

DECISION of the FEI TRIBUNAL

dated 22 February 2024

in the matter of

Mr Ignacio FLORES (APR; Ref. C23-0049)

(FEI Case number: FEI 2023/BS04, 2023/ATF07 – ██████████)

FEI Tribunal Hearing Panel: Ms Harveen Thauli (CAN)

FEI Tribunal Reference: C23-0049 [FEI 2023/BS04, 2023/ATF07 – Ignacio FLORES]

Person Responsible/ID/NF: ██████████ / ██████████

Additional Person Responsible/ID/NF: Ignacio FLORES / 10017687 / URU

Horse/Passport/NF: ██████████

Event/ID: CEIYJ1\*100-Costa Azul (URU), 12-14.05.2023, 2023\_CI\_1072\_E\_YJ\_01

Date of Event: 13.05.2023

Prohibited Substance(s): Testosterone

Bar Code No.: 5623387

## I. Introduction

1. The Fédération Équestre Internationale (the **FEI**) case reference is [REDACTED]. The FEI alleged that Mr Ignacio FLORES committed a violation of Article 2.1 of the EAD Rules – *The Presence of a Banned Substance and/or its Metabolites or Markers in a Horse's Sample*. The FEI notified Mr FLORES of the alleged charge in his capacity as the additional Person Responsible (the **APR**).

## 2. Applicable Rules Provisions:

- Statutes 24<sup>th</sup> edition, effective 17 November 2021 (**Statutes**).
- General Regulations, 24<sup>th</sup> edition, 1 January 2020, updates effective 4 April 2023 (**GRs**).
- Internal Regulations of the FEI Tribunal, 3<sup>rd</sup> Edition, 2 March 2018 (**IRs**).
- FEI's Equine Anti-Doping and Controlled Medication Rules, 3<sup>rd</sup> Edition, effective 1 January 2021, updates effective 1 January 2023 (**EADCMRs**).
- FEI's Endurance Rules, 11<sup>th</sup> Edition, effective 1 July 2020, updates effective 1 January 2023 (**FEI Endurance Rules**).
- The World Anti-Doping Code - International Standard – Prohibited List – effective 1 January 2023 (**WADA Prohibited List**).
- FEI's 2023 Equine Prohibited Substances List, 5 December 2022 (**Equine Prohibited List**)

3. All the words used in this Tribunal Decision beginning with a capital letter and not previously defined have the meaning set forth in the specific definitions of the Statutes, GRs, IRs, the FEI Endurance Rules, the Equine Prohibited List and the EADCMRs. The Equine Anti-Doping Rules (the **EAD Rules**) and the Equine Controlled Medication Rules (the **ECM Rules**) are set out in the EADCMRs.

## II. Factual background

4. Mr Ignacio FLORES (FEI ID 10017687), the APR, was the registered Trainer of the horse, [REDACTED] which competed with its rider, Mr. [REDACTED] (the **Person Responsible** or the **PR**) at the CEIYJ1\* 100 in Costa Azul, Uruguay, from 12 to 14 May 2023 (the **Event**).

5. The FEI (together with the APR, the **Parties**), is the sole IOC recognised international federation for equestrian sport. The FEI is the governing body of the FEI equestrian disciplines of Dressage, Jumping, Eventing, Driving, Endurance, Vaulting, and Para-Equestrian.
6. Blood samples were collected from ██████████ during the Event. ██████████ A Sample returned a positive finding for Testosterone.
7. Testosterone is an anabolic steroid having the effect of increasing muscle mass and modifying behaviour. It is a **Prohibited Substance** under the 2023 Equine Prohibited Substances List (the **Equine Prohibited List**) and is therefore classified as **Banned Substance** under the EADCMRs.
8. Furthermore, the analysis of the A Sample revealed that ██████████ had a concentration of more than 500 picograms of Testosterone per millilitre in its plasma, which is significantly greater than the FEI threshold of 100 picograms of Testosterone per millilitre in plasma for geldings and mare/fillies. ██████████ is a gelding.
9. The ATF Panel decided that the Atypical Finding in the A Sample was an Adverse Analytical Finding (the **AAF**), which gave rise to a violation of the EAD Rules.
10. Since the PR was a minor at the time of the Event, he elected to have his case processed under the “Special Procedure for Minors” pursuant to Article 8.3 of the EAD Rules. The PR accepted the consequences under the Special Procedure for Minors and his case is now concluded.

