



Tribunal Arbitral du Sport
Court of Arbitration for Sport
Tribunal Arbitral del Deporte

CAS 2021/A/7895 Pierre Arnould v Fédération Equestre Internationale (FEI)

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition

President: Mr Romano F. Subiotto Q.C., Avocat in Brussels, Belgium and Solicitor-Advocate in London, United Kingdom
Arbitrators: Mr Bernard Hanotiau, Avocat in Brussels, Belgium
Mr Klaus Reichert S.C., Barrister in London, United Kingdom

in the arbitration between

Mr Pierre Arnould, Genappe, Belgium

represented by Mr Philippe Levy, Attorney-at-Law in Liège, Belgium

Appellant

and

Fédération Equestre Internationale (FEI), Lausanne, Switzerland

Represented by Ms Áine Power, FEI Legal Counsel, Lausanne, Switzerland

Respondent

* * *

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I. THE PARTIES

1. Mr Pierre Arnould (the “Appellant”) is a 61-year-old Belgian national who has been involved in Equestrian Sport for 35 years, in particular in the discipline of Endurance. He served as Team Leader of the Belgian national team for many years, organised two FEI Endurance European Championships, one FEI Endurance World Championship and is an active Trainer of Endurance horses. He was also a member of the FEI Endurance Committee from 2011 to 2014 and recently acted as a representative of the Equestrian Organisers on the FEI Endurance Calendar Task Force established to deal with the impact of COVID-19 on events. In 2020, with the support of his national federation, the Royal Belgian Equestrian Federation, the Appellant put himself forward to be a member of, or to chair, the FEI Endurance Committee. These positions were filled at the FEI General Assembly in November 2020 when the Appellant was provisionally suspended.
2. The FEI (the “Respondent”, together with the Appellant, the “Parties”) is the international governing body for all Olympic equestrian disciplines, including Endurance. It is a Swiss private association headquartered in Lausanne. As part of its governance responsibilities, the FEI issues regulations, including the EAD rules, to protect the integrity of the sport.

II. FACTUAL BACKGROUND

3. Below is a summary of the main relevant facts and allegations based on the Parties’ written submissions, pleadings and evidence adduced at the hearing. While the Panel has considered all the facts, allegations, legal arguments and evidence submitted by the Parties in the present proceedings, it refers in its Arbitral Award only to the submissions and evidence it considers necessary to explain its reasoning.
4. In April 2020, Dr Wijnendaele, a Belgian national who is a 4* FEI Official Veterinarian and a 3* Endurance Veterinary Treatment Official (FEI ID 10047445) registered as a veterinarian in Belgium until September 2005, discovered that a Belgian horse’s FEI passport carried his name and professional stamp despite being dated many years after he had left Belgium.
5. Dr Wijnendaele made further enquiries and discovered other instances of his old stamp having been applied to other FEI passports. He reported this to the FEI.
6. On 2 October 2020, the FEI informed the Appellant by way of a Notification Letter of the start of disciplinary proceedings. The FEI alleged that Mr Pierre Arnould’s conduct in falsifying FEI passports and forging the signature of an FEI Veterinarian breached various FEI rules and regulations, imposing an immediate provisional suspension (in

accordance with Article 164.7 of the FEI General Regulations) proposing as sanctions a three (3) year period of suspension (in accordance with Article 164.7 of the FEI General Regulations) and a CHF 5,000 (five thousand Swiss Franc) fine and inviting him to submit a reply within 10 days. Mr Pierre Arnould was also informed that he could “*apply to the FEI Tribunal at any stage of the disciplinary process to request the FEI Tribunal to lift the provisional suspension*”.

7. On 12 October 2020, the Appellant replied in writing to the FEI’s Notification Letter and contested the FEI’s accusations stating that that Dr Wijnendaele voluntarily left his stamp with Mr Pierre Arnould because they very close friend at the time of the facts. Indeed, the Appellant explained at the oral hearing that Dr Wijnendaele, who lives in Spain, stayed at Mr Pierre Arnould’s house during his stays in Belgium. He also entrusted two horses to the Appellant’s daughter and even accompanied her as a groom at the World Equestrian Games in Normandy in 2014.
8. On the same day, on 12 October 2020, the FEI replied by email.
9. On 2 November 2020, the FEI submitted its Claim Brief to the FEI Tribunal.
10. On 7 December 2020, the Appellant submitted his Response Brief.
11. On 18 February 2021, an oral hearing took place via video conference (due to Covid-19 restrictions) before the FEI Tribunal.
12. On 31 March 2021, the FEI Tribunal issued its decision and imposed sanctions on Mr Pierre Arnould in accordance with Article 164 of the FEI General Regulations (24th edition). The Appealed decision reads as follows:

