



DECISION of the FEI TRIBUNAL

dated 2 August 2018

Positive Anti-Doping Case No.: 2017/BS24

Horse: SEVERLY HILLE **FEI Passport No:** 104DT50

Person Responsible/NF/ID: Michael Kearins/IRL/10010499

Event/ID: CSI5* GCT/GCL – Hamburg (GER)/2017_CI_0035_S_S_01

Date: 24 – 28 May 2017

Prohibited Substance: Demecolcine

I. COMPOSITION OF PANEL

Mr. Cesar Torrente, chair
Mr. Henrik Arle, member
Ms. Constance Popineau, member

II. DESCRIPTION OF THE CASE FROM THE LEGAL VIEWPOINT

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

Statutes 23rd edition, effective 29 April 2015 ("**Statutes**"), Arts. 1.4, 38 and 39.

General Regulations, 23rd edition, 1 January 2009, updates effective 1 January 2017, Arts. 118, 143.1, 161, 168 and 169 ("**GRs**").

Internal Regulations of the FEI Tribunal, 2nd edition, 1 January 2012, and Internal Regulations of the FEI Tribunal, 3rd Edition, 2 March 2018 (Part I – 3.) ("**IRs**").

FEI Equine Anti-Doping and Controlled Medication Regulations ("**EADCMRs**"), 2nd edition, effective 1 January 2016.

FEI Equine Anti-Doping Rules ("**EAD Rules**"), 2nd edition, effective 1



January 2016.

Veterinary Regulations (“**VRs**”), 13th edition 2015, effective 1 January 2017, Art. 1055 and seq.

FEI Code of Conduct for the Welfare of the Horse.

2. Person Responsible: Mr. Michael Kearins.

3. Justification for sanction:

GRs Art. 143.1: “Medication Control and Anti-Doping provisions are stated in the Anti-Doping Rules for Human Athletes (ADRHA), in conjunction with The World Anti-Doping Code, and in the Equine Anti-Doping and Controlled Medication Regulations (EADCM Regulations).”

GRs Art. 118.3: “The Person Responsible shall be the Athlete who rides, vaults or drives the Horse during an Event, but the Owner and other Support Personnel including but not limited to grooms and veterinarians may be regarded as additional Persons Responsible if they are present at the Event or have made a relevant Decision about the Horse. In vaulting, the lunger shall be an additional Person Responsible.”

EAD Rules Art. 2.1.1: “It is each *Person Responsible's* personal duty to ensure that no *Banned Substance* is present in the *Horse's* body. *Persons Responsible* are responsible for any *Banned Substance* found to be present in their *Horse's Samples*, even though their *Support Personnel* will be considered additionally responsible under Articles 2.2 – 2.8 below where the circumstances so warrant. It is not necessary that intent, fault, negligence or knowing *Use* be demonstrated in order to establish an *EAD Rule* violation under Article 2.1.”

EAD Rules Art. 7.6.1: “At any time during the results management process the *Person Responsible* and/or member of the *Support Personnel* and/or *Owner* against whom an EAD Rule violation is asserted may admit that violation at any time, waive a hearing and may agree with the FEI on the Consequences that are mandated by these EAD Rules or (where some discretion as to Consequences exists under these EAD Rules) that have been offered by the FEI. The agreement shall be submitted to the FEI Tribunal for approval and, where approved by the *FEI Tribunal*, the final agreement shall state the full reasons for any period of *Ineligibility* agreed, including (if applicable), a justification for why the flexibility in *Sanction* was



applied. Such agreement shall be considered as a decision for the case and will be reported to the parties with a right to appeal under Article 12.2.2 and published as provided in Article 13.3.”

