



DECISION of the FEI TRIBUNAL

dated 12 November 2013

Case No.: 2013/BS03

Horse: BRAM

FEI Passport No: ESP40105

Person Responsible: Ms. Ingrid Jordana Cainzos/ESP/10070799

Additional Person Responsible: Mr. Josep Muixi Vila

Event: CEIJY2*-120km – San Feliu Saserra (ESP)/2013_CI_1599_E_YJ_01

Date: 4 May 2013

Alleged Violation: Refusal to submit to Sample collection (Article 2.3 EAD Rules)

I. COMPOSITION OF PANEL

Mr. Pierre Ketterer, Chair
Ms. Randi Haukebø, Panel Member
Mr. Henrik Arle, Panel Member

II. SUMMARY OF THE FACTS

1. Memorandum of case: By Legal Department.

2. Case File: The FEI Tribunal duly took into consideration all evidence, submissions and documents presented in the case file and at the oral hearing, as also made available by and to the PR and the additional PR.

3. Oral hearing: 7 October 2013 – Telephone conference.

Present:

The FEI Tribunal Panel
Ms. Erika Riedl, FEI Tribunal Clerk

For the PR:

Ms. Ingrid Jordana Cainzos, Person Responsible
Ms. Miriam Sevil, Legal Counsel
Ms. Sara Garcia, Interpreter

For the additional PR:

Mr. Josep Muixi Vila, Additional Person Responsible
Ms. Sara Garcia, Interpreter

For the FEI:

Mr. Mikael Rentsch, FEI Legal Director
Ms. Carolin Fischer, FEI Legal Counsel

III. DESCRIPTION OF THE CASE FROM THE LEGAL VIEWPOINT

1. Articles of the Statutes/Regulations which are applicable or have been infringed:

Statutes 23rd edition, effective 8 November 2012 ("Statutes"), Arts. 1.4, 38 and 39.

General Regulations, 23rd edition, 1 January 2009, updates effective 1 January 2013, Arts. 118, 143.1, 161, 168 and 169 ("GRs").

Internal Regulations of the FEI Tribunal, 2nd edition, 1 January 2012 ("IRs").

FEI Equine Anti-Doping and Controlled Medication Regulations ("EADCMRs"), 1st edition, effective 5 April 2010, updates effective 1 January 2013.

FEI Equine Anti-Doping Rules ("EAD Rules"), 1st edition, effective 5 April 2010, updates effective 1 January 2013.

Veterinary Regulations ("VRs"), 13th edition, effective 1 January 2013, Art. 1055 and seq.

FEI Code of Conduct for the Welfare of the Horse.

2. Person Responsible: Ms. Ingrid Jordana Cainzos

3. Additional Person Responsible: Mr. Josep Muixi Vila

4. 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)".

EAD Rules Art. 2: "Persons Responsible and/or their Support Personnel shall be responsible for knowing what constitutes an EAD Rule violation and the substances and methods which have been included on the Equine Prohibited Substances List and identified as Banned Substances.

Where Banned Substances or Banned Methods are involved, the following constitute EAD Rule violations:

(.....)

Art. 2.3: "Refusing or failing without compelling justification to submit to Sample collection after Notification or to comply with all Sampling procedure requirements including signing the Sampling form or otherwise evading Sample collection."

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."

IV. DECISION

Below is a summary of the relevant facts and allegations based on the Parties' written submissions, pleadings and evidence adduced at the Hearing. 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 Panel has 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 BRAM (the "Horse") participated at the CEIJY2*-120km in San Feliu Saserra, Spain, on 4 May 2013 (the "Event"), in the discipline of Endurance. The Horse was ridden by Ms. Ingrid Jordana Cainzos, who is the Person Responsible (the "PR") in accordance with Article 118.3 of the GRs.
- 1.2 On 4 May 2013, after having been eliminated from the above referenced Event following determination of lameness at the finish of the competition, the Horse's groom, Mr. Marc Codina, had been notified by Mr. Rafael Garrido, a member of the Ground Jury, that the Horse had been selected for Sampling under the EADCMRs. In the following, Mr. Josep Muixi Vila, owner of the

Horse ("additional PR" or "Mr. Muixi"), refused to present the Horse for Sampling and therefore no Medication Control Program test ("MCP test") was carried out on the Horse.

