



**FEI**  
**Equine Anti-Doping and Controlled**  
**Medication Regulations**

**3rd edition, effective 1 January 2021**

## TABLE OF CONTENTS

<b>INTRODUCTION</b>	.....	<b>1</b>
<b>PREFACE</b>	.....	<b>1</b>
<b>FUNDAMENTAL RATIONALE FOR THE <i>FEI'S EADCM REGULATIONS</i></b>	.....	<b>2</b>
<b>SCOPE</b>	.....	<b>2</b>
<b>EQUINE ANTI-DOPING RULES</b>	.....	<b>4</b>
<b>ARTICLE 1</b>	<b>DEFINITION OF DOPING</b> .....	<b>4</b>
<b>ARTICLE 2</b>	<b><i>EAD RULE VIOLATIONS</i></b> .....	<b>4</b>
<b>ARTICLE 3</b>	<b>PROOF OF <i>EAD RULE VIOLATIONS</i></b> .....	<b>7</b>
<b>ARTICLE 4</b>	<b>THE <i>EQUINE PROHIBITED SUBSTANCES LIST</i></b> .....	<b>8</b>
<b>ARTICLE 5</b>	<b><i>TESTING</i></b> .....	<b>9</b>
<b>ARTICLE 6</b>	<b>ANALYSIS OF <i>SAMPLES</i></b> .....	<b>10</b>
<b>ARTICLE 7</b>	<b><i>RESULTS MANAGEMENT, RESPONSIBILITY, INITIAL REVIEW, NOTICE AND PROVISIONAL SUSPENSIONS</i></b> .....	<b>13</b>
<b>ARTICLE 8</b>	<b><i>RESULTS MANAGEMENT: RIGHT TO A FAIR HEARING AND NOTICE OF HEARING DECISION</i></b> .....	<b>22</b>
<b>ARTICLE 9</b>	<b><i>AUTOMATIC DISQUALIFICATION OF RESULTS</i></b> .....	<b>27</b>
<b>ARTICLE 10</b>	<b>SANCTIONS</b> .....	<b>27</b>
<b>ARTICLE 11</b>	<b><i>CONSEQUENCES TO TEAMS</i></b> .....	<b>38</b>
<b>ARTICLE 12</b>	<b>INTENTIONALLY OMITTED</b> .....	<b>39</b>
<b>ARTICLE 13.</b>	<b><i>RESULTS MANAGEMENT APPEALS</i></b> .....	<b>39</b>
<b>ARTICLE 14</b>	<b>REPORTING, <i>PUBLIC DISCLOSURE</i> AND DATA PRIVACY</b> .....	<b>40</b>
<b>ARTICLE 15</b>	<b>IMPLEMENTATION OF <i>DECISIONS</i></b> .....	<b>42</b>
<b>ARTICLE 16</b>	<b>STATUTE OF LIMITATIONS</b> .....	<b>43</b>
<b>ARTICLE 17</b>	<b>ADDITIONAL ROLES AND RESPONSIBILITIES OF NATIONAL FEDERATIONS</b> .....	<b>43</b>
<b>ARTICLE 18</b>	<b>INTENTIONALLY OMITTED</b> .....	<b>44</b>

ARTICLE 19	<b>ADDITIONAL ROLES AND RESPONSIBILITIES OF <i>PERSONS RESPONSIBLE</i></b> .....	44
ARTICLE 20	<b>ADDITIONAL ROLES AND RESPONSIBILITIES OF <i>SUPPORT PERSONNEL</i></b> .....	44
ARTICLE 21	<b>ADDITIONAL ROLES AND RESPONSIBILITIES OF OTHER PERSONS SUBJECT TO THESE ANTI-DOPING RULES</b> .....	45
ARTICLE 22	<b>ADDITIONAL ROLES AND RESPONSIBILITIES OF ORGANISING COMMITTEES (“OCS”)</b> .....	45
ARTICLE 23	<b>AMENDMENT AND INTERPRETATION OF EAD RULES</b> .....	45
ARTICLE 24	<b>FINAL PROVISIONS</b> .....	46
	<b>EQUINE CONTROLLED MEDICATION RULES</b> .....	48
ARTICLE 1	<b><i>DEFINITION OF A CONTROLLED MEDICATION VIOLATION</i></b> ... ..	49
ARTICLE 2	<b><i>CONTROLLED MEDICATION RULE VIOLATIONS</i></b> .....	49
ARTICLE 3	<b><i>PROOF OF ECM RULE VIOLATIONS</i></b> .....	50
ARTICLE 4	<b><i>THE EQUINE PROHIBITED SUBSTANCES LIST</i></b> .....	51
ARTICLE 5	<b><i>TESTING</i></b> .....	52
ARTICLE 6	<b><i>ANALYSIS OF SAMPLES</i></b> .....	54
ARTICLE 7	<b><i>RESULTS MANAGEMENT</i></b> .....	56
ARTICLE 8	<b>RIGHT TO A FAIR HEARING</b> .....	66
ARTICLE 9	<b><i>AUTOMATIC DISQUALIFICATION OF RESULTS</i></b> .....	71
ARTICLE 10	<b>SANCTIONS</b> .....	72
ARTICLE 11	<b><i>CONSEQUENCES TO TEAMS</i></b> .....	82
ARTICLE 12	<b><i>RESULTS MANAGEMENT APPEALS</i></b> .....	83
ARTICLE 13	<b>REPORTING, <i>PUBLIC DISCLOSURE</i> AND DATA PRIVACY</b> .....	84
ARTICLE 14	<b>IMPLEMENTATION OF <i>DECISIONS</i></b> .....	86
ARTICLE 15	<b>STATUTE OF LIMITATIONS</b> .....	87
ARTICLE 16	<b>ADDITIONAL ROLES AND RESPONSIBILITIES OF <i>NATIONAL FEDERATIONS</i></b> .....	87
ARTICLE 17	<b>INTENTIONALLY OMITTED</b> .....	88

<b>ARTICLE 18</b>	<b>ADDITIONAL ROLES AND RESPONSIBILITIES OF <i>PERSONS RESPONSIBLE</i>.....</b>	<b>88</b>
<b>ARTICLE 19</b>	<b>ADDITIONAL ROLES AND RESPONSIBILITIES OF <i>SUPPORT PERSONNEL</i> .....</b>	<b>88</b>
<b>ARTICLE 20</b>	<b>ADDITIONAL ROLES AND RESPONSIBILITIES OF <i>OTHER PERSONS</i> SUBJECT TO THESE ANTI-DOPING RULES .....</b>	<b>89</b>
<b>ARTICLE 21</b>	<b>ADDITIONAL ROLES AND RESPONSIBILITIES OF <i>ORGANISING COMMITTEES</i> (“OCS”).....</b>	<b>89</b>
<b>ARTICLE 22</b>	<b>AMENDMENT AND INTERPRETATION OF <i>ECM RULES</i> .....</b>	<b>90</b>
<b>ARTICLE 23</b>	<b>FINAL PROVISIONS .....</b>	<b>90</b>
<b>APPENDIX 1</b>	<b>DEFINITIONS.....</b>	<b>92</b>

## INTRODUCTION

### INTRODUCTION

#### Preface

These **Equine Anti-Doping and Controlled Medication Regulations** (hereinafter "*EADCM Regulations*" or "*Regulations*") are adopted and implemented in conformity with the undertakings of the FEI in the spirit of the *World Anti-Doping Code (2021 version)* with respect to the *EAD Rules* and otherwise with deference to the findings of the "Joint Commission", notably the Clean Sport Commission, Chaired by Professor Arne Ljungqvist (hereinafter "Ljungqvist Commission") which was initiated by *FEI Athletes* in September 2008 who stepped forward to identify a problem, and the Stevens Commission, chaired by Lord Stevens. The findings of both Commissions were debated and ultimately harmonised to form the Joint Commission on 9 October 2009 in Copenhagen, Denmark. The *Equine Anti Doping Rules* (hereinafter "*EAD Rule*" or "*EAD Rules*"), the first chapter of the *EADCM Regulations*, shall apply to any violation alleged under the *EADCM Regulations* that involves a *Banned Substance* or *Banned Method*. Conversely, the *Equine Controlled Medication Rules* (hereinafter "*ECM Rule*" or "*ECM Rules*"), the second chapter of the *EADCM Regulations*, shall apply to any violation alleged under the *EADCM Regulations* that involves a *Controlled Medication Substance* or a *Controlled Medication Method*.

These *EADCM Regulations*, adopted in their original form by the General Assembly in November 2009, specifically incorporate the material findings of the Joint Commission. One of the most significant recommendations to emerge from the Commission was the suggestion to establish two (2) separate and distinct approaches to *Doping*, on the one hand, which is defined in the *EAD Rules* Articles 2.1-2.8; and *Controlled Medication*, on the other hand, as defined in the *ECM Rules*. Consequently, these two (2) categories of rules are being presented in one comprehensive Rule book, in separate chapters, for ease of use and understanding. This new approach brings with it a change in the applicable terminology. Going forward, any substance prohibited by the *EADCM Regulations* will be referred to as a *Prohibited Substance* which is now meant to be the umbrella term. However, substances classified as *Doping* under the *EAD Rules* will be referred to as *Banned Substances* while substances classified as *Controlled Medication* under the *ECM Rules* will be referred to as *Controlled Medication Substances*.

*EADCM Regulations* are Sport Rules governing the conditions under which sport is performed. *Persons Responsible* (including *additional Persons Responsible*, see below) and their *Support Personnel* accept these *Regulations* as a condition of participation and involvement in FEI activities and shall therefore be bound by them. The introduction of *Support Personnel* into these *Regulations* is not entirely new as the FEI General Regulations have always provided for the opportunity to include an "additional *Person Responsible*" in the prosecution of a case where the factual circumstances have warranted that *Person's* inclusion. The incorporation and moderate expansion of the concept within the new *Regulations* is intended to ensure that all participants in equestrian sport who violate the *EADCM Regulations* will be held accountable. It is fundamental, however, that the inclusion of *Support Personnel* is in no way intended to lessen or shift the responsibility of the *Person Responsible*. The *Person Responsible* remains ultimately responsible, and thereby ultimately liable, for *EADCM* violations. Where appropriate, and only when the specific factual circumstances so warrant, *Support Personnel* will be held additionally responsible. Notwithstanding the foregoing, in the discipline of Endurance, the registered Trainer shall be considered as additional *Person Responsible* and held additionally responsible for any violation(s) under Articles 2.1 of the *EAD Rules* and the *ECM Rules*.