EADCMRs APPENDIX 1 – Definitions:

“Fault. Fault is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an Person Responsible and/or member of the Support Personnel’s degree of Fault include, for example, the Person Responsible’s and/or member of the Support Personnel’s experience, whether the Person Responsible and/or member of the Support Personnel is a Minor, special considerations such as impairment, the degree of risk that should have been perceived by the Person Responsible and/or member of the Support Personnel and the level of care and investigation exercised by the Person Responsible and/or member of the Support Personnel in relation to what should have been the perceived level of risk. In assessing the Person Responsible’s and/or member of the Support Personnel’s degree of Fault, the circumstances considered must be specific and relevant to explain the Person Responsible’s and/or member of the Support Personnel’s departure from the expected standard of behaviour. Thus, for example, the fact that the Person Responsible would lose the opportunity to earn large sums of money during a period of Ineligibility, or the fact that the Person Responsible only has a short time left in his or her career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of Ineligibility under Article 10.5.1 or 10.5.2.”

“No Fault or Negligence. The Person Responsible and/or member of the Support Personnel establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had administered to the Horse, or the Horse’s system otherwise contained, a Banned or Controlled Medication Substance or he or she had Used on the Horse, a Banned or Controlled Medication Method or otherwise violated an EAD or ECM Rule. Except in the case of a Minor, for any violation of Article 2.1, the Athlete must also establish how the Prohibited Substance entered his or her system.”

“No Significant Fault or Negligence. The Person Responsible and/or member of the Support Personnel establishing that his fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not



significant in relationship to the EADCM Regulation violation. Except in the case of a Minor, for any violation of Article 2.1 of the EAD Rules, the Athlete must also establish how the Prohibited Substance entered his or her system.”

III. DECISION

1. Parties

- 1.1 The Person Responsible (“**PR**”), Mr. Michael Kearins, is a jumping rider for Ireland.
- 1.2 The Fédération Equestre Internationale (the “**FEI**” and together with the PR, the “**Parties**”), 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, Reining, Para-Equestrian).

2. Preliminary Decisions

- 2.1 On 11 July 2017, the Preliminary Hearing Panel decided to lift the Provisional Suspension of the PR.
- 2.2 The Preliminary Hearing Panel took into consideration that, as confirmed by the FEI, the Prohibited Substance Demecolcine had been proposed to be reclassified as “Specified Substance” from 1 January 2018, based on the fact that the substance is known to be a contaminant of certain forage.
- 2.3 Furthermore, the Preliminary Hearing Panel took note that the PR and the FEI had provided a plausible explanation of how the Prohibited Substance had entered the Horse’s system, namely through contaminated hay. The Preliminary Hearing Panel found that it was possible that these explanations might be the cause of the positive finding. As a result, and depending on the further evidence and explanations provided throughout the proceedings, the Preliminary Hearing Panel could therefore not exclude that the period of Ineligibility otherwise imposed, might be either reduced or completely eliminated.

3. Further proceedings

On 18 July 2018, the FEI informed the Tribunal that the Parties had reached an agreement in the context of the case 2017/BS24 – SEVERLY HILLE and on 20 July 2018 the FEI submitted the (signed) Agreement (together with the Case Summary and the Full Reasoning for the Agreement, as well as the Annexes outlined throughout this Decision) to the Tribunal for approval and incorporation into a Decision of the Tribunal in accordance with Article 7.6.1 of the EAD Rules.

I – Case Summary (as provided to the Tribunal by the Parties as part of the Agreement referred to Article 4 below)

