

DECISION OF THE FEI TRIBUNAL
dated 13 July 2020

Human Anti-Doping Case No.: 2018/HD02

Athlete: Jan-Philipp WEICHERT

FEI ID No: 10072662/GER

Event/ID: CSI2*-Balve (GER)/2018_CI_0069_S_S_01

Date: 7-10 June 2018

Prohibited Substances: Benzoyllecgonine (metabolite of Cocaine) & Amfetamine

I. COMPOSITION OF PANEL

Mr. José A. Rodriguez Alvarez, one member panel

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

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

Anti-Doping Rules For Human Athletes, Based upon the 2015 WADA Code, effective 1 January 2015 ("**ADRHA**").

The World Anti-Doping Code - International Standard – Prohibited List – January 2018 ("**WADA Prohibited List**").

2. The Athlete: Mr. Jan-Philipp Weichert, represented by Harnischmacher Löer Wensing Rechtsanwälte PartG mbB, Münster, Germany.

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)."

ADRHA Scope: "These Anti-Doping Rules shall apply to the FEI, each National Federation of the FEI and each Participant in the activities of the FEI or any of its National Federations by virtue of the Participant's membership, accreditation, or participation in the FEI, its National Federations, or their activities or Events. (...)

Within the overall pool of Athletes set out above who are bound by and required to comply with these Anti-Doping Rules, the following Athletes shall be considered to be International-Level Athletes for purposes of these Anti-Doping Rules, and therefore the specific provisions in these Anti-Doping Rules applicable to International-Level Athletes (as regards Testing but also as regards TUEs, whereabouts information, results management, and appeals) shall apply to such Athletes who:

- (a) are registered with the FEI; and/or
- (b) participate in an International Event."

ADRHA Article 2.1.1: "It is each Athlete's personal duty to ensure that no Prohibited Substance enters his or her body. Athletes are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary that intent, Fault, negligence or knowing Use on the Athlete's part be demonstrated in order to establish an anti-doping rule violation under Article 2.1.¹"

ADRHA Article 7.10.1: "At any time during the results management process the Athlete or other Person against whom an anti-doping rule violation is asserted may admit that violation at any time, waive a hearing and agree with the FEI on the Consequences that are mandated by these Anti-Doping Rules or (where some discretion as to Consequences exists under these Anti-Doping 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 13.2.3 as provided in Article 14.2 and published as provided in Article 14.3.2."

III. DECISION

1. The Parties

- 1.1 Mr. Jan-Philipp Weichert (the "**Athlete**"), is a jumping rider for Germany.
- 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. Factual Background

- 2.1 The Athlete was tested during the German National Championships, CSI2* in Balve, Germany, from 7 to 10 June 2018 (the "**Event**"). The doping control was conducted on 10 June 2018 by the National Anti-Doping Organisation of Germany (the "**NADA**").
- 2.2 The urine samples returned positive for Benzoyllecgonine (metabolite of Cocaine) and Amphetamine, both Prohibited Substances – Non-Specified Stimulants (S6) - on the 2018 WADA Prohibited List, and prohibited In-Competition. The B-Sample analysis confirmed the findings of the A-Sample analysis, which results were notified to the Athlete on 2 August 2018.
- 2.3 No Therapeutic Use Exemption ("**TUE**") has been issued – neither prior to the Event nor after the positive findings - for the substances in question. The Athlete did neither declare the use of those substances on the Doping Control Form ("**DCF**").
- 2.4 A Provisional Suspension was imposed on the Athlete on 2 July 2018 by the NADA, and lifted on 29 October 2018 based on lack of jurisdiction.
- 2.5 On 13 November 2018, the FEI via a Notification Letter informed the Athlete that, since the Event was an FEI Event, and since he was an FEI Athlete competing in a FEI Event, he was also bound by FEI Rules and Regulations, including the FEI Anti-Doping Rules for Human Athletes (the "**ADRHA**"). Further, that due to the lack of jurisdiction of the NADA, the FEI was taking over the Results Management of the case in accordance with Article 7.2 of the ADRHA.
- 2.6 On 13 November 2018, together with the Notification Letter, the FEI also provisionally suspended the Athlete.
- 2.7 On 4 July 2019, following a Provisional Hearing, the Hearing Panel decided to maintain the Provisional Suspension of the Athlete.

