

**DECISION of the FEI TRIBUNAL
dated 4 May 2020**

In the matter of

**Mr. Wenzel Schmidt, Mrs. Edda M. Schmidt, Mr. Maximilian-Emanuel Schmidt
and Mrs. Ulrike Prunthaller**

Represented by Schelstraete Advocaten, Oisterwijk, the Netherlands and Morgan
Sports Law, London, United Kingdom

(the "Appellants")

vs.

FÉDÉRATION EQUESTRE INTERNATIONALE

(the "FEI")

together "the Parties"

I. COMPOSITION OF PANEL

Mr. José A. Rodriguez Alvarez, one panel member

II. SUMMARY OF THE FACTS

- 1. Case File:** The Tribunal duly took into consideration all the Parties' written submissions and communications received up to date, as well as all oral arguments presented with regard to jurisdiction during the hearing on 5 February 2020.

III. DESCRIPTION OF THE CASE FROM A LEGAL VIEWPOINT

1. Articles of the Statutes/Regulations which are applicable:

Statutes 24th edition, effective 20 November 2018 ("**Statutes**").

General Regulations, 23rd edition, 1 January 2009, updates effective 1 January 2019 ("**GRs**").

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

Dressage Rules, 25th edition, effective 1st January 2014, Including updates effective 1st January 2019 ("**DRs**").

2. The relevant Legal Provisions

Statutes Article 38.1

“Subject to Articles 38.2 and 38.4, the FEI Tribunal shall decide all cases submitted to it by or through the Secretary General, whether Appeals from or matters not otherwise under the jurisdiction of the Ground Jury or Appeal Committee. These cases may be:

- (i) Any infringement of the Statutes, General Regulations, Sport Rules, or Procedural Regulations of a General Assembly or of violation of the common principles of behaviour, fairness, and accepted standards of sportsmanship, whether or not arising during an FEI meeting or Event;
- (ii) Any issue of interpretation of the Statutes, General Regulations, and Sport Rules;
- (iii) Notwithstanding anything to the contrary in this Article, the FEI Tribunal may review and decide upon any matter involving abuse of horses.”

GRs Article 165.1:

“1. An Appeal may be lodged by any person or body with a legitimate interest against any Decision made by any person or body authorised under the Statutes, GRs or Sport Rules, provided it is admissible (see paragraph 2 below):

(...)

1.2 With the FEI Tribunal against Decisions of the Appeal Committee or any other person or body.

(...)

5. Appeals to the FEI Tribunal must be dispatched to the Secretary General and signed by the appellant or his authorised agent and accompanied by supporting evidence in writing or by the presence of one or more witnesses at a designated hearing and must reach the FEI Tribunal within thirty (30) days of the date on which the Secretary General’s notification of the earlier Decision was sent.”

IRs Article 18.1:

“In accordance with Article 38 of the FEI Statutes, the FEI Tribunal has the competence to hear and determine any matter properly submitted to it, including, but not limited to, Claims (as provided for in Article 30 of these Internal Regulations of the FEI Tribunal), those matters specified in Article 163 (Protests and Disciplinary cases) and Article 165 (Appeals) of the FEI General Regulations and all disputes and procedures arising under the FEI Anti-Doping Rules for Human Athletes and the FEI Equine Anti-Doping and Controlled Medication Regulations. (...)”

IRs Article 29.3:

“Where the FEI declines to pursue a claim referred to it by another party, that other party may not bring the claim in his/its own name, but instead may Appeal to the FEI Tribunal against the FEI’s Decision not to pursue the claim.”

IV. DECISION

Below is a summary of the relevant facts, allegations and arguments based on the Parties’ written submissions, pleadings and oral testimony made during the hearing concerning jurisdiction. Although the Tribunal has fully considered all the facts, allegations, legal arguments and evidence in the present proceedings, the Tribunal only refers to the submissions and evidence it considers necessary to explain its reasoning in this decision.

