

DECISION of the FEI TRIBUNAL  
dated 31 March 2021  
(Reference No. FEI Tribunal: C20-0055)

In the matter of

FÉDÉRATION EQUESTRE INTERNATIONALE (“FEI” or “the Claimant”)

vs.

Mr Pierre Arnould (“the Respondent”)

together “the Parties”

I. COMPOSITION OF THE FEI TRIBUNAL PANEL:

Mr Martin Gibbs (GBR)

II. SUMMARY OF FACTS:

**Case File:** The Tribunal duly took into consideration all the Parties’ written submissions and communications, and the submissions presented during the hearing on 18 February 2021. All the written submissions were made available to the Respondent.

**Hearing:** 18 February 2021 at 2 pm (Central European Time) by videoconference (via Cisco WebEx).

**Present:**

- Mr Martin Gibbs, FEI Tribunal Panel
- Mr Gautier Aubert, FEI Tribunal Clerk
- Ms Hilary Forde, FEI Tribunal Clerk

**For the FEI:**

- Mr Mikael Rentsch, FEI Legal Director
- Ms Áine Power, FEI Deputy Legal Director

**FEI Witnesses:**

- Dr Sophie Joseph
- Dr Peter Wijnendaele

**Respondent:**

- Mr Pierre Arnould

**Counsel for the Respondent:**

- Mr Philippe Levy

**Respondent's Witnesses:**

- Ms Carine Boulanger
- Ms Colette Gheysen
- Dr Stefan Migden
- Mr Marcel Nejszaten
- Ms Wendy Laeremans

**III. DESCRIPTION OF THE CASE FROM A LEGAL VIEWPOINT**

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

Statutes 24th edition, effective 19 November 2019 ("**Statutes**").

General Regulations 24th edition, effective 1 January 2020 ("**GRs**").

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

FEI Veterinary Regulations 14<sup>th</sup> edition, effective 1 January 2020 ("**VRs**").

**2. The Relevant Legal Provisions**

**FEI Statutes Article 38.1:**

"Subject to Articles 38.2 and 38.4, the FEI Tribunal shall decide all cases submitted to it by or through the Secretary General, whether Appeals from or matter not otherwise under the jurisdiction of the Ground Jury or Appeal Committee. These cases may be:

- i. Any infringement of the Statutes, General Regulations, Sport Rules, or Procedural Regulations of a General Assembly or of violation of the common principles of behaviour, fairness, and accepted standards of sportsmanship, whether or not arising during an FEI meeting or Event;

**GRs Article 164.12:**

"In addition to breaches of specific provisions of the FEI Rules and Regulations, the following is a list of other offences that the FEI may sanction: [...]

(d) Fraud of any kind;

[...]

(g) Conduct that brings the FEI and/or equestrian sport into disrepute, i.e. conduct that causes the public opinion of the FEI and/or equestrian sport to be diminished."

**VRs Article 1002 (Vaccinations and Infectious Diseases):**

**Article 1002.2:** "All Horses entering the FEI Stables Area and/or participating in FEI Events must be vaccinated against equine influenza, according to Article 1003".

**Article 1002.3:** "Vaccinations administered against Equine Influenza and other equine infectious diseases must be entered in the Horse's Passport on the correct vaccination page".

**Article 1002.7:** "The name and batch number of the vaccine and the date of administration must be recorded in the Passport".

**Article 1002.8:** "Vaccination must be administered by a veterinarian who must sign and stamp the Passport against the relevant vaccination entry".

**VRs Article 1003 (Equine Influenza Vaccination Requirements):**

**Article 1003.1:** "All proprietary Equine Influenza vaccines are accepted by the FEI, provided the route of administration complies with the manufacturer's instructions (i.e. intramuscular injection or intranasal)".

**Article 1003.2:** "An initial Primary Course of two vaccinations must be given; the second vaccination must be administered within 21-92 days of the first vaccination".

**Article 1003.3:** "The first booster must be administered within 7 calendar months following the date of administration of the second vaccination of the Primary Course".

**Article 1003.4:** "Booster vaccinations must be administered at a maximum of 12

month interval however Horses competing in Events must have received a booster within 6 months + 21 days (and not within 7 days) before arrival at the Event”.

**VRs Article 1008.11:**

“The following stabling arrangements for Horses must be implemented:

- a) unvaccinated Horses are not permitted into the FEI stables area;
- b) Horses that are not vaccinated against Equine Influenza, in accordance with Article 1003 (e.g. Horses competing in national classes that are running at the same Event venue) must be stabled separately and away from vaccinated Horses; and
- c) where possible, Horses from the same country must be stabled together and stable blocks should be assigned according to the Horses’ region of origin (e.g. separate blocks of Horses from the EU, North America, Australia / New Zealand, etc.)”

**VRs Article 1028 (Prevention of Infectious Disease Transmission):**

**Article 1028.1:** “Good biosecurity practices must be implemented at all times for all FEI registered Horses, including at the premises of origin, at competition venues and during transport”.

**Article 1028.2:** “PRs must ensure that: a) all FEI registered Horses intending to compete at FEI Events must be vaccinated against Equine Influenza in accordance with Article 1003 unless national legislation prevents the use of Equine Influenza vaccines; and b) they obtain information regarding any additional vaccinations that may be required based on their geographical region and the equine infectious diseases risk in that area”.

**VRs Article 1031.6 (Examination on Arrival):**

“Horses that are not vaccinated against Equine Influenza according to Article 1003 or whose vaccination status cannot be confirmed (e.g. failure to produce a Passport) must be refused permission to enter the Event stables and stabled in the isolation stables”.

**VRs Article 1099.1 (Responsibilities):**

“PRs must ensure that they and their Horse(s) comply with all aspects of these VRs, and EADCMRs including but not limited to:

- a) The FEI Code of Conduct for the Welfare of the Horse;

- b) Horse Passports, including Horse identification information, microchip details and FEI validation stickers, in accordance with the GRs, ensuring that their NFs are notified of all relevant changes or updates as required;
- c) biosecurity requirements;
- d) government animal health requirements for the international movement of Horses for competition;
- e) vaccination requirements;  
[...]"

**GRs Article 159.2:**

"The FEI Tribunal may impose the following sanctions, or, where appropriate, delegate the ability to do so to the FEI Secretary General and/or the FEI Legal Department:

- b) A fine, taking into account the FEI Guidelines for Fines and Contributions towards Legal Costs;

[...]

- e) Suspension of individuals and Horses for any period up to Suspension for life;"

**GRs Article 164.1 (Types of Sanctions):**

"The Sanction(s) imposed in any given case can consist of any of the Sanctions set out in Articles 164.2 – 164.10 below. The level of the Sanction shall be decided according to the guidelines mentioned in Article 164.13 below and to the circumstances of the case."

**GRs Article 164.5 (Fine)**

« (a) A fine is appropriate particularly in cases where the offender has acted negligently [...]"

