



**DECISION of the FEI TRIBUNAL
dated 28 June 2019**

Positive Controlled Medication Case No.: 2018/CM06

Horse: LC MENTA

FEI Passport No: 104ZT37/UAE

Person Responsible/NF/ID: Mohd Ahmad Mohd Ghanim AL MARRI/10081984/UAE

Event/ID: CEI3* 160 – Abu Dhabi, Al Wathba (UAE)/2018_CI_0525_E_S_01_01

Date: 10 February 2018

Prohibited Substance(s): Caffeine, Theobromine, Paraxanthine, Theophylline

I. COMPOSITION OF PANEL

Mr. Cesar Torrente, one member panel

II. SUMMARY OF THE FACTS

- 1. Memorandum of case:** By Legal Department.
- 2. Summary information provided by Person Responsible (PR):**
The FEI Tribunal duly took into consideration all evidence, submissions and documents presented in the case file, as also made available by and to the PR.
- 3. Oral hearing:** none.

III. DESCRIPTION OF THE CASE FROM THE LEGAL VIEWPOINT

1. Rules and 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 2018, Arts. 118, 143.1, 161, 168 and 169 ("**GRs**").

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

FEI Equine Anti-Doping and Controlled Medication Regulations ("**EADCMRs**"), 2nd edition, effective 1 January 2018.

FEI Controlled Medication Regulations ("**ECM Rules**"), 2nd edition, effective 1 January 2018.

Veterinary Regulations ("**VRs**"), 14th edition 2018, effective 1 January 2018, Art. 1055 and seq.

FEI Code of Conduct for the Welfare of the Horse.

2. Person Responsible: Mr. Mohd Ahmad Mohd Ghanim AL MARRI.

3. Relevant provisions:

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."

ECM Rules Art. 2.1.1: "It is each Person Responsible's personal duty to ensure that no Controlled Medication Substance is present in the Horse body during an Event without a valid Veterinary Form. Persons Responsible are responsible for any Controlled Medication Substance found to be present in their Horse's Samples, even though their Support Personnel will be considered additionally responsible under Articles 2.2 – 2.5 ECM Rules where the circumstances so warrant. It is not necessary that intent, Fault, negligence or knowing Use be demonstrated in order to establish a Rule violation under Article 2.1."

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 the Horse’s 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 and Article 2.1 of the ECM Rules, the Athlete must also establish how the Prohibited Substance entered the Horse’s system.”

IV. DECISION

Below is a summary of the relevant facts, allegations and arguments based on the Parties' written submissions, pleadings and evidence adduced. Additional facts and allegations found in the Parties' written submissions, pleadings and evidence may be set out, where relevant, in connection with the legal discussion that follows. Although the Tribunal has fully considered all the facts, allegations, legal arguments and evidence in the present proceedings, in its decision it only refers to the submissions and evidence it considers necessary to explain its reasoning.

1. Factual Background

- 1.1 LC MENTA (the "**Horse**") participated at the CEI3* 160 in Abu Dhabi, Al Wathba, United Arab Emirates (UAE), on 10 February 2018 (the "**Event**"), in the discipline of Endurance. The Horse was ridden by Mr. Mohd Ahmad Mohd Ghanim AL MARRI who is the Person Responsible in accordance with Article 118.3 of the GRs (the "**PR**").
- 1.2 A blood sample was taken from the Horse during the Event, on 10 February 2018.
- 1.3 Analysis of the blood sample number 5560181 was performed at the FEI-approved Laboratory, the Hong Kong Jockey Club (the "**Laboratory**"). The analysis of the blood sample revealed the presence of Caffeine, Theobromine, Paraxanthine and Theophylline.
- 1.4 The Prohibited Substances detected are Caffeine, Theobromine, Paraxanthine and Theophylline. Caffeine and Paraxanthine are stimulants that stimulate the central nervous system. Theobromine is a vasodilator used in the treatment of hypertension and angina. Theophylline is a bronchodilator used in the treatment of respiratory disease. Moreover, Caffeine can be a metabolite of Theophylline. Theobromine and Paraxanthine can be metabolites of Caffeine. Caffeine, Theobromine, Paraxanthine and Theophylline are listed as Specified Substances.
- 1.5 These substances are classified as Controlled Medication Substances under the FEI Equine Prohibited Substances List (the "**FEI List**"). Furthermore, no valid Veterinary Form exists for the substances. Therefore, the positive finding for Caffeine, Theobromine, Paraxanthine and Theophylline in the Horse's sample gives rise to a Controlled Medication Rule violation under the EADCMRs.