2. The Proceedings

- 2.1 The alleged refusal to submit to Sample collection the possible Rule violation and the consequences implicated, were officially notified to the PR and to the additional PR, through the Real Federacion Hipica Española ("ESP-NF"), by the FEI Legal Department, on 15 May 2013.
- 2.2 Together with the Notification Letter the FEI submitted a statement by Mr. Daniel Fenaux, Chief Steward at the Event, about the alleged refusal. Details of the statement will be addressed further below to the extent necessary.

3. The Further Proceedings

- 3.1 On 15 May 2013, the FEI further requested the FEI Tribunal to provisionally suspend the Horse until further notice, pursuant to Article 161.2.6 of the GRs and Article 18.12.8 of the IRs. The FEI argued that a Provisional Suspension of the Horse was adequate in order to preserve and protect the welfare of the Horse, and that it was further very likely that the Horse had participated at the Event with Prohibited Substances in its system.
- 3.2 The FEI granted the owner of the Horse the opportunity for a Preliminary Hearing. The owner of the Horse did not request a Preliminary Hearing.
- 3.3 On 16 May 2013, the Tribunal, having considered the relevant FEI Regulations and evidence provided by the FEI, decided to provisionally suspend the Horse starting from 16 May 2013, until further notice or until a Final or Provisional Tribunal Decision was taken.

4. The PR's written submissions

- 4.1 On 23 May 2013 and on 15 August 2013, the PR submitted her explanations to the charges. Together with her explanations, the PR submitted witness statements by Mr. Codina and Ms. Raquel Gallego, member of the PR's crew. Mr. Codina explained in his statement that Mr. Muixi had instructed him to not allow the Horse to be submitted to Sampling, and that he had been obliged to follow the instructions of Mr. Muixi. That further, he was not certain whether the PR had been aware of the refusal to submit the Horse to Sample collection, as the incident had not had any public impact. Ms. Gallego explained in her statement

that she had stayed with the PR after the Horse had failed to qualify on the last veterinary gate due to lameness, and that the PR had been very affected and sad by the disqualification. She further claimed that she and the PR had only learnt about the incident, i.e. the refusal to submit the Horse to Sample collection, through the FEI Notification Letter of 15 May 2013.

4.2 In essence, the PR submitted:

- a) That she did not contest the refusal to submit the Horse to Sample collection. That however, she herself had not been notified that the Horse had been selected for Sampling. That - as confirmed by Ms. Gallego - she had only learnt about the refusal to submit the Horse to Sampling when she had been notified of it by the ESP-NF and by the FEI on 15 May 2013.
- b) That in the case at hand, and as Mr. Muixi had been the only person having taken the decision to not submit the Horse to Sampling, Article 118.3 of the GRs had to be interpreted in a way that the owner of the Horse was to be considered as the only Person Responsible. That further, even if she had been aware of the Notification of Sampling, she would not have had the necessary influence over Mr. Muixi to compel him to submit the Horse to Sample collection. That therefore, and in this very specific case, Mr. Muixi had to be regarded as the only Person Responsible. That in addition, she had to be released from her responsibilities as PR, as she had only borrowed the Horse from Mr. Muixi.
- c) That in accordance with Spanish laws and also the laws of most other countries, it was necessary to establish guilt for a certain wrongdoing in order to punish a person, and that guilt had not been established in the case at hand.
- d) That further, in accordance with Article 10.4.1 of the EAD Rules, she bore No Fault or Negligence for the EAD Rule violation, as she had acted duly diligently (i) as she had not had any physical nor psychological influence over the owner of the Horse or the groom, even less so as the owner had been acting under "a transient mood of mental disturbance", and as the groom had only followed the instructions of the owner of the Horse; (ii) as solely Mr. Muixi had taken the decision to refuse to submit the Horse to Sample collection; (iii) as Mr. Muixi had betrayed their previously established relationship of trust, as well as the tacit agreement between the two that Mr. Muixi would ensure that she complied with her obligations as PR; (iv) that because of physical and mental tiredness after a 120 km race in the heat, and because of the fact that she had been shocked by the disqualification of the Horse after it

had finished third in the Spanish Junior Championships, the most important Endurance competition in Spain, she had not been able to duly consider all the information or to react to it at the time of the Event. That therefore, as confirmed by Ms. Gallego, she had been taken to the paddock area to rest, and that for the same reasons she was neither able to remember whether she had reacted with surprise to the petition to submit the Horse to Sampling, even if it had been previously eliminated.

