumption of Fault as stipulated in the Article 10.2 of the ECM Rules remained. Consequently, the FEI submitted that no elimination or reduction of the period of Ineligibility in this case was possible and the appropriate sanction for the current violation, treated as if it was a first violation, is six (6) months of Ineligibility in accordance with Article 10.2 of the ECM Rules.
30. In respect of the sanction for a second ECM Violation, the FEI referred to Article 10.9.1.1 of the ECM Rules which stipulated that the applicable Ineligibility period for a second CM Rule violation- previously detailed at paragraph 19 of this Decision.
31. As such the PR was sanctioned with a period of ineligibility of three months for his first ECM Rule Violation committed on 29 January 2022. The FEI also referred to Article 10.9.1.1 of the ECM Rules, which states that the appropriate sanction for the second (current) violation, treated as if it was a first violation, was a six (6) month period of Ineligibility. Consequently, the mathematical exercise stipulated in Article 10.9.1.1 of the ECM Rules provided a range of Ineligibility from 9 months (3 months for the first violation plus 6 months for the second violation) to 12 months (twice 6 months for the second violation). Article 10.9.1.1 of the ECM Rules also provided that 'the period of Ineligibility within this range is to be determined based on the entirety of the circumstances (...) with respect to the second violation'.
32. However, the FEI submitted that since the PR did not establish the source of the Prohibited Substances in his Horse, the presumption of Fault applied to the current violation and the maximum period of Ineligibility in the established range should be applied. To sum up, the FEI submitted that the PR shall be sanctioned with twelve (12) months Ineligibility period in accordance with Article 10.9.1.1 of the ECM Rules.
33. In respect of the disqualification of results Article 9 of the ECM Rules stated that an ECM Rule Violation 'in connection with a test in a given Competition automatically leads to the Disqualification of the result of the PR and Horse

combination obtained in that Competition with all resulting Consequences, including forfeiture of any related medals, points and prizes'. The FEI submitted that this rule was applied even if the period of Ineligibility is reduced or eliminated under Article 10, e.g., on the basis of No (or No Significant) Fault or Negligence. Furthermore, the FEI noted that since this was a case with a Controlled Medication Substance, occurring during or in connection with an Event, in order to safeguard the level playing field, the FEI may disqualify all of the Person Responsible individual results obtained in that Event, with any and all Horses with which the Person Responsible competed, with all consequences, including forfeiture of all medals, points and prizes, in accordance with Article 10.1.2 ECMR. The FEI therefore requested that the results of the PR and Horse combination obtained in the Event shall be disqualified with resulting consequences i.e., forfeiture of all medals, points, prize money, etc. won.

34. In relation to the matter of a fine and costs, the FEI referred to Article 10.2 of the ECM Rules which provided that for a violation of the Article 2.1, a Person Responsible shall be fined up to fifteen thousand (15'000) CHF and appropriate legal costs shall also be imposed. Consequently, the FEI requested that a fine of three thousand five hundred (3'500) CHF be imposed on the PR, and that the PR be ordered to pay the legal costs that the FEI has incurred in pursuing this matter, namely two thousand (2'000) CHF in accordance with the FEI Guidelines for fines and contributions towards legal costs¹.
35. The FEI requested the following prayers for relief against the PR:
- (i) *upholding the charge that the PR has violated Article 2.1 of the ECM Rules;*
 - (ii) *imposing a period of Ineligibility of twelve (12) months on the PR, commencing from the day of the Final Decision in accordance with Article 10.9.1.1 of the ECM Rules;*
 - (iii) *fining the PR in the amount of three thousand five hundred thousand (3'500) CHF; and*
 - (iv) *ordering the PR to pay the legal costs of two thousands (2'000) CHF that the FEI has incurred in these proceedings.*
 - (v) *ordering the PR to pay the costs of the B Sample analysis in the amount of one thousand (1'000) CHF.*

V. Legal Analysis

A. Jurisdiction

¹:https://inside.fei.org/sites/default/files/FEI_Guidelines_Legal_Costs-Final-Effective_1_January_2021-Updates_05May2021.pdf

36. The Tribunal has jurisdiction over this matter pursuant to Article 38 of the Statutes, Article 161 of the GRs, the ECM Rules and Article 18 of the IRs. The PR is a member of the KSA-NF, which is a member of the FEI; therefore, the PR is bound by the ECM Rules.