“1) The Respondent’s actions violated Article 164.12 (d) and Article 164.12 (g) of the FEI GRs. 2) The Respondent shall be suspended for a period of twenty months. The period of provisional suspension, which commenced on 2 October 2020, shall be credited against this period of suspension which will therefore come to an end on 1 June 2022. Pursuant to Article 164.7 of the FEI GRs, as from notification of this decision, the Respondent is barred for the period of his suspension, from participating in or attending, in any capacity, including as a spectator, any Competition or Event that is authorised or organised by the FEI or any National Federation. 3) The Respondent is fined CHF 5000. 4) The Respondent shall pay a contribution towards the FEI legal costs in the amount of CHF 7000”.

III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

13. On 22 April 2021, the Appellant filed a Statement of Appeal with the Court of Arbitration for Sport (the “CAS”) against the FEI with respect to the decision issued by

the FEI Tribunal on 31 March 2021 and whose grounds were communicated to the Appellant on the same day (the “Appealed Decision”).

14. On the same day, the Appellant filed a Request for Provisional Measures asking for the application of two measures. As a principal, the Appellant requested the effects of the 20-month suspension to be suspended pending the CAS’ decision. In the alternative, the Appellant requested (i) to reduce the sanction to the already effective duration of the provisional suspension, (ii) to reduce the fine according to the Appellant’s financial resources, and (iii) to amend the suspension order to enable the Appellant to attend equestrian events as a spectator.
15. On 23 April 2021, the CAS Court Office initiated an appeal arbitration procedure and invited the Respondent to raise any objection to the choice of French as the language of the proceedings within a deadline of 3 days from receipt of the CAS Court Office letter by courier.
16. On 26 April 2021, the Respondent objected to the choice of French and requested that the proceedings be conducted in English, for the following reasons: (i) the Appealed Decision was in English only, (ii) “*the FEI rules relevant to the Appeal (and upon which the Appealed Decision was based) are all only published (and available) in English.*” (iii) the hearing was held in English, (iv) “[t]he Appellant speaks and understands English”, and finally (v) “*the working language of the FEJ and FEI headquarters is English.*”
17. On the same day, the Appellant maintained his request to hold the proceedings regarding the present arbitration exclusively in French, arguing that (i) he was not comfortable with the use of English, contrary to the Respondent’s indications, (ii) he was disadvantaged previously by the inability to use French, (iii) his witnesses were all francophone, (iv) no party in the proceedings was Anglophone with the exception of Ms Áine Power, the Respondent’s in-house counsel, and finally (v) the Respondent could not financially afford an interpreter.
18. On 27 April 2021, the CAS Court Office informed the Parties that, in view of their respective positions, an Order on Language would be issued by the President of the CAS Appeals Arbitration Division or her Deputy and suspended the proceedings until a decision on the language of the proceedings is issued.
19. On the same day, the CAS Court Office invited the Parties to indicate whether they would agree to a bilingual French-English proceeding.
20. On the same day, the Respondent requested additional information with respect to what a bilingual proceeding would entail.

21. On 28 April 2021, the Appellant indicated that it did not agree to a bilingual proceeding, as he is not fluent in English. He further added that one of his complaints with respect to the proceeding before the FEI Tribunal is that he was not allowed to be heard in the language of his choice in his defence and felt this was a violation of his rights of defence.
22. On 29 April 2021, the President of the Appeals Arbitration Division rendered an Order on Language setting English as the language of the arbitral procedure and requesting the Appellant to file an English translation of his Statement of Appeal and of his Request for Provisional Measures within seven days from receipt of the Order on Language by courier and granted a deadline of ten days from receipt of the Order on Language by courier to file an English translation of his Appeal Brief.
23. On the same day, the Appellant filed the English translations of the Statement of Appeal, of the Request for Provisional Measures and of the Appeal Brief.
24. On 3 May 2021, the CAS Court Office acknowledged the receipt of the English translations of the Statement of Appeal, of the Request for Provisional Measures and of the Appeal Brief, as well as the Respondent's request of a 10-day extension to nominate an arbitrator.
25. On 10 May 2021, the Respondent filed its answer to the Appellant's Request for Provisional Measures.
26. On 11 May 2021, the Respondent nominated Mr Klaus Reichert as an arbitrator.
27. On 17 May 2021, the Respondent requested a 10-day extension of the time limit to file its answer to the Appellant's Statement of Appeal, which the CAS Court Office granted on the same day.
28. On 27 May 2020, the CAS Court Office, on behalf of the President of the Appeals Arbitration Division, informed the Parties that the Panel constituted to decide this appeal was as follows:

President: Mr Romano F. Subiotto Q.C., Avocat in Brussels, Belgium and Solicitor-Advocate in London, United Kingdom

Arbitrators: Mr Bernard Hanotiau, Avocat in Brussels, Belgium
Mr Klaus Reichert S.C., Barrister in London, United Kingdom
29. On 1 June 2021, the Respondent filed its answer to the Appellant's Statement of Appeal.
30. On 4 June 2021, the Appellant, in a letter to the CAS Court Office, reiterated its request to have a decision concerning the lifting of the provisional suspension. In addition, the Appellant requested (i) a delay to answer and to produce new witnesses and new

documents in response to the new documents, (ii) a physical hearing, (iii) the production by the FEI of the CAS's recent decision reducing the FEI's 20-year suspension in that case, and all recent unpublished CAS decisions that reduce the sanctions imposed by the lower decisional bodies.

31. On 11 June 2021, the Appellant sent to the CAS Court Office a memorandum summarizing his version of the factual background of the proceedings.
32. On 15 June 2021, the CAS Court Office informed the Appellant and Respondent that (i) an Order on the Appellant's Request for Provisional Measures would be issued in due course, (ii) the Appellant was granted a deadline of 20 days as from receipt of the letter by courier, to reply to the FEI's Answer and to provide additional pieces of evidence in application of Article R56 of the CAS Code, (iii) within the same deadline, the Appellant was also allowed to produce a new witness provided that a summary of the expected testimony or a written witness statement is submitted, (iv) a physical or video hearing would be held and the Appellant and his counsel would be allowed to plead in French, on condition that he provide, at his own cost, interpretation into and from the official language, and (v) the FEI was invited to provide the requested decisions (to the extent that they involved the FEI and were not confidential) on or before 23 June 2021.
33. On 16 June 2021, the FEI provided the requested decisions (*i.e.*, decisions issued by the CAS and involving the FEI).
34. On 7 July 2021, the Appellant submitted its observation to the FEI's Answer and produced the witness statement of Mr Daniel Fenaux.
35. On 5 August 2021, an Order rejecting the Appellant's Request for provisional Measures was issued by the Panel.
36. On the same day the CAS Court Office stated that the hearing requested by the Appellant should be held without delay and that dates would be proposed to the Parties shortly.
37. On 23 September 2021, the CAS Court Office called the Parties to appear at the hearing, to be held on 25 October 2021 and invited them to: (i) provide the CAS Court Office, on or before 30 September 2021, with the names of all persons who would be attending the hearing, and (ii) inform the CAS Court Office on or before 29 September 2021 which witnesses he wanted to retain for the CAS appeal proceedings, which statements the Panel should review, and which he wanted to keep in French and which in English.
38. On 30 September 2021, the CAS Court Office informed the Parties that, as decided by them, the Panel would rely on the witnesses' written statements. No witnesses would therefore need to make themselves available for the hearing.

39. On 8 October 2021, an Order of Procedure was issued.
40. On 11 October 2021, the Respondent signed the Order of Procedure.
41. On 22 October 2021, the Appellant signed the Order of Procedure.
42. On 25 October 2021, a hearing took place at the CAS premises in Lausanne.
43. All the members of the Panel (including the *ad hoc* clerk) were present, as well as Mr Björn Hessert, CAS Counsel. The Appellant was accompanied by his attorney, Mr Philippe Levy, and the Respondent was represented by Ms Áine Power, the FEI Deputy Legal Director.
44. At the hearing, the Parties were given a full opportunity to present their case, submit their arguments and submissions, and answer the questions posed by the Panel. At the end of the hearing, the Parties' counsel confirmed that they were satisfied with the hearing and that their right to be heard was fully respected.
45. After the parties' final arguments, the Panel closed the hearing and announced that its award would be rendered in due course.