1. Factual and Procedural Background

- 1.1 The Appellants are all either registered as Owners or Athletes with the FEI. However, the registration for Mr. Maximilian-Emanuel Schmidt is recorded as not renewed for 2020 in the FEI Database.
- 1.2 Ms. Max-Theurer is an FEI registered 5* Dressage judge. She is also the President of the Austrian National Federation (the “**AUT-NF**”), as well as the mother of Ms. Victoria Max-Theurer, an Austrian Dressage rider and a competitor of Ms. Prunthaller, one of the Appellants. Furthermore, according to the Appellants (which remains undisputed by the FEI) Ms. Max-Theurer is Vice-President of the Austrian Olympic Committee (the “**AUT-NOC**”), a former member of the FEI Dressage Committee, the sponsor of various equestrian events in Austria and overseas, and the owner of high-level dressage horses, competing nationally and internationally.
- 1.3 On 3 December 2019, the Appellants lodged a claim in the matter.
- 1.4 On 5 December 2019, the FEI informed the Appellants that the FEI declines to pursue the Claim (the “**Decision**”).
- 1.5 On 15 December 2019, the Appellants lodged an Appeal pursuant to Article 165 of the GRs, and Article 29.3 of the IRs. With its Appeal the Appellants provided proof of the deposit pursuant to Article 166.2 of the GRs. The Appeal was lodged against the FEI’s decision of 3 December 2019 not to pursue a claim brought by the Appellants against Ms. Elisabeth Max-Theurer and the AUT-NF, *i.e.*, the Decision.
- 1.6 On 21 January 2020, the FEI provided its Answer to the Appeal.

- 1.7 Between 23 and 27 January 2020, the Parties agreed for the Tribunal to decide on jurisdiction first prior to any decision on the merits of the case. The Parties also requested a hearing via telephone conference call.
- 1.8 On 27 January 2020, the FEI Tribunal Chair nominated a one-member panel who disclosed personally knowing Ms. Max-Theurer and having acted as an FEI Dressage Judge previously at Dressage Events held in Austria. Both parties objected to the nomination of this panel.
- 1.9 In the following, on 29 January 2020, the FEI Tribunal Chair nominated a different panel, composed by José A. Rodriguez Alvarez. Both parties expressly declared not having any objection to the nomination of this panel.
- 1.10 On 5 February 2020, a hearing concerning jurisdiction was held by telephone conference call.
- 1.11 On 2 March 2020, the Tribunal issued a Preliminary Decision with regard to jurisdiction and admissibility of the Appeal, and decided as follows:
 1. *The Appeal is admissible.*
 2. *The Tribunal has jurisdiction to hear the Appeal.*
 3. *Proceedings are to be continued on the merits.*
- 1.12 On the same day, the Tribunal set a schedule for additional submissions by the Parties with regard to the merits of the Appeal on the denial to prosecute the claim. Upon request by the Appellants who were seeking to gather further evidence, the Tribunal decided not to grant the Appellants an extension of the deadline for their submission, and once more clarified that the present proceedings concerned the Appeal on the denial to prosecute a claim, and not the claim itself.
- 1.13 On 12 March 2020, the Appellants provided their submission with regard to the merits of the Appeal.
- 1.14 On 23 March 2020, the FEI provided its submission with regard to the merits of the Appeal.
- 1.15 By the end of these proceedings, both Parties agreed that no hearing on the merits is requested or necessary.

In the following a short summary of the written and oral submissions made by the Parties concerning the merits of the Appeal is provided. While the Tribunal has taken into consideration all submissions, only the ones relevant for the Decision are outlined below.

