



DECISION of the FEI TRIBUNAL

dated 27 March 2012

In the matter of

FEDERACION DOMINICANA DE DEPORTES EQUESTRES ("FDDE")

Claimant

vs.

FEDERATION EQUESTRE INTERNATIONALE ("FEI")

Respondent

**& THE BRAZILIAN EQUESTRIAN CONFEDERATION ("BEC")
(Pursuant to a request for joinder)**

Together, "the Parties"

1. COMPOSITION OF PANEL

Prof. Dr. Jens Adolphsen, chair
Mr. Vladan Jetvic, panel member
Mr. Armand Leone, panel member

2. SUMMARY OF THE CASE RECORD

2.1 Submissions and evidence before the FEI Tribunal

The FEI Tribunal duly took into consideration the Parties' written submissions received to date and the oral argument presented on 21 March 2012 during the telephonic hearing.

2.2 Oral hearing: By telephone on the procedural issues only.

Present: The FEI Tribunal Panel

For the FDDE:

Mr. Alexis Schoeb
Mr. Eduardo Muniz

For the FEI:

Mrs. Lisa F. Lazarus

For the BEC:

Mr. Marcelo Franklin

2.3 Articles of the Statutes/Regulations which are applicable:

Statutes 23rd edition, updates, effective 15 November 2011 ("**Statutes**").

General Regulations, 23rd edition, effective 1 January 2009, updates effective 1 January 2012 ("**GRs**"),

Internal Regulations of the FEI Tribunal, effective 1 January 2012 ("**IRs**")

FEI Rules for Dressage Events, updates effective 1 January 2012

FEI Olympic Athletes Ranking List Dressage – 2012 Olympic Games (Published 21 December 2010)

2.4 The Relevant Legal Provisions

Article 163 of the FEI General Regulations

Article 18.12 of the Internal Regulations of the FEI Tribunal

3. PROCEDURAL BACKGROUND

- 3.1.** On 25 February 2012, the FDDE filed a Protest under Article 163 of the FEI General Regulations seeking to invalidate all CDIs organised in Brazil between 1 March 2011 and 1 March 2012 on the grounds that they were conducted in contravention of the FEI Rules for Dressage Events and the FEI Olympic Athletes Ranking List for Dressage.
- 3.2.** On 2 March 2012, the BEC filed a request to be joined in the proceedings under Article 18.12.4 of the IRs which provides the FEI Tribunal with the authority to "allow one or more third parties to intervene or be joined in the proceedings." Given the fact that if the FDDE Protest was allowed, a Brazilian rider would be displaced from her Olympic Qualification in Dressage, the FEI Tribunal granted the BEC the right to be joined in the proceedings.
- 3.3.** On 6 March 2012, the FEI answered the Protest by seeking to bifurcate the proceedings pursuant to Article 18.12.1 of the IRs, in order for the FEI Tribunal to decide first on the issue of the admissibility of the Protest, prior to addressing the merits of the case ("the Answer"). The FEI contended that the Protest was inadmissible because: (i) the FDDE did not follow the procedural

pre-requisites established in the GRs for filing a Protest by failing to file it first with the Ground Jury; and (ii) that the Protest was for the most part time-barred since it had to be brought within 14 days of the respective Event to be valid.

- 3.4.** On 10 March, 2012, the FEI Tribunal issued the following directions and deadlines in the case pursuant to its authority under the IRs:

19 March 2012: Deadline Date for FDDE and BEC to respond to the FEI's answer on the procedural issues only.

21 March 2012 at 17:30 CET: Telephone hearing before FEI Tribunal on bifurcation and procedural/jurisdictional issues only.

30 March 2012 (Only if the case is not dismissed on the procedural issues and proceeds to a merits hearing): Deadline for all parties to submit their briefs on the merits/legal submissions.

4 April 2012 (Lausanne or New York): In-person hearing on the merits if required.

- 3.5.** On 19 March 2012, the FDDE responded to the FEI's Answer by denying that the case was procedurally or time-barred and contending instead that the Claimant's Protest was filed in accordance with FEI Regulations with the only possible FEI body and that it was filed on time for all of the Events challenged.
- 3.6.** On 19 March 2012, the BEC also responded to the FEI's Answer by confirming the facts in the FEI's Answer and emphasizing the inadmissibility of the Protest for essentially the same reasons as put forth by the FEI.
- 3.7.** On 21 March 2012, the Tribunal heard all three (3) Parties to the Protest address the issue of admissibility by telephonic hearing.