- e) That she respected the FEI Regulations regarding the welfare and protection of the horse, but that at the same time also rules protecting riders had to be established, and that in the case at hand, if she were to be sanctioned, she would suffer unfair harm.
- f) That alternatively, Article 10.4.2 of the EAD Rules was applicable, and the Tribunal had to establish the minimum possible sanction.

5. The additional PR's written submissions

- 5.1 On 24 May and 4 October 2013, Mr. Muixi submitted his explanations. As owner of the Horse he accepted to be considered an additional PR in accordance with Article 118.3 of the GRs.
- 5.2 Mr. Muixi did not contest the refusal to submit the Horse to Sample collection as set out in Article 2.3 of the EAD Rules. However he explained that he had taken the decision to not submit the Horse to Sampling abruptly, without sufficient reflection and unthoughtful. That further he had had a compelling justification for the refusal as he had been in a transient mood of mental disturbance, caused by the decision of the President of the Veterinary Commission to eliminate the Horse on health grounds. That in his opinion, the decision to eliminate the Horse had not been justified. That the President of the Veterinary Commission had been known for controversial historical decisions, and that in addition he had no experience in the clinical treatment of Endurance horses. That finally he regretted the incident. Together with his submission Mr. Muixi submitted various communications sent by him to the ESP-NF and to various media outlets in Spain, explaining the alleged arbitrary decision at the Event to disqualify his horse for lameness. Conclusively Mr. Muixi requested that the case be "dismissed with full exoneration of responsibility and without sanction", and that alternatively a maximum of two months of suspension be imposed on the Horse.

6. The FEI's written submissions

6.1 Together with its Response the FEI submitted a witness statement by Mr. Garrido, member of the Ground Jury at the Event. In his statement Mr. Garrido explained that he had notified the groom of the Horse, Mr. Codina, that the Horse had been selected for MCP Testing. That the PR however had been aware about the request for testing, as she had reacted with surprise to the Sampling request, stating that the Horse had just been eliminated.

6.2 In essence the FEI submitted:

- a) That a violation of Article 2.3 of the EAD Rules by both the PR and Mr. Muixi had been established by the report of the Chief Steward and that neither the PR nor the additional PR had contested the alleged refusal to submit the Horse to Sample collection. That therefore, the FEI had discharged its burden of proof that the PR and the additional PR had violated Article 2.3 of the EAD Rules.
- b) Regarding the Notification of the Sampling, the FEI argued that the Notification had duly taken place as it followed from Article 1060 of the VRs that it was sufficient to only notify a member of the Support Personnel of the Sampling, not necessarily the Person Responsible.
- c) Regarding the PR's claim that she should not be considered Person Responsible for the Rule violation, the FEI argued that it in light of the wording of Article 118.3 of the GRs it was clear that the rider always had to be considered as the primary Person Responsible for the Horse. That furthermore, the rider usually had the closest relation to the Horse, and that this was also the case if horses were borrowed. That therefore owners of horses, as in the case at hand Mr. Muixi, could only be considered as additional Person Responsible.
- d) That in cases of a refusal of sampling a period of Ineligibility of two (2) years had to be imposed in accordance with Article 10.3.1 of the EAD Rules, unless the conditions for eliminating, reducing or increasing that period, as set out in Articles 10.4.1, 10.4.2 and 10.5 of the EAD Rules, were met.
- e) That a refusal to submit to Sample collection had to be considered as a particularly serious rule violation, which was also reflected by the fact that such violation was punished with the same sanctions as a positive finding for Banned Substances. That otherwise, riders had every incentive to refuse to submit their horses to testing, which would undermine the very basis of a detection based testing regime.

- f) That with regards to the PR, no elimination under Article 10.4.1 of the EAD Rules was applicable, as the PR did not establish that she bore No Fault or Negligence for the Rule violation. The FEI argued in this context that the PR should have ensured that the testing was finalised and duly completed under all circumstances, including ensuring that the groom reported back to her in case anything unexpected happened, i.e. in case the Sampling had not been undertaken for any reason. That further, even if (which was not contested by the FEI) the PR had had no influence over either the groom or the owner of the Horse, she could not be released from her responsibilities as competitor and Person Responsible. That therefore only a minor reduction of the otherwise applicable sanctions under Article 10.4.2 of the EAD Rules was possible.
- g) With regards to Mr. Muixi the FEI submitted that he was significantly at Fault for the Rule violation, and that in light of the seriousness of the Rule violation committed he was not entitled to either an elimination of the otherwise applicable sanction or any reduction under Article 10.4 of the EAD Rules. In this regard, the FEI contented that Mr. Muixi's alleged state of mental disturbance would not provide sufficient grounds for a finding of No (Significant) Fault or Negligence.
- h) Finally, the FEI requested that the Tribunal imposed a final suspension of a period of six (6) months on the Horse, in order to protect the welfare of the Horse, and as it had been very likely that the Horse had participated at the Event with Prohibited Substances in its system.