## INTRODUCTION

*EADCM Regulations* are not intended to be subject to or limited by the requirements and legal standards applicable to criminal proceedings or employment matters. The policies and minimum standards set forth in these *Regulations* represent the consensus of a broad spectrum of stakeholders with an interest in fair sport and *Horse* welfare and should be respected by all courts and adjudicating bodies.

### **Fundamental Rationale for the *FEI's EADCM Regulations***

Anti-Doping programs seek to preserve what is intrinsically valuable about sport. This intrinsic value is often referred to as "the spirit of sport"; it is the essence of Olympism; it is how we play true. The spirit of sport is the celebration of the human spirit, body and mind, and is reflected in the values we find in and through sport, including:

- Ethics, fair play and honesty
- Health
- *Athlete's* rights
- Excellence in performance
- Character and education
- Fun and joy
- Teamwork
- Dedication and commitment
- Respect for rules and laws
- Respect for self and other participants
- Courage
- Community and solidarity

Doping is fundamentally contrary to the spirit of sport.

### **Scope**

These revised *EADCM Regulations* are effective as of 1 January 2021. They must be read in conjunction with the *FEI Statutes*, *General Regulations*, *Veterinary Regulations*, *Internal Regulations of the FEI Tribunal*, the *FEI Standard for Laboratories*, and any other applicable rules or regulations.

These *EADCM Regulations* shall apply to the *FEI*, each *National Federation*, and each *Person Responsible* and their *Support Personnel* by virtue of their membership in, accreditation by, or participation in the *FEI* or *National Federation*, or in their activities, *Competitions* or *Events*.

To be eligible for participation in *FEI Events*, a *Person Responsible* or *Horse* must be registered with the *FEI* and be a registered member of an *FEI National Federation*, unless special circumstances under the *FEI* General Regulations allow otherwise.

Each *National Federation* shall guarantee that all registered *Persons Responsible*, members of their *Support Personnel* (where possible), and other *Persons* (where possible) under its jurisdiction accept the *Statutes*, *Regulations* and all rules of the *FEI*, including these *EADCM Regulations* and any other applicable rules or regulations.

## INTRODUCTION

These *EADCM Regulations* shall therefore apply to all *Doping* and *Medication Controls* over which the *FEI* or its *National Federations* have jurisdiction or have been delegated jurisdiction by another governing body, subject to Article 13.1 of both the *EAD Rules* and the *ECM Rules*. However, there may be modified versions of these rules for *Events* where minors are competing on borrowed *Horses*, if the circumstances so warrant and the *FEI Board* has approved such rules (such as for the Youth Olympic Games.) The *EADCM Regulations*, particularly as they apply to *Banned Substances (the EAD Rules)*, have intentionally been modelled after the 2021 *WADA Model Code* for human athletes. Conversely, the *ECM Rules* have been developed with special consideration for the need to administer responsible *Controlled Medication Substances* to *Horses* to ensure *Horse* welfare and the highest levels of professionalism. Given the clear distinction between *Doping* and *Medication* established by the two separate chapters of the *EADCM Regulations* – the *EAD Rules* (Chapter I) and the *ECM Rules* (Chapter II) – a *Veterinary Form* (see *FEI Veterinary Regulations*) shall only be available in connection with a *Controlled Medication Substance* under the *ECM Rules* and not in connection with a *Banned Substance* under the *EAD Rules*.

**Note:** The masculine gender used in relation to any physical person (for example, names such as *Person Responsible*, *Athlete*, *Owner*, *Judge*, *Technical Delegate*, *Official*, *Chef d'Equipe*, or pronouns such as he, they or them) shall, unless there is a specific provision to the contrary, be understood as including the feminine gender.

**EQUINE ANTI-DOPING RULES**

**ARTICLE 1            DEFINITION OF DOPING**

Doping is defined as the occurrence of one or more of the *EAD Rule* violations set forth in Article 2.1 through Article 2.8 of these *EAD Rules*.

**ARTICLE 2            *EAD RULE VIOLATIONS***

The purpose of Article 2 is to specify the circumstances and conduct which constitute EAD rule violations. Hearings in doping cases will proceed based on the assertion that one or more of these specific rules have been violated.

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

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

**2.1    The Presence of a *Banned Substance* and/or its *Metabolites* or *Markers* in a *Horse's Sample***

**2.1.1** It is each *Person Responsible's* personal duty to ensure that no *Banned Substance* is present in the *Horse's* body. *Persons Responsible* are responsible for any *Banned Substance* found to be present in their *Horse's Samples*, even though their *Support Personnel* may be considered additionally responsible under this Article and Articles 2.2 - 2.8 below where the circumstances so warrant. It is not necessary that intent, *Fault*, negligence or knowing *Use* be demonstrated in order to establish an *EAD Rule* violation under Article 2.1.

**2.1.2** Sufficient proof of an *EAD Rule* violation under Article 2.1 is established by any of the following: (i) presence of a *Banned Substance* and/or its *Metabolites* or *Markers* in the *Horse's A Sample* where the *Person Responsible* waives analysis of the *B Sample* and the *B Sample* is not analysed; or, (ii) where the *Horse's B Sample* is analysed and the analysis of the *Horse's B Sample* confirms the presence of the *Banned Substance* and/or its *Metabolites* or *Markers* found in the *Horse's A Sample*; or where the *A* or *B Sample* is split into two (2) parts and the analysis of the confirmation part of the split *Sample* confirms the presence of the *Banned Substance* or its *Metabolites* or *Markers* found in the first part of the split *Sample* or the *Person Responsible* waives analysis of the confirmation part of the split *Sample*. An *Adverse Analytical Finding* may be established by a positive blood or urine *Sample*.

**2.1.3** Excepting those *Banned Substances* for which a quantitative threshold is specifically identified in the *Equine Prohibited Substances List*, the presence of any reported quantity of a *Banned Substance* and/or its *Metabolites* or *Markers* in a *Horse's Sample* shall constitute an *EAD Rule* violation.

## EQUINE ANTI-DOPING RULES

**2.1.4** As an exception to the general rule of Article 2.1, the *Equine Prohibited Substances List* or the *FEI Standard for Laboratories* may establish special criteria for reporting the evaluation of certain *Banned Substances*.

### **2.2 Use or Attempted Use of a Banned Substance or a Banned Method.**

**2.2.1** It is each *Person Responsible's* personal duty, along with members of their *Support Personnel*, to ensure that no *Banned Substance* enters into the *Horse's* body and that no *Banned Method* is *Used*. Accordingly, it is not necessary that intent, fault, negligence or knowing *Use* on the part of the *Person Responsible*, or member of his *Support Personnel* (where applicable), be demonstrated in order to establish an *EAD Rule* violation for *Use* of a *Banned Substance* or a *Banned Method*. However, in accordance with the definition of *Attempt*, it is necessary to show intent in order to establish an *EAD Rule* violation for *Attempted Use* of a *Banned Substance* or a *Banned Method*.

**2.2.2** The success or failure of the *Use* or *Attempted Use* of a *Banned Substance* or a *Banned Method* is not material. It is sufficient that the *Banned Substance* or *Banned Method* was *Used* or *Attempted* to be *Used* for an *EAD Rule* violation to be committed.

### **2.3 Evading, Refusing or Failing to Submit to Sample Collection**

**2.3.1** Evading *Sample* collection; or refusing or failing to submit to *Sample* collection without compelling justification after *Notification* (in accordance with the FEI Veterinary Regulations) or to comply with all *Sampling* procedure requirements including signing the *Sampling* form or otherwise evading *Sample* collection.

**2.3.2** It is each *Person Responsible's* personal duty to ensure that if the *Horse* with/on which they competed or will compete is selected for *Sampling* and a notification of *Sampling* in accordance with the FEI Veterinary Regulations has taken place, such *Horse* is submitted to *Sample* collection and that all *Sampling* procedure requirements are met.

**2.3.3** Accordingly, although it is permissible for the *Person Responsible* to delegate the submission and supervision of the *Horse* to a third party, the *Person Responsible* remains responsible for the *Horse* throughout the *Sample* collection process and for:

- (i) any evasion of *Sample* collection; and/or
- (ii) any refusal or failure, without compelling justification, to submit the *Horse* to *Sample* collection; and/or
- (iii) any failure to comply with any or all of the *Sampling* procedure requirements, including signing the *Sampling* form.

**2.3.4** It is not necessary to demonstrate intent, fault, negligence or knowledge in relation to any delegation relating to the *Sampling* process or to the acts of a relevant third party in order to establish an *EAD Rule* violation under this Article 2.3.

**2.4 *Tampering, or Attempted Tampering with any part of Doping Control by a Person Responsible; Member of the Support Personnel or Other Person.***

**2.5 *Administration or Attempted Administration of a Banned Substance.***

**2.6 *Possession of a Banned Substance(s) or a Banned Method(s) by a Person Responsible; Member of the Support Personnel.***

This bans the *Person Responsible* and members of their *Support Personnel* from *Possessing Banned Substances* or *Banned Methods*, unless he demonstrates compelling justification for the *Possession* (This section should be read in conjunction with the definition of *Possession* set forth in Appendix 1).

**2.7 *Trafficking or Attempted Trafficking in any Banned Substance or Banned Method by a Person Responsible; Member of the Support Personnel or Other Person.***

**2.8 *Complicity or Attempted Complicity by a Person Responsible; Member of the Support Personnel or Other Person***

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity or *Attempted* complicity involving an *EAD Rule* violation or any *Attempted EAD Rule* violation or violation of Article 10.14.1 by another *Person*.

**2.9 *Prohibited Association by a Person Responsible***

**2.9.1** Association by a *Person Responsible*, member of the *Support Personnel* or other *Person* subject to the authority of the FEI in a professional or sport-related capacity with any *Support Person* who:

**2.9.1.1** If subject to the authority of the FEI, is serving a period of *Ineligibility*;  
or

**2.9.1.2** If not subject to the authority of the FEI and where *Ineligibility* has not been addressed in a *Results Management* process pursuant to the *Code*, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to such *Person*. The disqualifying status of such *Person* shall be in force for the longer of six (6) years from the criminal, professional or disciplinary *Decision* or the duration of the criminal, disciplinary or professional sanction imposed;  
or

**2.9.1.3** Is serving as a front or intermediary for an individual described in Article 2.9.1.1 or 2.9.1.2.

**2.9.2** To establish a violation of Article 2.9, the *FEI* must establish that the *Person Responsible*, member of the *Support Personnel* or other *Person* knew of the *Support Personnel's* disqualifying status.