2. Submissions by the Appellants

- 2.1 In the following, a brief summary of the Appellants submissions with regard to the Appeal provided on 15 December 2019 and on 12 March 2020, as well as the during the hearing is provided. The Appellants made lengthy submissions in their claim which – among others – related to the sportive affection suffered by Ms. Prunthaller. This was however later streamed during the hearing.
- 2.2 The Appellants submitted that there were a number of FEI rules that were binding on both Ms. Max-Theurer (in her individual capacity and as President of a National Federation) and the AUT-NF. The FEI drafted those rules, and was obliged to now uphold those rules, in order to comply with: (i) its own principles and objectives, as stated in the Statutes; (ii) the provisions of the FEI Code of Conduct; and (iii) the notion of legitimate expectation.
- 2.3 More specifically, the Appellants referred to Rule 26 of the Olympic Charter, the FEI's mission, and Articles 1 and 2 of the FEI Statutes, which (a) codify the FEI's role as international governing body; (b) provided for the creation of the FEI rules; (c) stipulate the fundamental principles behind the FEI rules; and (d) establish the appropriate powers to supervise and ensure their implementation. The FEI Statutes established three principle organs to oversee FEI Rules and Regulations; next to the Tribunal also the FEI Board and the FEI Ethics Panel. Pursuant to Article 38.1 of the Statutes the Tribunal had broad scope to review any breach of FEI rules, or any violation of the common principles of behaviour, fairness and accepted standards of sportsmanship, and was the first decision making body for alleged infringements of the FEI rules.
- 2.4 In addition to the supervisory organs established under the Statutes, the GRs also conferred general powers and obligations directly on the FEI, in order to ensure rule enforcement. The FEI Code of Ethics (Appendix F to the GRs) explicitly conferred general powers to the "FEI Headquarters" regarding ethical breaches, and imposes an obligation on the FEI to report any breach of the FEI Code to the FEI President.
- 2.5 Therefore, the purpose of the FEI, as the international governing body of equestrian sport, was to establish and uphold the legal framework surrounding the sport, ensuring *inter alia* integrity and equal opportunity for all participants. The specific organs established had the power and responsibility to review potential FEI rule violations. The operation of those organs was essential for ensuring compliance and good governance.

- 2.6 In the case at hand, the Appellants submitted that – at a minimum – there was *prima facie* evidence that Ms. Max-Theurer and the AUT-NF, had committed FEI Rule breaches, such that the FEI should not have dismissed the 3 December Appeal, *i.e.*, the Appellant’s claim.
- 2.7 With regard to Conflicts of Interest the FEI Code of Ethics was broad in scope and application and applied to both Ms. Max-Theurer and the AUT-NF; paragraph B.4. thereof refers to Integrity, and reads as follows: “*Conflicts of interest, whether real or perceived, are to be avoided.*” Furthermore, as regards Ms. Max-Theurer in her capacity as an FEI Judge Article 159 of the GRs and Article 2 of the Codex for FEI Dressage Judges applied.
- 2.8 Therefore, there could be no dispute that (i) Ms. Max-Theurer was bound by the FEI rules regarding conflicts of interest; (ii) the AUT-NF was bound by the FEI rules regarding conflicts of interest; and (iii) conflicts of interests (actual or perceived) were expressly prohibited under the FEI rules.
- 2.9 Further, pursuant to Article 1.3 of the Statutes, and Article 100 of the GRs, there could be no dispute that (i) the FEI’s purpose was to promote competition under fair and even conditions; and (b) the FEI had the duty to protect competition under fair and even conditions.
- 2.10 The Appellants expected that the FEI would be grateful for the information and evidence provided, however, the FEI failed to meaningfully engage. The FEI’s refusal to engage with the information – and its active efforts to block the 3 December Appeal – run entirely contrary to its obligations under the FEI Statutes, the FEI Code of Ethics and to its purpose as a governing body, namely to ensure that equestrian sport is fair for all participants by eliminating corruption and guaranteeing integrity.
- 2.11 The Appellants submitted the following prayers for relief:
- (i) *The FEI’s purpose is to establish and uphold a system of rules that guarantee fair and ethical sport. That is fundamental to its existence.*
 - (ii) *The Austrian NF and Ms Max-Theurer have prima facie breached those established rules.*
 - (iii) *The FEI therefore has an obligation to take action (or, at the very least, permit action to be taken) in order to comply with its own rule system.*