- “3.1 The PR took part with his horse SEVERLY HILLE (the “Horse”) at the CSI5* GCT/GCL in Hamburg, Germany, from 24 - 28 May 2017 (the “Event”). As a member of the Irish Equestrian Federation (the “Irish NF”), the latter being a member of the FEI, the PR was bound by the EAD Rules.
- 3.2 The Horse was selected for testing on 27 May 2017. The resulting samples were transported to the FEI approved LGC Newmarket Road Laboratory (“LGC”) in Cambridgeshire, UK for analysis.
- 3.3 By notification letter dated 5 July 2017, the FEI informed Mr Michael Kearins, in his capacity as the Person Responsible, and the Irish NF of an alleged violation by Mr Michael Kearins, of Article 2.1 (*The Presence of a Banned Substance or its Metabolites or Markers in a Horse’s Sample*) of the EAD Rules and that, in accordance with Article 7.4.1 of the EAD Rules, a Provisional Suspension had been imposed on his following (i) the positive finding of the Banned Substance Demecolcine in the A Sample of the Horse.
- 3.4 *Demecolcine* is used for Rheumatic treatment and Chemotherapy, it improves Radiotherapy results, control Leukaemia and Gout and is classified as a Banned Substance under the FEI Equine Prohibited Substances List. A positive finding for Demecolcine in a Horse’s Sample constitutes a *prima facie* Equine Anti-Doping Rule violation.
- 3.5 The PR was also informed that a Provisional Suspension of two (2) months, i.e. until 4 September 2017, had been imposed on the Horse.
- 3.6 In the Notification Letter of 5 July 2017, the PR was informed that he had the right to request that the Horse’s B Sample be analysed. The PR did not request for the B Sample analysis. According to Art. 7.1.4



(c) of the EADCM Regulations the right to promptly request the B sample analysis has been given and by failing such request the B sample analysis is deemed waived.

- 3.7 On 9 July 2017, the PR requested the lifting of the Provisional Suspension of the PR and Horse with immediate effect. He requested the lifting of the Provisional Suspensions based on that Demecolcine found in the Horse is a metabolite of Colchicum and it is going to be reclassified as specified Substance as from 2018, the substance which is not even a pharmaceutical has a very narrow therapeutic use in humans, and is mainly known as very poisonous for humans and horses, a contamination through hay seems much more probable, since Colchicum autumnale (Colchicaceae) is a geophyte native to Central Europe.
- 3.8 On 11 July 2017, the FEI stated that considering the substance Demecolcine and the fact that this substance is suggested to become a Specified Substance (still remaining a Banned Substance) from 1 January 2018, the FEI did not oppose to the lifting of the Provisional Suspension of the PR, but opposed to the lifting of the Provisional Suspension of the Horse. FEI argued that lately the FEI has notified four (4) cases of Demecolcine, of which in two (2) cases the Provisional Suspension of the PRs have already been lifted. Considering the particular substances Demecolcine and Colchicine, and the circumstances of their reclassification to Specified Substances as of 1 January 2018, the FEI sought consistency in those preliminary decisions and requested the lifting of the Provisional Suspension of the PR. Especially, since if this cases occurred next year (after 1 January 2018), the EADCMRs provision will state that there was no mandatory Provisional Suspension of the PR (Article 7.4.1-7.4.2 EAD Rules) and the FEI would most likely not provisionally suspend the PRs in the first place. The current FEI practice was not to provisionally suspend a PR, but only to provisionally suspend the horse in case of Specified Substances.
- 3.9 The Panel agreed to the lifting of the Provisional Suspension of the PR, but maintained the Provisional Suspension of the Horse, in a Preliminary Decision of 11 July 2017 (Annex 1). The Preliminary Hearing Panel took note that the Prohibited Substance Demecolcine would most likely be reclassified from a Banned Substance on the 2017 Prohibited List to a Specified Substance in 2018. Based on the arguments presented by and on behalf of the PR, the fact that the FEI does not object to the lifting of the Provisional Suspension, the Preliminary Hearing Panel takes note that the FEI ultimately recognises

Colchicum Autumnale - autumn crocus - as a possible source of contamination in relation to Demecolcine and Colchicine findings, especially in case where traces of those substances appear together, as it was the case in the case at hand. The Preliminary Hearing Panel decides to lift the Provisional Suspension of the PR, in accordance with Article 7.4.4 (ii) of the EAD Rules. The Provisional Suspension of the Horse was maintained in accordance with the Policy of two months provisional suspension for horses in relation to Banned Substances and the Preliminary Hearing Panel finds that no convincing reasons as to why the Horse should be treated differently to other cases in which a Banned Substance has been detected have been provided on the PR's behalf.