### III. Procedural background

11. By way of a notification letter dated 17 July 2023, the FEI informed the APR of a possible violation of Article 2.1 of the EAD Rules (the **Notification Letter**).
12. In accordance with Art. 7.4.1 of the EAD Rules, the FEI provisionally suspended the APR as of the date of the Notification Letter. ██████████ was also provisionally suspended for two months until 16 September 2023.
13. By way of a Notice of Charge dated 15 August 2023, the FEI formally notified the APR of the alleged violation of Article 2.1 of the EAD Rules. The APR was given a deadline of 20 days to either admit the alleged violation and accept the proposed Consequences or challenge the allegation in writing. If he admitted the allegation and accepted the proposed Consequences, the otherwise period of Ineligibility of two years would be reduced by six months.

14. On 3 September 2023, the APR did not accept the proposed Consequences.
15. On 13 June, 6 July and 31 July 2023, the APR provided submissions
16. By email dated 2 October 2023, the FEI submitted the case file to the Tribunal for adjudication. The FEI copied the APR's NF, the Uruguay National Federation (**URU-NF**), to its correspondence.
17. On 5 October 2023, the Tribunal Deputy Chair informed the Parties of his appointment as the one-person Hearing Panel to decide this case. The Parties were asked to provide any objections to the constitution of the Hearing Panel by 9 October 2023. He further granted the APR with an opportunity to respond to the FEI's allegations by submitting a statement of defence and any supporting evidence by 25 October 2023. The Tribunal Deputy Chair informed the APR that should the APR fail to respond within the deadline, he would decide this case using the file material in his possession. Finally, the Tribunal Deputy Chair informed the Parties of their right to request an oral hearing.
18. On 6 October 2023, the URU-NF requested, on behalf of the APR, an extension to 9 November 2023 to provide his submissions.
19. On 6 October 2023, the FEI inform informed the Tribunal that it did not have any objections to the constitution of the Hearing Panel.
20. On 9 October 2023, the Tribunal Deputy Chair granted the APR's request for an extension to 9 November 2023. He also extended the Parties' deadline to request a hearing to 13 November 2023.
21. On 13 November 2023, the FEI informed the Tribunal that it did not require a hearing.
22. On 13 November 2023, the URU-NF submitted a decision dated 26 October 2023 of its discipline tribunal, which held that the APR was not responsible for the Prohibited Substance found in [REDACTED] system (the **URU-NF Decision**). The URU-NF also requested, on behalf of the APR, an oral hearing.
23. On 20 November 2023, the Tribunal Deputy Chair accepted the URU-NF Decision, despite it being submitted after the deadline, to ensure due process and a complete file. He also suggested a hearing date of 20 December 2023.
24. On 20 November 2023, the Parties confirmed their availability for a hearing on 20 December 2023.

