

DECISION RENDERED BY THE FEI TRIBUNAL  
24 May 2024

In the matter of

FÉDÉRATION EQUESTRE INTERNATIONALE (the "FEI")

vs.

Mr. Hari Singh Aam SINGH – Additional Person Responsible (the "APR")

together the "Parties"

Reference No. FEI Tribunal: C24-0006

COMPOSITION OF THE FEI TRIBUNAL PANEL:

Mr. José A. Rodriguez Alvarez (MEX), Sole Panel Member

FEI Case number: 2023/CM10

Horse/ID/NF: FILANTE AL BARAKA/108AS78/BRN

Person Responsible/ID/NF: Fahad Helal Mohamed AL KHATRI/10065846/BRN

Trainer/ID/NF: Hari Singh Aam SINGH/10054036/IND

Event/Date: CH-M-YH-E 120 8YO - Padise (EST), 10-14.08.2023

Event ID: 2023\_CH-M\_0004\_E\_YH\_01

Date of sample collection: 13.08.2023

Prohibited Substance(s): Dexamethasone

Bar Code Nos.: 5627346

## I. Introduction

1. This Decision pertains to the FEI case 2023/CM10 FILANTE AL BARAKA (the “Horse”). In respect of this case, the FEI notified the APR that a violation of Article 2.1 (Presence of a Controlled Medication Substance and/or its Metabolites or Markers in a Horse’s Sample) and Article 2.2 (the Use of a Controlled Medication Substance and/or Controlled Medication Method) of the applicable Equine Controlled Medication Rules (the “ECMRs”) had occurred based on the FEI approved laboratory - LGC Newmarket Road, Fordham, Cambridgeshire (the “Laboratory”) adverse analytical finding (the “AAF”) of Dexamethasone in the Horse’s Sample collected at the CH-M-YH-E 120 8YO - Padise (EST) held on 13 August 2023 (the “Event”).
2. A Settlement Agreement between the FEI and the APR in respect of this case was agreed to by the Parties on 31 March 2024 (the “Settlement Agreement”). The Settlement Agreement and the Exhibits thereto are hereby incorporated herein by reference.

## II. Applicable Rule Provisions

3. The following regulations are applicable to the present case:

Statutes 24<sup>th</sup> edition, effective 17 November 2021 (the “Statutes”).

General Regulations, 24<sup>th</sup> edition, 1 January 2020, updates effective 1 January 2022. (the “GRs”).

Internal Regulations of the FEI Tribunal, 3<sup>rd</sup> Edition, 2 March 2018 (the “IRs”).

FEI Equine Anti-Doping and Controlled Medication Regulations, 3<sup>rd</sup> edition, effective 1 January 2023 (the “EADCMRs”). As only the ECMRs apply in the present case, reference will be made hereinafter only to the second chapter of the EADCMRs.

## III. Factual background and initial proceedings

4. Mr Hari Singh Aam SINGH (FEI ID 10054036) the APR in accordance with Article 118.3 of the GRs, is a Trainer in the discipline of Endurance for India.
5. The FEI is the IOC-recognised international governing body for the equestrian sport disciplines of Dressage and Para-Equestrian Dressage, Jumping, Eventing, Driving and Para-Driving, Endurance and Vaulting.

6. The APR is a member of the Equestrian Federation of India (the "IND-NF"), the latter being a member of the FEI, thus the APR was bound by the EADCMRs.
7. The Horse was tested during the Event and returned an AAF for the presence of Dexamethasone. Dexamethasone is a corticosteroid used to treat inflammatory and autoimmune conditions. This substance is classified as a Controlled Medication Substance under the FEI Equine Prohibited Substances List 2023. Controlled Medication Substances are substances that are prohibited in-competition only.
8. The APR was provided with the right to request the B Sample analysis. The APR did not exercise this right however the B Sample analysis was requested by the PR and the Owner in this case. The B Sample analysis conducted by the Laboratory confirmed the presence of Dexamethasone in the Horse's Samples.
9. The FEI informed the APR of the positive results for this Prohibited Substance by way of a notification letter dated 25 September 2023 (the "Notification Letter"). In accordance with Article 7.4.1. of the ECMRs, the FEI provisionally suspended the APR as of the date of the Notification Letter (the "Provisional Suspension").
10. On 8 January 2024, the PR provided his answer to the Notification Letter.
11. On 1 February 2024, the FEI issued a Notice of Charge for an ECMR rule violation. The FEI also explained to the APR in the Notice of Charge that an option was available to admit the violation asserted, enter in a case resolution agreement with the FEI and agree to the Consequences proposed by the FEI in accordance with Articles 10.1-10.7 of the ECMRs.
12. Additional explanations for the ECMR rule violation were remitted by the APR on 26 February 2024 (supplementing those already provided on 8 January 2024) following investigation by the APR of the source of the Prohibited Substance found in the Horse.
13. After review of the APR's submissions, the FEI was satisfied that the APR had established, on a balance of probabilities, that the source of the Prohibited Substance arose from supplement contamination. Nonetheless, the FEI stated that in accordance with Article 10.5 of the ECMRs, No Fault or Negligence does not apply in cases where the presence of the Controlled Medication Substance in a Sample arose from a mislabelled or contaminated supplement. Therefore, the No Fault or Negligence provision cannot be applied in the present case.

