

DECISION RENDERED BY THE FEI TRIBUNAL

5 December 2024

In the matter of

FÉDÉRATION EQUESTRE INTERNATIONALE (the "FEI")

vs.

Ms Charlotte DUJARDIN – Person Responsible (the "Respondent")

together the "Parties"

Reference No. FEI Tribunal: C24-0043
(FEI Reference: 2024/HA02)

COMPOSITION OF THE FEI TRIBUNAL PANEL:

Mr Jose A. Rodriguez Alvarez (MEX), Chair;
Ms Diane Pitts (USA), Member;
Mr Agustin Fattal Jaef (ARG), Member.

I. Introduction

1. This Decision pertains to the FEI case 2024/HA02, CHARLOTTE DUJARDIN. In respect of this case, after becoming aware of a video footage displaying Ms Dujardin excessively whipping a horse during a training session, the FEI initiated disciplinary proceedings against the Respondent. In accordance with Art. 30 of the Internal Regulations of the FEI Tribunal (the “IRs”) on 22 July 2024, the case was opened for possible Abuse of Horse, Breach of the FEI Code of Conduct for the Welfare of the Horse and Conduct that brings the FEI and/or the equestrian sport into disrepute, contrary to the FEI General Regulations (the “GRs”).
2. An Acceptance of Sanctions to be incorporated in a decision of the FEI Tribunal between the FEI and the Respondent in respect of this case was agreed to by the Parties on 23 October 2024 (the “Acceptance of Sanctions”). The Acceptance of Sanctions and the list of Exhibits thereto are herein incorporated by reference.

II. Applicable Rule Provisions

3. The following regulations are applicable to the present case:
 - a) Statutes 25th edition, effective 21 November 2023 (the “Statutes”).
 - b) General Regulations, 24th edition, 1 January 2020, updates effective 1 January 2024. (the “GRs”).
 - c) Internal Regulations of the FEI Tribunal, 3rd Edition, 2 March 2018 (the “IRs”).
 - d) FEI Code of Conduct on the Welfare of the Horse.

III. Factual background and initial proceedings

4. Ms Charlotte DUJARDIN (FEI ID 10028440), the Respondent, is an Athlete in the discipline of Dressage for Great Britain.
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 Respondent is a member of the British Equestrian Federation (the “GBR-NF”), the latter being a member of the FEI, thus the Respondent is bound by the FEI Regulations, including the Statutes and the GRs.

7. On 22 July 2024, the FEI received an official complaint from a lawyer representing an anonymous complainant alleging that Ms Dujardin had engaged in animal cruelty (the "Complaint"). The Complaint attached a Video (the "Video"), which was also spread on social media and TV Channels. This video shows Ms Dujardin using the whip on the horse and the horse showing discomfort. In particular, and as per the accepted facts provided for under the Acceptance of Sanctions, the Video demonstrates the following:
 - *A training session where Ms Dujardin, as a trainer, is giving a lesson to a rider who is mounted on a horse.*
 - *Ms Dujardin is whipping the horse from the ground with a lunging whip.*
 - *Ms Dujardin starts off by holding the whip with one hand, then holding it with both hands, while using more force.*
 - *Ms Dujardin is whipping the horse mostly from behind on the hind legs, but in-between, also from the front on the front legs and shoulders of the horse.*
 - *In total, Ms Dujardin whipped the horse more than 20 times.*
8. On the same day, the Respondent was informed via a Notice of Open Investigations (the "Notice") that she was subject to an FEI investigation further to allegations of Abuse of Horse which had been reported to the FEI. In view of the urgency of the matter, Ms Dujardin was requested to provide a written reply to the allegations by 23 July 2024, 17:00 (CEST).
9. On 23 July 2024, the Respondent provided a reply to the Notice and informed the FEI that she voluntarily accepted the imposition of a provisional suspension, which took effect as of 23 July 2024, and remained in place pending the FEI's investigation into the matter.
10. On 27 July 2024, the Respondent submitted her initial explanations regarding the allegations.
11. On 10 September 2024, the FEI, further to its review of the Respondent's submission, issued a Notification letter (the "Notification Letter") to Ms Dujardin, in accordance with Art. 30 of the IRs, for the following offences under the GRs: (i) Abuse of Horse, (ii) Breach of the FEI Code of Conduct for the Welfare of the Horse and (iii) Conduct that brings the FEI and/or equestrian sport into disrepute. In the Notification Letter, the FEI informed the Respondent of the possibility of admitting the alleged infringements and accepting the sanctions proposed by the FEI in the same Notification Letter (i.e. a 1-year Suspension and a CHF 10'000.- fine).
12. Various submissions and statements were remitted by the Respondent in the context of the FEI proceedings.