4. THE HEARING

- 4.1.** During the telephonic hearing, the Tribunal heard all Parties' submissions on the legal issues.
- 4.2.** The Claimant presented first and claimed, in a nutshell, that Article 163.4 of the GR applies.
- 4.3.** The FEI responded by emphasizing that the case falls under Article 163.3 of the GRs and the Protest is inadmissible because it was not first filed with the Ground Jury as required by the rules and it was late.
- 4.4.** The BEC also had the opportunity to be heard and followed the FEI legal position.

5. THE DECISION

- 5.1.** As an initial matter, the FEI Tribunal grants the FEI's request under Article 18.12.1 of the IRs to bifurcate the proceedings and to hear the case on the merits only if the Protest is admissible. For that reason, the FEI Tribunal asked the Parties to orally address the Tribunal on the procedural issues by telephone, after which the FEI Tribunal would decide whether or not the case should proceed to an in-person hearing on the merits as requested by the Claimant.
- 5.2.** The FEI Tribunal finds that the Protest is admissible and timely regarding the FDDE's claims concerning the Events which took place from 10-12 February 2012 and 24-26 February 2012. The FDDE was not obliged to attend the shows and/or file a Protest with the Ground Jury under Article 163.3 of the GRs. The rule set forth in Article 163.3 of the GRs is obviously intended to deal with all disputes on the grounds arising during Competitions. All competitors in the widest sense have an obligation to protest against all field of play decisions immediately. The Dominican riders did not compete at these Events but could have been indirectly affected by the results of these Competitions which count for the 2012 Olympic rankings and qualifications in Dressage. The FEI Tribunal does not find that a third party, who can at a later time be affected by the results of an Event but is not in attendance at the Event, has an obligation to travel to the Event under Article 163.3 of the GRs just to file a Protest with the Ground Jury on the show grounds. However, the FEI Tribunal has doubts that the FDDE had standing to bring such a Protest under the facts and circumstances of this case, notwithstanding the timely filing of the Protest concerning the shows 10-12 February 2012 and 24-26 February 2012.
- 5.3.** The Tribunal therefore finds that Article 163.3 of the GRs must be read in conjunction with Article 163.4 of the GRs to reach the appropriate result in this case. If Article 163.3 of the GRs is limited in the above mentioned way so as to require the Protest to be personally presented to the President of the Ground Jury, then this is a Protest regarding matters which must be considered as not having occurred "during or in direct connection with an International Event" as set forth in Article 163.4 of the GRs. So the FDDE had the obligation to file the Protest under Articles 163.4 and 163.5 of the GRs with the Secretary General within 14 days of the end of the Event underlying the Protest. That requirement is fulfilled by the Protest filed on 25 February 2012 concerning the Events which took place on 10 - 12 February 2012 and 24. -26 February 2012.
- 5.4.** The Protest is inadmissible as far as the earlier Events are concerned because it was clearly filed too late. The Protest filed on 25 February 2002 cannot legitimately raise claims against the earlier Events under Articles 163.4 and 163.5 of the GRs.

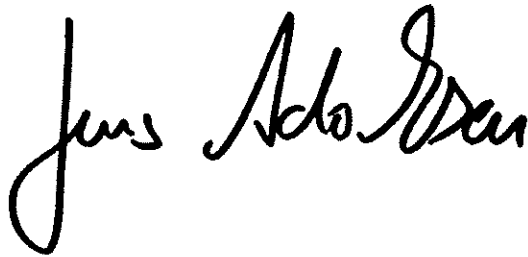
6. FUTURE PROCEEDINGS

- 6.1.** The deadline (30 March) for all Parties to submit their briefs on the merits/legal submissions is extended to 2 April 2012.
- 6.2.** An in-person hearing on the merits is scheduled for 4 April 2012 in New York.

7. DECISION TO BE FORWARDED TO:

- 7.1.** The Parties to the proceedings: Yes
- 7.2.** Any other: No

FOR THE TRIBUNAL

A handwritten signature in black ink, reading "Jens Adolphsen". The signature is written in a cursive, flowing style.

Prof. Dr. Jens Adolphsen