- 3.10 Further, after the National Federations' ("NF") procedure to comment on proposed changes of the FEI Equine Prohibited List (the "List"), the NFs accepted the suggested changes and the FEI Bureau confirmed the proposed change to the List regarding Demecolcine on 5 September 2017. The new List has to be published at the latest three months before it enters into force, and was done so by the FEI on 27 September 2017 (Annex 2), and hence in force as of 1 January 2018.
- 3.11 The PR submitted several statements on in January and June 2018, which are summarised below:
- Statements by the PR explaining his situation. (Annex 3 & 5)
 - Statement by the Horse's veterinarian, Dr. Roman Villar (Annex 4) who explains that the Horse has been under his veterinary care for several years. During this period the horse has remained healthy and free of any medical condition requiring Demecolcine. Furthermore this medication has never been prescribe by him to any other horse and he does not see how this medication may influence performance on competition horses.
 - The PR's also mentions that he is always traveling to international and national shows in different countries and his horses, including the Horse, are feed both hay from home and hay provided by the organisers during the events.
- 3.12 Demecolcine and Colchicine are both metabolites of the flower Colchicum autumnale - Autumn Crocus. Demecolcine is also an alkaloid being one of the active substances in the Autumn Crocus. Demecolcine is not a pharmaceutical, but in human medicine the substance is used for tumor therapy. There is no know use for Demecolcine in veterinary

medicine. The alkaloids of the autumn crocus all are very toxic, wherefore it is unlikely that any horse would be treated with such a toxic substance. After further investigation and review of several scientific articles provided for in the four Preliminary Decisions with the same substance Demecolcine, it seems to be an occurring problem with contamination of Autumn Crocus in certain parts of Central Europe.

- 3.13 *"Colchicum autumnale (Colchicaceae) is a geophyte native to Central Europe. Its English name "autumn crocus" refers to its flowering time in autumn, whereas the leaves and capsules appear above the ground surface in the following April. The plant remains underground during the winter (November until March) and summer (July) dormancy periods. C. autumnale has to allocate and store photoassimilates during a short period from April to June, which have to support it for the rest of the year. It is able to reproduce generatively by seeds, and clonally by building an additional corm. Seed ripening takes place in June; therefore hay production facilitates the seed dispersal as the hay is repeatedly turned over. The main toxic substances of C. autumnale are the alkaloids Colchicine and Colchicein, which inhibit cell division, act as a strong capillary toxin and paralyse peripheral nerve endings. All plant parts are toxic, the highest concentrations though can be found in the seeds and flowers. C. autumnale is declining at its geographical distribution limits in Belgium and Ireland but has recently reached critical population densities in parts of Austrian and German grasslands Cases of intoxication of cattle and horses were reported from Austria, Germany and Switzerland. As the toxic components persist in hay and silage, the continuation of the management of these grasslands is endangered."*

"High densities of Colchicum autumnale may endanger grassland management in Austria. As the toxic components persist in hay and silage, the continuation of the management of these grasslands, which are often characterised by a high biodiversity, is uncertain... Among farmers who sold hay, 48% considered it as problematic. The field survey showed that C. autumnale covers up to 73% of grasslands."

- 3.14 Based on the submissions, the FEI therefore recognises the Colchicum Autumnale - Autumn Crocus as a possible source of contamination in relation to Demecolcine and Colchicine findings, especially in case where traces of those substances appear together. Hence, the most likely cause of the positive Demecolcine finding in this case is some sort of contamination of Autumn Crocus of the hay sold by the organisers. However, limited information was available from the organisers in relation to where and when the organisers had purchased



the hay but only that it came from several different producers, hence further investigation of the hay was therefore not possible.”