25. On 30 November 2023, the Tribunal Chair informed the Parties that the Tribunal Deputy Chair had to step down from the present case as the Hearing Panel because of a recent unforeseen circumstance that could lead to the appearance of a possible conflict of interest. The Tribunal Chair appointed Ms Harveen Thauli (CAN) as the Hearing Panel, and invited the Parties to submit any objection to her appointment by 4 December 2023. He also informed the Parties that 20 December 2023 was no longer feasible for a hearing, but that a hearing could take place in January 2024.
26. On 30 November 2023, the FEI confirmed having no objection to the newly appointed Hearing Panel. The Parties also confirmed that they would be available for a hearing in January 2024.
27. On 5 December 2023, the Tribunal Clerk proposed to the Parties the dates of 8, 12 or 16 January 2024, for a hearing by videoconference.
28. On 5 December 2023, the Parties confirmed that they were available on 12 January 2024.
29. On 18 December 2023, the Hearing Panel asked the Parties to indicate whether they would call any witnesses to testify at the hearing.
30. On 21 December 2023, the APR stated that he would not call any witnesses, but informed the Hearing Panel that Ms Ursula Fabini would attend the hearing with him so that she could provide translation into Spanish, if necessary.
31. On 22 December 2023, the FEI indicated that they would not call any witnesses, but asked for clarification on the nature of the relationship between the APR and Ms Fabini, if any, given she would be the APR's interpreter.
32. On 22 December 2023, the APR clarified that Ms Fabini is his secretary, and although he understands English, he requested Ms Fabini's attendance should he require assistance with translation, particularly with legal terms. The APR further indicated that he would find another interpreter should the FEI deem it necessary.
33. On 2 January 2024, the Hearing Panel asked the FEI to indicate whether it objected to Ms Fabini's attendance at the hearing, and if not, the Hearing Panel would permit Ms Fabini's attendance.
34. On 3 January 2024, the FEI did not object to Ms Fabini's attendance at the hearing.
35. On 12 January 2024, the hearing took place by videoconference.

#### IV. The Parties' Submissions:

##### A. Submissions by the APR

36. The APR provided submissions on 13 June, 6 July and 31 July 2023 as well as a letter dated 5 August 2023 from Mr Geronimo Terra. The APR also testified at the hearing. The APR's position is summarised as follows:
- 36.1 The APR has bred horses as a hobby for the past 40 years. ██████████ was bred and born on his ranch in 2014. At the time of the Event, the APR was registered as ██████████ Trainer in the FEI database.
- 36.2 The APR submitted that he has always upheld the highest standards of horsemanship and complied with all relevant regulations. As Endurance is his life's passion and purpose, he founded the Endurance Village in Costa Azul, Canelones (known as "La Perseverancia"), which has been the cornerstone of Endurance competitions in Uruguay.
- 36.3 In October or November 2022, the APR transferred ██████████ care to Mr Terra, who then became ██████████'s *de facto* Trainer. They did not inform the FEI about this change despite the provision in the FEI Endurance Rules requiring that the FEI must be notified without delay. Furthermore, when there is a change in registered Trainers, Article 828.3 of the FEI Endurance Rules stipulates that the Horse cannot participate in any Competition for 30 days (the **30 Day Rule**).<sup>1</sup>
- 36.4 The APR and Mr Terra were aware of the 30 Day Rule. The APR wrote the following in his statement of 13 June 2023, which he confirmed at the hearing:  
*[...] I haven't been ██████████'s] trainer since mid 2022. ██████████ was ready to race, and we were eager to showcase his abilities without delay. However, the FEI regulations require a 30-day waiting period before acknowledging a change in trainer for competition purposes. In an attempt to expedite ██████████'s participation without disrupting his training, I decided, in agreement with [Mr Terra], to remain listed as the trainer "on paper" while the actual training responsibilities were entrusted to [Mr Terra].*  
*[...]*
- 36.5 The APR stressed that this decision to remain listed as Trainer was made in good faith. Before he and Mr Terra agreed on this arrangement, they had openly discussed the importance of adhering to all regulations.

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<sup>1</sup> Transition Article 828.3 of the Endurance Rules state that the 30-day waiting period applies to any change in Trainer before 1 January 2024.