IV. SUBMISSION OF THE PARTIES

46. The Panel does not provide an exhaustive list of the Parties' contentions, but, rather, a summary of the Parties' main arguments. In considering and deciding upon the Parties' claims, the Panel has accounted for and carefully considered all of the submissions made and evidence adduced by the Parties.

A. The Appellant

47. The Appellant requested the following reliefs:
 - (a) to declare null and void the decisions taken in violation of the rights of Mr Pierre Arnould.
 - (b) Alternatively:
 - (i) Reduce the penalty of suspension to the already effective duration of the provisional suspension;
 - (ii) Reduce the fine to proportions consistent with Mr Pierre Arnould's financial possibilities; and

- (iii) In any event, remove the sanction relating to the inability of Mr Pierre Arnould to attend sports competitions as spectator in both international and national competitions.

48. In support of his request for relief, the Appellant relied on the following main arguments:

- (a) That the sanction is not proportionate in comparison to comparable decisions before the CAS or the FEI Tribunal. According to the Appellant, the FEI wanted to set an example and to definitively rule Mr Pierre Arnould out from the FEI where he is influential.
- (b) That the Appealed Decision violates the Appellant's right of defence, for the following reasons:
 - (i) the FEI Tribunal is considered as not being impartial;
 - (ii) the language of the procedure: the hearing and the procedure before the FEI Tribunal should have been held in French, since it is one of the two official languages of the FEI;
 - (iii) the Appealed Decision fails to address any of the legal arguments proffered by the Appellant and merely recalls the facts without assessing their veracity; and
 - (iv) all requests on the lifting of the Appellant's provisional suspension have been rejected.
- (c) That the Appealed Decision is unlawful because it is not suspensive.

B. The Respondent

49. In its Answer, the Respondent requested the following reliefs:

- (a) to dismiss the appeal against the FEI Tribunal's decision dated 31 March 2021 in its entirety; and
- (b) to order the Appellant to pay the arbitration costs, as well as a contribution towards the FEI's legal fees and other expenses incurred in connection with these proceedings, in accordance with Article R64.5 of the CAS Code.

50. In support of its request for relief, the Respondent relied on the following principal arguments:

- (a) the Appellant has offered no defence to the charges; it is not even in dispute that he knowingly and deliberately falsified the FEI passports;
- (b) if the Appellant wants to claim that the horses were indeed vaccinated, he must bear the burden of proving that; he has offered no evidence to support this claim; and
- (c) there were no procedural irregularities with the proceedings before the FEI Tribunal and even if there were, the irregularities would be cured by the “*de novo*” nature of the CAS proceedings.

V. CAS JURISDICTION

- 51. The jurisdiction of the CAS, which is not disputed, derives from the FEI General Regulations, specifically Articles 162.1 and 162.7.
- 52. It follows that the CAS has jurisdiction to decide the Appeal.

VI. ADMISSIBILITY

- 53. Article R49 of the CAS Code provides as follows:

“In the absence of a time limit set in the statutes or regulations of the federation, association or sports-related body concerned, or in a previous agreement, the time limit for appeal shall be twenty-one days from the receipt of the decision appealed against. The Division President shall not initiate a procedure if the statement of appeal is, on its face, late and shall so notify the person who filed the document.”

- 54. The chronology of events detailed above confirms that the Appeal was filed within the applicable deadline, and the Respondent has not objected to its admissibility. It follows that the Appeal is admissible.

VII. APPLICABLE LAW

- 55. Article R58 of the CAS Code provides as follows:

“The Panel shall decide the dispute according to the applicable regulations and subsidiarily, to the rules of law chosen by the parties or, in the absence of such a choice, according to the law of the country in which the federation, association or sports-related body which has issued the challenged decision is domiciled or according to the rules of law that the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision.”

56. In accordance with Article R58 of the CAS Code, the provisions of the FEI rules and regulations which are relevant to this case are the:
- FEI Statutes 24th edition, effective 19 November 2019 (“FEI Statutes”);
 - FEI General Regulations 24th edition, effective 1 January 2020 (“FEI GRs”);
 - Internal Regulations of the FEI Tribunal, 3rd Edition, 2 March 2018 (“FEI IRs”);
and
 - FEI Veterinary Regulations 14th edition, effective 1 January 2020 (“FEI VRs”).
57. The Panel will decide any matter not covered by these rules and regulations according to Swiss law.