2. The Further Proceedings

- 2.1 On 5 March 2018, the FEI Legal Department officially notified the PR through the National Federation of the UAE ("**UAE-NF**"), of the presence of the Prohibited Substances following the laboratory analysis, the possible rule violation and the possible consequences.

3. The B-Sample analysis

- 3.1 Together with the Notification Letter of 5 March 2018, the PR and the owner of the Horse (the "**Owner**") were also informed that they were entitled (i) to the performance of a B-Sample confirmatory analysis on the positive sample; (ii) to attend or be represented at the B-Sample analysis; and/or (iii) to request that the B-Sample be analysed in a different laboratory than the A-Sample. The Notification Letter reads in this respect as follows: *"You and the Owner of the Horse may promptly request the analysis of the B-Sample, by filling in and returning the attached B-Sample request, as soon as possible"*.
- 3.2 A B-Sample request - dated 7 May 2018 - was received by the FEI on behalf of the Owner; the PR did not request for the B-Sample to be analysed. Further, on 13 August 2018, the Owner submitted that in the absence of any FEI response until that date with regard to his B-Sample request, he requested for the case to be withdrawn.
- 3.3 On 15 August 2018, the FEI responded as follows with regard to the B-Sample request: *"The reason for the B not being able to be performed since the horse only gave blood samples and we cannot guarantee the quality of the samples after 3 months from sample collection. They should have asked for this promptly without delay and within about 3 weeks' time."*

4. Written submission by and on behalf of the PR

- 4.1 On 8 April 2019, the PR submitted that he was aware of the FEI Rules and Regulations. He and the Owner respected those rules and the safety of the Horse was their priority.
- 4.2 Regarding the source of the Prohibited Substances, the PR submitted that the Owner had been unsuccessfully investigating the source. The team never used any Controlled Medication substances on the Horse during the Event. It was out of their knowledge how those substances entered the Horse's system, and they must have entered the Horse's system through feeds, or other supplements.

- 4.3 Further, he “never felt any abnormalities with the Horse”. He analysed the Horse before and after the Event. The FEI’s argumentation that he needed to assure that no Controlled Medication substances are present in the Horse’s system was purely not right. Finally, he had no involvement in this case, and the charges against him had to be withdrawn.

5. Written Response by the FEI

- 5.1 On 1 April 2019, the FEI provided its Response to the explanations provided by the PR.
- 5.2 In essence the FEI submitted that:
- a) Regarding the B-Sample analysis, the FEI submitted that the request was received two (2) months after the Notification Letter and three (3) months after sample collection. Since the Owner failed to request the B-Sample analysis promptly the B-Sample analysis was deemed waived in accordance with Article 7.1 of the ECM Rules.
 - b) Article 3.1 of the ECM Rules made it the FEI’s burden to establish all of the elements of the ECM Rule violation charged, to the comfortable satisfaction of the Tribunal. The elements of an Article 2.1 violation were straightforward. *“It is not necessary that intent, fault, negligence or knowing Use be demonstrated in order to establish an ECM Rule violation under Article 2.1”*. Instead it was a “strict liability” offence, established simply by proof that a Controlled Medication Substance was present in the Horse’s sample.
 - c) The results of the analysis of the A-Sample taken from the Horse at the Event confirmed the presence of Caffeine, Theobromine, Paraxanthine and Theophylline, and constituted “sufficient proof” of the violation of Article 2.1 of the ECM Rules. In any event, the PR nor the Owner did dispute the presence of those substances in the Horse’s sample. Accordingly, the FEI respectfully submitted that it has discharged its burden of establishing that the PR has violated Article 2.1 of the ECM Rules.
 - d) Where a Controlled Medication Substance was found in a horse’s sample without a valid Veterinary Form, a clear and unequivocal presumption arose under the ECM Rules that it was administered to the horse deliberately in an illicit attempt to enhance its performance. As a result of this presumption of fault, Article 10.2 of the ECM Rules provided that a Person Responsible with no previous doping offence, but who violated Article 2.1 of the ECM Rules was subject to a period of Ineligibility of six (6) months, unless he was able to rebut the presumption of fault. To

do this, the rules specified that he must establish to the satisfaction of the Tribunal (it being his burden of proof, on a balance of probability): (i) how the Prohibited Substances entered the Horse's system; and (ii) that he bore No Fault or Negligence for that occurrence, *i.e.*, that he did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he had administered to the Horse (or the Horse's system otherwise contained) a Controlled Medication Substance; or, alternatively (iii) that he bore No Significant Fault or Negligence for that occurrence. If the PR failed to discharge this burden, the presumptive six-month ban under Article 10.2 of the ECM Rules applied.