## EQUINE ANTI-DOPING RULES

The burden shall be on the *Person Responsible*, member of the *Support Personnel* or other *Person* to establish that any association with the *Support Personnel* described in Article 2.9.1 and 2.9.2 is not in a professional or sport-related capacity and/or that such association could not have been reasonably avoided.

*National Federations* that are aware of *Support Personnel* who meet the criteria described in Article 2.9.1.1, 2.9.1.2, or 2.9.1.3 shall submit that information to the *FEI*.

### **2.10 Acts by a *Person Responsible*, member of the *Support Personnel* or Other *Person* to Discourage or Retaliate Against Reporting to Authorities**

Where such conduct does not otherwise constitute a violation of Article 2.4:

**2.10.1** Any act which threatens or seeks to intimidate another *Person* with the intent of discouraging the *Person* from the good-faith reporting of information that relates to an alleged anti-doping rule violation or alleged non-compliance with these EADCMRs to the *FEI*, an *Anti-Doping Organization*, law enforcement, regulatory or professional disciplinary body, hearing body or *Person* conducting an investigation for the *FEI* or an *Anti-Doping Organization*.

**2.10.2** Retaliation against a *Person* who, in good faith, has provided evidence or information that relates to an alleged anti-doping rule violation or alleged non-compliance with these EADCMRs to the *FEI*, an *Anti-Doping Organization*, law enforcement, regulatory or professional disciplinary body, hearing body or *Person* conducting an investigation for the *FEI* or an *Anti-Doping Organization*.

For purposes of Article 2.10, retaliation, threatening and intimidation include an act taken against such *Person* either because the act lacks a good faith basis or is a disproportionate response.

## **ARTICLE 3 PROOF OF EAD RULE VIOLATIONS**

### **3.1 Burdens and Standards of Proof**

The *FEI* shall have the burden of establishing that an *EAD Rule* violation has occurred. The standard of proof shall be whether the *FEI* has established an *EAD Rule* violation to the comfortable satisfaction of the *Hearing Panel* bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where these *EAD Rules* place the burden of proof upon the *Persons Responsible* and/or member of their *Support Personnel* or other *Person* to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability, except where a different standard of proof is specifically identified.

### **3.2 Methods of Establishing Facts and Presumptions**

Facts related to *EAD Rule* violations may be established by any reliable means, including admissions. The following rules of proof shall be applicable in *Doping* cases brought under these *EAD Rules*:

**3.2.1** *FEI*-approved *Laboratories* are presumed to have conducted *Sample* analysis and custodial procedures in accordance with the *FEI Standard for*

## EQUINE ANTI-DOPING RULES

*Laboratories*. The *Person Responsible* and/or member of the *Support Personnel* or other *Person* who is alleged to have committed the *EAD Rule* violation may rebut this presumption by establishing by a balance of probability that a departure from the *FEI Standard for Laboratories* occurred which could reasonably have caused the *Adverse Analytical Finding*.

If the preceding presumption is rebutted by showing that a departure from the *FEI Standard for Laboratories* occurred which could reasonably have caused the *Adverse Analytical Finding*, then the *FEI* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.

**3.2.2** Departures from, any provision of these *EAD Rules* shall not invalidate analytical results or other evidence of an *EAD Rule* violation, and shall not constitute a defence to an *EAD Rule* violation; provided however, if the *Person Responsible* and/or member of the *Support Personnel* or other *Person* (where applicable) establishes that a departure from a provision of *these EAD Rules* could reasonably have caused the *EAD Rule* violation based on the *Adverse Analytical Finding* or other *EAD Rule* violation, then the *FEI* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding* or the factual basis for the *EAD Rule* violation.

**3.2.3** The facts established by a *Decision* of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrebuttable evidence against the *Person Responsible* and/or member of the *Support Personnel* or other *Person* to whom the *Decision* pertained with regards to the factual findings unless it can be established that the *Decision* violated principles of natural justice.

**3.2.4** The *Hearing Panel* presiding over a case alleging an *EAD Rule* violation may draw an inference adverse to the *Person Responsible* and/or member of the *Support Personnel* or other *Person* (where applicable) who is asserted to have committed an *EAD Rule* violation based on the refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or telephonically as directed by the *FEI Tribunal*) in order to answer questions from the *Hearing Panel* or the *FEI*.

## **ARTICLE 4                    THE EQUINE PROHIBITED SUBSTANCES LIST**

### **4.1        Incorporation of the *Equine Prohibited Substances List***

These *EAD Rules* incorporate the *Equine Prohibited Substances List* (the "*List*") which is published and revised by the *FEI* from time to time. The *FEI* will publish the current *List* in such a manner that it is available to its members and constituents, including, but not limited to, publication on the *FEI* website.

### **4.2        Review and Publication of *Banned Substances* and *Banned Methods* Identified on the *List***

The *FEI* may revise the *List* from time to time but at least once annually by posting the new *List* on the *FEI* website, or via such other appropriate channel, but such new *List* shall not go into effect any sooner than ninety (90) days following its publication. Each new version of the *List* shall also be sent by email to *National Federations* and to *National Head FEI Veterinarians* at email

## EQUINE ANTI-DOPING RULES

addresses supplied by the *National Federations* and on file with the *FEI*. The List shall be published by the *FEI* at least once a year, with an opportunity for *National Federation* and stakeholder feedback. All *Persons Responsible* and/or member of the *Support Personnel* and/or other *Person* shall be bound by the Prohibited List, and any revisions thereto, from the date they go into effect, without further formality. It is the responsibility of all *Persons Responsible* and/or member of the *Support Personnel* and/or other *Person* to familiarize themselves with the most up-to-date version of the *Prohibited List* and all revisions thereto.

### 4.3 Substances and Methods included on the List

The *FEI's* categorization of a substance or method on the *List* as a *Banned Substance* or *Banned Method* (in particular, as opposed to a *Controlled Medication Substance* or *Method*) including any establishment of a threshold for a *Banned Substance* and/or the quantitative amount of such threshold and the classification of certain *Prohibited Substances* as *Specified Substances* shall be final and binding on all parties and shall not be subject to challenge by a *Person Responsible*, member of the *Support Personnel* or any other *Person* on any basis including, but not limited to, any challenge based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a risk to the welfare of the *Horse* or violate the spirit of sport.

### 4.4 Specified Substances

For purposes of the application of Article 10 and Article 7.4, *Specified Substances* shall be taken as meaning only those *Prohibited Substances* identified as *Specified Substances* on the *Prohibited List*.

## ARTICLE 5 TESTING

### 5.1 Authority to Test

All *Horses* registered with the *FEI* or a *National Federation*, or otherwise present or competing at an *International Event*, *National Event* or *Competition* or a *FEI Pony Measurement* shall be subject to *In-Competition Testing* (a) by the *FEI* or by any other *Anti-Doping Organisation* responsible for *Testing* at a *Competition* or *Event* in the case of *International Events* and *FEI Pony Measurements* and (b) in the case of *National Events*, by the *National Federation* through which the *Horse* is registered, or by any other *Anti-Doping Organisation* responsible for *Testing* at a *Competition* or *Event*.

The *FEI* or its assignees or agents shall be exclusively responsible for *Testing* at *International Events* and *FEI Pony Measurements* and no other body may conduct *Testing* at *International Events* or *FEI Pony Measurements* without the *FEI's* express written permission. Each *National Federation* or its assignees or agents, shall be exclusively responsible for *Testing* at its *National Events*, and no other body may conduct *Testing* at *National Events* without the *National Federation's* express written permission. *National Federations* are responsible for *Results Management* arising from *Testing* at *National Events* but are

## EQUINE ANTI-DOPING RULES

obligated to promptly report any positive findings to the FEI that have been notified as anti-doping rule violations unless doing so would contravene national law.

All *Horses* registered with the FEI or a *National Federation* may be subject to *Out-of-Competition Testing* by the FEI. Nothing in these Rules shall preclude any *National Federation* from adopting its own *Out-of-Competition Testing* protocols, subject to Article 17.2.

### 5.2 Responsibility for FEI Testing

The *FEI Veterinary Department* shall be responsible for overseeing all *Testing* conducted by the FEI. *Testing* may be conducted by the *Testing Veterinarians*, *Veterinary Delegate*, and/or by other qualified and authorised persons at a given *Event* or at such other place as authorised by these *EAD Rules*, the *FEI Veterinary Regulations*, or as authorised in writing by the *FEI Secretary General* or his or her designee(s).

### 5.3 Testing Standards

*Testing* conducted by or on behalf of the FEI shall be in substantial conformity with the *Testing* procedures set forth in the *FEI Veterinary Regulations* in effect at the time of *Testing*.

### 5.4 Selection of Horses to be Tested

**5.4.1** The FEI shall determine the number of *Tests* to be performed and on which *Horses* they shall be performed.

**5.4.2** In addition to the selection procedures set forth in Article 5.4.1 above, the *Veterinary Commission*, *Veterinary Delegate* and/or *Testing Veterinarians* may also select *Horses* for *Random Testing* and/or *Target Testing* in cooperation with the *Ground Jury* at *International Events*.

**5.4.3.** Each *National Federation* shall determine, within its jurisdiction, the number of *Tests* to be performed and on which *Horses* they shall be performed.

**5.4.4.** Nothing in these *EAD Rules* shall be construed to limit where the FEI is authorised to conduct *Testing* on *Horses In- Competition*.

## ARTICLE 6 ANALYSIS OF SAMPLES

*Samples* collected under these *EAD Rules* and arising from *FEI Testing* are the property of the FEI. They shall be analysed in accordance with the following principles:

### 6.1 Use of Approved Laboratories

These *EAD Rules* incorporate the FEI List of Approved Laboratories which is published and revised by the FEI from time to time. The FEI shall send *Samples* for analysis only to these approved *Laboratories*, which are subject to the *FEI Standard for Laboratories*. The choice of *Laboratory* used for the *Sample* analysis of either or both the A and B *Sample* shall be determined exclusively by the FEI. However, the *Person Responsible* may elect to have the B *Sample*

analysed at a different *Laboratory* than the one which performed the *A Sample* analysis. If such an election is made, the *FEI* shall select the *B Sample Laboratory* from the *FEI List of Approved Laboratories* and inform the *Person Responsible* accordingly.

As provided for in Article 3.2, facts related to EAD Rule violations may be established by any reliable means. This would include, for example, reliable laboratory or other forensic testing conducted outside of *FEI Approved Laboratories*.