3. Submissions by the FEI

- 3.1 The FEI submitted that the Appellants had not demonstrated any breach of any FEI Rules and Regulations by neither Ms. Max-Theurer nor the AUT-NF. The Appellants merely listed the various positions held by Ms. Max-Theurer. In addition, the Appellants listed various provisions of various FEI Rules and Regulations. However, the Appellants did not specify in the FEI's view any specific beach(es) of Ms. Max-Theurer or the AUT-NF. Further, the Appellants alleged that the FEI failed to act. The FEI's position was it that the FEI could not act if there was no breach of any FEI Rules and Regulations. The Appellants had thus far not provided any single evidence of any single violation of the FEI Rules and Regulations.
- 3.2 It was the FEI's position that the Appeal should be dismissed and the FEI Decision should be confirmed and upheld. The FEI's position was in summary that – pursuant to Article 117 of the GRs – National Federations have the final responsibility for the selection of all Athletes and Horses to participate in any International Event. Neither the FEI nor the FEI Tribunal (or the FEI Board or Ethics Panel) could interfere with such selection process.
- 3.3 There was no breach of any FEI Rules and Regulations from the AUT-NF.
- 3.4 The Appellants did not demonstrate any specific alleged conflict of interest. The Appellants merely listed the positions/activities of Ms. Max-Theurer without addressing any specific breach of the conflict of interest and consequences of such alleged conflict of interest.
- 3.5 No nationalistic judging or lower Dressage scores had been raised or specified. Further, disciplinary actions, if any, for non-compliance with the Codex for FEI Dressage Judges, were under the responsibility of the FEI Legal Department. The Codex of FEI Dressage Judges reads in this respect as follows:

"Any violations to the Codex/Rules will be reported to the FEI and Dressage Technical Committee for the attention of and action by the FEI Legal Department."
- 3.6 Finally, whether or not an alleged violation of the Codex/Rules was prosecuted was solely at the discretion of the FEI Legal Department. In this case, the FEI Legal Department had made a reasonable assessment that no violation(s) had occurred given that the Appellants had not submitted any evidence of specific violations and instead made general assertions that were not substantiated by any evidence or facts. The decision taken by the FEI Legal Department not to submit the Appellants'

original claim to the Tribunal was valid and based on the applicable FEI Rules and Regulations.

- 3.7 The FEI submitted the following prayers for relief:
- (a) *Dismiss the Appeal*
 - (b) *Confirm and Uphold the FEI Decision; and*
 - (c) *Determine that the Appellant shall bear the costs of the Appeal proceedings and make a contribution to the FEI's legal costs.*

4. Legal Discussion

- 4.1 With the present decision the Tribunal is requested to decide the Appeal against the decision by the FEI not to pursue a claim brought by the Appellants against Ms. Max-Theurer and the AUT-NF, *i.e.*, the Decision.
- 4.2 Pursuant to Article 29.3 of the IRs, parties may bring a claim that alleges infringement or breach of FEI Rules and Regulations. The Tribunal finds that the freedom of parties to bring a claim to the FEI is encouraged as it actually reinforces the integrity, accountability and transparency to the behaviour of FEI related stakeholders.
- 4.3 Next to claims, parties may also bring Protests and Appeals where the requirements are fulfilled. In fact, pursuant to Article 18.1 of the IRs, and in accordance with Article 38 of the Statutes, the FEI Tribunal has the competence to hear and determine any matters properly submitted to it, including, Claims, Protests and Appeals.
- 4.4 However, when commencing any of these proceedings, including claims, it will not suffice for parties to merely provide some allegations, or generic claim that rule violations have been committed. In fact, upon review of Article 30.1 and 30.4 of the IRs, we find the clear requirements expected for the commencement of formal proceedings which any Claim should fulfil. Thus, a party wishing for the FEI to bring a Claim, shall aim at reaching such threshold, in other words setting out the infringement(s) alleged to have been committed, including the specific rule, regulation, or principle alleged to have been infringed and a statement of the facts upon which such allegations are based. Moreover, providing means of proof, such as witness statements, documentary evidence, and potentially also legal experts/authorities, would be fundamental. Hence, a party wishing for an allegation to be investigated and/or prosecuted, should, at least, do the outmost to provide clear basis for the allegations remitted, to provide means of proof and to be available in case of further investigations.