VIII. MERITS

58. The main issue to be resolved by the Panel is whether the sanction and fine imposed on Mr Pierre Arnould are proportionate. Indeed, the Appellant does not deny he knowingly and deliberately falsified the FEI passports, but claims that the sanction is not proportionate in comparison to similar facts before the CAS or the FEI Tribunal.
59. The Panel is of the view that the sanctions in general must be proportionate and have different functions: the punitive function serves to punish the offender; the preventive function prevents repeat offenses and the restorative function helps to remedy the harm inflicted by the offence.
60. As another CAS panel explained in CAS 2017/A/5299, paras. 137-8:

“The principle of proportionality encompasses three aspects. According thereto the measure must be appropriate, necessary and demonstrate a reasonable balance between the objective pursued and the means used to achieve it (proportionality in its narrow sense).

Disciplinary measures serve different purposes. On the one hand, a sanction shall help to undo harm that has been inflicted by the offender. On the other hand and more importantly, a disciplinary sanction shall prevent re-offending by the offender. Consequently, harsher sanctions are warranted in case of serious infringements, structural non-compliance with the various obligations and in case of recidivism (cf. also CAS 2015/1/3875, para. 125 seq.).”

Proportionality Assessment of the Sanction

61. Concerning the Appellant's violation of Articles 164.12 (d) and Article 164.12 (g) of the FEI GRs, the Appellant submits that the duration of the twenty-months suspension is disproportionate, and should be dismissed. The Respondent, in turn, contends that the FEI Tribunal correctly imposed a suspension of twenty months.
62. The Panel first notes that there are no consistent FEI Tribunal precedents regarding the length of suspensions to be imposed upon riders in cases of violation of Articles 164.12 (d) and Article 164.12 (g) of the FEI GRs, nor is there any precedent identifying any mitigating and aggravating factors to be considered in determining appropriate and proportionate disciplinary sanctions. Of course, to ensure the equal treatment of all riders, the FEI Tribunal must treat like situations similarly and impose consistent disciplinary sanctions for rules violations, including violation of Articles 164.12 (d) and Article 164.12 (g) of the FEI GRs.
63. The Panel finds that several mitigating factors need to be taken into account in this case in determining the length of the Appellant's suspension: this is the Appellant's first violation of the FEI rules. Furthermore, the Appellant successfully passed all veterinary checks at the competitions he attended with the horses subject to the Appealed Decision. This element highlights the defects of the vaccination system as currently implemented by the FEI, as discussed below.
64. In addition, Mr Pierre Arnould admitted since the beginning of the procedure that he knowingly and deliberately falsified the FEI passports, but supports that the horses were vaccinated. Mr Pierre Arnould explained at the oral hearing, that he indeed used Dr Wijnendaele stamp on occasion where the horses were vaccinated in their owners' stables while their FEI passport were in possession of Mr Pierre Arnould or vice-versa. Indeed, after the competitions it is very frequent that horses rest in their owners' stables for a few weeks/months (this system allows the owners to limit the expenses insofar as having a horse on full-board at the trainer's stables is expensive). However, for practical reasons and due to lack of coordination or organization, the horses often travel without their FEI passport from their owners' place to the trainer's stables. Thus, while the horses were indeed vaccinated, their FEI passport could not be updated by the veterinarian who performed the vaccination. In these cases, Mr Pierre Arnould, while checking the horses' FEI passports before competitions, used Dr Wijnendaele stamp: when the FEI passport was not up-to-date he would call the owner and check whether the horse had been vaccinated during his resting time. If so, he would fill in the FEI passport using Dr Wijnendaele stamp, and would inform him. The Panel understands from the Appellant that this practice is very common in the equestrian field.
65. None of the Parties have been able to establish with a sufficient degree of certainty the vaccination status of the horses concerned in the Appealed Decision. The Panel agrees with the Respondent that it is the Appellant's duty to provide such evidence. However,