## **6.2 Purpose of Collection and Analysis of *Samples* and *Data***

*Samples* and related analytical data or *Doping Control* information shall be analysed to detect *Banned Substances and Banned Methods*, all as set forth in the *List*. The *FEI* may also seek to detect other substances for research and monitoring purposes, as publicly announced by the *FEI* from time to time pursuant to a defined monitoring program. *Samples* may be collected and stored for future analysis.

## **6.3 Research on *Samples***

*Samples*, related analytical data and *Doping Control* information may be used for anti-doping research purposes, although no *Sample* may be used for research without the *Person Responsible's* written consent. *Samples* and related analytical data or *Doping Control* information used for research purposes shall first be processed in such a manner as to prevent *Samples* and related analytical data or *Doping Control* information being traced back to a particular *Horse* or *Person Responsible*. All *Samples* shall be destroyed pursuant to the guidelines set forth in the *FEI Standard for Laboratories* and in no event later than the lapse of the Statute Of Limitations in Article 16 below.

## **6.4 Standards for *Sample* Analysis and Reporting**

*Laboratories* shall analyse *Samples* and report results in conformity with the *FEI Standard for Laboratories*.

## **6.5 Retesting *Samples***

A *Sample* may be reanalysed for the purpose of Article 6.2 above at any time exclusively at the direction of the *FEI*. The circumstances and conditions for retesting *Samples* shall conform with the requirements of the *FEI Standard for Laboratories*. The retesting of *Samples* may lead to an *EAD Rule* violation only if the *Banned Substance* or *Banned Method* was prohibited at the time the *Sample* was taken, all subject to Article 16.

## **6.6 Further Analysis of a *Sample* Prior to or During *Results Management***

There shall be no limitation on the authority of a laboratory to conduct repeat or additional analysis on a *Sample* prior to the time the *FEI* notifies a *Person Responsible* that the *Sample* is the basis for an Article 2.1 *EAD Rule* violation charge. If after such notification the *FEI* wishes to conduct additional analysis on that *Sample*, it may do so with the consent of the *Person Responsible* or approval from a hearing body.

**6.7 Further Analysis of a *Sample* After it has been Reported as Negative or has Otherwise not Resulted in an Anti-Doping Rule Violation Charge**

After a laboratory has reported a *Sample* as negative, or the *Sample* has not otherwise resulted in an anti-doping rule violation charge, it may be stored and subjected to further analyses for the purpose of Article 6.2 at any time exclusively at the direction of either the *Anti-Doping Organization* that initiated and directed *Sample* collection or the *FEI*. Any other *Anti-Doping Organization* with authority to test the *Horse* that wishes to conduct further analysis on a stored *Sample* may do so with the permission of the *Anti-Doping Organization* that initiated and directed *Sample* collection or the *FEI*, and shall be responsible for any follow-up *Results Management*. Any *Sample* storage or further analysis initiated by the *FEI* or another *Anti-Doping Organization* shall be at the *FEI*'s or that organization's expense. Further analysis of *Samples* shall conform with the requirements of the *FEI Standard for Laboratories*.

**6.8 Split of A or B *Sample***

Where the *FEI* an *Anti-Doping Organization* with *Results Management* authority, and/or a *FEI Approved Laboratory* (with approval from the *FEI* or the *Anti-Doping Organization* with *Results Management* authority) wishes to split an A or B *Sample* for the purpose of using the first part of the split *Sample* for an A *Sample* analysis and the second part of the split *Sample* for confirmation, then the procedures set forth in the *FEI Standard for Laboratories* and/or relevant processes from the *FEI* approved *Laboratories* shall be followed.

**6.9 *FEI*'s Right to Take Possession of *Samples* and Data**

The *FEI* may, in its sole discretion at any time, with or without prior notice, take physical possession of any *FEI Sample* and related analytical data or information in the possession of a *FEI approved Laboratory* or *Anti-Doping Organization*. Upon request by the *FEI*, the *FEI approved Laboratory* or *Anti-Doping Organization* in possession of the *FEI Sample* or data shall grant access to and enable the *FEI* to take physical possession of the *Sample* or data as soon as possible. If the *FEI* has not provided prior notice to the *FEI approved Laboratory* or *Anti-Doping Organization* before taking possession of an *FEI Sample* or data, it shall provide such notice to the *FEI Approved Laboratory* and each *Anti-Doping Organization* whose *FEI Samples* or data have been taken by the *FEI* within a reasonable time after taking possession. After analysis and any investigation of a seized *FEI Sample* or data, the *FEI* may direct another *Anti-Doping Organization* with authority to test the *Horse* to assume *Results Management* responsibility for the *FEI Sample* or data if a potential *EAD Rule* violation is discovered.

**6.10 *Equestrian Community Integrity Unit***

The *Equestrian Community Integrity Unit* (*ECIU*) shall have the power to conduct investigations arising from or related to these *EAD Rules* in order to protect the integrity of the *FEI* and equestrian sport, as set forth in the *FEI Statutes*. The refusal of a *Person Responsible* or member of the *Support Personnel* or other *Person* to cooperate with the *ECIU* may result in an adverse inference being drawn against that *Person* in any related *FEI Tribunal* proceeding. If the *Equestrian*

## EQUINE ANTI-DOPING RULES

*Community Integrity Unit* determines that it has a good faith basis to pose questions relating to any investigation to a *Person Responsible* or member of the *Support Personnel* or other *Person* and such *Person* refuses to answer such questions, he may be prohibited from participating in any *FEI* activities until such questions are answered to the satisfaction of the *ECIU*.

### **ARTICLE 7                    RESULTS MANAGEMENT, RESPONSIBILITY, INITIAL REVIEW, NOTICE AND PROVISIONAL SUSPENSIONS**

*Results Management* under these *EAD Rules* establishes a process designed to resolve *EAD Rule* violation matters in a fair, expeditious and efficient manner.

#### **7.1     Results Management for Tests arising out of FEI Testing or other EAD Rule violations**

Results management for *Tests* arising out of *FEI Testing* or other *EAD Rule* violations shall proceed as set forth below:

**7.1.1** The results of all *Sample* analyses must be sent exclusively to the *FEI*, in a report signed by an authorised representative of the *Laboratory*. All communications must be conducted in such a way that the results of the *Sample* analyses are confidential.

**7.1.2** Upon receipt of an *Adverse Analytical Finding*, the *FEI* shall conduct a review to determine whether there is any apparent departure from any provision of these *EAD Rules* that caused the *Adverse Analytical Finding*. This may include a review of the *Laboratory Documentation Package* produced by the laboratory to support the *Adverse Analytical Finding* (if available at the time of the review) and the relevant *Doping Control* form(s) and *Testing* documents.

**7.1.3** If (i) the review under Article 7.1.2 reveals an apparent departure from any provision of these *EAD Rules* that caused the *Adverse Analytical Finding*, the entire test shall be considered negative, and/or (ii) upon the review, the *FEI* *Decides* not to bring forward the *Adverse Analytical Finding* as an *EAD Rule* violation, the *FEI* shall promptly *Notify* the *Person Responsible* and the *Owner* of the *Horse*.

**7.1.4** If the review of an *Adverse Analytical Finding* under Article 7.1 does not reveal an apparent departure from the any provision of these *EAD Rules* that caused the *Adverse Analytical Finding*, the *FEI* shall promptly *Notify* the *Person Responsible* and the *Owner* of the *Horse* (if applicable) of:

(a) the *Adverse Analytical Finding*;

(b) the fact that the *Adverse Analytical Finding* may result in an *EAD Rule* violation of Article 2.1 and/or Article 2.2 and the applicable *Consequences*;

(c) the *Person Responsible's* and the *Owner* of the *Horse's* (if applicable) right to promptly request the analysis of the *B Sample*, or, failing such request, that the *B Sample* analysis may be deemed irrevocably waived;

## EQUINE ANTI-DOPING RULES

(d) the opportunity for the *Person Responsible* and the *Owner* of the *Horse* (if applicable) to elect to have the *B Sample* analysed at a different laboratory than the one which performed the *A Sample* analysis, such *Laboratory* to be chosen by the *FEI*, and the opportunity to send a representative (witness) to be present for the *B Sample* analysis within the time period specified in the *FEI Standard for Laboratories* unless allowing such representative or witness presents a threat to the integrity of the analysis process. Where both the *Person Responsible* and the *Owner* have elected to have the *B Sample* analysed but one of them has elected to have the *B Sample* analysed at a different laboratory than the one which performed the *A Sample* analysis and the other one has elected to have the *B Sample* analysed at the same laboratory as the one which performed the *A Sample* analysis, it shall be for the *FEI* to decide the question taking into account all relevant circumstances;

(e) the right of the *Person Responsible* and the *Owner* of the *Horse* (if applicable) to request copies of the *A* and *B Sample* (if applicable) *Laboratory Documentation Package* which includes information as specified in the *FEI Standard for Laboratories*;

(f) the opportunity to provide an explanation within a short deadline;

(g) the opportunity to provide *Substantial Assistance* as set out under Article 10.7.1, to admit the *EAD Rule* violation and potentially benefit from a six month reduction in the period of *Ineligibility* under Article 10.8.1 (if applicable) or to seek to enter into a case resolution agreement under Article 10.8.2;

(h) any matters relating to *Provisional Suspension* (including the possibility to accept a voluntary *Provisional Suspension*) as per Article 7.4; and

(i) the right of the *Person Responsible* and/or the *FEI* to request to the *FEI Tribunal* that Article 9.1 (*Automatic Disqualification*) be promptly applied where the *B Sample Analysis* confirms the *A Sample Analysis* or where the right to request the *B Sample Analysis* is waived.

In the discipline of Endurance, where a *Provisional Suspension* is imposed on a registered Trainer of the *Horse* pursuant to either Clause 7.4.1 or 7.4.2 below, the registered Trainer shall be notified accordingly and the provisions of this Article 7 that apply to the *Person Responsible* and the *Owner* shall also apply to the registered Trainer.

**7.1.5** Pursuant to Article 7.1.4 (d) above, following receipt of the duly executed *Confirmatory Analysis Request Form (B Sample)*, the *FEI* will propose possible dates for such analysis. If the *Person Responsible* and the *Owner* of the *Horse* requests the "*B*" *Sample* analysis but claims that they and/or their representative are not available on the scheduled date indicated by the *FEI*, the *FEI* shall liaise with the *Laboratory* and propose (at least) two (2) alternative dates. If the *Person Responsible* and the *Owner* of the *Horse* and their representative claim not to be available on the alternative dates proposed, the *FEI* shall instruct the *Laboratory* to proceed regardless and appoint an

## EQUINE ANTI-DOPING RULES

*Independent Witness* to verify that the "B" *Sample* container shows no signs of *Tampering* and that the identifying numbers match that on the collection documentation.