II – Full Reasoning for the Agreement (as provided to the Tribunal by the Parties as part of the Agreement referred to in Article 4 below)

- “4.1 Specified Substances are substances which are more likely to have been ingested by Horses for a purpose other than the enhancement of sport performance, for example, through a contaminated food substance. Demecolcine and Colchicine are now and as of 1 January 2018, both classified as Specified Substances.
- 4.2 Since the proceedings were opened against the PR, the Bureau has reclassified (based on the recommendation of the FEI List Group) Demecolcine and Colchicine as Specified Substance, with effect from 1 January 2018. The FEI is therefore satisfied that it would be appropriate to apply as a matter of fairness and further to the principle of proportionality¹ the principle of “Lex Mitior” in accordance with Article 16.1.2 of the EAD Rules, in relation to the applicable sanction for Specified Substances.
- 4.3 According to Article 10.2 of the EAD Rules, the period of ineligibility imposed for the violation of Article 2.1 shall be, subject to potential reduction or suspension pursuant to Articles 10.4, 10.5 or 10.6, two years. A fine of up to CHF15,000 shall also be imposed and appropriate legal costs.
- 4.4 Article 10.4 of the EAD Rules states *“If the Person Responsible and/or member of the Support Personnel (where applicable) establishes in an individual case that he/she bears No Fault or Negligence for the EAD Rule violation, the otherwise applicable period of Ineligibility and other Sanctions (apart from Article 9) shall be eliminated in regard to such Person. When a Banned Substance and/or its Metabolites or Markers is detected in a Horse’s Sample in violation of Article 2.1 (presence of a Banned Substance), the Person Responsible and/or member of the Support Personnel (where applicable) must also establish how the Banned Substance entered the Horse’s system in order to have the period of Ineligibility and other Sanctions eliminated. In the event this Article is applied and the period of Ineligibility otherwise applicable is eliminated, the EAD Rule violation shall not be considered a violation for the limited purpose of determining the period of Ineligibility for*

¹ Further to the WADA Code, anti-doping rules based on the WADA Code are “intended to be applied in a manner which respects the principles of proportionality and human rights” (see Introduction to the WADA Code).



multiple violations under Article 10.6 below.” Article 10.4 of the EAD Rules also states that it “only applies in exceptional circumstances”.

- 4.5 Based on the evidence and documentation supplied by the PR (as described in Section 3 above), and the scientific information in the Preliminary Decision, the FEI has evaluated whether or not Article 10.4 was applicable. The FEI has considered if the PR by a balance of probabilities, has established a plausible explanation of how the Banned Substance had entered the Horse’s system. In this regard, the FEI finds that there is a plausible explanation as to how the Banned Substance entered the Horse’s system based on the information that the Horse had been fed with hay from the organiser with a high likelihood of being contaminated feed. Firstly, since the presence of Demecolcine may be contamination of Autumn Crocus, which are commonly occurring in the Alp region. Secondly, this is supported by that there are several other cases from this region and some of the positive cases are even from the same event organiser. Further information from the laboratory confirms that all those samples also shows traces of Colchicine.
- 4.6 The FEI is therefore satisfied that contamination of Autumn Crocus in the feed at the Event site is the most likely plausible explanation for how the Prohibited Substance Sparteine² entered the Horse’s system. The FEI is thus satisfied that the requirement of establishing by a balance of probabilities how the Prohibited Substance entered the Horse’s system has been fulfilled.
- 4.7 The FEI has proceeded to evaluate the level of Fault and Negligence of the PR. The FEI is satisfied that the PR had demonstrated that he bore no Fault or Negligence since he had procedures in place in order to prevent positive findings, such as:
- The PR and his groom check the components of any food, supplement, or product used on or around the horse, for these substances before even purchasing them, by using the FEI Clean Sport app.
 - The veterinarian controls the medication given to the horses and would point it out if the substance in question is on any of these lists.
 - The PR is demanding on the quality of the food and supplements he chooses for his horses, only selecting brands that have proven their quality and their success in feeding top level sport horses. He checks all the components himself to make sure that they suit each of my horses' specific needs and of course that they do not contain any

² The Prohibited Substance in question is Demecolcine.

prohibited substance. He like to use Cavalor products, since the brand guarantees them as doping free.

