

DECISION RENDERED BY THE FEI TRIBUNAL
30 May 2024

In the matter of

FÉDÉRATION EQUESTRE INTERNATIONALE (the "FEI")

vs.

Mr. Sebastian SALINAS– Additional Person Responsible (the "APR")

together the "Parties"

Reference No. FEI Tribunal: C24-0017

COMPOSITION OF THE FEI TRIBUNAL PANEL

Mr. Agustin Fattal Jaef (ARG), one-member panel.

FEI Case number: 2023/FT57

Horse/ID/NF: HF FILIPO/108JZ20/CHI

Person Responsible/ID/NF: Andre ALVAREZ/10036495/CHI

Trainer/ID/NF: Sebastian SALINAS/10046993/CHI

Event/Date/ID: CE11* 100 - Llay Llay (CHI), 09.09.23, 2023_CI_1707_E_S_01

Date of sample collection: 09.09.2023

Prohibited Substance(s): Lidocaine

Bar Code Nos.: 5636668

I. Introduction

1. This Decision pertains to the FEI Case 2023/FT57 HF FILIPO (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 CEI1* 100 - Llay Llay (CHI), held on 9 September 2023 (the “Event”).
2. A Settlement Agreement in respect of this case was agreed and signed by the Parties (the FEI and the APR) on 11 April and 15 April 2024 respectively (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 24th edition, effective 17 November 2021 (the “Statutes”).

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

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

FEI Equine Anti-Doping and Controlled Medication Regulations, 3rd 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. Sebastian SALINAS (FEI ID 10046993) the APR in accordance with Article 118.3 of the GRs, is a Trainer in the discipline of Endurance for Chile.
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 Chile (the “CHI-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 Lidocaine. Lidocaine is a local anaesthetic used for the temporary local relief of pain. 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. According to Article 7.1.4 (c) of the ECMRs the right to promptly request the B sample analysis was given and by failing such request the B sample analysis was deemed as waived.
9. The FEI informed the APR of the positive results for this Prohibited Substance by way of a notification letter dated 2 October 2023 (the "Notification Letter"). In accordance with Article 7.4.1. of the ECMRs, the FEI decided not to provisionally suspend the APR as only one Controlled Medication was detected in the Horse's Sample. The FEI informed the APR that he had the right to request to be voluntarily suspended in accordance with the Art. 7.4.9 of the ECMRs. The APR did not exercise this right.
10. The APR provided several rounds of submissions (dated respectively 6 October 2023, 18 October 2023, 20 October 2023, 7 November 2023 and 13 November 2023).
11. On 16 November 2023, the FEI issued a Notice of Charge for an ECM 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 Article 10.1-10.7 of the ECMRs.
12. 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.
13. 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 in the higher spectrum of the applicable sanction range and that a four (4) months of the ineligibility period was an appropriate sanction for the present rule violation based on an evaluation of the

APR's level of Fault/Negligence¹ therefore warranting sanctions of the lower range².

14. On 15 April 2024, the FEI notified the Tribunal that it had reached a settlement of the dispute with the APR, which included a four (4) month Period of Ineligibility. Pursuant to the Settlement Agreement, the otherwise applicable Period of Ineligibility of six (6) months was reduced to four (4) months and the APR was ordered to pay a fine of CHF 1,000.
15. On 21 May 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.

16. The Settlement Agreement is made in accordance with Article 10.8.2 of the ECMRs and is subject to the approval of the Tribunal.
17. 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*);
 - b. The APR established on a balance of probabilities how Lidocaine 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 four (4) 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 1'000 CHF;

¹ Even though the Athlete was charged with two violations, namely Articles 2.1 and 2.2 of the ECMRs, in accordance with the Article 10.9.3.1 of the ECMRs those two violations are considered together as one single first violation. The same sanctioning regime applies to both violations.

² Settlement Agreement 31 March 2024 (between FEI and APR), paragraph 2.29, re summary of submissions dated 8 January 2024, 8 February 2024 and Exhibits referenced therein.

- 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

- 18. 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 CHI-NF, which is a member of the FEI; therefore, the aPR is bound by the ECMRs.
- 19. The Tribunal confirms that the Accepted Terms of the Settlement Agreement comply with the ECMRs and finds no grounds to object thereto.
- 20. 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.
- 21. 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



Mr. Agustin Fattal Jaef (ARG), one-member panel.