**GRs Article 164.7 (Suspension):**

- a) "During the period of a Suspension the person, Horse or body suspended may take no part in Competitions or Events as an Athlete, Horse or Official or in the organisation of, any Event under the jurisdiction of the FEI or any Event under the jurisdiction of an NF in

accordance with the Statutes or in any FEI related activity (e.g. FEI courses, meetings, General Assembly etc.).

- b) If so specified in the relevant Notification/Decision, the person may be barred temporarily or for a specific period of time from participating in or attending, in any capacity, including as a spectator, any Competition or Event that is authorised or organised by the FEI or any National Federation
- c) The Suspension may be provisional or final and may be imposed on such terms and subject to conditions as the FEI Tribunal, the FEI Headquarters or the FEI Secretary General, as the case may be, may impose. In certain cases a Provisional or Final Suspension may be automatic under the Statutes, GRs or Sport Rules.
- d) As a general principle, a Suspension will start as of the date of notification of the Suspension. However, the body imposing or applying the Suspension may postpone the start date of the Suspension in order to ensure the effectiveness of the Suspension."

**GRs Article 164.13 (General Sanctioning Principles and Tables of Sanctions):**

"In deciding on the appropriate sanctions to be imposed and whether to categorise the offence in question as "low-end", "mid-range", "top-end" or "max", the body imposing the Sanction shall consider the following factors, together with any other relevant factors:

- 1.1 Whether the action or omission resulted in an unfair advantage to the offender or an Athlete.
- 1.2 Whether the action or omission resulted in a material disadvantage to any other person or body involved.
- 1.3 Whether the action or omission involved the maltreatment of Horses.
- 1.4 Whether the action or omission affected the dignity or integrity of any person involved in the sport.
- 1.5 Whether the action or omission involved Fraud, violence or abuse or similar criminal acts.
- 1.6 Whether the action or omission was deemed to be deliberate."

**GRs Article 164.14:**

"The following table sets out the sanctions that will apply for certain offences listed in Article 164.12 above. Where an offence is not listed in the table below, general sanctioning power will apply and sanctions may be imposed in accordance with this Article 164.

[...]

Offence	Low-End	Mid-Range	Top-End	Max
Criminal Acts, Fraud, Violence	1 month	3 months – 2 years	2 – 5 years	Life
	CHF 1000 – 1,500	CHF 2,000 – 3,000	CHF 5,000 – 7,500	CHF 10,000

[...]

Offence	Low-End	Mid-Range	Top-End	Max
Bringing the FEI and/or the equestrian sport into disrepute	1 month	Up to 6 months	Up to 9 months	1 year
	Up to CHF 1,500	CHF 1,500 – 3,000	CHF 3,000 – 7,000	CHF 10,000

#### GRs Article 157.1:

“There is a statute of limitation on prosecution by the FEI, which is time-barred after:

- (i) one (1) year for offences committed on the field of play or in its immediate vicinity;
- (ii) five (5) years for all other offences;
- (iii) ten (10) years for doping offences;
- (iv) Match-fixing, bribery and corruption and offences failing under the FEI Safeguarding Policy against Harassment and Abuse are not subject to a statute of limitations.
- (v) The statute of limitations for violation of the ADRHA and the EADCM Rules are set out in the respective rules.”

#### IRs of the FEI Tribunal Article 18.1:

“In accordance with Article 38 of the FEI Statutes, the FEI Tribunal has the competence to hear and determine any matter properly submitted to it, including, but not limited to, Claims (as provided for in Article 30 of these Internal Regulations of the FEI Tribunal), those matters specified in Article 163 (Protests and Disciplinary cases) and Article 162 (Appeals) of the FEI General Regulations and all disputes and procedures arising under the FEI Anti-Doping Rules for

Human Athletes and the FEI Equine Anti-Doping and Controlled Medication Regulations. The FEI Tribunal also has jurisdiction to decide upon cases referred to it by the Independent Election Committee in accordance with the process set out in the Code of Conduct for FEI Elections”.

#### **IV. DECISION**

1. Below is a summary of the relevant facts, allegations and arguments based on the Parties’ written submissions, pleadings and oral testimony submitted throughout the proceedings and at the oral hearing held on 18 February 2021. Although the Tribunal has fully considered all the facts, allegations, legal arguments, and evidence presented, it will only refer to the submissions and evidence it considers necessary to explain its reasoning in this decision.

#### **V. FACTUAL BACKGROUND**

2. The FEI brought the claim to the Tribunal, following information received that the Respondent had falsified FEI Passports of several horses, by using an old stamp previously used by FEI Veterinarian Dr Wijnendaele, when he practised in Belgium. The stamp was used to make it appear that Dr Wijnendaele had vaccinated horses when he had in fact not done so.
3. The Respondent is a 61-year-old Belgian national who has been involved in Equestrian Sport for 35 years in particular in the discipline of Endurance. The Respondent served as Team Leader of the Belgian national team for many years, organised two FEI Endurance European Championships, one FEI Endurance World Championships and is an active Trainer of Endurance horses. He was also a member of the FEI Endurance Committee from 2011 to 2014 and recently acted as a representative of the Equestrian Organisers on the FEI Endurance Calendar Task Force established to deal with the impact of COVID-19 on events. In 2020, with the support of his national federation, the Royal Belgian Equestrian Federation the Respondent put himself forward to be a member or to chair the FEI Endurance Committee. These positions were appointed at the FEI General Assembly in November 2020 when the Respondent was provisionally suspended.
4. Dr Wijnendaele, a Belgian national is a 4\* FEI Official Veterinarian, and a 3\* Endurance Veterinary Treatment Official (FEI ID 10047445). He was registered



as a veterinarian in Belgium until September 2005, when he moved abroad to practice and has not practised in Belgium since that date.

5. In April 2020, Dr Wijnendaele discovered, that a Belgian horse's FEI passport carried his name and professional stamp, despite being dated many years after he had left Belgium.
6. Dr Wijnendaele made further enquiries and discovered other instances of his old stamp having been applied to other FEI passports. He reported this to the FEI.

## VI. PROCEDURAL BACKGROUND

7. Having been made aware of the issues regarding the use of Dr Wijnendaele's stamp the FEI commenced disciplinary proceedings and informed the Respondent thereof by way of a Notification Letter dated 2 October 2020.
8. The disciplinary proceedings related specifically to four cases, which are summarised below, under chapter VIII. The FEI's Notification Letter stated the FEI's view that these were unlikely to be the only examples of falsification of passports with Dr Wijnendaele's stamp but that the four cases had the following facts in common:
  - The horses were trained by and in the care of the Respondent at his stables in Belgium at the time of the vaccinations;
  - The vaccinations were all validated by the same stamp bearing the name and former address of Dr Wijnendaele;
  - The vaccinations and medical treatment page of one of the horses all bear the same signature in the shape of the initials "P" and "W" with a circle and scribble around them;
  - None of the vaccinations had the vial sticker of the vaccine in the relevant box on the horse passport but instead a lot number and in some cases an expiration date had been filled out manually;
  - Dr Wijnendaele had informed the FEI that he recognised the handwriting in all the cases as the Respondent's.