- 36.6 When the APR received the Notification Letter, he immediately contacted Mr Terra to discuss why there was Testosterone in ██████'s system. According to the APR's letter of 13 June 2023, Mr Terra told the APR that he had been giving rice bran, which works as a natural Testosterone supplement, to all his horses. At the hearing, the APR confirmed that Mr Terra had initially stated the source of the Prohibited Substance was the rice bran.
- 36.7 In the APR's letter of 6 July 2023, he wrote:  
*After conducting thorough and extensive investigations, I was organizing all the necessary information for the examination of a possible undescended testicle of the horse ██████ at Mr. Terra's training center, when I came across significant developments.<sup>2</sup>*
- At the hearing, the APR explained that Mr Terra had then suggested, after Mr Terra thought the source was the rice bran, that ██████ was not properly gelded and may still have a testicle, which would explain the high levels of Testosterone in ██████'s system.
- 36.8 In the APR's letter of 6 July 2023 and at the hearing, the APR stated that one of Mr Terra's veterinary students, Mr Javier Sosa, had come forward to confess a mistake he had made. Mr Sosa confused ██████ with another Horse with the same coat colour. The other Horse was physically compromised and was receiving specific hormonal treatment, including injections of Testosterone, to improve its muscle recovery. Mr Sosa inadvertently injected ██████ with the Testosterone instead of the Horse that required the treatment. Mr Terra confirmed that this happened in his letter of 5 August 2023.
- 36.9 The APR expressed remorse for what happened and thought that Mr Terra would provide ██████ with proper care. The APR stated that his mistake was trusting Mr Terra despite knowing him for over 40 years within the Uruguayan equestrian community.
- 36.10 In Mr Terra's letter of 5 August 2023, he wrote that the APR was not responsible for the error committed by Mr Sosa. He confirmed that the APR had not been involved with ██████'s training since 2022 and that they agreed the APR would remain registered as the Trainer because of the mandatory 30 Day Rule.

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<sup>2</sup> It is unclear when the Horse was gelded.

- 36.11 The APR stated that he is a 64 years-old and if he received a two-year suspension, it would be highly unlikely that he would have the opportunity to participate in Endurance again.
- 36.12 The APR had the firm belief that Mr Terra lied to him because Mr Terra provided him with three different theories for the positive finding of the Prohibited Substance in [REDACTED] (i.e., rice bran, improper castration and Mr Sosa's erroneous injection). On further questioning by the Hearing Panel, the APR confirmed that he had no idea how the Prohibited Substance entered [REDACTED]'s system.
- 36.13 The Hearing Panel asked the APR why he did not call Mr Terra as a witness at the hearing. The APR indicated that he did not want to talk to him anymore since what he did to him was "very bad".
- 36.14 The discipline tribunal in the URU-NF Decision wrote that Mr Terra accepted responsibility for the care, treatment, maintenance, feeding and training of [REDACTED], approximately six months before the Event. When the discipline tribunal asked Mr Terra whether he gave [REDACTED] any medication or other substances that could test positive, Mr Terra informed the discipline tribunal that he had given rice bran, which had natural derivatives (i.e., Testosterone) to all his Horses. The discipline tribunal found that the APR was not responsible as a Trainer but he was responsible for not registering the change in Trainers in a timely manner. The discipline tribunal held Mr Terra responsible for the Prohibited Substance found in [REDACTED]'s system and suspended him for 180 days.

**B. Submissions by the FEI:**

37. On 2 October 2023, the FEI submitted, together with the case file, its Response to the Tribunal. The FEI also provided submissions at the hearing.
38. The FEI's position is summarised as follows:
- 38.1 Article 2.1 of the EAD Rules prohibits the presence of a Banned Substance and/or its Metabolites or Markers in a Horse's Sample.
- 38.2 According to Article 118.3 paragraph 3 of the GRs, other Support Personnel including, but not limited to, grooms and veterinarians may be regarded as additional Persons Responsible if they are present at the Event or have made a relevant Decision about the Horse. In Endurance, the Trainer is considered the additional Person Responsible.