14. Therefore, in accordance with Article 10.6.1.2 of the ECMRs, the FEI considered that the APR had established that he bore “No Significant Fault or Negligence” for the violation and that his level of fault was light taking into account the general practices and high standards adopted by the APR and the BRN Team in relation to the prevention of occurrence of anti-doping violations therefore warranting sanctions of the lower range<sup>1</sup>.
15. On 1 February 2024, the FEI notified the Tribunal that it was satisfied that the APR had established the source of the Prohibited Substance. Moreover, the FEI’s opinion, the APR’s level of fault or negligence was not significant deserved a sanction of 3 months of Ineligibility. Since the APR had already served a Provisional Suspension of more than three (3) months, the FEI requested that the Tribunal lift the Provisional Suspension of the APR as soon as possible and with immediate effect.
16. On 9 February 2024, the Tribunal issued an Operative Decision lifting the Provisional Suspension of the APR with immediate effect.
17. On 2 April 2024, the FEI submitted to the Tribunal the duly signed Settlement Agreement for approval. Pursuant to the Settlement Agreement, the applicable period of Ineligibility was three (3) months, in accordance with Article 10.6.1.2 and Article 10.9.1.1 of the ECMRs and the APR was ordered to pay a fine of CHF 3,000.
18. On 15 April 2024, the Tribunal informed the Parties of the appointment of a one-person hearing panel to adjudicate and approve this case. The Parties were asked to provide any objections to the constitution of the hearing panel. No objections to the constitution of the hearing panel were received.

#### IV. Accepted Terms.

19. The Settlement Agreement is made in accordance with Article 10.8.2 of the ECMRs and is subject to the approval of the Tribunal.
20. The APR explicitly admitted the ECM Rule violation and accepted the following terms (the “Accepted Terms”) in accordance with Article 10.8.2 of the ECMRs:
  - a. The APR admits the violation of Article 2.1 of the ECMRs (*The presence of a Controlled Medication Substance and/or its Metabolites or Markers in a Horse’s Sample*);

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<sup>1</sup> Settlement Agreement 31 March 2024 (between FEI and APR), paragraph 2.28, re summary of submissions dated 8 January 2024, 8 February 2024 and Exhibits referenced therein.

- b. The APR established on a balance of probabilities how Dexamethasone entered the Horse's system;
- c. The APR bears *No Significant Fault or Negligence* for the Rule Violation and the applicable period of Ineligibility shall be three (3) months, in accordance with Art. 10.6.1.2 and Art. 10.9.1.1 of the ECMRs, commencing as of the date of the final FEI Tribunal decision (the Provisional Suspension already served shall be credited against the imposed Ineligibility Period);
- d. The results obtained by the PR-Horse combination at the Event are disqualified with all subsequent consequences (forfeiture of all medals, points, prize money, etc. won) in accordance with Article 9 and 10.1.2 of the ECMRs;
- e. The APR shall pay a fine of 3'000 CHF;
- f. Each party will bear its own legal and other costs incurred in connection with these proceedings;
- g. No other Sanctions will apply in this case;
- h. This violation of the ECMRs shall be considered a prior violation for the purpose of Multiple Violations in accordance with Art. 10.9 of the ECMRs.

## V. Decision

- 21. The Tribunal has jurisdiction over this matter pursuant to Article 38 of the Statutes, Article 161 of the GRs, the ECMRs and Article 18 of the IRs. The APR is a member of the IND-NF, which is a member of the FEI; therefore, the APR is bound by the ECMRs.
- 22. The Tribunal confirms that the Accepted Terms of the Settlement Agreement comply with the ECMRs and finds no grounds to object thereto.
- 23. The Parties acknowledge and agree that pursuant to Article 13.3 of the ECMRs, the Decision will be made public by the FEI. The terms set out in the Settlement Agreement have been agreed as a full and final settlement of all claims relating to the subject matter of these proceedings.

24. The Settlement Agreement and this Decision are not subject to appeal under Article 13 of the ECMRs.

DECISION TO BE FORWARDED TO:

- a. The Parties: Yes
- b. The Secretary General of the NF of the person sanctioned: Yes
- c. Any other: No

FOR THE FEI TRIBUNAL



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Mr. José A. Rodríguez Álvarez (MEX), one -member panel.