- e) The ECM Rules stipulate and the jurisprudence of the Tribunal and the Court of Arbitration for Sport ("**CAS**") are very clear: it is a strict threshold requirement of any plea of No (or No Significant) Fault or Negligence that the PR proved how the substance(s) entered into the Horse's system. The FEI submitted that the PR has an obligation to provide clear and convincing evidence that proved how the Caffeine, Theobromine, Paraxanthine and Theophylline entered the Horse's system. The PR had to date not established how the substance entered the body of the Horse.
- f) In terms of the degree of Fault or Negligence by the PR for the rule violation, the starting point of any evaluation was the "*personal duty*" of the PR following from Article 2.1.1 of the ECM Rules, *i.e.*, his personal duty to ensure that "*no Controlled Medication Substance is present in the Horse's body*".
- g) The FEI argued that, through the FEI Clean Sport programme and in particular the "*Athletes Guide*"¹, it had gone to considerable lengths to communicate relevant information on the EADCMRs to Athletes. It had to be noted in this context that, in the *Glenmorgan decision*², CAS had stated that the Athlete's Guide "*contains straightforward advice both to PRs and Support Personnel in a non-technical, non-legal form*" and described the Athlete's Guide as "*required reading*".
- h) Furthermore, the Sole Arbitrator in the *Royal des Fontaines case*³ had endorsed the rationale behind the FEI's policy of making the Athlete/rider the Person Responsible. The CAS Decision states as follows (at para 57):

"No doubt the degree of care is high; but horses cannot care for

¹ Athlete's Guide to the Equine Anti-Doping and Controlled Medication Regulations, effective 5 April 2010

² CAS 2014/A/3591 Sheikh Hazza Bin Sultan Bin Zayed Al Nahyan v. FEI

³ CAS 2015/A/4190 Mohammed Shafi Al Rumaithi v. FEI

themselves. As the Respondent (the FEI) put it in its skeleton argument

"The FEI believes that making the rider the responsible in this way is necessary to protect the welfare of the horse, and to ensure fair play. It strongly incentivises riders to ensure compliance with the rules, whether by caring for the horse personally or else by entrusting that task only to third parties who are up to the job. In the case of such delegation, it protects the welfare of the horse, and clean sport, by requiring the rider to stay apprised of and be vigilant with respect to the way the horse is being prepared for competition, including as to any treatments given to the horse"

The Sole Arbitrator respectfully agrees."

- i) In the Glenmorgan case (in para 209) the Panel confirmed that the rider was best fit to control the Horse before a competition. *"... Among them (any support personnel), the rider is best able to function as the "last check" on the physical condition of the horse immediately prior to and during the race, regardless of whether he knows the horse or mounts it for the first time. An experienced rider can quite often identify with the naked eye an irregularity in the condition and behaviour of the animal both before mounting and during the competition."*
- j) The Panel further stated as follows (in para 203):

"The Panel wishes to emphasize again that the fault or negligence which determines the measure of the Appellant's sanction is not that of the Dr. It is the Appellant's own fault and negligence in not having exercised the standard of care applicable to a PR which, like the non-equine Athlete, is placed at the exercise of "utmost caution". It is the PR's personal duty to ensure that no Banned Substance is present in the Horse's body."

- k) In light of the stated CAS jurisprudence on this point, the FEI respectfully submitted that making the PR prima facie responsible for the condition of the Horse while competing, subject to his ability to prove he bore No (Significant) Fault or Negligence for the Horse's positive test results is a reasonable and justifiable stance. Furthermore, as the CAS jurisprudence confirmed, the rider was, no matter what, the Person Responsible for the horse he competed with, and could not delegate this duty to another person. The PR, therefore, has an obligation to ensure that no Prohibited Substance enters into the horse's system, and must act with the utmost caution to fulfil this duty. Conclusions to be drawn from the case law are that the duty of care is very high and that this duty of care is non-delegable.