7. Further submissions during the Final Hearing

- 7.1 During the Final Hearing the FEI further clarified that pursuant to Article 1061 of the VRs, the PR remained responsible for the supervision of the Horse at all times, and that this also applied if the PR had borrowed the Horse. That however in the case at hand, the Horse would not qualify as a borrowed Horse under Article 111 of the GRs as the latter would require that the host NF of the Event had provided the entirety of the horses for the Event. Further that the PR had been twenty-one (21) years old at the time of the Event, and that she had therefore to assume full responsibility, and would not qualify as a minor under the FEI Rules. The FEI further pointed out to the comment of the World Anti-Doping Agency ("WADA") Code to Article 2.3 of the Code, according to which a violation of "Refusing or failing without compelling justification to submit to Sample collection" could be based on either intentional or negligent conduct of the Athlete, while "evading" Sample collection contemplated intentional conduct by the Athlete. The FEI argued that the

comment to the WADA Code could reasonably be considered by the Tribunal in the case at hand, as the FEI's EAD Rules had been drafted in accordance with the principles of the WADA Code. In response to the arguments of the owner the FEI argued that the decision of the Veterinary Commission to eliminate the Horse had been a sporting decision, and had therefore to be distinguished from any decision taken with regards to MCP testing.

- 7.2 The PR further explained that Mr. Muixi was thirty-five (35) years older than herself, and that when her parents had taken her to endurance competition at the age of ten (10), Mr. Muixi had been already been an adult. That age was a very important element of respect, and that therefore she had generally respected the decisions Mr. Muixi had taken regarding the Horse.
- 7.3 During the Final Hearing Mr. Muixi clarified that when taking the decision of refusing to submit the Horse to Sample collection, he had no intention to hide any doping. That his horses had been participating in Endurance competitions for over fifteen (15) years, and that they had never tested positive. Mr. Muixi further confirmed that he had been taking care of the Horse during resting times, that he had been the only person taking decisions regarding the Horse and that the PR had followed his instructions. Mr. Muixi further explained that if he had been aware of the consequences of his decision, i.e. refusal to submit the Horse to Sample collection, he would have certainly submitted the Horse to Sample collection. That finally, his sanctions had to be minimal as he had been provoked by the decision of the Veterinary Commission.

8. Jurisdiction

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

9. The Person Responsible

- 9.1 The PR is the Person Responsible for the Horse, in accordance with Article 118.3 of the GRs, as she had competed with the Horse at the Event.

10. The additional Person Responsible

- 10.1 Mr. Muixi is considered additional Person Responsible, in accordance with Article 118.3 of the GRs, as he is the owner of the Horse and as he was present at the Event and had made a relevant decision about the Horse.