- absent such evidence, the Panel considers that the financial advantage that Mr Pierre Arnould would have obtained from evading this bi-annual vaccination obligation appears to be much less than the risk incurred for the welfare of the horses and therefore for his own career, given the importance of vaccines in protecting the horses' health and welfare, and the limited cost that vaccines represent in the total cost of maintaining a horse. Indeed, Mr Pierre Arnould would not have been able to participate in any competition with a sick horse and would also have taken the risk of contaminating other horses. In addition, the Panel notes that Mr Pierre Arnould vaccinated his horses against Equine Herpes Virus (EHV-1), a vaccine that was not mandatory at the time of the facts. This element shows the particular concern that the Appellant had for the health of his horses. The Panel has no grounds to question the Appellant's assertions. In addition, during the oral hearing Ms Áine Power confirmed that the Appealed Decision is based solely on the fact that the Appellant fraudulently used Dr Wijnendaele's stamp, regardless of whether or not the horses were actually vaccinated.
66. The Panel understands the importance of horse vaccination and compliance with the rules. It also understands that this is the basis for horses' welfare, the organization of international competitions, exemptions from quarantine measures and other rules usually applicable to the transport of horses besides FEI competitions. Nevertheless, according to the Panel, the FEI vaccination system as it currently exists is insufficiently robust, and should be improved to make it more reliable. For example, the FEI could impose the use of the vaccination stickers in the horses' passports, in addition to the stamp and signature of the veterinarian. This would also allow a better tracking of the vaccination of horses and would make the veterinary checks at competition more reliable. This system could also be modernized by computerizing it. For example, the information relating to the horse vaccination, could be included directly in the horse's microchip. This would ensure that the horses are properly vaccinated and that the vaccination is performed by competent veterinarians, as the Panel understands that only veterinarians have access to this register.
67. The Panel is comfortably satisfied that Dr Wijnendaele voluntarily left his stamp with the Appellant, who was a very close friend at the time of the facts. Indeed, as mentioned in Section II, Dr Wijnendaele, who lives in Spain, stayed at Mr Pierre Arnould's house during his stays in Belgium. He also entrusted two horses to the Appellant's daughter and even accompanied her as a groom at the World Equestrian Games in Normandy in 2014.
68. Considering the above, the Panel finds that the suspension of the Appellant should be reduced to fourteen months. The Panel considers that this is proportionate to sanction the Appellant's conduct and strikes a balance between the mitigating factors just discussed, on the one hand, and, on the other hand, the Appellant's use of a third party's stamp in violation of the applicable rules and the fact that Mr Pierre Arnould is an

emblematic figure in this sport, and is therefore responsible for setting an example by complying with FEI regulations.

69. With respect to the ban from participating in or attending, in any capacity, including as a spectator, any Competition or Event that is authorised or organised by the FEI or any National Federation for the period of the suspension, the Panel specifies that it represents a retroactive application of a revised version of Article 164.7 (b) of the FEI GRs adopted in 2020 by the FEI, as confirmed by Ms Áine Power during the oral hearing held in Lausanne on 25 October 2021. Moreover, according to the Panel, the FEI has not demonstrated in a sufficiently convincing manner the justification for such a ban in the case at stake. As a result, the ban is set aside as from the expiry of the suspension, and the Appellant is authorised to attend Competitions or Events authorised or organised by the FEI or any National Federation in any capacity, including as a spectator.

Proportionality Assessment of the Fine

70. The Appellant was also fined CHF 5,000 by the FEI Tribunal. In that regard, the Panel examined the proportionality of the sanction to the committed offense.
71. The Panel confirms the sum appears to be reasonable in light of the procedure, the offense and the debate between the Parties. The Panel also finds that the sanction imposed by the FEI Tribunal serves the needed preventive and punitive functions for the Appellant as the offender and a high-level official. The Panel therefore upholds the fine of CHF 5,000 imposed by the FEI Tribunal on the Appellant.

Other issues

72. Regarding the alleged procedural irregularities with the proceedings before the FEI Tribunal, the Panel reiterates that any irregularity that might have occurred is cured by the “*de novo*” nature of this proceeding before the CAS Court.
73. Indeed, the Panel recalls that it is widely recognised that the *de novo* power of review that is granted to CAS Panels by Article R57(1) of the Code allows, in principle, violations of procedural rights in first instance to be « cured » by CAS in appeal proceedings (CAS 2009/A/1880-1881). Hence, even in case of violation of the Appellant’s procedural rights in the proceedings before the FEI Tribunal, any such violation is in any event cured in the present arbitration before CAS.