- l) In the case at hand, the PR had not established how the Prohibited Substances entered the Horse's system. The PR has therefore not discharged his burden of proving how the Caffeine, Theobromine, Paraxanthine and Theophylline entered into the Horse's system. The FEI was therefore of the opinion that so far in the proceedings it cannot apply No (Significant) Fault or Negligence according to Articles 10.4 and 10.5 of the ECM Rules. Consequently, no elimination or reduction of the period of Ineligibility was possible. The FEI therefore respectfully submitted that the applicable period of Ineligibility should be six (6) months.
- m) The FEI also requested that the results of the PR and Horse combination obtained in the Competition be disqualified with all resulting Consequences, including forfeiture of any related medals, points and prizes. Furthermore, since this was a case with a Controlled Medication Substance, occurring during or in connection with an Event, and in order to safeguard the level playing field, all of the Person Responsible's individual results obtained in that Event, with any and all Horses with which the Person Responsible competed, with all consequences, including forfeiture of all medals, points and prizes, might be disqualified in accordance with Article 10.1.2 of the ECM Rules.
- n) As fairness did not dictate that no fine be levied in the case at hand, the FEI requested that a fine be imposed on the PR, and that the PR be ordered to pay the legal costs that the FEI had incurred in pursuing this matter. The FEI requested that the Tribunal fine the PR in the amount of 3,000 CHF, and order the PR to pay the legal costs of 1,500 CHF.

5.3 On 20 June 2019, the FEI further submitted as follows: *"Since the rider has failed to provide a clear explanation on How the Prohibited Substances entered the body of the Horse as required by the Controlled Medication Rules, the FEI cannot evaluate the level of the Rider's Fault or Negligence, or the absence of it. Therefore, the FEI cannot suggest to the FEI Tribunal to lower the otherwise applicable period of Ineligibility, fine and costs. The FEI therefore maintains its position as per the FEI Response of 1 April 2019."*

6. Jurisdiction

- 6.1 The Tribunal has jurisdiction over this matter pursuant to the Statutes, GRs and EAD Rules.

7. The Person Responsible

- 7.1 The PR is the Person Responsible for the Horse, in accordance with Article 118.3 of the GRs, as he was the rider of the Horse at the Event. The Tribunal wishes to clarify, that other persons, such as Support Personnel might be held responsible in addition, however the PR remains the main Person Responsible. The present case only concerns the Person Responsible.

8. The Decision

- 8.1 As stated in Article 2.1.2 of the ECM Rules, sufficient proof of an ECM Rule violation is established by the presence of a Controlled Medication Substance in the Horse's A-Sample where the PR waives analysis of the B-Sample and the B-Sample is not analysed. The Tribunal is satisfied that the Laboratory reports relating to the A-Sample reflect that the analytical tests were performed in an acceptable manner and that the findings of the Laboratory are accurate.
- 8.2 In this regard, the Tribunal has taken note that the Owner requested for the B-Sample to be analysed. However, the Tribunal also notes that such request is dated two (2) months after the Notification Letter informing the PR and Owner of the positive findings. On the other hand, the Notification Letter expressly indicated, that such request should be made "promptly" and "as soon as possible". The Tribunal has also taken note of the FEI's explanation that the B-Sample could no longer be performed at that point in time, *i.e.*, three (3) months after sample collection. However, the FEI only informed the Owner of this fact after the FEI has been reminded of his B-Sample analysis request.
- 8.3 While the Tribunal finds that the FEI should generally include specific deadlines with regard to the B-Sample requests in their Notification Letters in order to guarantee that such B-Samples can still be analysed, the Tribunal also finds that the B-Sample in the case at hand was not requested "*promptly*" as required in the Notification Letter dated 5 March 2018. The Tribunal finds that wordings such as "*promptly*" and/or "*as soon as possible*" in the Notification Letter do not define a specific deadline. However, the Oxford English Dictionary defines promptly to mean "*readily, quickly, directly, at once, without a moment's delay*". Even though, courts have uniformly held that promptness is a function of circumstances and while the Tribunal also recognizes that "*promptly*" might depend on the circumstances in each case, the Tribunal must emphasize that a B-Sample request made two (2) months after having been notified of positive findings is in no case "*prompt*" nor made "*as soon as possible*". Furthermore, neither did the Owner submit any

reasons or explanations as to why he could not request the B-Sample analysis at an earlier point in time. In any case, the PR did at no time request for the B-Sample to be analysed.