11. The Decision

- 11.1 In order to establish a violation of Article 2.3 of the EAD Rules the FEI has to establish that in a given case, the prerequisites of Article 2.3 of the EAD Rules have been fulfilled. In the case at hand the Tribunal is satisfied that the prerequisites of Article 2.3 of the EAD Rules have been established by the entirety of the Parties oral and written submissions. Furthermore neither the PR or the additional PR contested the refusal to submit the Horse to Sample collection.
- 11.2 Regarding the question of the Notification of the Sampling, the Tribunal takes note that it is common ground between the Parties that only the groom of the Horse had been formally notified of the Sampling. The Tribunal however finds that regardless of whether or not the PR had been formally notified of the Sampling, the Notification had duly taken place, as notifying a member of the Support Personnel, as in the case at hand, is sufficient according to Article 1060 of the VRs.
- 11.3 The Tribunal further takes note of the contradictory statements by the PR and Mr. Garrido regarding the question of whether or not the PR had been (otherwise) informed, or aware, of the request of Sampling. However, the Tribunal does not feel obliged to take a final decision in this context as the PR – in her position as the Person Responsible – had been responsible for the Horse even after she had finished the competition, and was - amongst others - obliged to ensure (either herself or through duly instructed personnel) that the Horse would be submitted to MCP testing, if requested. The Tribunal has taken note of the PR's argument that given the circumstances of the case at hand, she should not be considered a Person Responsible. However, the Tribunal is of the opinion that it follows clearly from Article 118.3 of the GRs that the rider of the horse is to be considered the Person Responsible for the horse at all times. The Tribunal further takes into account the definition of the PR in the EADCMRs, which stipulates as follows: *"The Person Responsible for an EADCM Regulation violation arising in connection with an In-Competition Test or otherwise alleged to have occurred In-Competition, shall be the Athlete who rides, vaults, or drives the Horse during an Event. For all other EADCM Regulation violations, the Person Responsible shall be the Horse's owner."* Given the wording of that definition, and given that an EADCM Regulation violation is alleged that has occurred In-Competition" ("In-Competition" being defined in the EADCM Regulations as *"The period commencing one (1) hour before the beginning of the first Horse inspection and terminating half an hour after the announcement of the final results of the last Competition at the Event"*.), the Tribunal holds that the PR is the Person Responsible for the case at stake under the FEI Rules and Regulations. The Tribunal takes further note of the PR's

allegation that she had not been guilty of the Rule violation. The Tribunal however holds in this respect that – as already stipulated above – the PR had been responsible to ensure (either herself or through duly instructed personnel) that the Horse would be submitted to MCP testing, if requested. That however the PR – according to her own testimony – had not at all followed the Horse's whereabouts and status, and has thereby acted considerably negligently with regards to her obligations as PR.

11.4 The Tribunal also takes note of the additional PR's explanations that he had been in a transient mood of mental disturbance, and that this mental disturbance had to be considered as constituting grounds for a compelling justification. However, in line with decisions of independent sport tribunals with regards to Article 2.3 of the WADA Code (i.e. International Tennis Federation (ITF), in the case of Victor Troicki, dated 25 July 2013), the Tribunal holds that the use of the word "compelling" in Article 2.3 of the EAD Rules "underscores the strictness with which the justification needs to be examined". Therefore, in order to be considered as "compelling", the refusal by Mr. Muixi to submit the Horse to Sampling would have had to be unavoidable. The Tribunal however finds that the additional PR did not establish sufficient evidence of his alleged mental disturbance; that even if he had provided respective evidence, the Tribunal would not consider this as sufficient basis for having prevented him to submit the Horse to Sample collection. The Tribunal comes to this conclusion as the additional PR himself had confirmed during the Final Hearing that he would have submitted the Horse to Sampling, if he had been aware of the EADMCRs, and the consequences resulting from a refusal to submit the Horse to Sample collection. The Tribunal lastly acknowledges that the decision to eliminate the Horse because of lameness was a sporting decision, and that that decision was an entirely different decision than the decision to have the Horse undergo MCP testing. In conclusion, the Tribunal therefore finds that no grounds for compelling justification are present.

11.5 The FEI has thus established an Anti-Doping Rule violation, and has thereby sufficiently proven the objective and subjective elements of an offence in accordance with Article 3 of the EAD Rules.

11.6 As regards the sanctions to be imposed in case of an Article 2.3 EAD Rule violation, Article 10.3 of the EAD Rules foresees that the sanctions shall be as set forth in Articles 9 and 10.2 of the EAD Rules, unless the conditions for eliminating, reducing or increasing the Sanction provided in Articles 10.4 or 10.5 are met. Therefore, in order for the PR or the additional PR to have the standard two (2) year sanction foreseen by Article 10.2 of the EAD Rules to be eliminated or reduced, they have the burden of proving that they bear "No Fault or Negligence" for

the Rule violation as set forth in Article 10.4.1 of the EAD Rules, or "No Significant Fault or Negligence," as set forth in Article 10.4.2 of the EAD Rules.

11.7 The Tribunal therefore needs to examine the question of "No Fault or Negligence" or "No Significant Fault or Negligence" for the Rule violation. To start with, the Tribunal takes note of the PR's allegation that she bore No Fault or Negligence insofar as she had acted duly diligent; as she had not been informed or aware of the Sampling; as she had no influence on the decisions taken by the owner of the Horse; as she had been in a state of mental and physical tiredness following a long Endurance competition, and as she had been disappointed by the Horse's disqualification.