The *Person Responsible* and the *Owner* of the *Horse* (if applicable) may accept the *A Sample* analytical results by waiving the right to a *B Sample* analysis. The *FEI* may nonetheless elect at its discretion to proceed with the *B Sample* analysis. In such case, the *B Sample* analysis shall only be used to confirm the *A Sample Adverse Analytical Finding*. The *Person Responsible* and the *Owner* of the *Horse* (if applicable) is deemed to have waived his right to a *B Sample* analysis if he does not submit the *Confirmatory Analysis Request Form* within the stipulated time-limit in the *Notification*.

**7.1.6** In addition to the *Person Responsible* and the *Owner* of the *Horse* (if applicable) and his/their representative (witness), a representative of the *National Federation(s)* involved as well as a representative of the *FEI* shall also be allowed to be present for the *B Sample* analysis. If *Notice* under Article 7.1.4 has not been carried out through the *National Federation*, the *National Federation* shall be informed in a timely manner by the *FEI* of the *Adverse Analytical Finding* and its right to attend the *B Sample* analysis.

**7.1.7** If the *B Sample* proves negative, then the entire test shall be considered negative. The *FEI* shall be informed of the results confidentially and shall *Notify* the *Person Responsible* and the *Owner* of the *Horse* (if applicable).

**7.1.8** If the *B Sample* analysis confirms the *A Sample* analysis, the *FEI* shall be informed of the results confidentially and shall *Notify* the *Person Responsible* and the *Owner* of the *Horse* (if applicable).

**7.1.9** The *FEI* may conduct any follow-up investigation as may be required. Upon completion of such follow-up investigation, if any, the *FEI* shall promptly *Notify* the *Person Responsible's National Federation* of the results of the follow-up investigation.

**7.1.10** For the avoidance of doubt, an *Adverse Analytical Finding* confirmed by the *B Sample* analysis may result from blood or urine *Samples*, or any combination thereof (for example, a confirmatory *B Sample* analysis is valid if performed on a blood sample, even if the *A Sample Adverse Analytical Finding* arose from a urine *Test*, and vice-versa). In addition, and also for the avoidance of doubt, where the *A Sample* is positive for a *Threshold Banned Substance*, as it is quantitatively above the threshold level set for the *Banned Substance*, the *B Sample* shall be deemed to confirm the *A Sample* so long as the level of the *B Sample* is also quantitatively above the threshold, even if the *B Sample* level varies quantitatively from the *A Sample* level.

**7.1.11** Where appropriate, the members of the *Support Personnel* or other *Person*, including the *Owner*, shall receive *Notification* of the *EAD Rule violation* and all relevant corresponding documents.

**7.1.12** If at any point during *Results Management* up until the charge under Article 7.5, the *FEI* decides not to move forward with a matter, it must notify the *Person Responsible*, and/or member of the *Support Personnel* or other *Person* (provided that *Person Responsible*, and/or member of the *Support*

*Personnel* or other *Person* had been already informed of the ongoing *Results Management*) and give notice (with reasons) to the bodies with a right of appeal under Article 13.2.2.

## **7.2 Review of *Atypical Findings***

**7.2.1** In some circumstances Laboratories may report the presence of *Banned Substances* which require further investigation as provided by the *FEI Atypical Findings Policy* and such reports shall be treated by the *FEI*, as *Atypical Findings* subject to further investigation. Upon receipt of an *A Sample Atypical Finding*, the *FEI* shall conduct a review to determine whether there is any apparent departure from any provision of the *EAD Rules* that caused the *Atypical Finding*. If that review does not reveal any departure that caused the *Atypical Finding*, the *FEI* shall conduct the required investigation in accordance with the *FEI Atypical Findings Policy*.

**7.2.2** The *FEI* need not provide notice of an *Atypical Finding* until it has completed the investigation and decided whether it will bring the *Atypical Finding* forward as an *Adverse Analytical Finding* unless one of the following circumstances exists:

(a) If the *FEI* determines that the "*B*" *Sample* should be analysed prior to the conclusion of its investigation, the *FEI* may conduct the *B Sample* analysis after notifying the *Person Responsible* and the *Owner* of the *Horse* (if applicable) with such *Notice* to include a description of the *Atypical Finding* and the information described in Article 7.1.4 (c)-(e) and 7.1.5 above;

(b) If the *FEI* receives a request, either from a *Major Event Organization* shortly before one of its *International Events* or from a sport organization responsible for meeting an imminent deadline for selecting team members (or *Horses*) for an *International Event*, to disclose whether any *Person Responsible* or *Horse* identified on a list provided by the *Major Event Organization* or sport organization has a pending *Atypical Finding*, the *FEI* shall identify any *Person Responsible* or *Horse* after first providing notice of the *Atypical Finding* to the *Person Responsible* or and the *Owner* of the *Horse* (if applicable);

(c) If the *Atypical Finding* is likely to be connected to a serious pathology that requires urgent veterinary attention.

If after the investigation is completed, the *FEI* decides to pursue the *Atypical Finding* as an *Adverse Analytical Finding*, then the procedure shall follow the provisions of Clause 7.1.4 mutatis mutandi. The *Person Responsible's National Federation* shall be *Notified* as provided in Article 7.1 *EAD Rules*. The *Decision* of the *FEI* to pursue or not pursue an *Atypical Finding* as an *Adverse Analytical Finding* is final and is not subject to appeal.

### **7.3 Notification for specific cases and other *EAD Rule* Violations**

**7.3.1** At such time as the FEI considers that the *Person Responsible* or other *Person* may have committed (an) *EAD Rule* violation(s), the FEI shall promptly *Notify* the *Person Responsible*, the *Owner* of the *Horse* (if applicable) and/or member of the *Support Personnel* and/or other *Person* (where applicable) of:

- (a) The relevant *EAD Rule* violation(s) and the applicable Consequences;
- (b) The relevant factual circumstances upon which the allegations are based;
- (c) The relevant evidence in support of those facts that the FEI considers demonstrates that the *Person Responsible* or other *Person* may have committed (an) *EAD Rule* violation(s);
- (d) The *Person Responsible* or other *Person's* right to provide an explanation within reasonable deadline;
- (e) the opportunity provide *Substantial Assistance* as set out under Article 10.7.1, to admit the *EAD Rule* violation and potentially benefit from a one-year reduction in the period of *Ineligibility* under Article 10.8.1 (if applicable) or to seek to enter into a case resolution agreement under Article 10.8.2; and
- (f) any matters relating to *Provisional Suspension* (including the possibility to accept a voluntary *Provisional Suspension*) as per Article 7.4.

### **7.4 Provisional Suspensions**

**7.4.1** The FEI shall provisionally suspend a *Person Responsible* and/or member of the *Support Personnel* and/or other *Person*, and/or the *Person Responsible's Horse* prior to the opportunity for a full hearing based on: (a) an admission that an *EAD Rule* violation has taken place (for the avoidance of doubt, an admission by any *Person* can only be used to provisionally suspend that *Person*); or (b) all of the following elements: (i) an *Adverse Analytical Finding* for a *Banned Substance* that is not a *Specified Substance* from the *A Sample* or *A and B Samples*; (ii) the review described in Article 7.1.2 above; and (iii) the *Notification* described in Article 7.1.4 above. For the discipline of Endurance, where the criteria at (b) above are met, the FEI shall provisionally suspend the registered Trainer (as defined in the FEI Endurance Rules) of the *Horse* and the registered Trainer shall be considered as a member of the *Support Personnel* for the purposes of these *EAD Rules*.

Notwithstanding the foregoing, the FEI shall not provisionally suspend a *Person Responsible* who is a *Minor* and to whom Article 8.3 below (*Special Procedure for Minors*) applies but the FEI shall provisionally suspend the relevant *Horse*.

**7.4.2** The FEI may provisionally suspend a *Person Responsible*, member of the *Support Personnel*, other *Person*, and/or the *Person Responsible's Horse* prior to the opportunity for a full hearing based on (a) evidence that a

## EQUINE ANTI-DOPING RULES

violation of these *EAD Rules* is highly likely to have been committed by the respective *Person* or (b) all of the following elements (i) an *Adverse Analytical Finding* for a *Banned Substance* that is a *Specified Substance* from the *A Sample* or *A and B Samples*; (ii) the review described in Article 7.1.2 above; and (iii) the *Notification* described in Article 7.1.4 above. For the discipline of Endurance, where the criteria at (b) above are met, if the FEI provisionally suspends the *Person Responsible* pursuant to this Article 7.4.2, the FEI shall also provisionally suspend the registered Trainer (as defined in the FEI Endurance Rules) of the *Horse* and the registered Trainer shall be considered as a member of the *Support Personnel* for the purposes of these *EAD Rules*.

In addition, the FEI may provisionally suspend a *Person Responsible* who is a *Minor* to whom Article 8.3 below (*Special Procedure for Minors*) does not apply but the FEI shall provisionally suspend the relevant *Horse*.

- 7.4.3** Notwithstanding Articles 7.4.1 and 7.4.2, a *Provisional Suspension* may not be imposed unless the *Person*, and in the case of the *Provisional Suspension* of a *Horse*, the *Owner* is given: (a) an opportunity for a *Preliminary Hearing*, either before or on a timely basis after the imposition of the *Provisional Suspension*; or (b) an opportunity for an expedited hearing in accordance with Article 8 on a timely basis after the imposition of the *Provisional Suspension*.

The imposition of a *Provisional Suspension*, or the *Decision* not to impose a *Provisional Suspension*, may be appealed in an expedited process in accordance with Article 13.2.