9. As well as detailing the allegations brought against the Respondent the Notification Letter offered him three options, either to (i) admit the alleged infringements and accept the sanctions proposed by the FEI; (ii) admit the alleged infringements but have the sanctions determined by the Tribunal or (iii) deny the alleged infringements and have the possible liability and sanctions determined by the Tribunal. The Notification Letter also informed the Respondent that he was provisionally suspended, and that he could apply to the Tribunal to request the lifting of this provisional suspension. The Notification Letter provided a link to the Internal Regulations of the Tribunal.
10. The Notification Letter set out the FEI's view that the Respondent's conduct warranted the imposition of significant sanctions pursuant to the general sanctioning principles of Article 164.13 of the FEI General Regulations, taking into consideration that:
- The alleged offences involved the maltreatment of horses because:
    - the horses whose passports were falsely stamped were put at risk of contracting diseases due to their not actually having been vaccinated in accordance with the FEI Veterinary Regulations;
    - other horses with whom those horses came into contact were also put at risk.
  - The alleged offences involved fraud and a potentially criminal act; and
  - The alleged offences were carried out deliberately.

The FEI proposed a three-year period of suspension, a fine of CHF 5000 and gave the Respondent a period of ten days, until 12 October, to reply as to which option of the three listed above he had chosen.

11. The Respondent replied to the Notification Letter with a letter sent on his behalf by his legal counsel Maître Philippe Levy of Levy P Cabinet d'Avocats in Liege, Belgium on 12 October 2020. This letter did not directly address the matters put to him by the FEI's Notification Letter, make reference to the FEI Rules or the Internal Rules of the Tribunal but said "We totally contest the facts for which you are suing our client and we do not accept for our client to be suspended provisionally without having been heard by any Tribunal....It is a total violation of the rights of defense. Even in tort law, anyone who has committed an act is

heard by a judge before delivering any arrestation (sic)". The letter also asked for all the documents related to the case and said that if the provisional suspension remained in place the Respondent would apply to the Belgian courts to lift it. The Respondent's position, as it evolved, is further summarised below under chapter IX.

12. The FEI replied by email to the Respondent's letter of 12 October on the same day. The FEI repeated the content of the Notification Letter, in particular that if the Respondent wanted to request the lifting of the provisional suspension, he should apply to the Tribunal. With respect to the request to receive a copy of all documents, the FEI confirmed that the Respondent had been provided with a link enabling him to download the full case file in the Notification Letter. Finally, the FEI replied to the Respondent's point in his 12 October letter that the facts relied on by the FEI were too old by explaining that pursuant to art. 157.1 of the FEI General Regulations the applicable statute of limitations was five years.
13. The FEI submitted the case to the Tribunal in its Claim Brief on 2 November 2020, in accordance with art. 30.4 of the IRs.

## **VII. PROCEEDINGS IN FRONT OF THE TRIBUNAL**

14. On 16 November 2020, the Tribunal Chair wrote to the Parties to acknowledge receipt of the case file and to tell them he had nominated a one-member panel for the case to which the Parties had until 19 November 2020 to provide any objections. In the same letter, the Tribunal Chair further granted the Respondent until 7 December 2020 to provide a written submission regarding the allegations and set a deadline for both Parties of 7 December to request a hearing.
15. On the same day, the FEI confirmed they had no objection to the constitution of the panel and requested a short period to review the Respondent's reply, after submission, before deciding whether to request a hearing pursuant to art. 25.1 of the IRs.
16. On 3 December 2020, the Tribunal informed the Parties that the deadline to request a hearing pursuant to art. 25.1 of the IRs was extended until 10 December 2020.
17. On 7 December 2020, the Respondent submitted his answer to the FEI's Claim Brief. The position is summarised below under chapter IX. Included in the Respondent's answer was a request for a hearing, stating that "a public hearing

is requested in the language of its choice, on the understanding that the French language is an official language of the FEI under its statutes, which cannot be changed by the general regulation. Mr. Arnould also maintains that the FEI is the only Equestrian Federation recognized by the International Olympic Committee. It must submit to its statutes and in particular at the level of language, the official language of the IOC being French and English “. The Respondent also requested the “immediate lifting of this suspension, which is done in a manner contrary to the general statutes and regulations and the applicable disciplinary legislation”, since said suspension is a decision which is “purely arbitrary” and “contrary to the principles of international criminal proceedings”. Indeed, in the Respondent’s view, “the litigant subject to the disciplinary court must be able to be heard by these disciplinary judges before they notify him of any suspension decision.”

18. On 10 December 2020, the FEI confirmed it also agreed an oral hearing would be required. Regarding language, the FEI said that pursuant to art. 20.1 IRs, it did not agree to conduct the proceedings in French., noting that Mr Arnould was proficient in English, as demonstrated by his recent participation in FEI Endurance Calendar Taskforce meetings which had been held solely in English. The FEI further noted that certain exhibits submitted by the Respondent were in French. In relation to the Respondent’s request to lift the provisional suspension, the FEI referred to jurisprudence of both the Tribunal and the Court of Arbitration for Sport (CAS), by means of which, three grounds need to be fulfilled for a provisional relief, i.e. (i) the relief is necessary to protect the applicant from irreparable harm (ii) the likelihood of success on the merits of the claim, and (iii) the interests of the applicant outweigh the ones of the respondent. In this respect, the FEI noted that the Respondent had not referred to any of these three grounds, nor demonstrated, how they were applicable in his case. Furthermore, the FEI highlighted that the Respondent’s request for an “urgent” hearing to lift the provisional suspension was made two months after the imposition of the suspension. Waiting this long to submit his request, in the FEI’s view, undermined the Respondent’s position that a hearing was urgent.

19. On 14 December 2020, the Tribunal confirmed to the Parties that a hearing would take place following their requests, and that the Tribunal Clerk would contact them to arrange a convenient date. A deadline of 18 December 2020 was set for the Parties to indicate who would be attending the hearing. The Tribunal further acknowledged that, based on the FEI declining to have proceedings in French, they would continue in English, pursuant to art. 20.1 of the IRs. The Tribunal said it was prepared to accept the documents, already

submitted by the Respondent in French, and asked whether the FEI would agree to let them be admitted untranslated. The Parties were reminded that, at the hearing, any witness testimony would need to be in English, or translated in accordance with art. 20.2 of the IRs.

