

CONSENT AWARD

Dated 9 July 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. Xavier VALVERDE -in his capacity as the Person Responsible in the following case:

Case: C24-0034 VALVERDE

FEI Case reference: C24-0034 VALVERDE (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 - Ticitilín (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

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## 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. Xavier VALVERDE (FEI ID 10261273) the Person Responsible (the "PR"), is an Endurance Rider from Ecuador (the "ECU-NF") who participated with 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 Controlled Medication Substances under the FEI Equine Prohibited Substances List.
4. The FEI informed the PR 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 PR 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").
5. In the Notification Letter, the PR 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 PR 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 PR did not request the B-Sample to be analysed.
7. On 27 June 2024, i.e. before he was formally charged by the FEI, 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 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 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 and the disqualification from the whole Event and forfeiture of all medals, points, prize money, etc. won at the Event with the Horse. 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 ECMRs.

### III. Summary of the proceedings before the FEI Tribunal

8. On 1 July 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 PR.
9. On 3 July 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 8 July 2024.
10. On 3 July 2024, the FEI and the PR replied that they did not have any objections 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 25<sup>th</sup> edition, effective 21 November 2023 ("Statutes"), Arts. 1.5, 38 and 39.

General Regulations, 24<sup>th</sup> 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, 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"). 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 PR has explicitly admitted the ECM Rule violations 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);
- 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.

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 C24-0034 [2024/CM07 ASHVA PARIS) – Mr. Xavier VALVERDE (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 Xavier VALVERDE (PR), via his legal representative

## b. Any other:

- The ECU-NF

FOR THE TRIBUNAL



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Dr. Armand Leone (USA).