- 7.4.4** The *Provisional Suspension* shall be maintained unless the *Person* requesting the lifting of the *Provisional Suspension* establishes to the comfortable satisfaction of the *FEI Tribunal* that:

(i) the allegation that an *EAD Rule* violation has been committed has no reasonable prospect of being upheld, e.g., because of a material defect in the evidence on which the allegation is based; or

(ii) the *Person* can demonstrate that the evidence will show that he bears *No Fault or No Negligence* for the *EAD Rule* violation that is alleged to have been committed, so that any period of *Ineligibility* that might otherwise be imposed for such offence is likely to be completely eliminated by application of Article 10.5 below or that 10.6 applies and the *Person* can demonstrate that the evidence will show that he bears *No Significant Fault or Negligence* and that he has already been provisionally suspended for a period of time that warrants the lifting of the *Provisional Suspension* pending a final *Decision* of the *FEI Tribunal*. This Article 7.4.4(ii) does not apply to an application to lift a *Provisional Suspension* imposed on a *Horse*; or

(iii) exceptional circumstances exist that make it clearly unfair, taking into account all of the circumstances of the case, to impose a *Provisional Suspension* prior to the final hearing of the *FEI Tribunal*. This ground is to be construed narrowly, and applied only in truly exceptional circumstances. For example, the fact that the *Provisional Suspension*

## EQUINE ANTI-DOPING RULES

would prevent the *Person* or *Horse* competing in a particular *Competition* or *Event* shall not qualify as exceptional circumstances for these purposes.

The *FEI* may also request the lifting of the *Provisional Suspension*.

**7.4.5** If a *Provisional Suspension* is imposed based on an *A Sample Adverse Analytical Finding* and a subsequent *B Sample* analysis (if requested) does not confirm the *A Sample* analysis, then the *Person(s)* alleged to have committed the *EAD Rule* violation and his member of the *Support Personnel* and/or other *Person*, and/or *Horse* shall not be subject to any further *Provisional Suspension* on account of a violation of Article 2.1 above (Presence of a *Banned Substance* and/or its *Metabolites* or *Markers*). In circumstances where the *Person Responsible* and/or his *Horse* has been removed from a *Competition* and/or *Event* based on a violation of Article 2.1 and the subsequent *B Sample* analysis does not confirm the *A Sample* finding, if it is still possible for the *Person Responsible* and his *Horse* to be re-entered without otherwise affecting the *Competition* and/or *Event*, the *Person Responsible* and his *Horse* may continue to take part in the *Competition* and/or *Event*.

**7.4.6** After the imposition of a *Provisional Suspension* and prior to a final hearing, the *Person Responsible* and/or member of the *Support Personnel* (including *Owner*) and/or other *Person* can petition the *FEI Tribunal* for another *Preliminary Hearing* provided that new evidence exists that, if known at the time of the earlier *Preliminary Hearing*, may have satisfied the requirements of Article 7.4.4 above and may have led to the lifting of the *Provisional Suspension*. Such petition must be made in writing to the *FEI Tribunal* and copied to the *FEI* Legal Department and must clearly establish the existence of such new evidence meeting this criterion. If the request for another *Preliminary Hearing* is granted by the *FEI Tribunal*, and provided that a *Preliminary Hearing* had already taken place at an earlier stage, the same *FEI Tribunal* member who presided over the prior *Preliminary Hearing* will *Decide* the new *Preliminary Hearing* request, unless exceptional circumstances prevent it from doing so, in which case another *FEI Tribunal* member will be appointed to conduct the new *Preliminary Hearing*. If another *Preliminary Hearing* is granted after the *Hearing Panel* has been constituted, any member of the *Hearing Panel* may conduct the *Preliminary Hearing*. *Preliminary Hearing Decisions* may be issued by the *FEI Tribunal* without reasons.

**7.4.7** During a period of *Provisional Suspension*, no *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* who themselves are provisionally suspended, or a *Horse* that is provisionally suspended, may participate in any capacity at an *Event*, or in a *Competition* or activity, or be present at an *Event* (other than as a spectator) that is authorised or organised by the *FEI* or any *National Federation* or in *Competitions* authorised or organised by any international or national level *Event* organisation.

### **7.4.8** Voluntary Acceptance of *Provisional Suspension*

*The Person Responsible* on their own initiative may voluntarily accept a *Provisional Suspension* if done so prior to the later of: (i) the expiration of ten (10) days from the report of the *B Sample* (or waiver of the *B Sample*) or ten (10) days from the notice of any other *EAD Rule* violation, or (ii) the date on which the *Person Responsible* first competes after such report or notice.

## EQUINE ANTI-DOPING RULES

Other *Persons* on their own initiative may voluntarily accept a *Provisional Suspension* if done so within ten (10) days from the notice of the *EAD Rule* violation.

The deadlines set out in this Article may be extended subject to the agreement of the FEI.

Upon such voluntary acceptance, the *Provisional Suspension* shall have the full effect and be treated in the same manner as if the *Provisional Suspension* had been imposed under Article 7.4.1 or 7.4.2; provided, however, at any time after voluntarily accepting a *Provisional Suspension*, the *Person Responsible* or other *Person* may withdraw such acceptance, in which event the *Person Responsible* or other *Person* shall not receive any credit for time previously served during the *Provisional Suspension*.

### 7.5 Charge

**7.5.1** If, after receipt of the *Person Responsible*, or other *Person's* explanation or expiry of the deadline to provide such explanation, the FEI is (still) satisfied that the *Person Responsible*, member of the *Support Personnel* or other *Person's* has committed (an) *EAD Rule* violation(s), the FEI shall promptly charge the *Person Responsible*, member of the *Support Personnel* or other *Person's* with the *EAD Rule* violation(s) they are asserted to have breached. In this letter of charge, the FEI:

(a) Shall set out the provision(s) of *EAD Rules* asserted to have been violated by the *Person Responsible*, member of the *Support Personnel* or other *Person*;

(b) Shall provide a detailed summary of the relevant facts upon which the assertion is based, enclosing any additional underlying evidence not already provided in the notification under Article 7.1.4;

(c) Shall indicate the specific *Consequences* being sought in the event that the asserted *EAD Rule* violation(s) is/are upheld and that such *Consequences* shall have binding effect on all *National Federations* and *WADA Code Signatories* in all sports and countries as per Article 15;

(d) Shall grant a deadline of not more than twenty (20) days from receipt of the letter of charge (which may be extended subject to the prior written agreement of the FEI Legal Department) to the *Person Responsible*, member of the *Support Personnel* or other *Person* to admit the *EAD Rule* violation asserted and to accept the proposed *Consequences* by signing, dating and returning an acceptance of *Consequences* form, which shall be enclosed to the letter;

(e) For the eventuality that the *Person Responsible*, member of the *Support Personnel* or other *Person* does not accept the proposed *Consequences*, shall already grant to the *Person Responsible*, member of the *Support Personnel* or other *Person* a deadline (which shall not be more than twenty (20) days from receipt of the letter of charge unless extended subject to the prior written agreement of the FEI Legal Department) to challenge in writing the FEI's

## EQUINE ANTI-DOPING RULES

assertion of an *EAD Rule* violation and/or proposed *Consequences*, and/or make a written request for a hearing before the relevant hearing panel;

(f) Shall indicate that if the *Person Responsible*, member of the *Support Personnel* or other *Person* does not challenge the *FEI's* assertion of an *EAD Rule* violation or proposed *Consequences* nor request a hearing within the prescribed deadline, the *FEI* shall be entitled to deem that the *Person Responsible*, member of the *Support Personnel* or other *Person* has waived their right to a hearing and admitted the *EAD Rule* violation as well as accepted the *Consequences* set out by the *FEI* in the letter of charge;

(g) Shall indicate that the *Person Responsible*, member of the *Support Personnel* or other *Person* may be able to obtain a suspension of *Consequences* if they provide *Substantial Assistance* under Article 10.6.1, may admit the *EAD Rule* violation(s) within twenty (20) days from receipt of the letter of charge (unless extended subject to the prior written agreement of the *FEI* Legal Department) and potentially benefit from a one-year reduction in the period of *Ineligibility* under Article 10.8.1 (if applicable) and/or seek to enter into a case resolution agreement by admitting the anti-doping rule violation(s) under Article 10.8.2; and

(h) Shall set out any matters relating to *Provisional Suspension* as per Article 7.4 (if applicable).

In the discipline of Endurance, where proceedings are opened against a registered Trainer of the *Horse*, the registered Trainer shall be charged accordingly and the provisions of this Article 7.5 that apply to the *Person Responsible* and the *Owner* shall also apply to the registered Trainer.

**7.5.2** The notice of charge notified to the *Person Responsible*, member of the *Support Personnel* or other *Person* shall simultaneously be notified by the *FEI* to the *Person Responsible*, member of the *Support Personnel* or other *Person* *National Federation*.

**7.5.3** In the event that the *Person Responsible*, member of the *Support Personnel* or other *Person* either (i) admits the *EAD Rule* violation and accepts the proposed *Consequences* or (ii) is deemed to have admitted the violation and accepted the *Consequences* as per Article 7.5.1(f), the *FEI Tribunal* shall promptly issue the *Decision* and notify it in accordance with Article 8.4.3.

**7.5.4** If, after the *Person Responsible*, member of the *Support Personnel* or other *Person* on has been charged, the *FEI* decides to withdraw the charge, it must notify the *Person Responsible*, member of the *Support Personnel* or other *Person* and give notice (with reasons) to the bodies with a right of appeal under Article 13.2.2.

**7.5.5** In the event that the *Person Responsible*, member of the *Support Personnel* or other *Person* requests a hearing, the matter shall be referred to the *FEI Tribunal* and be dealt with pursuant to Article 8.

## **7.6 Intentionally Omitted**

## **7.7 Retirement from Sport**

If a *Person Responsible* and/or member of the *Support Personnel* retires while a *Results Management* process is underway, the *FEI* retains authority to complete its *Results Management* process. If a *Person Responsible* and/or member of the *Support Personnel* retires before any *Results Management* process has begun and the *FEI* would have had *Results Management* authority over the *Person Responsible* or member of the *Support Personnel* or other *Person* at the time the *Person Responsible* or member of the *Support Personnel* committed an *EAD Rule* violation, the *FEI* similarly has jurisdiction to conduct *Results Management*.

## **ARTICLE 8 RESULTS MANAGEMENT: RIGHT TO A FAIR HEARING AND NOTICE OF HEARING DECISION**

### **8.1 Hearings before the *FEI Tribunal***

**8.1.1** The *FEI Tribunal* shall *Decide* all cases involving violations of these *EAD Rules*.

**8.1.2** When the *FEI* sends a *Notice* to a *Person Responsible* and/or a member of the *Support Personnel* and/or *Owner* and/or other *Person* asserting a violation of these *EAD Rules* and the *Person Responsible* and/or member of the *Support Personnel* does not waive a hearing in accordance with Article 8.5.1 or 8.5.2 then the case shall be assigned to a *Hearing Panel* of the *FEI Tribunal* for hearing and adjudication.