- He is also taking precautions to avoid contamination: the horses all have their own specific feed and water buckets. They are stabled in their own barn, separated from any other horses.

- The tack and food are stored in this same barn, and only my groom and the PR have access to it. At a show the food and the supplements are kept along with feed buckets inside the truck.

- 4.8 The PR could therefore reasonably not have been expected to take any further measures which would have prevented the Prohibited Substances entering the Horse's system, neither could he have suspected that the feed given to his horses during the Event was contaminated with Autumn Crocus. Further he could not have been expected to test the hay sold by the organiser before giving it to his horse. The FEI is of the opinion that the circumstances of the PR are unfortunate and could not have been foreseen by him as a Person Responsible. Thus in this case, the only plausible explanation for the presence of the Prohibited Substances is such contamination of the feed given to the Horse at the Event. Therefore the FEI is satisfied that the PR bears No Fault or Negligence for the anti-doping rule violation.
- 4.9 The FEI accepts that the circumstances of the case were exceptional on the basis that the presence of the Banned and Controlled Substances in the Horse's Sample and particularly the presence of Demecolcine, are consistent with Autumn Crocus contamination. Further, there are other cases from 2017 some from the very same event organiser. Additionally in all those cases the PRs have purchased the hay from the organiser during the Events.
- 4.10 The FEI is satisfied that the criteria for the application of Article 10.4 of the EAD Rules had been met in that (i) the PR has established how the Banned Substances came to enter the Horse's system, (ii) the PR has demonstrated that he bore No Fault or Negligence and (iii) the circumstances of the case are exceptional and that, therefore, the otherwise applicable period of Ineligibility (i.e. two years) should be eliminated and that no other Sanctions (other than the Disqualification of the Horse's results at the Event in accordance with Article 9 and Article 10.1.4 and of the EAD Rules) should apply."



4. Agreement between Parties

On 19 July 2018, the Parties reached the following Agreement, based on the facts as detailed above:

*** Quote***

- 5.1 All capitalised terms used in this Agreement but not defined herein shall have the meaning ascribed to such term in the the FEI Equine Anti-Doping Rules ("EAD Rules")
- 5.2 In the matter of the Adverse Analytical Finding related to the samples, which were collected from "), Mr Michael Kearins's horse SEVERLY HILLE (the "Horse") at the CSI5* GCT/GCL in Hamburg, Germany, from 24 - 28 May 2017 (the "Event"), Mr Michael Kearins (the "PR") and the Fédération Equestre Internationale (the "FEI" and together with the PR, the "Parties") agree, in accordance with Article 7.6.1 (*Agreement between Parties*) of the EAD Rules, on the following:
 - 1) The **Presence of the Banned Substance(s) in the Horse's sample** constitutes a violation of Article 2.1 of the EAD Rules.
 - 2) **Ineligibility Period:**
The Parties agree that the prerequisites for Article 10.4 of the EAD Rules (*Elimination of the Period of Ineligibility Where there is no Fault or Negligence*) are fulfilled in the case at hand and that the applicable period of Ineligibility shall be eliminated.
 - 3) In accordance with Article 10.8.3 of the EAD Rules, this violation of the EAD Rules shall **not be considered a prior violation** for the purpose of Article 10.8 (*Multiple Violations*) of the EAD Rules.
 - 4) **Provisional Suspension of the Horse:**
The PR has not contested the Provisional Suspension imposed on the Horse and therefore accepts that it remained in place until 4 September 2017.
 - 5) **Disqualification of Results:**
In accordance with Articles 9 and 10.1.4 of the EAD Rules, all the results achieved by the PR with the Horse at the Event are disqualified, including forfeiture of medals, points and prizes.