- 38.3 Article 800.4.1 of the Endurance Rules supports the principle in Article 118.3 paragraph 3 of the GRs that the Trainer is considered an additional Person Responsible because it states: *The Trainer is the person who is responsible for preparing the Horse both physically and mentally for competition (which includes determining the appropriate exercise programme, nutrition, and veterinary care for the Horse)*. Therefore, the Trainer makes relevant Decisions about the Horse.
- 38.4 The APR was registered as the [REDACTED]'s Trainer for the Event in the FEI Database. When someone is registered as a Trainer in the FEI database, the registered person acknowledges and accepts the definition of a Trainer pursuant to Article 800.4.1 of the Endurance Rules. There is also an irrebuttable presumption that the registered person is the person who is responsible for preparing the Horse both physically and mentally for competition.
- 38.5 The FEI, as a prosecutor, relies on the FEI Database and the registration system allows the FEI to hold registered individuals accountable when they violate FEI Rules and Regulations.
- 38.6 Every additional Person Responsible, including Trainers and their National Federations, is responsible for ensuring that correct information is registered in the FEI Database. In this case, the APR was responsible for requesting the removal of his name from the FEI Database.
- 38.7 Allowing subsequent and retroactive changes in the FEI Database after the violation of the EAD Rules had occurred would pose a substantial risk to the integrity of the EADCMRs, as registered Trainers could absolve themselves of their legal responsibility by claiming that they were not the actual Trainer of a Horse. This could then lead to fictitious trainers being convinced to accept sanctions for any violation of the EADCMRs for the registered Trainer.
- 38.8 Although a Trainer may decide to delegate the care (partially or entirely) to another person, this does not release the Trainer from his personal duty to ensure that no Prohibited Substance(s) is found in the Horse's system. This duty cannot be delegated and remains with the Trainer. In this case, the APR could not delegate his personal duty to Mr Terra. FEI Tribunals have confirmed this principle in the following decisions: Case 2018/BS18 SHADDAD, Final Tribunal Decision dated 15 August 2019 (the **Shaddad Decision**); Case 2019/CM09 ALRAHAWI, Final Tribunal Decision dated 5 March 2020; and Case 2021/FT LIPPIA DULCIS, Final Tribunal Decision dated 22 March 2022.

- 38.9 In the Shaddad Decision, the FEI Tribunal stated the following at paragraphs 10.2 and 10.3:
- 10.2 *The Tribunal understands that the purpose of registering trainers in the discipline of Endurance is precisely in order to know and if necessary to hold accountable those persons who take the actual decisions of the Horse in preparation for competitions. If a trainer is no longer responsible for a horse, or takes no responsibility for the horse in the meaning of Article 800.3-4 of the ERs, the Tribunal would expect such person to no longer be registered as the trainer for that horse. Claims to the contrary cannot be accepted as valid excuses, and can in any case not be considered without any evidence in this regard.*
- 10.3 *The Tribunal therefore finds the assertion that the Trainer had no decision role in the preparation of the Horse for the Event, and hence no responsibility for the positive finding, without merit.*
- 38.10 The purpose of Article 828.3 of the FEI Endurance Rules is to safeguard a Horse's welfare by not allowing a Horse to compete while the Horse is transitioning from one Trainer to another who may have different techniques for preparing a Horse physically and mentally for competition. In this case, the APR and Mr Terra were aware of the 30 Day Rule but they decided that the APR would remain on the FEI Database as the registered Trainer to prevent any disruption in ██████'s training. The FEI submitted that this was an intentional and calculated decision on their part with the goal of circumventing the 30 Day Rule.
- 38.11 As of the date of the hearing, the APR was still listed as ██████'s registered Trainer in the FEI Database. The FEI submitted that the arguments of the APR and Mr Terra have no merit and the APR, as the registered Trainer, should be held accountable for the violation of Article 2.1 of the EAD Rules.
- 38.12 Article 10.2 of the EAD Rules provides that an additional Person Responsible with no previous doping and/or Controlled Medication offences, but who violates Article 2.1 of the EAD Rules, is subject to a period of Ineligibility of two (2) years, unless he can rebut the presumption of Fault on a balance of probability.
- 38.13 To rebut the presumption of Fault, the EAD Rules stipulate, and the jurisprudence of the FEI Tribunal and CAS is very clear: *it is a strict threshold requirement that the APR prove how the Prohibited Substance entered the Horse's system before making any plea of No (or No Significant) Fault or Negligence.* This threshold requirement is strictly applied because without such proof, it would be impossible to assess the degree of No (or No Significant) Fault or Negligence.