- 4.5 As a consequence, mere allegations of potential rule violations without proof do not entitle or guarantee that there will be a formal Claim later remitted to the Tribunal by the FEI.
- 4.6 *In casu* and as a preliminary remark, it is worth noting that the initial request remitted by the Appellants to the FEI on 3 December 2019, is the actual basis for the Decision now under appeal. In this sense, the Tribunal considers that the convoluted nature of the document and varied relief/demands required might have hindered the actual perception of the allegations therein.
- 4.7 The wording of Article 29.3 of the IRs reads as follows: *"Where the FEI declines to pursue a claim referred to it by another party, that other party may not bring the claim in his/its own name, but instead may Appeal to the FEI Tribunal against the FEI's Decision not to pursue the claim."* The Tribunal therefore understands that, in general the FEI is the sole body which may bring a claim to the FEI Tribunal. Being the only exception for cases of horse abuse, where third parties acting as protestors may act as prosecutors in those cases. Therefore, in the present case, the FEI is the only entity that has the possibility to present the Claim to the Tribunal, and commence Claim proceedings pursuant to Article 29 of the IRs.
- 4.8 From the foregoing ensues that, as the FEI is entitled to commence Claim proceedings in front of the Tribunal, the FEI has the authority and discretion to decline possible pursuance of the allegation referred by the Appellant, as was the situation in the present case.
- 4.9 Correspondingly, it is to be noted, that where a third party brings an allegation, the FEI has an obligation to provide feedback to that third party as to why the FEI declines to pursue this claim. In the present case, the FEI analysed the various elements brought forward by the Appellant and concluded, remitting the following decision:

"(...) the FEI Tribunal has no jurisdiction in the matter. Therefore, in accordance with article 29.3 of the Internal Regulations of the FEI Tribunal, the FEI declines to pursue the claim. (...) It is the FEI's position that the FEI Tribunal is not competent to deal with the above-mentioned claim as article 117 of the FEI General Regulations states the following: (...). The role of the FEI is merely to process the entries made by the NF. The FEI has no decision making power in this regard.

The wording could not be clearer that any selection of Athletes and Horses to participate in any International Event rests with the National Federation. The FEI, respectively the FEI Tribunal, cannot therefore interfere with such selection process.

Further, the claim is basically an appeal against decisions taken by the Austrian Equestrian Federation ("AUT NF"), not by the FEI. Therefore, the FEI respectfully submits that the FEI Tribunal again has no jurisdiction. The decisions of a National Federation, in this case the AUT NF, should be appealed to the relevant appeals body as laid down in the rules and regulations of the AUT NF. As far as the FEI is aware, the FEI Tribunal is not the designated appeal body under the legal system of the AUT NF. Any challenge or appeal against the AUT NF, if any, must therefore be dealt with in accordance with the AUT NF's internal/national rules and regulations.

For the reasons set above, the FEI therefore respectfully submits that the FEI Tribunal has no jurisdiction in the matter and thus the claim shall be dismissed."