- 8.4 As a result, the Tribunal is satisfied that the test results evidence the presence of Caffeine, Theobromine, Paraxanthine and Theophylline in the sample taken from the Horse at the Event. Neither the PR, or the Owner, did contest the accuracy of the test results or the positive findings in the A-Sample. The presence of Caffeine, Theobromine, Paraxanthine and Theophylline during an event without a valid Veterinary Form is prohibited under Article 2.1 of the ECM Rules.
- 8.5 The FEI has, therefore, established an Adverse Analytical Finding and has sufficiently proven the objective elements of an offence by the PR, in accordance with Articles 3.1 of the ECM Rules.
- 8.6 In cases brought under Article 2.1 of the ECM Rules, a strict liability principle applies as described in Articles 2.1.1 of the ECM Rules. Contrary to the PR's claim, the ECM Rules in Article 2.1.1 clearly provide that "*It is each Person Responsible's duty to ensure that no Controlled Medication Substance is present in the Horse's body during an Event without a valid Veterinary Form (...).*"
- 8.7 Further, once an ECM Rule violation has been established by the FEI, the PR has the burden of proving that he bore "No Fault or Negligence" for the rule violation as set forth in Article 10.4 of the ECM Rules, or "No Significant Fault or Negligence," as set forth in Article 10.5 of the ECM Rules.
- 8.8 However, to benefit from any elimination or reduction of the applicable sanction under Article 10.4 or 10.5 of the ECM Rules, the PR must first establish how the Controlled Medication Substances entered the Horse's system.
- 8.9 The Tribunal takes note that neither the PR nor the Owner were able to explain, let alone prove, the source of the Prohibited Substances. The Tribunal wishes to clarify that the PR's statement that he was not involved in the case, and that none of the team members administered any of these Prohibited Substances to the Horse do not prove the source of the Prohibited Substances. The Tribunal therefore finds that the PR has not met his burden of proof to establish how the Controlled Medication Substances entered the Horse's system.
- 8.10 As a result, the Tribunal holds that the PR has not established – on a balance of probability, as required under Article 3.1 of the ECM Rules –

how the Caffeine, Theobromine, Paraxanthine and Theophylline have entered the Horse's system.

- 8.11 The Tribunal therefore finds that Articles 10.4 and 10.5 of the ECM Rules cannot be applied in the case at hand. Furthermore, the Tribunal notes that the PR does not claim the applicability of Article 10.6 of the ECM Rules.
- 8.12 From the foregoing, the Tribunal finds that no reduction of the otherwise applicable period of Ineligibility, *i.e.*, six (6) months pursuant to Article 10.2 of the ECM Rules, is possible.
- 8.13 Any other claims by the Parties shall be dismissed. While the Tribunal has taken them into account, the Tribunal finds that they were not decisive to the outcome of this decision.

9. Disqualification

- 9.1 For the reasons set out above, the Tribunal disqualifies the Horse and the PR from the Competition and the entire Event and all medals, points and prize money won must be forfeited, in accordance with Articles 9 and 10.1.2 of the ECM Rules.

10. Sanctions

- 10.1 As a result of the foregoing, and pursuant to Articles 10.2 of the ECM Rules, the period of Ineligibility imposed on the PR shall be six (6) months.
- 10.2 The Tribunal imposes the following sanctions on the PR in accordance with Article 169 of the GRs and Article 10 of the ECM Rules:
 - 1) The PR shall be suspended for a period of **six (6) months**, starting from the date of this Decision. Therefore, the PR will be ineligible **until 27 December 2019**.
 - 2) The PR is fined **three thousand Swiss Francs (CHF 3,000)**.
 - 3) The PR shall contribute **one thousand five hundred Swiss Francs (CHF 1,500)** towards the costs of these proceedings.
- 10.3 No Person Responsible who has been declared Ineligible may, during the period of Ineligibility, participate in any capacity in a Competition or activity that is authorised or organised by the FEI or any National Federation or be present at an Event (other than as a spectator) that is authorized or organized by the FEI or any National Federation, or

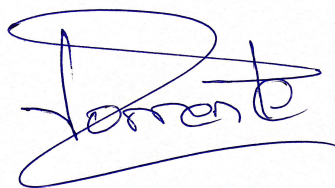
participate in any capacity in Competitions authorized or organized by any international or national-level Event organisation (Article 10.11.1 of the ECM Rules).

- 10.4 Where a Person Responsible who has been declared Ineligible violates the rule against participation or attendance during Ineligibility, the results of any such participation shall be Disqualified and a new period of Ineligibility equal in length up to the original period of Ineligibility shall be added to the end of the original period of Ineligibility. In addition, further sanctions may be imposed if appropriate (Article 10.11.2 of the ECM Rules).
- 10.5 According to Article 168 of the GRs, the present decision is effective from the day of written notification to the persons and bodies concerned.
- 10.6 In accordance with Article 12 of the ECM Rules the Parties may appeal against this decision by lodging an appeal with the Court of Arbitration for Sport (CAS) within twenty-one (21) days of receipt hereof.

V. DECISION TO BE FORWARDED TO:

- a. **The person sanctioned: Yes**
- b. **The President of the NF of the person sanctioned: Yes**
- c. **The President of the Organising Committee of the Event through his NF: Yes**
- d. **Any other: Owner through the NF**

FOR THE PANEL



Mr. Cesar Torrente, one member panel