- 38.14 In this case, the APR submitted that Mr Terra's veterinary student erroneously injected ██████ with Testosterone. However, the APR did not provide any information about the alleged injection, such as where ██████ was injected, the brand name of the Testosterone used and the amount of the dose injected into ██████. Furthermore, the APR did not submit evidence, such as Mr Sosa's witness testimony or a purchase receipt for the Testosterone.
- 38.15 Considering the above, the FEI submitted that it did not have any concrete evidence on how the Prohibited Substance entered ██████'s system. Therefore, the APR did not satisfy the "threshold requirement" for proving the source of the Prohibited Substance.
- 38.16 Given the totality of evidence, the FEI requested the following prayers for relief against the APR:
- (i) *upholding the charge that the registered Trainer has violated Article 2.1 of the EAD Rules;*
  - (ii) *imposing a period of Ineligibility of two (2) years on the registered Trainer, commencing from the date of the Final Decision (the Provisional Suspension already served by the Trainer shall be credited against the imposed Ineligibility Period;*
  - (iii) *fining the registered Trainer in the amount of 7'500 CHF; and*
  - (iv) *ordering the registered Trainer to pay the legal costs of 2'000 CHF that the FEI has incurred in these proceedings.*

## V. Legal Analysis

### A. Jurisdiction

39. The Tribunal has jurisdiction over this matter pursuant to Article 38 of the Statutes, Article 161 of the GRs, Article 8 of the EAD Rules and Article 18 of the IRs. The APR is a member of the URU-NF, which is a member of the FEI; therefore, the APR is bound by the EAD Rules.

### B. Legal Discussion

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

#### 1. The Additional Person Responsible

41. The APR was registered as ██████'s Trainer in the FEI Database at the time of the Event. Article 118 paragraph 3 of the GRs, which is supported by Article 800.4.1 of the FEI

Endurance Rules, clearly stipulates that in Endurance, the Trainer is an additional Person Responsible.

42. The FEI registration system is straightforward. When the APR registered as ██████'s Trainer in the FEI Database, the APR acknowledged and accepted the definition of a Trainer pursuant to Article 800.4.1 of the Endurance Rules. He further accepted the irrebuttable presumption that as the registered person, he was the person who was responsible for the preparing ██████ both physically and mentally for competition. Rebutting this presumption requires much more than pleas of forgiveness.
43. The APR stated that he had delegated ██████'s care to Mr Terra in approximately October or November 2022. They agreed that the APR would remain listed "on paper" as ██████'s Trainer to circumvent the 30 Day Rule in "an attempt to expedite ██████'s participation without disrupting his training" according to the APR's statement of 13 June 2023. This was also confirmed by Mr Terra in his statement of 5 August 2023. This Tribunal agrees with the FEI that this agreement was an intentional and deliberate decision on their part.
44. When Mr Terra took over training ██████ in October or November 2022, it is unclear why the APR did not request that his name be removed from the FEI Database and Mr Terra be registered as ██████'s Trainer at that time. They claimed to be aware of the 30 Day Rule in their respective statements and according to the APR's testimony at the hearing. The Event was from 12 to 14 May 2023. There was plenty of time between the transfer of ██████'s care and the Event to meet the requirement of the 30 Day Rule, which only prevented ██████ from participating in any Competitions during the 30 days, not training. This Tribunal also noted that the discipline tribunal in the URU-NF Decision found the APR responsible for not registering the change in Trainers in a timely manner.
45. The FEI Tribunal in the Shaddad Decision was clear when it stated in paragraph 10.2, in part: *If a trainer is no longer responsible for a horse, or takes no responsibility for the horse in the meaning of Article 800.3-4 of the ERs, the Tribunal would expect such person to no longer be registered as the trainer for that horse. Claims to the contrary cannot be accepted as valid excuses, and can in any case not be considered without any evidence in this regard.* Other FEI Tribunals as listed in paragraph 38.8 have supported this principle in the Shaddad Decision.
46. This Tribunal also agrees with the FEI that allowing subsequent and retroactive changes in the FEI Database after the violation of the EAD Rules had occurred would open the door for registered Trainers to absolve themselves of their legal responsibility by claiming that they were not the actual Trainer of a Horse, and could also lead to fictitious trainers

being convinced to accept sanctions for any violation of the EADCMRs for the registered Trainer.