B. Legal Discussion

37. Although the Tribunal has fully considered all the facts, allegations, legal arguments and evidence in the present proceedings, it only refers to the submissions and evidence it considers necessary to explain its reasoning in this decision.

C. Factors

38. The Horse's sample confirmed the presence of two Controlled Medication Substances. As set forth in Article 2.1 of the ECM Rules, sufficient proof of an ECM Rule Violation is established by the presence of a Prohibited Substance in the Horse's sample. The Tribunal is satisfied that the report relating to the A-sample reflects that the analytical tests were performed in an acceptable manner and that the findings of the Laboratory are accurate. The Tribunal is further satisfied that the test results evidence the presence of Phenylbutazone and Oxyphenbutazone in the A Sample taken from the Horse at the Event. Phenylbutazone and Oxyphenbutazone are Controlled Medication Substances, the presence of which in a Horse's body during an Event without a valid Veterinary Form is prohibited under Article 2.1 of the ECM Rules.
39. The Tribunal also notes the Analysis Report of B-Sample, which reported that the result of the confirmatory analysis of sample 5621608, carried out at the Laboratory confirmed the presence of the Prohibited Substances Phenylbutazone and Oxyphenbutazone.
40. As a result, the FEI has established an Adverse Analytical Finding (the "AAF") and sufficiently proven the objective elements of the offence in accordance with Article 3.1 of the ECM Rules.
41. Pursuant to Article 10.2 of the ECM Rules, the period of Ineligibility for an Article 2.1 violation, *i.e.*, the Presence of a Controlled Medication Substance in a Horse's sample, is six (6) months, subject to a potential reduction or suspension pursuant to Articles 10.5 or 10.6 of the ECM Rules.

42. In cases brought under the ECM Rules, a strict liability principle applies as described in Article 2.1.1 of the ECM Rules. Once an ECM Rule Violation has been established by the FEI, the PR has the burden of proving that they bear “*No Fault or Negligence*” for the rule violation as set forth in Article 10.5 of the ECM Rules, or “*No Significant Fault or Negligence*,” as set forth in Article 10.6 of the ECM Rules.
43. In order for Articles 10.5 and 10.6 of the ECM Rules to be applicable, the PR must establish as a threshold requirement how the Prohibited Substances entered the Horse’s system.
44. In accordance with various CAS panels as well as FEI Tribunal decisions, the PR must present facts substantiated with concrete evidence. Speculation or theoretical possibilities are not sufficient. Furthermore, it was suggested by various CAS panels that the 51% threshold was understood as meaning that panels should separately compare each alternative scenario with the scenario invoked by the APR. The APR’s scenario must reach a 51% threshold for it to be successful.²
45. The Tribunal notes that the FEI submitted that the PR did not provide any clear and convincing evidence to prove how the Phenylbutazone and Oxyphenbutazone entered the Horse’s system except that the PR deduced his Horse was contaminated with the detected Prohibited Substances by third parties.
46. However, whilst the Tribunal acknowledges provided potential contamination scenarios/footage such photographs and videos did not provide any information on an actual source of the Prohibited Substance or the concrete circumstances of the violation. As such the Tribunal deems that the PR failed to submit any convincing or corroborating evidence to support such theories. Therefore, the Tribunal finds that the PR has not established, on a balance of probability, how the Prohibited Substances entered the Horse’s body. The PR failed in his personal duty to ensure that no Prohibited Substance was present in the Horse’s body pursuant to Article 2.1.1 of the ECM Rules.
47. Where the first hurdle has not been met, i.e., establishing the source of the Prohibited Substance, the Tribunal cannot continue with the second step and evaluate the PR’s degree of Fault or Negligence. Therefore, the Tribunal finds that

² 1 See for example Viret, M., “Evidence in Anti-Doping at the Intersection of Science & Law”, Asser International Sports Law Series, Springer 2016, (pp. 521-538), as well as CAS 2011/A/2234 & 2386, UCI v. Contador & RFEC, and CAS 2010/A/2230, IWBF v. UKAD & Gibbs. See for example also Case 2017/BS32 SAURA DE FONDCOMBE, Final Tribunal Decision dated 24 February 2020

the PR is not entitled to any reduction of the otherwise applicable period of Ineligibility under Articles 10.5 and 10.6 of the ECM Rules³.

D. Sanctions

48. Having established the breach of Article 2.1 of the ECM Rules committed by the PR, the Panel has determined the appropriate sanctions by reviewing the measures established the ECM Rules and taking into account the PR already had one Controlled Medication violation registered against him (Case 2022/FT12 POLA RP) and therefore the current violation constituted his second ECM Violation committed within previous 4 years period.