20. Regarding the provisional suspension, the Tribunal carefully considered the Respondent's request for a hearing to consider the immediate lifting of the provisional suspension. The Tribunal concluded that the request should be declined, noting that the Respondent had not provided elements in his submission to establish that the provisional suspension was causing him irreparable harm. The Tribunal also took into consideration the considerable length of time between the imposition of the suspension and the request, as well as the seriousness of the allegations against the Respondent. In reaching this conclusion the Tribunal also took into consideration the fact that in his submission of 7 December 2020 the Respondent stated that he had been given a veterinary stamp by Dr Wijnendaele and that he had used it several times, albeit it with permission.
21. On 17 December 2020, the FEI submitted their list of attendees and witnesses for the hearing and confirmed it was willing to proceed with the French documents submitted by the Respondent.
22. On 18 December 2020, the Respondent submitted his list of attendees and witnesses for the hearing. The Respondent further alleged that the Tribunal should "lift the total illegal suspension immediately" since "it is totally illegal to suspend somebody without any time limit..and write that my client have to prove first an irreparable prejudice..." and further that this was evidence "the fact that this tribunal is not a tribunal independant from FEI and agree not to apply elemenatry (sic) international legal rule of defense".
23. On 24 December 2020, the Tribunal wrote to the Parties suggesting a hearing date of 21 January 2021, and requested both Parties confirm their availability, as well as the availability of their witnesses, at their convenience.
24. In early January 2021 it became clear that due to differing availabilities of witnesses and counsel it was not possible to schedule a hearing on the suggested date of 21 January 2021 at a time that suited both Parties and their witnesses. The Tribunal therefore wrote to the Parties on 18 January 2021 to tell them that the Tribunal Clerk would contact them to arrange a new date.

25. On 19 January 2021, the Respondent replied to the letter from the Tribunal of 18 January 2021. The Respondent expressed his disappointment that the provisional suspension had not been lifted and that the hearing was to be scheduled for a date later than the 21 January 2021. Indeed his view was that there had been a “totally illegal postponement”. Further, he considered that “My client feel clearly that President of the Jurisdiction (sic) Mr GIBBS have taken a subjective position in favour of the FEI. So Mr GIBBS has to deport him self as judge”. With respect to the conditions for lifting the provisional suspension, the Respondent submitted that “what FEI Tribunal says, “irreparable harm”, is that normal to consider that a person (1) who works only in his horses business, (2) Who is a trainer, (3) who is a team manager, (4) who is a representative of the Belgian Federation, to be suspended without any hearing for 4 months, does not cause any harm irreparable?”.
26. Given the Respondent’s complaints about the procedure followed and the impartiality of the Hearing Panel, the letter of complaint dated 19 January from the Respondent was referred to the Chair of the Tribunal on 22 January 2021, along with the full case file. The Chair of the Tribunal ruled by way of letter dated 28 January 2021 that the procedure to set a date for the hearing had been properly followed, that the decision not to lift the provisional suspension had been clearly explained and was in line with art. 23 of the IRs. The Chair of the Tribunal therefore directed the Hearing Panel to continue with the case.
27. On 29 January 2021, the Tribunal wrote to the Parties offering further potential new hearing dates.
28. In a letter dated 1 February 2021, the Respondent raised further procedural issues. For example, the Respondent wrote that “it is totally unfair and contrary to the rights of the defense of my client that he cannot make his procedure in French, he cannot be heard before any provisional suspension”. The Respondent repeated his complaints about the independence of the Hearing Panel and said he would apply to the Belgian national federation according to Belgian law to lift the suspension. However, he also confirmed that he and his witnesses were available for a hearing on 18 February 2021.
29. On 4 February 2021, the Tribunal confirmed the date of the hearing as 18 February 2021 and provided the Parties with a proposed hearing timetable for review.

30. By letter dated 8 February 2021, the Respondent acknowledged receipt of the 4 February 2021 letter from the Tribunal and repeated his dissatisfaction with the provisional suspension and re-stated many of his previous complaints.
31. On 11 February 2021, the Tribunal acknowledged receipt of the Respondent's letter dated 8 February 2021 and referred the Parties to the respective provisions of the IRs. The hearing schedule was sent again to the Parties.
32. On 18 February 2021, the hearing took place via videoconference using Cisco WEBEX.
33. At the beginning of the hearing, two preliminary matters were raised by the FEI. The first concerned two of the Respondent's witnesses, Ms Boulanger and Dr Migden, for whom no written witness statements had been submitted. The FEI referred to art. 25.2 (d) of the IRs which provides that only witnesses in respect of whom witness statements have been submitted shall be permitted to give evidence at the hearing unless the parties agree otherwise or where ordered by the Hearing Panel.
34. The Tribunal asked the Respondent's Counsel to respond to this objection. Without making reference to the IRs the Respondent's Counsel contested the objection raised by the FEI, indicating "it is forbidden for me to take contact with any witness, otherwise I would not be independent. So, I will certainly not take any contact with them, to ask them questions to answer". The Respondent's Counsel added: "we already contest a lot of rules, this one will be contested again also. It is no problem".
35. The FEI responded by pointing out that for three of the five witnesses for the Respondent, written statements had been submitted, so they found it difficult to understand why the Respondent could submit statements for some witnesses, but not others. The FEI argued that to allow these witnesses to appear would make their case more difficult to present given they had not had access to key witness statements prior to the hearing.
36. Having listened to both Parties, the Tribunal decided, in application of art. 25.2 (d), to allow the two witnesses to appear in the interests of hearing the case as fully as possible.
37. Secondly, as a further preliminary matter the FEI asked if it was agreed between the Parties that pursuant to the Respondent's written submission of 7 December 2020 that his use of Dr Wijnendaele's stamp was established. This

was in the interests of more clearly defining at the outset the areas that needed to be explored during the hearing. The Tribunal noted that on the basis of the written submissions there was indeed some common ground on this point.

#### VIII. SUBMISSIONS BY THE FEI

*The following is a short summary of the written and oral submissions made by the FEI. While the Tribunal has taken into consideration all submissions, only the ones relevant for the Decision are outlined below.*

38. The case brought forward by the FEI concerned four horses with the following aspects in common, i.e.:

- The horses were trained by and in the care of the Respondent at his stables in Ohain, Belgium at the time of the vaccinations;
- The vaccinations were all validated by the same stamp bearing the name and former address of Dr Wijnendaele;
- The vaccinations and medical treatment page of one of the horses all bear the same signature in the shape of the initials "P" and "W" with a circle and scribble around them;
- None of the vaccinations had the vial sticker of the vaccine in the relevant box on the horse passport but instead a lot number and in some cases an expiration date had been filled out manually;
- Dr Wijnendaele had informed the FEI that he recognised the handwriting in all the cases as the Respondent's.

39. In submitting these four cases the FEI stated their view that these horses were unlikely to be the only ones whose passports were falsified by the Respondent and that they had been provided with evidence of further cases.