13. The FEI carefully reviewed the Video, and counted more than 20 hits of the whip. Such use clearly amounts to an excessive use of the whip which caused, or was likely to have caused discomfort and possibly pain to the horse. It is the view of the FEI that Ms Dujardin's misconduct warrants the imposition of sanctions
14. In assessing the appropriate level of sanction to propose, the FEI has reviewed the alleged offences with reference to the general sanctioning principles set out in Art. 164.12 of the GRs¹.
15. On 23 October 2024, the FEI notified the Tribunal that it had reached an Acceptance of Sanctions with the Respondent, which included a 1 (one) year Suspension as well as a fine of CHF 10'000.- (ten thousand Swiss francs), in accordance with Art. 164 of the GRs.
16. On 13 November 2024, the Tribunal informed the Parties of the appointment of a three-person hearing panel to adjudicate and approve this case. The Parties were asked to provide any objections to the constitution of the hearing panel.
17. On 13 November 2024, both the Respondent and the FEI confirmed having no objection to the constitution of the hearing panel.
18. On 19 November 2024, the Panel requested additional information from the Parties. The Respondent was requested to submit a duly signed Power of Attorney. The FEI was requested to provide clarifications as to the method of calculation for the Proposed Sanctions, which amounted to a 1-year suspension and a CHF 10'000.- fine. Additionally, the Panel noted that under Art. 30.3 of the IRs, the Respondent shall have a period following receipt of the Notification Letter to send his initial response admitting or denying the alleged infringement. In the present matter, based on the case file at its disposal, the Panel required the FEI to provide more details as to the procedure followed in that regard.
19. On 21 November 2024, the FEI provided the requested explanations and documents. With respect to the method of calculation, the FEI stated that there is no specific mathematic (or other) formula set down in the GRs or in the IRs. Given that the sanctions set out in the Table of Sanctions in Article 164.13 of the GRs provide for (i) a sliding scale of categories of gravity of sanction (from "Low End" to "Max") and (ii) a range of penalties within each category in terms of suspension duration and applicable fine, it is clear that there is regulatory scope for the

¹ Acceptance of Sanctions 23 October 2024 (between FEI and the Respondent), paragraphs 4 & 5, regarding the evaluation of the appropriate level of sanction for the rule violation, and Exhibits referenced therein.

application of discretion by the FEI when assessing the level of sanctions. In the present case, the mitigating and aggravating factors considered by the FEI when proposing the sanctions in question were detailed in the Notification Letter, to which the FEI refers. In particular, the FEI took into consideration that Ms Dujardin voluntarily decided to withdraw from the Olympics and thus missed the 2024 Paris Olympic Games. With respect to the second question addressed by the Panel in relation to the procedural dates and deadlines, the FEI submitted that in the present matter, a deadline extension was required, and was granted in view of the nature of the proceedings.

20. On 21 November 2024, the Respondent submitted a signed Power of Attorney.

IV. Accepted Terms.

21. The Acceptance of Sanctions is made in accordance with Article 30.2 of the IRs and is subject to the approval of the Tribunal.
22. The Respondent explicitly admitted that she committed Abuse of Horse, a breach of the FEI Code of Conduct for the Welfare of the Horse and that she engaged in conduct that brings the FEI and/or equestrian sport into disrepute. She further accepted the following terms (the "Accepted Terms") in accordance with Article 30.2 of the IRs:

- 1) Rule Violation

Ms Dujardin admits that she committed Abuse of Horse, a breach of the FEI Code of Conduct for the Welfare the Horse, and engaged in conduct that brings the FEI and/or equestrian sport into disrepute.

- 2) Period of Suspension

Ms Dujardin has accepted the proposed sanction of 1 (one) year suspension in accordance with Art. 164.7 of the FEI General Regulations, Case 2024/HA02 – Charlotte Dujardin, commencing as of the date of the FEI Tribunal's decision on this Acceptance of Sanctions (the period of Provisional Suspension already served by Ms Dujardin (i.e. the period from 23 July 2024 to the date of Decision) shall be credited against the imposed Ineligibility Period).