49. In accordance with Article 10.9.1.1 of the ECM Rules:

“For a Person Responsible and/or member of the Support Personnel’s and/or other Person’s second ECM Rule violation (within the previous 4 years), the period of Ineligibility shall be the greater of:

(a) three months;

(b) a period of Ineligibility in the range between:

(i) the sum of the period of Ineligibility imposed for the first ECM Rule violation plus the period of Ineligibility otherwise applicable to the second ECM Rule violation treated as if it were a first violation; and

(ii) twice the period of Ineligibility otherwise applicable to the second ECM Rule violation treated as if it were a first violation with the period of Ineligibility within this range to be determined based on the entirety of the circumstances and the Person Responsible and/or member of the Support Personnel’s and/or other Person’s with respect to the second violation.’

As established previously in this Decision, no elimination or reduction of the period of Ineligibility in this case was possible and the appropriate sanction for the current violation, treated as if it was a first violation, was six (6) months of Ineligibility in accordance with Article 10.2 of the ECM Rules. The PR was sanctioned with three (3) months Ineligibility period for his first ECM Rule Violation committed on 29 January 2022.

50. Consequently, the range of sanction available in accordance with Article 10.9.1.1

³ FEI CASE 2019/BS08 MORO TIANKO (Tribunal Reference No. C20-0051) and FEI Case 2020/BS02-BLUE DIAMOND (Tribunal Reference No. C21-0016).

of the ECM Rules is 9 months (3 months for the first violation plus 6 months for the second violation) to 12 months (twice 6 months for the second violation). Article 10.9.1.1 of the ECM Rules further clarifies that 'the period of Ineligibility within this range is to be determined based on the entirety of the circumstances (...) with respect to the second violation'.

51. However, the Tribunal notes that the PR did not establish the source of the Prohibited Substances in his Horse, therefore a presumption of Fault applies to the current violation and the maximum period of Ineligibility in the established range shall apply. In conclusion the Tribunal issues that the PR shall be sanctioned with a period of Ineligibility twelve (12) months in accordance with Article 10.9.1.1 of the ECM Rules.
52. The Tribunal finds the FEI's request for fine of CHF 3,500 and costs of CHF 2'000 is reasonable and in keeping with the FEI Guidelines for Fines and Contributions towards Legal Costs. The Tribunal also orders the PR to pay the costs of the B Sample analysis in the amount of CHF 1,000.

VI. Terms of the Decision

53. As a result, the Tribunal makes the following decision and imposes the following sanctions in accordance with Article 169 of the GRs and Article 10 of the ECM Rules:
 - a) The PR violated Article 2.1 of the ECM Rules.
 - b) The PR shall be suspended for a period of twelve (12) months. The period of the Ineligibility will be effective from the date of the final Decision.
 - c) The results obtained by the PR and Horse combination in the Event, and the consequent forfeiture of all medals, points, prize money, etc. won, pursuant to Article 9 and 10.1.2 of the ECM Rules are disqualified.
 - d) The PR is fined three thousand five hundred Swiss francs (CHF 3 500).
 - e) The PR shall pay his part of the costs of these proceedings in the amount of two thousand Swiss francs (CHF 2 000).
 - f) The PR shall pay the costs of the B Sample analysis in the amount of one thousand Swiss francs (CHF 1,000).

g) This Decision shall be notified to the PR, Mr Abdullah Abdulrahman ALSUGHAYER , to his National Federation, the KSA-NF, and to the FEI.

54. The PR may not, during the period of Ineligibility, participate in any capacity in a competition or activity that is authorised or organised by the FEI or any National Federation or be present at an event (other than as a spectator) that is authorized or organized by the FEI or any National Federation, or participate in any capacity in competitions authorized or organized by any international or national-level event organisation (Article 10.13.1 of the ECM Rules).
55. If the PR violates any of the conditions in the previous paragraph during 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 10.13.3 of the ECM Rules).
56. According to Article 165.1 of the GRs, the present decision is effective from the day of written notification to the persons and bodies concerned.

VII. Legal Action

57. In accordance with Article 12 of the ECM Rules the Parties may appeal this decision before the Court of Arbitration for Sport (CAS) within twenty-one (21) days of the present notification.

FOR THE TRIBUNAL



Mr Brian Ward, One-Member Panel