**8.1.3** Hearings pursuant to this Article shall be completed expeditiously following the completion of the *Results Management* or investigation process described in Article 7 above and the submission of all relevant evidence and pleadings by the parties. The *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* (where applicable) alleged to have violated the *EAD Rules* shall cooperate promptly in the submission of such evidence and pleadings and in attendance at a hearing if requested by the *FEI Tribunal*.

**8.1.4** The *Person Responsible* and/or member of the *Support Personnel* (including *Owner*) and/or other *Person* alleged to have violated the *EAD Rules* may attend the hearing under all circumstances.

**8.1.5** A *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* (where applicable) may acknowledge the *EAD Rule* violation and accept consequences consistent with Articles 9 and 10 below as proposed by the *FEI*.

### **8.2 Fair Hearings**

#### **8.2.1 Fair, Impartial and Operationally Independent *Hearing Panel***

**8.2.1.1** The *FEI* shall establish a *Hearing Panel*, the *FEI Tribunal*, which has jurisdiction to hear and determine whether an *Person Responsible* and/or member of the *Support Personnel* and/or other *Person*, subject to these *EAD*

## EQUINE ANTI-DOPING RULES

*Rules*, has committed an *EAD Rule* violation and, if applicable, to impose relevant *Consequences*.

**8.2.1.2** The FEI shall ensure that the *FEI Tribunal* is free of conflict of interest and that its composition, term of office, professional experience, *Operational Independence* and adequate financing comply with the requirements set out in these *EAD Rules*.

**8.2.1.3** Board members, staff members, commission members and consultants of the FEI or its affiliates (e.g. *National Federations* or confederation), as well as any *Person* involved in the investigation and pre-adjudication of the matter, cannot be appointed as members and/or clerks (to the extent that such clerk is involved in the deliberation process and/or drafting of any *Decision*) of the *FEI Tribunal*. In particular, no member shall have previously considered any *Results Management Decision*, or appeals in the same given case.

**8.2.1.4** The *FEI Tribunal* shall consist of an independent Chair and at least six (6) other independent members.

**8.2.1.5** Each member shall be elected by taking into consideration their requisite equine anti-doping/sports law experience including their legal, sports, medical and/or scientific expertise. Each member shall be appointed for a once renewable term of four (4) years.

**8.2.1.6** The *FEI Tribunal* shall be in a position to conduct the hearing and decision-making process without interference from the *FEI* or any third party.

### **8.2.2 Principles for a Fair Hearing**

Hearings must be held in accordance with the following principles:

**8.2.2.1** The hearing panel must remain fair, impartial and Operationally Independent at all times;

**8.2.2.2** The Hearing Process shall be accessible and affordable;

**8.2.2.3** The Hearing Process shall be conducted within a reasonable time;

**8.2.2.4** The right to be informed in a fair and timely manner of the asserted EAD Rule violation(s), the right to be represented by counsel at the *Person Responsible*, member of the *Support Personnel* (including the *Owner*) or other *Person's* own expense, the right of access to and to present relevant evidence, the right to submit written and oral submissions, the right to call and examine witnesses, and the right to an interpreter at the hearing at the *Person Responsible*, member of the *Support Personnel* (including the *Owner*) or other *Person's* own expense.

**8.2.2.5** The parties shall be notified of the identity of the *FEI Tribunal* panel member(s) appointed to hear and determine the matter and be provided with their declaration at the outset of the *Hearing Process*. The parties shall be informed of their right to challenge the appointment of any hearing panel member if there are grounds for potential conflicts of interest within seven (7)

## EQUINE ANTI-DOPING RULES

days from the ground for the challenge having become known. Any challenge shall be decided upon by an independent person from the wider pool of *FEI Tribunal* members.

### **8.2.3 Hearing Process**

**8.2.3.1** When the FEI sends a notice to a *Person Responsible*, member of the *Support Personnel* or other *Person* notifying them of a potential *EAD Rule* violation, and the *Person Responsible*, member of the *Support Personnel* or other *Person* does not waive a hearing in accordance with Article 8.5.1 or Article 8.5.2, then the case shall be referred to the *FEI Tribunal* for hearing and adjudication, which shall be conducted in accordance with the principles described above.

**8.2.3.2** The Chair shall appoint either one (1) member or three (3) members (which may include the Chair) to hear that case.

**8.2.3.3** Upon appointment by the Chair as a member of the *FEI Tribunal*, each member must also sign a declaration that there are no facts or circumstances known to him or her which might call into question their impartiality in the eyes of any of the parties, other than those circumstances disclosed in the declaration.

**8.2.3.4** Hearings held in connection with *Events* in respect to *Person Responsible*, member of the *Support Personnel* or other *Person* who are subject to these *EAD Rules* may be conducted by an expedited process where permitted by the *FEI Tribunal*.

**8.2.3.5** The *National Federation of Person Responsible*, member of the *Support Personnel* or other *Person* may attend the hearing as observers. In any event, the FEI shall keep them fully apprised as to the status of pending cases and the result of all hearings.

### **8.3 Special Procedure for Minors**

**8.3.1** For *Adverse Analytical Findings* involving one or more *Banned Substances*, where the *Person Responsible* is a *Minor*, the *Minor* may elect to have their case processed under the "*Special Procedure for Minors*" provided that:

b. The *Minor* and the *Horse* are first-time offenders (namely, no record of any *EAD* or *ECM Rule* violations, or violations of any predecessor rules) without any pending or concluded cases within the last four (4) years preceding the *Sample* which caused the *Adverse Analytical Finding*; and

c. The *Event* during which the *Sample* was taken from the *Horse* is not part of the Olympic Games, Paralympic Games or World Equestrian Games.

**8.3.2** If the *Minor* requests a hearing before the *FEI Tribunal*, Article 10 below shall apply at the discretion of the *Hearing Panel*.

## EQUINE ANTI-DOPING RULES

**8.3.3** Where the *Special Procedure for Minors* is applied by the *FEI*, the following consequences shall be imposed and no other consequences, including those set forth in Article 10 below or elsewhere in these *EAD Rules*, shall be applicable to any *Minor* who has elected to avail of this *Special Procedure for Minors*:

- a. *Disqualification* of the *Minor* and the *Horse* from the whole *Event* and forfeiture of all prizes and prize money won at the *Event*;
- b. Two month period of *Ineligibility* for the *Minor*, such period of *Ineligibility* to commence on the date that the Acceptance Form referred to in Article 8.3.5 below is received by the *FEI*;
- c. Two month period of suspension for the *Horse*, such period of suspension to commence as of the date of *Notification* (i.e. the date the provisional suspension of the *Horse* commenced);
- c. A *Fine* of CHF 1,500; and
- d. Costs of CHF 1,000. However, if a *B Sample* analysis is requested and the *Special Procedure for Minors* is accepted after the *B Sample Analysis*, the costs payable shall be increased to CHF 2,000.

**8.3.4** In order to apply this *Special Procedure for Minors*, the *Minor* and his/her legal guardian must execute an Acceptance Form within fourteen (14) calendar days following the date of the *Notice* in which the *FEI* offers this *Special Procedure for Minors* to the *Minor* alleged to have committed the *EAD Rule* violation. The *FEI* may reasonably extend such deadline provided the file has not yet been circulated to the *FEI Tribunal* or any of its members.

**8.3.5** If the *Minor* does not elect to avail of the *Special Procedure for Minors* within the fixed time limit, the *Special Procedure for Minors* shall be considered declined and the case shall be submitted to the *FEI Tribunal* for final *Decision*. The *FEI Tribunal* may impose Sanctions and costs which may be more or less severe than the ones provided under Article 8.3.3 above.

**8.3.6** The principles contained at Article 14.3.5 shall be applied in cases dealt with under the *Special Procedure for Minors*.

### **8.4** *Decisions*

**8.4.1** At the end of the hearing, or on a timely basis thereafter, the *FEI Tribunal* shall issue a written *Decision* that includes the jurisdictional basis and applicable rules, detailed factual background; *EAD Rule* violation(s) committed, applicable Consequences (including (if applicable) a justification for why the greatest potential *Consequences* were not imposed) and the appeal route and the applicable deadline. The *FEI Tribunal* may decide to communicate the operative part of the *Decision* to the parties, prior to the reasons. The *Decision* shall be enforceable from such notification of the operative part by courier, facsimile and/or electronic mail.

## EQUINE ANTI-DOPING RULES

**8.4.2** If no appeal is brought against the *Decision*, then (a) if the *Decision* is that an anti-doping rule violation was committed, the *Decision* shall be *Publicly Disclosed* as provided in Article 14.3.2; but (b) if the *Decision* is that no anti-doping rule violation was committed, then the *Decision* shall only be *Publicly Disclosed* with the consent of the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person*. The *FEI* shall use reasonable efforts to obtain such consent, and if consent is obtained, shall *Publicly Disclose* the *Decision* in its entirety or in such redacted form as the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* may approve.

The principles contained at Article 14.3.5 shall be applied in cases involving a *Minor*.

### **8.4.3 Notification of Decisions**

**8.4.3.1** The *FEI* shall notify, directly and/or or indirectly via the *FEI Tribunal Clerk*, the *Decision* to the *Person Responsible*, member of the *Support Personnel* or other *Person* and to other *Anti-Doping Organizations* with a right to appeal under Article 13.2.2. The *Decision* may be appealed as provided in Article 13.

**8.4.3.2** When being notified of the *Decision*, the *Person Responsible*, member of the *Support Personnel* or other *Person* must also be informed of the following:

(a) If subject to a period of *Ineligibility* shall be made aware of their status during *Ineligibility*, including the *Consequences* of a violation of the prohibition of participation during *Ineligibility*, pursuant to Article 10.14.

(b) If subject to a period of *Ineligibility* should also be made aware by that they remain subject to *Testing* during the period of *Ineligibility*.

### **8.5 Waiver of Hearing**

**8.5.1** A *Person Responsible* and/or member of the *Support Personnel* and/or *Owner* and/or other *Person* may waive a hearing expressly and agree with the *Consequences* proposed by the *FEI*.

**8.5.2** However, if the *Person Responsible* and/or member of the *Support Personnel* and/or *Owner* and/or other *Person* against whom an *EAD Rule* violation is asserted fails to dispute that assertion within twenty (20) days or the deadline specified in the notice sent by the *FEI*, then he/she shall be deemed to have waived a hearing, to have admitted the violation, and to have accepted the proposed *Consequences*.

