

CONSENT AWARD

dated 22 August 2024 and issued by the

FEI TRIBUNAL

Sitting in the following composition:

Sole Panel Member: Mr Brian Ward (CAN)

in the matter between:

FÉDÉRATION EQUESTRE INTERNATIONALE (FEI)

and

Bernardo DARQUEA in his capacity as the **Additional Person Responsible** in the following case:

Case: C23-0051 DARQUEA ([REDACTED])

FEI Case reference: [REDACTED]

Horse/ID/NF: [REDACTED]

Person Responsible/ID/NF: [REDACTED]

Trainer/ID/NF: Bernardo DARQUEA/10071902/ECU

Event/Date/ID: CEIYJ2* 120, Pujili (ECU) 02.09.2023, 2023_CI_1843_E_YJ_02

Date of sample collection: 02.09.2023

Prohibited Substance(s): Flunixin

Bar Code Nos.: 5637308

All the words used in this Consent Award beginning with a capital letter and not previously defined have the meaning set forth in the specific definitions of the FEI General Regulations and Statutes, the FEI Veterinary Regulations, the FEI Endurance Rules, the 2024 Equine Prohibited Substances List (the **Prohibited List**) and the Equine Anti-Doping and Controlled Medication Regulations (the **EADCMRs**). The Equine Anti-Doping Rules (the **EAD Rules**) and the Equine Controlled Medication Rules (the **ECM Rules**) are set out in the EADCMRs.

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 for the FEI equestrian disciplines of dressage, jumping, eventing, driving, endurance, vaulting, and para-equestrian.
2. Mr Bernardo DARQUEA (FEI ID 10071902), the Additional Person Responsible (the **APR**), is a Trainer from Ecuador, and was the registered Trainer of the horse [REDACTED] (the **Horse**), which competed, with its rider Mr [REDACTED] at the CEIYJ2* in Pujili (ECU) on 2 September 2023 (the **Event**).

II. Factual background and initial proceedings

3. The Horse was tested during the Event and returned a positive result for Arsenic and Flunixin. Arsenic is a stimulant that may be used in the treatment of leukaemia and Flunixin is a non-steroidal anti-inflammatory medication used to relieve pain, inflammation and to control fever. Flunixin is classified as a Controlled Medication Substance under the FEI Equine Prohibited Substances List, and Arsenic is classified as a Banned Substance, but also a Specified Substance, under the FEI Equine Prohibited Substances List.
4. The APR was initially notified of the Adverse Analytical Finding of Arsenic and Flunixin in the Horse's Sample, by Notification Letter of 5 October 2023 from the FEI. The APR was provisionally suspended as of that date.
5. On 3 November 2023, the FEI issued a correction Notification Letter, clarifying that Arsenic, in addition to being a Banned Substance, is also a Specified Substance and should therefore have been notified under the Atypical Findings Procedure. Consequently, and upon request from the FEI, the FEI Tribunal lifted the Provisional Suspension of the APR by decision dated 7 November 2023.
6. On 22 December 2023, the ATF Panel closed the Atypical Finding of Arsenic.

7. On 11 January 2024, the APR was notified of the remaining Prohibited Substance of Flunixin (the **Notification Letter**), since the positive finding of Flunixin in the Horse's Sample gave rise to a violation of the ECM Rules (the **ECM Rule Violation**).
8. On 17 June 2024, the FEI issued a Notice of Charge (the **Notice of Charge**), charging the APR with the ECM Rule Violation due to the positive finding of Flunixin in the Horse's Sample.
9. In the Notice of Charge, the FEI provided the APR with a deadline of 20 days to challenge in writing the ECM Rule Violation. He was also informed that if he admitted the ECM Rule Violation and accepted the sanctions, he would receive an automatic three (3) month reduction in the period of Ineligibility.
10. On 29 July 2024, i.e. within the deadline that had been previously extended by the FEI upon request by the APR, the APR decided to admit the ECM Rule Violation and receive the 3-month reduction. He therefore submitted a duly signed Acceptance of Consequences Form to the FEI.

III. Summary of the proceeding before the FEI Tribunal

11. On 30 July 2024, the FEI submitted the duly signed Acceptance of Consequences Form together with the Notification Letter, the Notice of Charge and annexes to the FEI Tribunal, and requested that the FEI Tribunal issue this Consent Award, confirming the accepted consequences that would be imposed on the APR.
12. On 14 August 2024, the FEI Tribunal Chair informed the Parties of the appointment of a one-person hearing panel to adjudicate and approve this matter. The Parties were asked to provide any objections to the constitution of the hearing panel by 19 August 2024. Furthermore, the FEI Tribunal Chair requested the FEI to provide him with the relevant deadline extension(s) that had been granted to the APR pursuant to the FEI's correspondence of 30 July 2024 submitting the matter to the FEI Tribunal.
13. On 14 August 2024, the APR informed the Tribunal that he did not have any objections to the constitution of the hearing panel.
14. On 15 August 2024, the FEI informed the Tribunal that it did not have any objections to the constitution of the hearing panel. The FEI also provided the Tribunal with the requested documentation.
15. Neither party requested an oral hearing.

IV. Jurisdiction

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

Statutes 25th edition, effective 21 November 2023 ("Statutes"), Articles 1.5, 38 and 39.

General Regulations, 24th edition, updates effective 1 January 2024, Articles 118, 143.1, 159, 164, 165 and 167 ("GRs").

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

FEI Equine Anti-Doping and Controlled Medication Regulations ("EADCMRs"), 3rd edition, effective 1 January 2021, updates effective 1 January 2023.

V. Early Admission and Acceptance of Sanction

17. In accordance with Article 10.8.1 of the ECM Rules: *"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

18. The APR has explicitly admitted the ECM Rule Violation and accepted the following 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 this Consent Award (the Provisional Suspension already served will be credited against the imposed period of Ineligibility); and
- a fine of CHF 2'500.- and
- costs of CHF 1'000.- (in case of B-sampling).

19. The sole panel member confirms that the above 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 of C23-0051 DARQUEA [REDACTED] and incorporates its terms into this Consent Award.
2. Each Party is hereby ordered to perform the obligations and duties pursuant to the Accepted Consequences.
3. The Consent Award is pronounced without costs.
4. This Consent Award is final and not subject to an appeal as the APR has waived this right.
5. This Consent Award will be published in accordance with Article 14.3 of the ECM Rules.

DECISION TO BE FORWARDED TO:

- a. The Parties:
 - FEI
 - Mr Bernardo DARQUEA (APR)
- b. Any other:
 - The NF of the APR, the Ecuadorian Equestrian Federation

FOR THE TRIBUNAL



Mr Brian Ward (CAN)