40. The four cases are the following.

*Case 1: Essaouira de Madigou (FEI ID : 105NX61 / SIRE 10366 273 L.)*

41. This horse is owned by Dr Sophie Joseph who confirmed that the horse stayed at the Respondent's stables between 27 November 2017 and 25 August 2018. The FEI provided images of the horse's passport showing on page 22 that the Respondent had filled out the Medical Treatment section to record the horse was not destined for human consumption, thereby allowing certain veterinary treatments that otherwise would be prohibited. On page 22 of the Horse's passport, the two boxes concerning the Medical Treatment were completed with the Respondent's name (and signature) on the left on behalf of the owner, and Dr Wijnendaele's name (and signature) on the right as the responsible veterinarian. The location is recorded as Ohain, and the date entered is 20 December 2017. Dr Wijnendaele confirmed that on that date he was at his home in Spain and that he did not fill out or sign the horse's passport on page 22. Furthermore, the FEI provided images of Dr Wijnendaele's signature to establish that it was very different from the signature on page 22 of the horse's passport.

*Case 2: Aboufatmal Apal (FEI ID: 104YX30)*

42. This horse is also owned by Dr Sophie Joseph and arrived at the Respondent's stables on 5 October 2017, staying under the Respondent's care until 25 August 2018. The FEI provided images of Section V, page 22 of the horse's passport recording that, on 1 October 2017, in Ohain, Belgium, the vaccination Duvaxyn IE + IM, batch number C531342 was performed. In the corresponding section indicating the name and signature of the veterinarian Dr Wijnendaele's stamp has been applied with a signature consisting of the initials "P" and "W" with a circle and scribble around them. This signature does not resemble the images of Dr Wijnendaele's signature provided by the FEI, but it is very similar to the signature in the passport in Case 1 above. Dr Wijnendaele has confirmed that he did not vaccinate the horse Aboufatmal Apal and did not sign the Horse's passport in October 2017. Furthermore, for this entry there is no vial sticker, only a handwritten batch number and no expiration date for the batch number.

43. Dr Joseph pointed out in her testimony that, since the horse arrived at the Respondent's stables on 5 October 2017, the vaccination could in any event not have taken place in Ohain, on 1 October 2017, as recorded in the passport.

***Case 3: Sonschein (FEI ID: 104CM92)***

44. This horse is owned by Mr Kurt Colgen and was given over to the Respondent's care to be trained and competed, returning to Mr Colgen for periods of rest. Under the training agreement the Respondent was responsible for veterinary care, general care, feeding and training schedules. In this context, the horse stayed at the Respondent's stables from around 3 April and 11 May 2018, 30 May and 17 June 2018, 3 July and 15 August 2018 and 1 and 15 September 2018. The FEI produced images of the horse's passport showing a vaccination entry dated 21 April 2018, with the same stamp bearing Dr Wijnendaele's name and address described in Cases 1 and 2 above. The signature with a "P", a "W" and with a circle and scribble is similar, though slightly different to those in Cases 1 and 2 and overall, the handwriting appears to be the same. This vaccination is recorded as having occurred in Ohain, Belgium. As with Case 2 there is no vial sticker, the batch number has been handwritten and an expiry date has been added. The FEI submitted that the name of the vaccine which has been entered by hand "Proteq" does not in fact exist and that the entry should read either ProteqFLU or ProteqFLU TE. Dr Wijnendaele testified that he did not vaccinate the horse or make this entry in the passport.
45. The FEI submitted evidence that Sonschein participated in four international competitions following the passport entry of 21 April 2018, travelling to Holland, Germany, and World Equestrian Games in the USA.

***Case 4: Bilal de la Prade (FEI ID : 105UD60)***

46. This horse, previously owned by the Respondent, was sold to Mr Yousef Ali Hassan Al Marzooqi, and registered in his name in January 2018. Prior to the sale the horse was training at the Respondent's stables during 2017. From 1 January 2017 to 3 September 2017 the horse's FEI registered trainer was the Respondent's partner Ms Carine Boulanger and from 4 September until the end of the year it was the Respondent. The FEI produced images of two entries, in the horse's passport, of vaccines purportedly made by Dr Wijnendaele at the Respondent's stables in Ohain, on 2 July 2017 and 10 September 2017. As with the Cases above, the stamp of Dr Wijnendaele's former professional address in Belgium is used, with a signature consisting of a "P" and a "W" with a circle and scribble around them, for both vaccinations. There are no vial stickers, the name of the vaccine is handwritten and there are no expiration dates. Dr Wijnendaele testified that he did not perform these vaccinations or make these passport entries.

47. In summary, the allegations brought by the FEI against the Respondent are as follows:
- a. Two documented cases of horses having one forged vaccination in their passports;
  - b. One case of a horse having 2 forged vaccinations in its passport; and
  - c. One case of a forged medication page.
48. None of the vaccination entries submitted by the FEI had vial stickers in the relevant boxes in the passports and the FEI submitted their conclusion that given this fact and the other surrounding circumstances that these vaccinations were never actually performed.
49. In addition to testifying that he had not administered the vaccinations or made the entries in the passports for the cases brought forward by the FEI, Dr Wijnendaele also confirmed he had never given any stamps to the Respondent or anyone else and had not given anyone permission to use his stamps.
50. The FEI made submissions regarding the importance of vaccination passports for the integrity of the sport. Failure to vaccinate horses is an offence under the FEI VRs for obvious health and biosecurity reasons and the FEI outlined why forging passports to make it appear that horses had been vaccinated when in fact they had not exposed the horses themselves to increased risk of infection as well as all the horses they came into contact with. Furthermore, the forging of passports risked undermining the credibility of the FEI's procedures and the system of international cooperation agreed with the European Commission and other bodies that enable the movement worldwide of high-performance sport horses.
51. The FEI contended that the Respondent's conduct therefore clearly amounted to breaches of Article 164.12 (d) and (g) of the GRs, Article 38.1 of the FEI Statutes, as well as various VRs provisions, as detailed above.
52. Contrary to the Respondent's submission, the facts submitted to the Tribunal by the FEI are not time-barred since the applicable statute of limitations is five years, in accordance with Article 157.1 GRs.
53. The FEI submitted that the Respondent's conduct was very serious, falling under the top-end range of sanctions because he had breached several important Articles of the FEI General Regulations, his behaviour involved the maltreatment

of horses and was clearly fraudulent. Furthermore, the Respondent's positions of leadership in the sport brought with them expectations of high standards of professionalism and that he should act as a role model to other participants in the sport. To the contrary, the Respondent had shown a complete disregard for the FEI Rules and Regulations.

54. Finally, the FEI brought the Tribunal's attention to what they regarded as a documented failure of the Respondent to respect the provisional suspension which had been imposed on him. The FEI submitted photographs showing the Respondent at an FEI Event on 16-17 October 2020 in Fontainebleau, in apparent violation of his suspension as he was present in a restricted area of the competition.