11.8 However, whereas the Tribunal acknowledges that in the case at hand it had been difficult for the PR to influence the decision of Mr. Muixi, the Tribunal nonetheless finds that the PR acted negligently, as she had not assured that she was informed of all decisions taken regarding the Horse (even after she had finished the competition), and had apparently not bothered at all anymore about the Horse after the competition. The Tribunal therefore holds that the PR had not fulfilled the duty of care expected from her. Nonetheless, and taking into account the position of the FEI which considers that the PR is likely to be entitled to a minor reduction of the otherwise applicable sanctions under Article 10.4.2 of the EAD Rules, the Tribunal holds that the PR's fault had not been significant, and that she has therefore succeeded in establishing that she bears No Significant Fault or Negligence for the Rule violation.

11.9 In the case of Mr. Muixi the Tribunal finds that there is no basis to eliminate or reduce the otherwise applicable sanction by virtue of Articles 10.4.1 or 10.4.2 of the EAD Rules. The Tribunal comes to this conclusion as it considers that Mr. Muixi had been grossly at fault when taking the decision to refuse to submit the Horse to Sample collection, taking also into account that there has been no compelling justification for the refusal.

12. Disqualification

12.1 For the reasons set forth above, the FEI Tribunal is disqualifying the Horse and the PR combination from the Competition and all medals, points and prize money won must be forfeited, in accordance with Articles 10.3 and 9 of the EAD Rules.

13. Suspension of the Horse

13.1 The Tribunal, having considered both the request by Mr. Muixi as well as that of the FEI, finds that a suspension of the Horse

of a period of six (6) month is adequate and necessary in order to preserve and protect the welfare of the Horse, as it cannot be excluded for sure that the Horse had participated at the Event with no Prohibited Substances in its system. The Tribunal is imposing this final suspension in accordance with Article 161.2.5 of the GRs, and any period of Provisional Suspension of the Horse shall be credited against the period of final suspension imposed in this decision.

14. Sanctions

14.1 Under the current EAD Rules, for first time offenders, the sanction for a violation of Article 2.3 of the EAD Rules is a two-year period of Ineligibility, unless the conditions for eliminating, reducing or increasing the Sanction provided in Articles 10.4 or 10.5 of the EAD Rules are met. The Tribunal finds that based on the Case File, the PR and the additional PR are first offenders in the meaning of the EAD Rules, since neither of them had previously violated the EAD Rules.

14.2 The FEI Tribunal imposes the following sanctions on the PR, the additional PR and the Horse, in accordance with Articles 161.2.5 and 169 of the GRs and Article 10.3 of the ECM Rules:

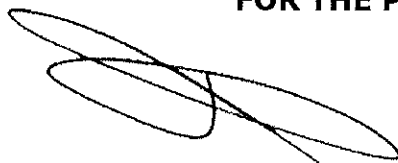
- 1) The PR shall be suspended for a period of **eighteen (18) months** to be effective immediately and without further notice from the date of the Notification of this decision. Therefore, the PR shall be ineligible through **11 May 2015**.
- 2) The additional PR shall be suspended for a period of **twenty-four (24) months** to be effective immediately and without further notice from the date of the Notification of this decision. Therefore, the additional PR shall be ineligible through **11 November 2015**.
- 3) The Horse shall be suspended for a period of **six (6) months** to be effective immediately and without further notice from the date of the Notification. The period of Provisional Suspension shall be credited against the Period of Ineligibility imposed in this decision. Therefore, the Horse shall be ineligible through **15 November 2013**.
- 4) The additional PR is fined **two thousand Swiss Francs (CHF 2000,-)**.
- 5) The PR and the additional PR shall jointly contribute **one thousand Swiss Francs (CHF 1000,-)** towards the legal costs of the judicial procedure.

- 14.3 No Horse, Person Responsible or member of the Support Personnel 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 10.9.1 of the EAD Rules). Under Article 10.9.2 of the EAD Rules, specific consequences are foreseen for a violation of the period of Ineligibility.
- 14.4 According to Article 168.4 of the GRs, the present decision is effective from the day of written Notification to the persons and bodies concerned.
- 14.5 An appeal may be lodged against this decision, in accordance with Article 12 of the EAD Rules, with the Court of Arbitration for Sport ("CAS"), within thirty (30) days of receipt of this decision.

V. DECISION TO BE FORWARDED TO:

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

FOR THE PANEL



THE CHAIR, Mr. Pierre Ketterer