IX. COSTS

74. Article R65 of the CAS Code provides as follows:

“R65.1 This Article R65 applies to appeals against decisions which are exclusively of a disciplinary nature and which are rendered by an international federation or sports-body. It is not applicable to appeals against decisions related to sanctions imposed as a consequence of a dispute of an economic nature. In case of objection by any party concerning the application of Article R64 instead of R65, the CAS Court Office may request that the arbitration costs be paid in advance pursuant to Article R64.2 pending a decision by the Panel on the issue.

R65.2 Subject to Articles R65.2, para. 2 and R65.4, the proceedings shall be free. The fees and costs of the arbitrators, calculated in accordance with the CAS fee scale, together with the costs of CAS are borne by CAS.

Upon submission of the statement of appeal, the Appellant shall pay a non-refundable Court Office fee of Swiss francs 1,000.— without which CAS shall not proceed and the appeal shall be deemed withdrawn.

If an arbitration procedure is terminated before a Panel has been constituted, the Division President shall rule on costs in the termination order. She/he may only order the payment of legal costs upon request of a party and after all parties have been given the opportunity to file written submissions on costs.

R65.3 Each party shall pay for the costs of its own witnesses, experts and interpreters. In the arbitral award and without any specific request from the parties, the Panel has discretion to grant the prevailing party a contribution towards its legal fees and other expenses incurred in connection with the proceedings and, in particular, the costs of witnesses and interpreters. When granting such contribution, the Panel shall take into account the complexity and the outcome of the proceedings, as well as the conduct and financial resources of the parties.

R65.4 If the circumstances so warrant, including whether the federation which has rendered the challenged decision is not a signatory to the Agreement constituting ICAS, the President of the Appeals Arbitration Division may apply Article R64 to an appeals arbitration, either ex officio or upon request of the President of the Panel.”

75. Since the present appeal is lodged against a decision of an exclusively disciplinary nature rendered by an international federation, no costs are payable to CAS by the Parties beyond the Court Office fee of CHF 1,000 paid by the Appellant with the filing of this Statement of Appeal, which is in any event retained by CAS.

76. As to the Appellant's contribution to the FEI legal costs (*i.e.*, the CHF 7,000 imposed by the FEI Tribunal on the Appellant), the Panel finds that it is not for the CAS to reallocate the costs of the proceedings before the previous instances (CAS 2018/A/5955 & CAS 2018/A/5981; CAS 2013/A/3054, para. 89; and CAS 2016/A/4387, para. 181-182). Hence, the CHF 7,000 contribution to the FEI legal costs imposed by the FEI Tribunal on the Appellant is confirmed.

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

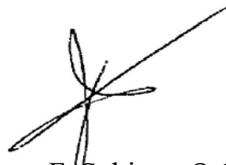
1. The Appeal filed by the Appellant on 15 April 2021 is partially upheld.
2. The decision of the FEI Tribunal issued on 31 March 2021 is amended as follows:

A suspension of 14 (fourteen) months, starting on 2 October 2020 and including a ban from participating in or attending, in any capacity, including as a spectator, any Competition or Event that is authorised or organised by the FEI or any National Federation, is imposed on Pierre Arnould.
3. The remainder of the decision of the FEI Tribunal is confirmed.
4. The Award is pronounced without costs, except for the Court Office fee of CHF 1,000 (one thousand Swiss Francs) paid by the Appellant, which is retained by the Court of Arbitration for Sport.
5. Each Party shall bear its own costs incurred in connection with the present proceedings.
6. All other and further motions or prayers for relief are dismissed.

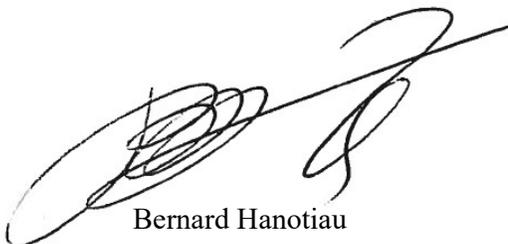
Seat of arbitration: Lausanne, Switzerland

Date: 24 November 2021

THE COURT OF ARBITRATION FOR SPORT



Romano F. Subiotto Q.C.
President of the Panel



Bernard Hanotiau
Arbitrator



Klaus Reichert SC
Arbitrator