3. Further proceedings

- 3.1 On 12 December 2019, and after the Tribunal imposed a schedule of submissions by the Parties in the present case, the Athlete informed the Tribunal that the Parties are in settlement negotiations. Further, on 9 January 2020, the FEI informed the Tribunal that the Parties require more time to finalise their settlement.
- 3.2 On 30 June 2020, the FEI informed the Tribunal that the Parties had reached an Agreement in the context of the Case 2018/HD02 Jan-Philipp Weichert and submitted the Agreement to the Tribunal for approval and incorporation into a Decision of the Tribunal in accordance with Article 7.10.1 of the ADRHA.
- 3.3 On 3 July 2020, the FEI Tribunal Chair nominated a one member panel, to which nomination neither party objected.

4. Agreement between Parties

- 4.1 On 30 June 2020, the Parties reached the following Agreement:

Quote

In the matter of the Adverse Analytical Finding related to the samples, which were collected from, Mr. Jan-Philipp Weichert at the CSI2* - Balve (GER) from 7 to 10 June 2018 (the "Event"), Mr. Jan-Philipp Weichert (the "Athlete") and the FEI (the FEI together with the Athlete, the "Parties") agree, in accordance with Article 7.10.1 (*Agreement between Parties*) of the ADRHA, on the following:

- (a) The Athlete admits the violation of Article 2.1 of the ADRHA (*The Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample*);
- (b) The Athlete has established how the Benzoylecgonine and Amfetamine entered his system;
- (c) The Athlete has established that the violation was not intentional, since the substances were consumed in a context unrelated to sport, the standard four (4) years ineligibility period can therefore be reduced to two (2) years;
- (d) The Athlete bears fault and negligence for the rule violation and therefore no further reduction can apply and the applicable period of ineligibility shall be two (2) years;
- (e) The ineligibly period to be starting on the date of the notification

from the GER NADA, 2 July 2018, and ending on 1 July 2020;

- (f) This violation of the ADRHA shall be considered a prior violation for the purpose of Article 10.7 (*Multiple Violations*) of the ADRHA;
- (g) In accordance with Articles 9.1 and 10.1 of the ADRHA the results achieved by the Athlete at the Event are disqualified, with all resulting consequences, including forfeiture of any related medals, points and prizes;
- (h) Including the disqualification of any results obtained by the Athlete in the gap between the lifting of the provisional suspension of the GER NADA on 29 October 2018 and the notification of the FEI on 15 November 2018;
- (i) The Athlete shall pay a fine of 1 500 CHF;
- (j) Each party will bear its own legal and other costs incurred in connection with these proceedings;
- (k) The Athlete is to fulfil the Education Requirement within a year from the decision of the Tribunal.

The Parties hereby kindly request that the FEI Tribunal issue a Decision incorporating the terms of this agreement.

The parties acknowledge and agree that, pursuant to Article 14.3 of the ADRHA, the Decision will be made public by the FEI.

The terms set out in this agreement have been agreed as a full and final settlement of all claims relating to the subject-matter of these proceedings. 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.

This agreement is made in accordance with Article 7.10.1 of the ADRHA and is subject to the approval of the FEI Tribunal. The Agreement will be included in a Final Decision of the FEI Tribunal. Consequently, it will be communicated to the Parties with a right of appeal in accordance with Article 13.2 of the ADRHA.

End Quote

4.2 Furthermore, the Parties provided the following Case Summary and Full Reasoning for the case at hand:

Mr. Jan-Philipp Weichert (FEI ID 10072662), the Athlete under the ADRHA¹, is a jumping rider for Germany.

The Fédération Equestre Internationale (the "FEI" and together with the Athlete, 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 Dressage and Para Driving).

