

CONSENT AWARD

Dated 11 June 2024 and issued by the

FEI TRIBUNAL

Sitting in the following composition:

Sole Panel Member: Ms Yuri Yagi (JPN)

in the matter between:

FÉDÉRATION EQUESTRE INTERNATIONALE (FEI)

and

Mr. David Jesus GOMEZ PEREZ in his capacity as the Person Responsible in the following case:

Case: C24-0031 GOMEZ PEREZ

FEI Case reference: C24-0031 (FEI Case: 2024/CM06 LUGO)

Horse/Passport: LUGO/107CS83/ESP

Person Responsible/ID/NF: David Jesus GOMEZ PEREZ/10142012/ESP

Event/Date: CCI3*-S - Madrid (ESP), 16-18.02.2024

Event ID: 2024_CI_1446_C_S_01

Date of sample collection: 16.02.2024

Prohibited Substance(s): Dexamethasone, Phenylbutazone, Oxyphenbutazone,
Procaine

Bar Code Nos.: 5647956

I. Parties

1. The Fédération Equestre Internationale (the "FEI") 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).
2. Mr. David Jesus GOMEZ PEREZ (FEI ID 10142012), the Person Responsible (the "PR"), is a Spanish Eventing Athlete, who competed with the horse, LUGO (the "Horse") at the CCI3*-S in Madrid (Spain) between 16 and 18 February 2024 (the "Event").

II. Factual background and initial proceedings

3. The Horse was tested during the Event and returned a positive result for Dexamethasone, Phenylbutazone, Oxyphenbutazone, and Procaine, which are Controlled Medication Substances under the FEI's 2024 Equine Prohibited Substances List. Dexamethasone is a corticosteroid used to treat inflammatory and autoimmune conditions. Phenylbutazone is a non-steroidal anti-inflammatory medication used to relieve pain, inflammation and to control fever. Oxyphenbutazone is a metabolite of Phenylbutazone. Procaine is a local anaesthetic that may be found in combination with penicillin.
4. The FEI informed the PR of the positive result for these Controlled Medication Substances by way of a notification letter dated 20 March 2024 (the "Notification Letter"). The FEI provisionally suspended the PR since four Controlled Medication Substances were detected in the Horse's Sample in accordance with Article 7.4.1 of the Equine Controlled Medication Rules (the "ECM Rules").
5. In the Notification Letter, the PR was provided with an option to admit the ECM Rule Violation and accept the proposed consequences of a three (3) month reduction of the otherwise applicable "Period of Ineligibility" of six (6) months, accompanied by a fine in accordance with Article 10.8.1 of the ECMRs.
6. The FEI also informed the PR of his right to provide an explanation within 20 days following receipt of the Notification Letter.
7. By way of correspondences dated 2 and 11 April 2024, the PR provided his explanation as to the source of the Prohibited Substances in the Horse's sample, explaining in particular that the Horse had been treated 12 days prior to the Event,

and that the PR (and his veterinarian) thought that the administered Controlled Medication Substances would be eliminated from the Horse's body.

8. On 27 May 2024, the FEI issued a formal Notice of Charge (the "Charge Letter") to the PR and charged the PR with a violation of Article 2.1 of the ECM Rules, since the Horse's sample showed the presence of Dexamethasone, Phenylbutazone, Oxyphenbutazone and Procaine, all Controlled Medication Substances. The FEI submitted that as the sources of all the Prohibited Substances had not been established in the present matter, no elimination or reduction of the period of Ineligibility was possible. However, the FEI noted that the treatment of 4 February 2024 was reasonable considering the diagnosis of the Horse's medical condition and although the combination of Dexamethasone and Phenylbutazone, raised some concerns; given that the source of the Dexamethasone had not been established, and could very well have been given separately, the FEI would in the present case not consider the presence of 3 Controlled Medications (plus one metabolite) as aggravating circumstances.
9. Therefore, the PR was provided once again with an opportunity to admit the ECM Rule Violation, accept the consequences and receive an automatic three-month reduction of the period of Ineligibility.
10. On 28 May 2024, the PR in the present case, elected to admit the violation and receive the agreed three (3) months reduction. Accordingly, the PR submitted to the FEI a duly signed copy the Acceptance of Consequences Form. According to this document, the FEI deemed that a six-month Period of Ineligibility was considered appropriate in accordance with Article 10.8.1 ECMRs. Therefore, the PR elected to admit the violation and receive a three (3) month reduction and, hence, serve a total ineligibility period of three (3) months. The PR also accepted a fine of CHF 2,500. In addition, by means of this form, the PR waived his right of appeal and acknowledged that the Accepted Consequences would remain on his record for four (4) years pursuant to Article 10.9 of the ECM Rules.