- 3) Fine

Ms Dujardin shall pay a fine of 10'000 CHF.

- 4) Legal Costs

Each of the Parties shall bear their own legal costs.

5) Right of Appeal

The Acceptance of Sanctions will constitute the Decision for this case. Pursuant to Article 30.2 of the IRs, Ms Dujardin and the FEI agree to waive their respective rights to appeal this Decision under Art. 162 of the FEI General Regulations.

Ms Dujardin and the FEI acknowledge and agree that the Decision will be made public by the FEI. The terms set out in this Acceptance of Sanctions have been agreed as a full and final settlement of all claims relating to the subject-matter of these proceedings.

V. Reasoning

23. The Tribunal has jurisdiction over this matter pursuant to Article 38 of the Statutes, Article 161 of the GRs, and Article 18 of the IRs. The Respondent is a member of the GBR-NF, which is a member of the FEI; therefore, the Respondent is bound by the FEI Regulations.
24. Having reviewed the case summary and the full reasoning of the Acceptance of Sanctions, the Panel takes note that the FEI has agreed that the Respondent admitted the violations of the FEI Regulations in the sense that she committed Abuse of Horse, a breach of the FEI Code of Conduct for the Welfare the Horse, and engaged in conduct that brings the FEI and/or equestrian sport into disrepute.
25. The Panel further acknowledges that the Respondent has voluntarily accepted the terms set in the Acceptance of Sanctions, in accordance with Article 30.2 of the IRs, as detailed under Section IV of this Decision.
26. After having duly considered the Acceptance of Sanctions, as well as the additional information provided by the FEI, the Panel confirms that the accepted terms of the Acceptance of Sanctions comply with the FEI Statutes and GRs.
27. In particular, the Panel notes that, following the investigations conducted by the FEI, the FEI considered that the Video constituted the only occurrence of Horse Abuse committed by the Respondent, in what can be considered as an “isolated incident”. In this sense, the Acceptance of Sanctions, which encompass a 1-year Suspension and a CHF 10'000.- Fine, are within the guidelines set by the GR. Should the circumstances, under which the present proposal/acceptance of sanctions change, the FEI shall then open new proceedings against the Respondent, and any other allegation or incident not considered, would also then need to be investigated independently.

28. Additionally, the Panel noted that as per the FEI's explanations regarding the Proposed Sanctions in the present matter, the FEI applied their discretion in considering the matter as a whole, taking into account also the mitigating and aggravating circumstances detailed in the Notification Letter. The Proposed Sanctions were thereafter offered to the Respondent within the sliding scale of categories of gravity of sanction, and within the range of penalties applicable, in terms of suspension duration and applicable fine.
29. From the above, the Panel wishes however to state that it did not analyse whether the Accepted Sanctions are to be considered as reasonable or not, but rather whether they fell within the parameters set forth in the FEI's rules and regulations. After a thorough analysis of such, the Panel considers that they do.
30. Therefore, and in accordance with the mutual consent of the Parties, the Tribunal hereby directs the Parties to comply fully with all the terms of the Acceptance of Sanctions. Furthermore, this Decision shall terminate the present case C24-0043 DUJARDIN.
31. The Parties acknowledge and agree that the Decision will be made public by the FEI.
32. The Acceptance of Sanctions and this Decision are not subject to appeal under Article 30.2 of the IRs.

VI. Terms of the decision

33. The Panel decides that:

- 1) The Acceptance of Sanctions reached between the FEI and the Respondent, concerning the FEI case 2024/HA02 (FEI Tribunal reference: C24-0043 DUJARDIN) is hereby ratified by the Tribunal with the consent of the Parties, and its terms set out in Section IV above are incorporated into this Decision.
- 2) This Decision shall be notified to the Respondent, to the GBR-NF, and to the FEI.
- 3) As agreed by the Parties, this Decision will be made public by the FEI.
- 4) This Decision is not subject to appeal pursuant to Art. 30.2 (a) of the IRs.

FOR THE FEI TRIBUNAL



Mr Jose A. Rodriguez Alvarez, Chair of the Panel