55. In conclusion, the FEI requested that the Tribunal:

- a. Find that the Respondent breached FEI General Regulations Articles 164.12 (d) (fraud) and 164.12 (g) (bringing equestrian sport and the FEI into disrepute) and the cited articles of the FEI Veterinary Regulations;
- b. alternatively, find that the Respondent has breached Article 38.1 of the FEI Statutes (infringement of the "common principles of behaviour, fairness, and accepted standards of sportsmanship" during an FEI event);
- c. as a consequence of such breaches, impose on the Respondent:
  - i. a three-year suspension starting from the date of the Tribunal's decision, with the terms of such suspension to be governed by Article 164.7 of the FEI General Regulations and in particular that the suspension to be imposed on the Respondent should be taken in application of art. 164.7 (b) of the GRs (*"if so specified in the relevant Notification/Decision, the person may be barred temporarily or for a specific period of time from participating in or attending, in any capacity, including as spectator, any Competition or Event that is authorised or organised by the FEI or any National Federation"*);
  - ii. a fine of CHF 5,000; and
  - iii. order the Respondent to pay a contribution towards the costs of these proceedings in an amount of CHF 1,500-7,500.

## IX. SUBMISSIONS BY THE RESPONDENT

*The following is a short summary of the written and oral submissions made by the Respondent. While the Tribunal has taken into consideration all submissions, only the ones relevant for the Decision are outlined below.*

56. The oral and written submissions of the Respondent were submitted by his Counsel, Maître Philippe Lévy.
57. The Respondent has been riding horses since 1965 and competing in Endurance since 1985. He has been an international rider since 1992 and has completed more than 100 international races and has won four World Championships and four European Championships. The Respondent was in the top five of the world rankings for Endurance riders in 1998 and 1999.
58. The Respondent has been a coach, trainer and leader of the Belgian junior and senior Endurance teams for twenty years and has played an important role in developing the discipline both nationally and internationally.
59. The Respondent has also had a long career of senior roles in the sport. He was a member of the FEI Endurance Task Force from 2007 and 2009, member of the FEI Endurance Committee from 2011 to 2014, attended the FEI Endurance Calendar Task Force in 2020 and also in 2020 he was put forward by the Royal Belgian Equestrian Federation as a candidate for the FEI Endurance Committee.
60. In all his years in equestrian sport, the Respondent has never been the subject of any complaint or sanction, neither have the horses or the riders under his responsibility and care.
61. The Respondent submitted his strongly held view that the case against him has been driven by people who are motivated by jealousy of his achievements in the sport or to seek to damage him because of separate disputes they have with him. A specific motivation raised by the Respondent was that some people in the sport wanted to undermine his prospects of becoming chair of the FEI Endurance Committee, a position for which he had been supported by his national federation and which was appointed at the FEI General Assembly in November 2020.
62. The Respondent gave details of disagreements or disputes he had had with both of the FEI's witnesses. He submitted that it was because of these disagreements or disputes that they were motivated to support the case against him. With Dr Wijnendaele the disagreement concerned the Respondent terminating his involvement with the Belgian national teams and with Dr Joseph he had had a disagreement about the condition of her horses when in his care and the payment of invoices. This latter dispute had been settled at court.

63. In his written submission dated 7 December 2020 the Respondent submitted that in May 2010 Dr Wijnendaele voluntarily handed over his stamp, in the presence of several witnesses. The Respondent further explained that the arrangement was that if he wanted to use the stamp the Respondent would notify Dr Wijnendaele who would validate its use and that this was done on six occasions. On each occasion the use of the stamp had been approved by Dr Wijnendaele over the phone.
64. The Respondent submitted that his use of the stamp could not be regarded as fraud as he had been given specific permission to use it by Dr Wijnendaele. Furthermore, because all the horses concerned were in fact vaccinated, there was no maltreatment of the horses or fraud.
65. With respect to Case 3 submitted by the FEI, Sonschein, the Respondent indicated that as with many of the horses at his stables this horse would, in general, be vaccinated by Dr Migden, but would not stay long, since the arrangement was to return the horse to its owner for periods of rest. This horse was indeed vaccinated, since it participated in several competitions, including in summer 2018, and nobody, including the owner and the rider, raised any issue in relation to vaccinations.
66. Finally, with respect to the photographs taken at an FEI competition in October 2020 in Fontainebleau, the Respondent testified that he had attended this event as a spectator, since his partner was participating. The Notification Letter from the FEI did not prevent him from doing so, because it only suspended the Respondent from taking part in competitions or events as an Athlete, Horse or Official or in the organisation of any Event.
67. In conclusion, the Respondent requested the Tribunal consider the following:
- Non-impartial tribunal and proceedings inadmissible for conflict of interest;
  - Hearing and procedure in French compulsory;
  - Inadmissibility of testimony;
  - Illegality of the suspension for lack of preliminary hearing;
  - Immediate lifting of the suspension;
  - No other sanction

X. Summary of witnesses' and Parties' statements at Hearing dated 18 February 2021:

68. All witnesses were reminded of their obligation to tell the truth under the IRs and they all agreed they understood that obligation.

*FEI Witnesses*

69. The FEI's first witness, Dr Sophie Joseph stated, in summary, the following.

- She is a veterinarian and has been active as a FEI Veterinarian in Endurance since 2015. In this respect, she met the Respondent at various occasions during Endurance competitions.
- She confirmed her written statement submitted as exhibit 5 by the FEI in the context of the present proceedings concerning her two horses Essaouira de Madigou and Aboufatmal Apal which had spent time in the Respondent's care. She testified that Aboufatmal Apal arrived at the Respondent's stables on 5 October 2017, making it in fact impossible that the horse had been vaccinated, at these stables on 1 October 2017 as recorded in the passport.
- Furthermore, her experience was that Aboufatmal Apal usually had strong reactions after vaccinations, often requiring treatment, such as anti-inflammatories. As she did not hear from the Respondent about any reaction after the vaccine and because of the absence of a vial sticker in the passport she became suspicious that the horse had not in fact been vaccinated.
- Dr Joseph noticed Dr Wijnendaele's name on the passports, but she could not know whether he had performed those vaccinations or not, since she was not there. She testified that she does not know Dr Wijnendaele personally but had met him from time to time in equestrian events.

70. The FEI's second witness, Dr Peter Wijnendaele stated, in summary, the following.

- He is a FEI Veterinarian, based in Spain since September 2005.
- Dr Wijnendaele confirmed his written statements submitted by the FEI as exhibit 4.
- He did not know what happened to his professional stamps and after he left Belgium his stamps were invalid and of no use. He therefore had no reason to think of where they might have gone.