The Athlete participated at the CSI2* - Balve (GER) from 7 to 10 June 2018 (the "Event"). As a member of the German Equestrian Federation (the "GER NF"), the latter being a member of the FEI, the Athlete was bound by the ADRHA.

The Athlete was selected for in competition testing by the German National Anti-Doping Agency (the "GER NADA") on 10 June May 2018. The urine samples returned positive for two stimulants (S6), Benzoyllecgonine (metabolite of Cocaine) and Amfetamine. (Exhibit 1-2)

Benzoyllecgonine is the metabolite of Cocaine. Cocaine and Amfetamine are listed in class S6 - "Stimulants" under the 2018 WADA Prohibited List (the "Prohibited List"). Both substances are considered "Non-Specified Substances" prohibited in competition, under the Prohibited List. The positive finding of Benzoyllecgonine and Amfetamine in the sample gives rise to an Anti-Doping Rule Violation under Art 2.1 ADRHA, - *Presence of a Prohibited Substance*.

On 2 July 2018 the Athlete was notified by the GER NADA of a violation of the anti-doping rules, for the presence of Benzoyllecgonine and Amfetamine (Exhibit 3)

The Athlete was provisionally suspended as per the date of the Notification Letter from the GER NADA.

The Athlete submitted his explanations to the GER NADA on 13 July 2018. (Exhibit 6)

The B sample analysis confirmed the findings of the A sample analysis, and the Athlete was notified of the B sample analysis results, on 2

¹ FEI Anti-Doping Rules for Human Athletes, based upon the 2015 WADA Code, effective 1 January 2015. <http://inside.fei.org/content/anti-doping-rules>

August 2018. (Exhibit 4)

On 29 October 2018, the NADA lifted the provisional suspension of the Athlete in a letter based on lack of jurisdiction. (Exhibit 5)

The CSI2* in Balve (GER), on 7-10 June 2018 was an FEI Event. Since the Athlete is registered with the FEI and competed in a FEI Event, he was bound by the FEI rules and regulations. Due to the lack of jurisdiction of the GER NADA, the FEI therefore took over the results management of the case in accordance with Article, 7.2 FEI ADRHA.

By notification letter dated 15 November 2018, the FEI informed the Athlete, and the GER NF and GER NADO of a violation of Article 2.1 (*The Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample*) of the ADRHA based on the Laboratory's adverse analytical finding of Benzoylecgonine and Amfetamine in the Athlete's Sample collected at the Event, and consequently the FEI also provisionally suspended the Athlete as of this date in accordance with Art. 7.9.1 ADRHA. (Exhibit 0)

On 24 May 2019, the Athlete asked for a preliminary hearing before the FEI Tribunal, which was held on 1 July 2019. (Exhibit 9) In its decision of 4 July 2019, the FEI Tribunal maintained the provisional suspension of the Athlete. (Exhibit 10)

On 20 December 2019, the Athlete provided his additional explanations of the case, where he admitted the violation and explained his lack of intent to enhance his sporting performance. (Exhibit 11-12)

THE FULL REASONING OF THE CASE

2A. How the substance entered the Athlete's body

The Athlete explains in his statement the following:

- The assumption of the GER NADA, that he was taking drugs is correct. He admits that he deliberately took the substances Cocaine and Amfetamine for the party on his birthday.
- On Saturday 9 June 2018, the Athlete was celebrating his birthday and a birthday party took place. As result of the good and euphoric atmosphere he let himself be seduced to this irresponsible act and took the drugs.
- The reason for taking drugs was not to improve the sport performance during the event. There was never any intention to enhance or influence the sporting performance. The focus was

instead on the Athlete's mood during the party and the outcome of the night.

- He further adds that it is scientifically proven that cocaine is only effective for two to three hours in the body. The effect of amphetamine starts after 30 minutes and lasts up to four hours. He further explains that for him the effect period is up to three hours with both drugs. After this time, even if it still can be traced in the body, there is no longer any effect on him. Since he took the drugs before 1am that night, the effects of the drugs would have been long gone until the competition the next day.
- The Athlete finally states that: *"I can only underscore how foolish my actions were and that I will regret this decision and lack of responsibility for the rest of my life and my sports career. By now this mistake destroyed my business and therefore the employment of my staff and my whole existence as well. My failures are really clear to me.... By now my economic existence as well as my riding career are destroyed and I'm not sure if I will ever be able to re-establish my business or my life. Despite my mistakes I'd really like to participate in this sport again in the near future. Without horse riding there is no job or employment for me."*

The FEI is satisfied that the findings and the concentrations in the Athlete's sample are consistent with intake of the drugs the night before the sample collection.