- 4.10 Throughout these Appeal proceedings, and as outlined in the FEI submissions section of this Decision, the FEI contended that the Appellants did not specify any specific breach(es) of the FEI Rules and Regulations by neither Ms. Max-Theurer or the AUT-NF. Further, the FEI clarified that in the FEI's view the Appellants had not provided any single evidence of any rule violation, and that therefore the FEI could not and, as the Tribunal recognises, chose not to pursue the matter as a Claim in front of the Tribunal. The Tribunal further understands that in the FEI's view the Appellants seem to not have reached the minimum threshold when filing the claim.
- 4.11 As an organisation established under Swiss Law (Article 60 ff. of the Swiss Civil Code), such as is the case, the FEI has large autonomy to organise itself, including setting rules and regulations in place as it deems appropriate in order to guarantee the Statutory objectives of the organisation.
- 4.12 As previously outlined, the IRs clearly establish that where the FEI declines to pursue a claim referred to it by another party, that other party may Appeal to the Tribunal against the FEI's Decision. In this sense, by means of Article 29.3 of the IRs, the *rules maker* had in mind a supervisory function for the Tribunal, an instance where someone bringing a claim could plea in the event of not being satisfied with the decision of the prosecutorial body not to investigate or not to prosecute an allegation.
- 4.13 This is precisely the situation in the case at hand, where the FEI decided not to pursue an allegation as referred to by the Appellants, and as such is the Tribunal's role to assure that the necessary checks and balances are

provided for, in order to guarantee that the prosecutorial exclusivity granted by the regulations is used with proper discretion.

- 4.14 As mentioned, the system is established to guarantee that the entity taking the decision whether or not to investigate/prosecute a certain matter - *in casu*, the FEI -, is to be supervised by an independent entity, here the Tribunal. The reasons for the existence of this rule is to avoid possible arbitrary judgements, potential *mala fide* decisions, and in order to guarantee that cases with strong prospect for success on the merits will be further investigated, and ultimately prosecuted by the FEI.
- 4.15 While the Tribunal finds that the case at hand concerns disciplinary proceedings of a sports organisation under civil law, the Tribunal nonetheless finds that some illustrative comparisons can be drawn between sportive disciplinary proceedings and local procedural criminal legislation. That said, and for the avoidance of any doubt, the Tribunal is aware that according to the established case law of the Swiss Federal Tribunal (SFT), and according to various CAS case law,¹ only civil law standards are relevant to the disciplinary proceedings managed by sports associations, and criminal law principles may not be applied, *inter alia*, when dealing with evidentiary issues or even standards in disciplinary cases. Neither would the Tribunal suggest otherwise.
- 4.16 Pursuant to Article 310 of the Swiss Criminal Procedure Code (SCPC) the public prosecutor has the possibility to issue a “No-proceedings order” and to abandon proceedings under certain circumstances – among others – where “*the elements of the offence concerned or the procedural requirements have clearly not been fulfilled*”. At the same time however, the public prosecutor may re-open proceedings where new evidence or information comes to light.²
- 4.17 Similarly, it is clear that the FEI, as the prosecutor of cases in front of the Tribunal, has a wide prosecutorial discretion with regard to those allegations brought forward. Although proceedings in front of the FEI Tribunal are not criminal in nature, the Tribunal understands that the FEI enjoys vast discretion in issuing orders not to proceed on certain cases.
- 4.18 While the public prosecutor enjoys discretion as to which cases to prosecute or which ones not, his *monopoly* is indeed not absolute. Even in this system, depending on the type of non-prosecution decisions, remedies

¹ See for example CAS 2011/A/2426, Amos Adamu v/ FIFA, award of 24 February 2012 (para 64), or CAS 2001/A/317, A. / FILA, award of 9 July 2001 (para 26).

² See Articles 310 and 323 of the SCPC respectively. Available at <https://www.admin.ch/opc/en/classified-compilation/20052319/index.html>.

are foreseen which constitute controls over the relevant authority and seeks to deter possible abuse of the prosecutorial authority.