6) **Full Settlement and Resolution:**

This agreement resolves and settles all outstanding matters between the FEI and the PR, Mr Michael Kearins, including the horse SEVERLY HILLE.

Accordingly, any and all other claims for relief that any party might otherwise have made against another in relation to the subject-matter of these proceedings are released and discharged unconditionally, and they may not be pursued in any form hereafter.

7) **No Other Sanctions:**

No fine shall be imposed on the PR. Each of the Parties shall bear their own legal costs.

8) **Right of Appeal:**

This Agreement will constitute the decision for this case. Consequently it will be communicated to the Parties with a right of appeal in accordance with Article 12.2 of the EAD Rules.

9) **Public Disclosure:**

This agreement is subject to approval of the FEI Tribunal, who will issue a final decision in the case. All final decisions of the FEI Tribunal are published on the FEI website.

End Quote

5. Jurisdiction

- 5.1 The Tribunal has jurisdiction over this matter pursuant to the Statutes, the GRs and the EAD Rules.
- 5.2 As a member of the Irish National Federation, the latter being a member of the FEI, the PR was bound by the EAD Rules.
- 5.3 Further, Article 7.6.1 of the EADCMRs allows for agreements between parties.
- 5.4 In addition, the Tribunal has taken note that since the proceedings were opened against the PR, Demecolcine has been reclassified as Specified Substance, with effect from 1 January 2018. In this regard the Tribunal agrees with the FEI that the *lex mitior* principle, in accordance with Article 16.1.2 of the EAD Rules, concerning the applicable sanction for Specified Substances shall apply in the case at hand.

- 5.5 As a result, the Tribunal finds that it has jurisdiction to issue this Decision.

6. Approval of Agreement

- 6.1 Having reviewed the Case Summary, the Full Reasoning for the Agreement and terms of the Agreement, the Tribunal has – among others – taken note that Demecolcine may be the result of contamination of Autumn Crocus. In this respect, the Tribunal has taken note of the confirmation by the laboratory that all those samples also show traces of Colchicine, which the Tribunal understands is next to Demecolcine a metabolite of the Autumn Crocus.
- 6.2 In taking into account the specific circumstances of the case at hand, the Tribunal finds that exceptional circumstances exist in the present case. Therefore, the Tribunal does not object to or disapprove the terms of the Agreement and is satisfied the Agreement constitutes a *bona fide* settlement of the present case.
- 6.3 In accordance with the mutual consent of the Parties, the Tribunal hereby directs the Parties to fully comply with all the terms of the Agreement as set forth in Article 4 above. Further, this Decision shall terminate the present case 2017/BS24 – SEVERLY HILLE.

7. Decision

- 1) The Tribunal rules that the Agreement executed by the FEI and the PR, Mr. Michael Kearins, concerning the case 2017/BS24 SEVERLY HILLE is hereby ratified by the Tribunal with the consent of the Parties and its terms are incorporated into this Decision.
- 2) This Decision is subject to appeal in accordance with Article 12.2 of the EAD Rules. An appeal against this Decision may be brought by lodging an appeal with the Court of Arbitration for Sport (CAS) within twenty-one (21) days of receipt hereof.
- 3) This Decision shall be published in accordance with Article 13.3 of the EAD Rules.

IV. DECISION TO BE FORWARDED TO:

- a. The Person Responsible: Yes**
- b. The President of the NF of the Person Responsible: Yes**
- c. The Organising Committee of the Event through his NF: Yes**
- d. Any other: No**

FOR THE PANEL

A handwritten signature in blue ink, which appears to read 'Torrente', is centered on the page. The signature is written in a cursive style with a large initial 'T'.

THE CHAIRMAN, Mr. Cesar Torrente