The FEI is therefore satisfied that the Athlete has established how Benzoylcegonine and Amfetamine entered his system.

2B. Intent of the rule violation

The ADRHA Art 10.2.1 states that: *"The period of Ineligibility shall be four years where the anti-doping rule violation does not involve a Specified Substance, unless the Athlete or other Person can establish that the anti-doping rule violation was not intentional."* and Art 10.2.2 ADRHA states that: *"If Article 10.2.1 does not apply, the period of Ineligibility shall be two years."* The article provides that if the Athlete can establish that the anti-doping rule violation was not intentional, the sanction shall be two (2) years.

Furthermore, Art 10.2.3 ADRHA explains what needs to be taken into consideration when evaluating the intent. *"The term "intentional" is meant to identify those Athletes who cheat. The term therefore requires that the Athlete or other Person engaged in conduct which he or she knew constituted an anti-doping rule violation or knew that*

there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk. An anti-doping rule violation resulting from an Adverse Analytical Finding for a substance which is only prohibited In-Competition shall be rebuttably presumed to be not intentional if the substance is a Specified Substance and the Athlete can establish that the Prohibited Substance was Used Out-of-Competition. An anti-doping rule violation resulting from an Adverse Analytical Finding for a substance which is only prohibited In-Competition shall not be considered intentional if the substance is not a Specified Substance and the Athlete can establish that the Prohibited Substance was Used Out-of-Competition in a context unrelated to sport performance."

In the present case, the substances were used during the Event period in question, per definition in-competition, but outside of the actual competition schedule, during the evening of the Saturday 9 June 2018, when no competition took place.

Since the substances are prohibited in competition only, the Athlete has to establish that it was used in a context unrelated to sport performance, in accordance with Art. 10.2.3 ADRHA.

In the case CAS 2015/A/420², also dealing with Cocaine, the CAS deems that "cheating" is a key element of intent. Specifically it states that:

"By using a Prohibited Substance, an athlete wishes to obtain an advantage in comparison to other athletes. The athlete's will is directed to achieve this advantage not only based on the own physical and/or psychical abilities as an athlete, but on additionally taking the Prohibited Substance; the will of an athlete using a Prohibited Substance, which is prohibited only in competition, out of competition in a context unrelated to sport performance is not directed to achieve such unfair competitive advantage and, thus, according to Article 10.2.3 FINA DC does not mean "cheating". In such case, there is no "intent" to be found.

Mr. Weichert has provided in his statement why he took the drugs:

"The reason I took the drugs was my birthday party which took place on the 9th of June. Because of my birthday and the good jumping results I wanted to celebrate with friends. Since most of my friends are horse riders and were present in Balve it was a good opportunity to have the party. Therefore, I decided to have a private party in a

² CAS 2015/A/4200 Nikola Radjen v. Fédération Internationale de Natation (FINA), award of 17 June 2016. (para 7.4)

secluded area next to the VIP area. The secluded area was a smaller party tent. My party was not official or public. It took place for invited guests only."