- Dr Wijnendaele confirmed he had not given his stamps to anybody and had never given his permission to the Respondent, or anybody else, to use his stamps.
- Dr Wijnendaele said that the Respondent had not asked him about vaccinations or discussed vaccinations with him.
- Dr Wijnendaele confirmed he did not vaccinate any of the four horses in Cases 1, 2, 3 and 4 brought by the FEI.
- He confirmed that when returning from Spain to Belgium he stayed twice at the Respondent's house and was close to him in the sense that they attended many events together, worked closely together and that the Respondent's daughter had ridden Dr Wijnendaele's horses in competition.
- Dr Wijnendaele confirmed he was not in any judicial or administrative dispute with the Respondent but that when he found out about his stamp being used fraudulently, he had to report it to the FEI to protect himself and his profession.

*Respondent's witnesses*

71. The Respondent's first witness, Ms Carine Boulanger stated, in summary, the following.

- Ms Boulanger works for the Belgian Equestrian Federation in a teaching role and has been an international level rider in Endurance since 2003. She has been Belgian champion three times and has never had any problems with the FEI. She is the Respondent's partner.
- She knows Dr Wijnendaele from his work with the Belgian team and that he often stayed at their house when he came back to Belgium from Spain.
- Ms Boulanger testified that before leaving on a flight to Dubai in 2012 she saw Dr Wijnendaele give his stamp to the Respondent, saying that he could use it if he needed to.
- Ms Boulanger testified that she rode Aboufatmal Apal in competition after the Respondent had used Dr Wijnendaele's stamp in the horse's FEI passport and that the horse had been vaccinated.

72. The Respondent's second witness, Ms Colette Gheysen stated, in summary, the following.

- She has been active in the equestrian sport for a long time and knows the Respondent and his partner, Ms Boulanger, well.
- She confirmed her written statement, submitted by the Respondent as exhibit 2, but clarified that the discussion in July 2018 she witnessed between the



Respondent and Dr Wijnendaele happened in Chantilly, and not in Rambouillet, as indicated in her statement.

- Ms Gheysen testified that she heard Dr Wijnendaele discuss with the Respondent his use of the stamp and that he had seen the Respondent's horses and they appeared well.
- Specifically, she remembered that Dr Wijnendaele asked the Respondent: "are those the two horses for which you needed the stamp?", to which the Respondent answered that they were.
- Furthermore, Ms Gheysen testified that the use by the Respondent of the stamp was well known and that Dr Wijnendaele was clearly relaxed about it.

73. The Respondent's third witness, Dr Stefan Migden stated, in summary, the following.

- He is a veterinarian, but not an FEI Veterinarian.
- Dr Migden provides veterinary services to the Respondent, going to his stables whenever called to treat horses.
- He performs vaccinations on horses at the Respondent's stables whenever necessary, or whenever asked to do so by the Respondent. He has never seen horses in poor condition at the Respondent's stables.
- Asked about vaccinating specific horses Dr Migden confirmed that he does not keep records of the horses that he vaccinates. He had no recollection, for example, of having vaccinated Aboufatmal Apal, although the name was familiar to him.
- Dr Migden described how whenever he vaccinates a horse he would first check the passport and then after performing the vaccination he would always take the small label which is on the vial and stick it on the passport, add the date and sign it. He has never vaccinated a horse without signing the passport and entering the vial sticker.

74. The Respondent's fourth witness, Mr Nejszaten stated, in summary, the following.

- Mr Nejszaten has been a board member of the Royal Belgian Equestrian Federation since 1998 and is, among others, the Director and Secretary General of the French-speaking part of the Royal Belgian Equestrian Federation.
- He has known the Respondent since 2001 who has done an excellent job leading the Belgian Endurance teams over the past twenty years. In his opinion, because of the Respondent's achievements in the sport he has incurred a lot of jealousy from people. For example, a couple of years ago, the Respondent

and his partner received aggressive anonymous messages, which led to the Belgian police becoming involved.

- In particular Mr Nejszaten believed that a group of people wanted to remove the Respondent from his position as Belgian Endurance Team Leader, and pointed out that Dr Wijnendaele among others, recently stood for appointment to this position. At the end of this process, the Respondent was re-appointed.
- Mr Nejszaten is convinced that the present matter has been driven by rivalry and jealousy and that he continues to trust the Respondent.

75. The Respondent's fifth witness, Ms Wendy Laeremans stated, in summary, the following.

- Ms Laeremans is the Sports Director of the Royal Belgian Equestrian Federation.
- She confirmed that in the recent appointment process for Belgian Endurance Team Leader Dr Wijnendaele had been a candidate and ultimately it was the Respondent who was selected to remain in this position.
- She further stated that whilst there was a lot of support for the Respondent in the federation there was a group of people, including Dr Wijnendaele, who had persistently criticised him, particularly over the past two years and that this context was important in the current case.
- Ms Laeremans testified that she had never heard of any problems or maltreatment of horses in relation to the Respondent and that if he was to be judged for using a veterinary stamp incorrectly then similar instances by other people should be considered too.
- With respect to the photographs of the Respondent attending the event in Fontainebleau on 16/17 October 2020 Ms Laeremans confirmed that the Belgian federation took the view that this was not evidence of the Respondent breaching the terms of his suspension imposed by the FEI in their Notification Letter. This was because although it was true he did not appear to be just a spectator, he also was not attending as an Athlete or as an Official.

### *The Respondent*

76. The Respondent stated, in summary, the following.

77. He received the stamp from Dr Wijnendaele in December 2012, at his house, just before driving him to the airport for a flight to Dubai and that Dr Wijnendaele told him that in case he needed to arrange a vaccination passport, the stamp could help him.

78. The Respondent clarified that although he had said in his written statement that he had been given the stamp in May 2010 the correct date was December 2012. Furthermore that his partner and daughter had witnessed the handover of the stamp and that it was with their help that he had been able to recall the correct date.
79. The Respondent testified that he first used Dr Wijnendaele's stamp in December 2012 and used it five or six times in total, always informing him beforehand. Because he had done this in a telephone conversation, never via message, he had no actual record of having informed Dr Wijnendaele.
80. The Respondent testified that the use of veterinary stamps in the manner he had admitted was common in equestrian sport and could not be considered as an attempt to gain an unfair advantage.
81. The Respondent testified that not only did he always have Dr Wijnendaele's permission to use his stamp but that when he used it the horse was duly vaccinated. The stamp was used for reasons of convenience or in an emergency and was not used fraudulently.
82. Finally, the Respondent said he was sorry about this case, was conscious that he made mistakes and accepted he had not helped his position. However, it was clear to him that this was not a serious case of cheating comparable to doping and that he feels harshly treated as the case has been pushed by people who have a grudge against him for his achievements and his outspoken views.

## **XI. JURISDICTION**

83. The Tribunal has jurisdiction over this matter pursuant to Article 38 of the Statutes and Article 18.1 of the IRs. The jurisdiction of the Tribunal is undisputed.
84. The Respondent, as a member of the Royal Belgian Equestrian Federation and an active Endurance Trainer was bound at the time of the alleged conduct by the FEI Rules and Regulations.

