

CONSENT AWARD

Dated 17 June 2024 and issued by the

FEI TRIBUNAL

Sitting in the following composition:

Sole Panel Member: Dr Armand Leone (USA)

in the matter between:

FÉDÉRATION EQUESTRE INTERNATIONALE (FEI)

and

Mr. Jose Daniel ANDRADE -in his capacity as the Additional Person Responsible in the following case:

Case: C24-0028 ANDRADE

FEI Case reference: C24-0028 ANDRADE (FEI Case: 2024/CM07 ASHVA PARIS)

Horse/Passport: ASHVA PARIS/108OE39/ECU

Person Responsible/ID/NF: Xavier VALVERDE/10261273/ ECU

Trainer/ID/NF: Jose Daniel ANDRADE/10108277/ECU

Event/Place/Date: CEI1* 100 - Ticatilín (ECU) (24/02/2024) 2024_CI_1558_E_S_01

Date of sample collection: 24.02.2024

Prohibited Substance(s): Flunixin, Isoflupredone

Bar Code Nos.: 5636670

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. Jose Daniel ANDRADE (FEI ID 10108277) the Additional Person Responsible (the "APR"), is a Trainer from Ecuador (the "ECU-NF") and trained the Horse, ASHVA PARIS (the "Horse") at the CEI1* 100 – Ticatilin (ECU) on 24 February 2024 (the "Event").

II. Factual background and initial proceedings

3. The Horse was tested during the Event and returned a positive result for Flunixin and Isoflupredone, which are Controlled Medication Substances under the FEI's 2024 Equine Prohibited Substances List. Flunixin is a non-steroidal anti-inflammatory substance used to relieve pain and inflammation and to control fever. Isoflupredone is a corticosteroid used to treat inflammatory skin disease. The abovementioned substances are classified as a Controlled Medication Substances under the FEI Equine Prohibited Substances List.
4. The FEI informed the APR of the positive result for these Controlled Medication Substances by way of a notification letter dated 18 April 2024 (the "Notification Letter"). The FEI provisionally suspended the APR since two 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"). However, and since the APR was, at the time of the Notification Letter, suspended for having reached the maximum number of penalty points in accordance with Article 864.1 of the Endurance Rules, the APR was informed that the provisional Suspension would be imposed at the end of his current suspension, i.e. on 25 April 2024.
5. In the Notification Letter, the APR was provided with an option to admit the ECMRs 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 APR in the Notification Letter that he may request the analysis of the B-Sample, at the latest within 10 days of the date of this notification letter, at his own cost. The APR did not request the B-Sample to be analysed.
7. On 2 May 2024, i.e. before he was formally charged by the FEI, the APR in the present case, elected to admit the violation and receive the agreed three (3) months

reduction. Accordingly, the APR submitted to the FEI a duly signed copy of 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 APR elected to admit the violation and receive a three (3) month reduction and, hence, serve a total ineligibility Period of three (3) months. The APR also accepted a fine of CHF 2,500. In addition, by means of this form, the APR 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 ECMRs.

III. Summary of the proceedings before the FEI Tribunal

8. On 21 May 2024, the FEI submitted to the FEI Tribunal (the "Tribunal") the Notification Letter and 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 APR.
9. On 11 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 14 June 2024.
10. On 11 June 2024, the FEI replied that it did not have any objections to the constitution of the hearing panel. The APR never replied; therefore, his silence was taken as agreement to the constitution of the hearing panel.
11. Neither party requested an oral hearing.

IV. Jurisdiction

12. 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 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

13. 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

14. The APR 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);
- Fine of 2,500 CHF.

15. 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 C24-0028 [2024/CM07 ASHVA PARIS) – Mr. Jose Daniel ANDRADE (APR)] 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 APR 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 Jose Daniel ANDRADE (APR)

b. Any other:

- The ECU-NF

FOR THE TRIBUNAL



Dr. Armand Leone (USA).