Guests that attended the Athlete's birthday party in the evening of Saturday 9 June 2018, have also given witness statements explaining that Mr. Weichert held a private party to celebrate his 28th birthday and that only invited guests such as friends and closer acquaintances attended. The party was held in a separate tent next to the VIP tent. (Exhibit 12)

The Athlete further explains that: *"Only because of the good and euphoric atmosphere I let myself be seduced to this irresponsible act and took the drugs. Sadly it was not the first time this happened during a party. I have to admit that sometimes I tend to take drugs during parties to reach a more euphoric and good mood. That is nothing that happens regularly on every weekend or rather regularly during the week. It happens only on single and few occasions. These occasions are parties only. I don't take drugs on other social events or on other occasions. I took the drugs only occasionally and with lots of time in between there was never a risk for me to get addicted and I had no cravings for drugs. It was just a "party thing"."*

The Athlete highlights that there was not and could not be any intention to enhance his sport performance due to the short effect of the drugs. He explains that after taking both drugs he gets really euphoric and excited. The pulse goes up and he tends to talk and dance more and longer until the effects vanish. With Cocaine and Amphetamine, it is easier for him to relax and socialise during a party. Afterwards when the effects vanish he feels kind of tired and wants to sleep. The limbs feel heavy and the energy is down. These aftereffects are worsened by the mix of drugs and would be less severe if there was just one drug taken. In any case, those effects would not affect his sport performance in a positive way. It is correct that it makes you feel more energised, but at the same time it is harder to concentrate and you are more erratic and superficial in your body actions. Therefore it is not possible to successfully enhance the sport performance with those drugs.

Furthermore the Athlete states that it was never his intention to take those drugs to influence the sport performance, it was just for his private motivation during his birthday party.

The FEI finds that the case law³ confirms that an anti-doping rule violation resulting from an Adverse Analytical Finding for a substance

³ Please refer to the CAS Bulletin 2018/02 Article on "Recreational drugs in sport: the issue of cocaine",

which is prohibited only in-competition shall be rebuttably presumed to be not intentional if the substance is a Specified Substance and the Athlete can establish that the Prohibited Substance was used out-of-competition, and an anti-doping rule violation resulting from an Adverse Analytical Finding for a substance which is prohibited only in-competition shall not be considered intentional if the substance is not a Specified Substance and the Athlete can establish that the Prohibited Substance was Used Out-of-Competition in a context unrelated to sport performance. Namely, only because a non-specified substance is used in-competition, it does not automatically mean that the violation was intentional.

The FEI acknowledges that cases involving the use of recreational drugs, the sole presence or demonstration that the Athlete took the substance within the in-competition period is not enough to demonstrate that he had the intention to cheat.

The Athlete can still demonstrate that the intake was made in a context unrelated to sport and have the otherwise applicable four (4) year sanction reduced. (ADRHA 10.2.3) Should the Athlete clearly be able to demonstrate that the intake of the recreational drugs was unrelated to sport, it can prove the absence of the intent to actually cheat.

The FEI is of the opinion that the Athlete in this case has demonstrated that the ingestion and consumption of the substances was unrelated to sport performance, since he established, on a balance of probabilities, that the use of these substances was done in a context unrelated to sport, namely to celebrate his birthday, and therefore not intentional.

2C. Fault and Negligence for the rule violation

The FEI has proceeded to evaluate the level of fault and negligence for the rule violation. The FEI's is of the strong opinion and it is also commonly accepted by CAS that the presence of recreational drugs such as Cocaine in the Athlete's body is due to the existence of fault or negligence of the Athlete, (except in rare cases of contamination or inadvertent ingestion of Cocaine). In other words, the Athlete did not take utmost caution. In this regard, utmost caution is incompatible with an Athlete that deliberately ingests a substance that he knows is prohibited in-competition.

In this case, there is the presence of two substances, Cocaine metabolite and Amfetamine both being non-specified substances prohibited in-competition, despite this fact, the Athlete chose to consume the substances in-competition. The Athlete must have been aware that such consumption could cause an anti-doping rule violation,

by Carlos Schneider, for further case law.

and therefore he has been highly at fault and negligence for the rule violation.

A reduction of the sanction under the provisions for no (significant) fault and negligence, Articles 10.4 and 10.5 of the ADRHA, can therefore not be applied for the case at hand.

The Athlete did admitted the violation on 20 December 2019, but this was over a year after the notification from the FEI. The FEI is satisfied that the Athlete did admit the violation, and consequently the source of the positive finding could be identified. However, it cannot be considered as a prompt admission in accordance with Art. 10.6.3 ADRHA, hence no reduction is possible under this provision.