47. In view of the above, this Tribunal finds that the APR's assertion that he had no responsibility for the positive finding of Testosterone in ██████'s system without merit. This is in keeping with other FEI Tribunal decisions. Therefore, this Tribunal finds that the APR, as ██████'s registered Trainer, is responsible for the violation of 2.1 of EAD Rules.

## 2. Considering

48. The violation of Article 2.1 of the EAD Rules is not in dispute. In any event, an analysis of the A Sample revealed the presence of Testosterone in ██████'s system, which constitutes sufficient proof of the violation of Article 2.1. Therefore, the FEI satisfied its burden by establishing an AAF and sufficiently proved the objective elements of the violation pursuant to Article 3 of the EAD Rules.
49. Pursuant to Article 10.2 of the EAD Rules, the period of Ineligibility for an Article 2.1 violation is two (2) years, subject to a potential reduction for No (or No Significant) Fault or Negligence in accordance with Articles 10.5 or 10.6 of the EAD Rules. To benefit from a reduction, the APR must establish as a threshold requirement how the Prohibited Substance entered the Horse's system.
50. The APR confirmed at the hearing that he had no idea how the Prohibited Substance entered ██████'s system. The APR believed Mr Terra was lying because Mr Terra presented him with three different theories for the positive finding of the Prohibited Substance in ██████'s system, including: rice bran, which works as a natural Testosterone supplement; a possible undescended testicle; and an erroneous injection of Testosterone. The APR did not provide evidence to support any of these theories.
51. This Tribunal noted inconsistencies in Mr Terra's statements. Mr Terra wrote in his statement of 5 August 2023 that Mr. Sosa injected ██████ by mistake, but in the subsequent URU-NF Decision of 26 October 2023, Mr Terra told the discipline tribunal that he had given rice bran to ██████.
52. This Tribunal finds that the APR did not discharge his burden of proving how the Prohibited Substance entered ██████'s system. Where this first hurdle has not been met (i.e., establishing the source of the Prohibited Substance), this Tribunal cannot continue with the second step and evaluate the APR's degree of Fault or Negligence. Therefore, the Tribunal finds that the APR is not entitled to any reduction of the otherwise applicable period of Ineligibility under Articles 10.5 and 10.6 of the EAD Rules.

53. Therefore, the Tribunal finds that the applicable period of Ineligibility is two (2) years pursuant to Article 10.4 of the EAD Rules.

54. The Tribunal also finds the FEI's request for a fine of CHF 7'500 and costs of CHF 2'000 are reasonable and in keeping with the *FEI Guidelines for Fines and Contributions towards Legal Costs*.

## VI. Terms of the Decision

55. 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 EAD Rules:

- a) The APR violated Article 2.1 of the EAD Rules.
- b) The APR is suspended for a period of two (2) years. The period of the Ineligibility will be effective from the day of this Tribunal Decision and the Provisional Suspension served by the APR will be credited against the ordered period of Ineligibility.
- c) The APR is ordered to pay a fine of seven thousand five hundred Swiss Francs (CHF 7'500).
- d) The APR is ordered to pay two thousand Swiss francs (CHF 2'000) as a contribution to the legal costs that the FEI has incurred in these proceedings.

56. The APR, his National Federation of Uruguay and the FEI will be notified of this Tribunal Decision.

57. The APR 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 organised by the FEI or any National Federation, or participate in any capacity in Competitions authorised or organized by any international or national-level event organisation (Article 10.14.1 of the EAD Rules).

58. If the APR 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 EAD Rules).

59. According to Article 170 of the GRs, this Tribunal Decision is effective from the day of written notification to the persons and bodies concerned.

**VII. Legal Action**

60. In accordance with Article 13 of the EAD Rules the Parties may appeal this Tribunal Decision before the Court of Arbitration for Sport (CAS) within twenty-one (21) days of the present notification.

FOR THE TRIBUNAL



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Ms Harveen Thauli, One-Member Panel