III. Summary of the proceedings before the FEI Tribunal

11. On 28 May 2024, the FEI submitted to the FEI Tribunal (the "Tribunal") the Notification Letter, the Charge Letter and their respective annexes, as well as the duly signed Acceptance of Consequences Form. In addition, the FEI requested the FEI Tribunal to issue a consent award confirming the Accepted Consequences that would be imposed on the PR.

12. On 7 June 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 by 10 June 2024.
13. On 7 June 2024, the FEI replied that it did not have any objections to the constitution of the hearing panel. The PR never replied; therefore, his silence was taken as agreement to the constitution of the hearing panel.
14. Neither party requested an oral hearing.

IV. Jurisdiction

15. The jurisdiction of the FEI Tribunal, which is not disputed, derives from the:

Statutes 25th edition, effective 21 November 2023 (“Statutes”), Arts. 1.5, 38 and 39.

General Regulations, 24th edition, 1 January 2020, Updates effective 1 January 2024 (“GRs”) Articles 118, 143.1, 159, 164, 165 and 167.

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”). The EADCMRs are divided into the Equine Anti-Doping Rules (the “EADRs”) and the Equine Controlled Medication Rules (the “ECMRs”). As only the ECMRs apply in the present case, reference will be made hereinafter only to this second chapter of the EADCMRs.

V. Early Admission and Acceptance of Sanction

16. In accordance with Article 10.8.1 of the ECMRs *“Where Person Responsible and/or member of the Support Personnel and/or other Person, after being notified by the FEI of a potential ECM Rule violation that carries an asserted period of Ineligibility of six (6) months or more (including any period of Ineligibility asserted under Article 10.4), admits the violation and accepts the asserted period of Ineligibility no later than twenty (20) days after receiving notice of an ECM Rule violation charge, the Person Responsible and/or member of the Support Personnel and/or other Person may receive a three (3) month reduction in the period of Ineligibility asserted by the FEI. Where the Person Responsible and/or member of the Support Personnel and/or other Person receives the three (3) month*

reduction in the asserted period of Ineligibility under this Article 10.8.1, no further reduction in the asserted period of Ineligibility shall be allowed under any other Article”.

VI. Ratification of the Accepted Consequences

17. The PR has explicitly admitted the ECM Rule Violation and accepted the following consequences (the “Accepted Consequences”) in accordance with Article 10.8.1 of the ECM Rules:

- A Period of Ineligibility of three (3) months commencing from the date of the Final Decision by the FEI Tribunal (the Provisional Suspension already served shall be credited against the imposed Ineligibility Period); and
- Disqualification from the whole Event and forfeiture of all medals, points, prize money, etc. won at the Event with the Horse; and
- Fine of 2,500 CHF.
- Automatic publication of sanction.

18. The sole panel member confirms that the Accepted Consequences comply with the ECM Rules and finds no grounds to object to their terms.

ON THESE GROUNDS

1. The sole panel member hereby ratifies the Accepted Consequences in the case C24-0031 [2024/CM06 LUGO) – Mr. David Jesus GOMEZ PEREZ (PR)] and incorporates its terms into this Consent Award.
2. Each Party is hereby ordered to perform the obligations and duties set out in the Acceptance of Consequences Form.
3. This Consent Award is pronounced without legal costs.
4. This Consent Award is final and not subject to a right of appeal as the PR has waived this right.
5. This Consent Award shall be published in accordance with Article 13.3 of the ECM Rules.

DECISION TO BE FORWARDED TO:

a. The Parties:

- FEI
- Mr David Jesus GOMEZ PEREZ (PR)

b. Any other:

- The ESP-NF

FOR THE TRIBUNAL

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Ms. Yuri Yagi (JPN).