To conclude, a two (2) years ineligibility period shall be imposed on the Athlete.

The ineligibly period to be starting on the date of the notification from the GER NADA, 2 July 2018, and ending on 1 July 2020, including the disqualification of any results obtained by the Athlete in the gap between the lifting of the provisional suspension of the GER NADA on 29 October 2018 and the notification of the FEI on 15 November 2018.

2D. Education requirement and recreational drug abuse

In addition, the Athlete has to either, follow and complete an anti-doping education course such as WADA's ALPHA or equivalent, or an education course provided by GER NADA and/or by the GER NF. These education conditions need to be fulfilled within one year from the final decision of the FEI Tribunal. Once such course is completed the certificate shall be sent to the FEI and the GER NF.

The use of Cocaine and Amfetamine undoubtedly goes against the spirit of sport as well as constituting an evident potential health risk for athletes. For this reason, the Athlete should also seek professional help for his abuse of recreational drugs, to avoid a similar situation in the future.

Article 7.10.1 of the ADRHA permits for an agreement between the parties, subject to FEI Tribunal approval.

5. Jurisdiction

- 5.1 The Tribunal has jurisdiction over this matter pursuant to Article 38 of the Statutes, Article 161 of the GRs, Article 8.1 of the ADRHA, as well as Article 18 of the IRs.

- 5.2 At the time of the Event, the Athlete was registered with the FEI, and participated in the Event, an International Event. Therefore, the Athlete was bound by the ADRHA.
- 5.3 Further, Article 7.10.1 of the ADRHA allows for agreements between parties.
- 5.4 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 taken note that the FEI is satisfied that the Athlete has established how the Prohibited Substances entered his system, namely according to his own account by ingesting them on 9 June 2018.
- 6.2 Furthermore, the Tribunal notes that the FEI is satisfied that the Athlete has established that the rule violation was not intentional pursuant to the general provision of art. 10.2.3 of the ADRHA. In this regard the Tribunal further notes that the Prohibited Substances were used during the In-Competition period as defined by the ADRHA and as such art. 10.2.3 ADRHA *in fine* would not be applicable. Moreover, the Tribunal notes that, as per the agreement, a no-Fault reduction is not applicable in the case at hand.
- 6.3 The Tribunal wishes to emphasise that it did neither evaluate whether the Athlete has met the burden of proof with regard to the source of the Prohibited Substances, nor whether the rule violation was not intentional. Furthermore, the Tribunal highlights that the present agreement does not constitute jurisprudence, and as such when reviewing it did not take into account previous case law.
- 6.4 Pursuant to Articles 10.2.1.1 and 10.2.2 of the ADRHA, where the anti-doping rule violation involves a non-Specified Substance and the Athlete can establish that the anti-doping rule violation was not intentional, the period of Ineligibility shall be two (2) years.
- 6.5 Further, the Tribunal takes note that the Parties agree that the Athlete bears fault and negligence for the rule violation and therefore no further reduction can apply.
- 6.6 To conclude, the Tribunal finds that the Agreement between Parties could be considered as within the consequences that are mandated by the ADRHA.

- 6.7 Therefore, and 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, and to revise the results of the Event accordingly. Further, this Decision shall terminate the present case 2018/HD02 Jan-Philipp Weichert.

7. Decision

- 1) The Tribunal rules that the Agreement executed by the FEI and the Athlete, Mr. Jan-Philipp Weichert, concerning the case 2018/HD02 Jan-Philipp Weichert is hereby ratified by the Tribunal with the consent of the Parties and its terms set out in Article 4 above are incorporated into this Decision.
- 2) This Decision is subject to appeal in accordance with Article 13.2.3 of the ADRHA. 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 14.3.2 of the ADRHA.

IV. DECISION TO BE FORWARDED TO:

- a. The Parties: Yes**
- b. The President of the NF of the Athlete: Yes**
- c. The Organising Committee of the Event through the NF: Yes**
- d. Any other: WADA & NADO**

FOR THE PANEL



Mr. José A. Rodríguez Alvarez, one member panel