- 4.19 In continuation to the analogy previously presented, under the Swiss criminal procedural system an objection against a no-proceedings order is possible under Articles 322 and 393 SCPC. Such objection may contest (i) an infringement of the law, including exceeding and abusing discretionary powers, the denial of justice and unjustified delay; (ii) an incomplete or incorrect assessment of the circumstances of the case; and (iii) a decision that is inequitable.
- 4.20 Similarly, the Tribunal finds that on the basis of the FEI's prosecutorial authority, it may decide whether or not to pursue a claim in front of the Tribunal. However, in those cases where the FEI decides not to further investigate, or upon further investigation not to prosecute a claim, this decision needs to be justified and clearly communicated to the relevant parties. Ultimately, the FEI's aim – as an investigator and prosecutor – shall be to encourage its members, stakeholders and the equestrian community to report any kind of wrongdoing in their sport. For that reason, it is clear that whenever determining a possible allegation not to have the adequate justification, clear reasoning is to be provided to the claimant in order to foster the continuation of the system in place.
- 4.21 In this sense, the Tribunal finds that, after having interpreted the provision in the terms described above, its actual application is to be observed on a case by case basis. In particular, in order to overturn the decision passed by the FEI, it would be fundamental to be able to evaluate whether the FEI acted arbitrary, in *mala fide*, or where the FEI decided in a grossly erroneous manner.
- 4.22 For this purpose, and as mentioned above in Article 4.4 of this Decision, the burden of the proof rests on the Appellants, as the claimant alleging that the prosecutorial body has improperly exercised prosecutorial discretion. It is the Appellants duty to demonstrate that the discretion was improperly exercised in relation to the allegations brought forward. The Appellant must therefore demonstrate that the decision to not investigate/prosecute the allegations remitted was based on an arbitrary judgment, such as perhaps having prosecuted similarly claims in the past; that the prosecutorial discretion has not been exercised in good faith - for the purpose for which it was conferred - and instead omitted for some ulterior, extraneous or improper purpose (*mala fide*); or, that the decision is evidently erroneous, elements which have not been substantiated at this stage. Similar to what has been outlined above (see Article 4.5 of this Decision), the Appellants cannot just merely bring a wide array of

allegations forward, but should provide evidence in addition, which has not been the case in the present matter.

- 4.23 Moreover, and for the sake of completeness, the Tribunal concurs that the elements brought forward by the Appellant in the initial claim, did not provide sufficient grounds to the FEI, for considering the allegations therein as valid enough.
- 4.24 In view of the above, the Tribunal considers that neither the initial claim contained enough grounds to justify the prosecution requested and not enough elements were presented at this instance to possibly consider ordering the FEI to further investigate and/or prosecute the present matter.
- 4.25 Nonetheless, the Tribunal hereby emphasises that stakeholders within the equestrian world are welcome on remitting complaints to overall apparent breaches of the FEI Rules and Regulations. In this sense, parties are reminded that any party bringing an allegation should be able to show that such claim is substantiated, admissible to be heard in front of the Tribunal, produce and update the relevant evidence, and that the case might succeed on the merits, or at least deserves further investigation from the FEI's side as the prosecutor of such claims.

5. Decision

- 5.1 As a result, the Tribunal therefore decides as follows:
- 1) The Appeal is dismissed.**
 - 2) The FEI Decision is confirmed.**
 - 3) No deposit shall be returned to the Appellants.**
 - 4) Each Party shall bear its own costs in these proceedings.**
- 5.2 According to Article 168 of the GRs, this decision is effective from the date of written notification to the affected party or parties.
- 5.3 According to Articles 165.1.3 and 165.6 of the GRs, this decision can be appealed before the Court of Arbitration for Sport (CAS) within twenty-one (21) days of the present notification.

V. DECISION TO BE FORWARDED TO:

- a. The Parties: Yes**
- b. Any other: No**

FOR THE PANEL



Mr. José A. Rodríguez Álvarez
One member panel