## **XII. THE DECISION**

85. The Tribunal, having considered all the applicable rules and regulations as well as all the submissions and evidence provided by the Parties, considers that it has to decide the following:

- a. Whether the Respondent's actions amounted to any breaches of the FEI Rules and Regulations, and whether the FEI met its burden of proof.
- b. If a) is established, to decide on the sanctions which are proportionate taking into account all circumstances of the case.

86. Firstly, the Tribunal notes that the applicable statute of limitations is five years pursuant to Article 157.1 (b) of the GRs and therefore contrary to the Respondent's submissions the cases brought by the FEI dating back to 2017 are not time-barred.

87. Secondly the Tribunal is satisfied that the FEI has established that the Respondent used Dr Wijnendaele's veterinary stamp to fill horse passports to indicate they had been vaccinated, in fact the Respondent made this clear in his written submission dated 7 December 2020.

88. There is no dispute over whether or not the Respondent is a veterinarian, he is not. Therefore, he had no legitimate use for Dr Wijnendaele's stamp, regardless of whether or not he had been given permission to do so which he alleges and Dr Wijnendaele denies. The Tribunal considers that whether or not he was given permission has no bearing on establishing whether the Respondent falsified FEI horse passports. He clearly did so and in any event no valid permission could have been given for him to use the stamp.

89. The Tribunal carefully considered the issue of whether the horses whose passports had been falsified had in fact been vaccinated, as maintained by the Respondent. To this point the Respondent produced a credible witness, veterinarian Dr Migden who confirmed that he performed vaccinations for the Respondent at his stables. However, Dr Migden was unable to confirm that he had vaccinated the horses in the cases brought by the FEI. Indeed, with regard to the specific cases brought by the FEI Dr Migden's testimony was not helpful to the Respondent's defence as he was very clear that he always filled out the passports of the horses he vaccinated himself and applied the appropriate vial sticker. The Respondent provided no persuasive evidence to support his claim that the horses whose passports he falsified had been vaccinated. Therefore, the Tribunal finds that the FEI's claim that the Respondent's conduct involved the maltreatment of horses by exposing them and horses they came into contact with to infection is likely to be correct.

90. In view of the above, the Tribunal is comfortably satisfied that the Respondent used Dr Wijnendaele's stamp, adding a forged signature to falsify FEI horses' passports and this undoubtedly amounted to fraud and brought the FEI and/or

equestrian sport into disrepute under GRs, Article 164.12 (d) and (g). The Tribunal finds that there is no other credible explanation of the facts than that the entries in the FEI horse passports submitted by the FEI were made by the Respondent to fraudulently claim the horses had received vaccinations from an FEI veterinarian when they in fact had not.

91. The FEI has submitted that as someone who has assumed positions of leadership at national and international level the Respondent should be held to a high standard of professional behaviour. The Tribunal agrees and notes that the high profile of the Respondent and his positions of leadership and responsibility also amplify the visibility and impact of his conduct, therefore going to the issue of bringing the sport into disrepute. This has had a bearing on the sanctions imposed as behaviour which is both fraudulent and undermines confidence in the systems established by the FEI to keep horses safe is serious, especially coming from a senior figure in the sport.
92. The Tribunal found the Respondent's legal strategy of repeatedly questioning the legitimacy and objectivity of the Tribunal very strange, particularly in light of his longstanding involvement in the sport and the fact that he admitted at a relatively early stage in the proceedings that he had used Dr Wijnendaele's stamp. The Tribunal was also disappointed that despite being reminded several times that if any of his witnesses needed help with translation it was his responsibility to provide independent translation under Article 20.2 of the IRs, the Respondent failed to do so. This complicated the hearing and apparently made it more stressful for some of his witnesses. This has been taken into consideration in deciding the appropriate fine and contribution to legal costs awarded against the Respondent.
93. In mitigation the Tribunal has considered the Respondent's contrition at the hearing and his lengthy involvement as a leader and official in the sport. While the Tribunal agrees with the FEI that the latter imposes upon him a higher standard of behaviour it also believes his service to the sport is relevant when deciding on the appropriate sanctions. The Tribunal also considers that with the witness testimony of Dr Migden the Respondent established that a veterinarian regularly attended his stables to perform vaccinations which offered some support to the Respondent's defence that he had used the stamp only rarely. Finally, the Respondent is clearly held in high regard by members of his national federation.
94. The Tribunal considered its past practice and jurisprudence in similar cases. This included a recent case C20-0019 (FEI v. Ellen & Jeremy Olson), which shared

similar facts to the present case with the aggravating factor that the respondents, who were owners and trainers, had not responded at all to the Tribunal proceedings. In this case the Tribunal found that a veterinary stamp had been fraudulently used and imposed an 18-month suspension.

95. The Tribunal has not been asked to determine whether the Respondent's attendance at the FEI Event in Fontainebleau in October 2020 was a breach of his provisional suspension. There is clearly a difference of opinion on this issue between the FEI and the Respondent's national federation. The Tribunal has considered the submission from the FEI that in Endurance the extent of the field of play makes distinguishing between spectators and participants difficult. Given the gravity of the Respondent's conduct in his case, his leadership roles and benefit to the sport of establishing that this conduct when proven must attract meaningful sanctions the Tribunal agrees that the suspension applied by this decision should include a ban from attending FEI Events in any capacity.

### XIII. SANCTIONS

96. As a result, the Tribunal therefore decides as follows, and imposes the following sanctions on the Respondent in accordance with Article 164 of the GRs:

- 1) The Respondent's actions violated Article 164.12 (d) and Article 164.12 (g) of the FEI GRs.
- 2) The Respondent shall be suspended for a period of **twenty months**. The period of provisional suspension, which commenced on 2 October 2020, shall be credited against this period of suspension which will therefore come to an end on 1 June 2022. Pursuant to Article 164.7 of the FEI GRs, as from notification of this decision, the Respondent is barred for the period of his suspension, from participating in or attending, in any capacity, including as a spectator, any Competition or Event that is authorised or organised by the FEI or any National Federation.
- 3) The Respondent is fined CHF 5000.
- 4) The Respondent shall pay a contribution towards the FEI legal costs in the amount of CHF 7000.

97. According to Article 165 of the GRs, this decision is effective from the date of oral or written notification to the affected party or parties.

98. According to Articles 162.1 and 162.7 of the GRs, this decision can be appealed before the Court of Arbitration for Sport (CAS) within twenty-one (21) days of the present notification.

XIV. DECISION TO BE FORWARDED TO:

- a. The Parties: Yes
- b. The NF of the Respondent: Yes
- c. Any other: No

FOR THE TRIBUNAL (One-member Panel)

A handwritten signature in black ink, appearing to read 'Martin Gibbs', is centered on the page. The signature is written in a cursive, flowing style.

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Mr. Martin Gibbs (GBR)