**8.5.3** In cases where Article 8.5.1 or 8.5.2 applies, a hearing before the *FEI Tribunal* shall not be required. Instead the *FEI Tribunal* shall promptly issue a written *Decision* that conforms with the requirements of Article 8.4 and which includes the full reasons for the *Decision*, the period of *Ineligibility* imposed,, the *Disqualification* of results under Article 10.10

## EQUINE ANTI-DOPING RULES

and, if applicable, a justification for why the greatest potential *Consequences* were not imposed.

- 8.5.4** The *FEI* shall notify that *Decision* to the *Person Responsible* and/or member of the *Support Personnel* and to other *Anti-Doping Organizations* with a right to appeal under Article 13.2.2. The *FEI* shall *Publicly Disclose* that *Decision* in accordance with Article 14.3.

### ARTICLE 9 AUTOMATIC *DISQUALIFICATION* OF RESULTS

- 9.1** A violation of these *EAD Rules* in connection with a test in a given *Competition* automatically leads to the *Disqualification* of the result(s) of the *Person Responsible* and *Horse* combination obtained in that *Competition* with all resulting *Consequences*, including forfeiture of any related medals, points and prizes.

Where applicable, *Consequences* to teams are detailed in Article 11 below.

Even if a Sanction is reduced or eliminated under Article 10 below, such reduction or elimination shall under no circumstances reverse the automatic *Disqualification* of the Result(s) mandated by this Article 9.

- 9.2** In circumstances where the *Person Responsible* and *Owner* are informed of an *Adverse Analytical Finding* in accordance with Article 7.1 and

(i) the *B Sample* analysis confirms the *A Sample* analysis; or

(ii) the right to request the analysis of the *B Sample* is not exercised; and

(iii) where requested by the *FEI* and/or the *Person Responsible*,

the matter will be submitted to the *FEI Tribunal* who shall decide whether or not to apply Article 9.1 at that stage of the proceedings.

### ARTICLE 10 SANCTIONS

- 10.1** *Disqualification of Results in the Event during which an EAD Rule Violation Occurs*

The following rules relating to the *Disqualification* of results will apply:

- 10.1.1** At the Olympic Games and Paralympic Games:

An *EAD Rule* violation occurring during or in connection with the *Event* shall lead to *Disqualification* of all of the *Person Responsible's* results obtained in that *Event*, with any and all *Horses* with which the *Person Responsible* competed, with all *Consequences* (and the resulting consequences to teams as provided in Article 11), including forfeiture of all medals, points and prizes,.

- 10.1.2** At all other *Events* at which these *EAD Rules* apply, an *EAD Rule* violation occurring during or in connection with an *Event* shall, upon the

## EQUINE ANTI-DOPING RULES

*Decision of the FEI Tribunal, lead to Disqualification of all of the Person Responsible's results obtained in that Event, with any and all Horses, with all Consequences, including forfeiture of all medals, points and prizes, unless the Horse(s) tested negative in another Competition(s) prior to the Competition in which the EAD Rules were violated, in which case the result(s) obtained by the Person Responsible in that Competition(s) will not be Disqualified.*

Where applicable, consequences to teams shall be as provided in Article 11.

**10.1.3** In addition, the *Person Responsible's Horse* shall also be *Disqualified* from the entire *Event* with all *Consequences*, including forfeiture of all medals, points, and prizes even if earned while being ridden by someone other than the *Person Responsible*, if the *Horse's* results in *Competitions* other than the *Competition* in which the *EAD Rule* violation occurred were likely to have been affected by the *EAD Rule* violation.

### **10.2 Ineligibility and Fine for Presence, Use or Attempted Use or Possession of Banned Substances and Banned Methods**

**10.2.1** The period of *Ineligibility* for a violation of Articles 2.1, 2.2 or 2.6 shall be as follows, subject to potential reduction or suspension pursuant to Articles 10.4, 10.5 or 10.6, the period of *Ineligibility* shall be two (2) years.

A fine of up to CHF15,000 shall also be imposed and appropriate legal costs.

### **10.3 Ineligibility for Other Rule Violations**

The Sanction for *EAD Rule* violations other than as provided in Articles 9, 10.1 and 10.2 above shall be as follows, unless Articles 10.5, 10.6 or 10.7 are applicable:

**10.3.1** For violations of Articles 2.3 2.4 or 2.5, the period of *Ineligibility* shall be two (2) years. A fine of up to CHF15,000 shall also be imposed along with appropriate legal costs.

**10.3.2** For violations of Article 2.7, the period of *Ineligibility* shall be a minimum of four (4) years up to lifetime *Ineligibility*, depending on the seriousness of the violation.

An Article 2.5 or Article 2.7 violation involving a *Minor* shall be considered a particularly serious violation and, if committed by member of the *Support Personnel* or other *Person*, shall result in lifetime *Ineligibility* for the member of the *Support Personnel* or other *Person*. For violations of Article 2.7, a fine of up to CHF25,000 shall also be imposed, along with appropriate legal costs. In addition, significant violations of Article 2.5 or 2.7 which may also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.

**10.3.3** For violations of Article 2.8, the period of *Ineligibility* imposed shall be up to two (2) years, depending on the seriousness of the violation. A fine of up to CHF15,000 shall also be imposed along with appropriate legal costs.

**10.3.4** For violations of Article 2.9, the period of *Ineligibility* shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on the *Person Responsible's* and/or a member of the *Support Personnel's* or other *Person's* degree of *Fault* and other circumstances of the case.

**10.4 *Aggravating Circumstances which may Increase the Period of Ineligibility***

If the FEI establishes in an individual case involving an *EAD Rule* violation other than violations under Article 2.7 (*Trafficking or Attempted Trafficking*), 2.8 (*Administration or Attempted Administration*), 2.9 (*Complicity*) or 2.11 (Acts by a *Person Responsible* or Other *Person* to Discourage or Retaliate Against Reporting) that *Aggravating Circumstances* are present which justify the imposition of a period of *Ineligibility* greater than the standard sanction, then the period of *Ineligibility* otherwise applicable shall be increased by an additional period of *Ineligibility* of up to two (2) years depending on the seriousness of the violation and the nature of the *Aggravating Circumstances*, unless the *Person Responsible*, member of the *Support Personnel* or other *Person* can establish that he or she did not knowingly commit the *EAD Rule* violation.

**10.5 *Elimination or the Period of Ineligibility Where there is No Fault or Negligence***

If the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* (where applicable) establishes in an individual case that he/she bears *No Fault or Negligence* for the *EAD Rule* violation, the otherwise applicable period of *Ineligibility* and other Sanctions (apart from Article 9) shall be eliminated in regard to such *Person*. When a *Banned Substance* and/or its *Metabolites* or *Markers* is detected in a *Horse's Sample* in violation of Article 2.1 (presence of a *Banned Substance*), the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* (where applicable) must also establish how the *Banned Substance* entered the *Horse's* system in order to have the period of *Ineligibility* and other Sanctions eliminated. In the event this Article is applied and the period of *Ineligibility* otherwise applicable is eliminated, the *EAD Rule* violation shall not be considered a violation for the limited purpose of determining the period of *Ineligibility* for multiple violations under Article 1098 below and shall not be considered a prior violation for the purpose of Article 8.3 (*Administrative Procedure*) of the *ECM Rules*.

Article 10.5 can apply in cases involving *Specified Substances*. Otherwise Article 10.5 only applies in exceptional circumstances. *No Fault or Negligence* does not apply in the following circumstances:

- (a) where the presence of the *Banned Substance* in a *Sample* came from a mislabelled or contaminated supplement. *Persons Responsible* are responsible for what their *Horses* ingest and have been warned about the possibility of supplement contamination.
- (b) the *Administration* of a *Banned Substance* by the *Person Responsible's* veterinary personnel or member of the *Support Personnel* without disclosure to the *Person Responsible*. *Persons Responsible* are responsible for their choice of veterinary personnel and *Support*

## EQUINE ANTI-DOPING RULES

*Personnel* and for advising veterinary personnel and *Support Personnel* that *Horses* cannot be given any *Banned Substance* at any time.

### **10.6 Reduction of the Period of *Ineligibility* based on *No Significant Fault or Negligence***

#### **10.6.1 Reduction of Sanctions in Particular Circumstances**

All reductions under 10.6.1 are mutually exclusive and not cumulative.

##### **10.6.1.1. *Specified Substances***

Where the EAD rule violation involves a *Banned Substance* that is a *Specified Substance*, and the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* can establish *No Significant Fault or Negligence*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two (2) years of *Ineligibility*, depending on the *Person Responsible's* or other *Person's* degree of *Fault*. Where the *Person Responsible* and/or member of the *Support Personnel* or other *Person* intends to establish that he/she bears *No Fault or Negligence*, Article 10.5 shall apply.

##### **10.6.1.2. *Contaminated Products or Other Contamination***

In cases where the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* can establish both *No Significant Fault or Negligence* and that the detected *Banned Substance* came from a *Contaminated Product* or that the detected *Banned Substance* was caused by another form of contamination, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two (2) years *Ineligibility*, depending on such *Person's* and/or member of the *Support Personnel's* degree of *Fault*.

#### **10.6.2. Application of *No Significant Fault or Negligence* beyond the Application of Article 10.6.1**

If a *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* (where applicable) establishes in an individual case where 10.6.1 is not applicable that he bears *No Significant Fault or Negligence*, then, subject to further reduction or elimination as provided in Article 10.7, the otherwise applicable period of *Ineligibility* and other Sanctions (apart from Article 9) may be reduced in regard to such *Person*, but the reduced period of *Ineligibility* may not be less than one-half of the period of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this Article may be no less than eight (8) years. When a *Banned Substance* and/or its *Metabolites* or *Markers* is detected in a *Horse's Sample* in violation of Article 2.1 (presence of a *Banned Substance* or its *Metabolites* or *Markers*), the *Person* alleged to have committed the *EAD Rule* violation must also establish how the *Banned Substance* or its *Metabolites* or *Markers* entered the *Horse's* system in order to have the period of *Ineligibility* reduced.

**10.7 Elimination, Reduction, or Suspension of Period of Ineligibility or other Consequences for Reasons other than Fault****10.7.1 Substantial Assistance in Discovering or Establishing EAD Rule Violations**

The *FEI Tribunal* may, prior to an appellate *Decision* under Article 13 below or the expiration of the time to appeal, suspend a part or all of Consequences (other than *Disqualification* and mandatory *Public Disclosure*) imposed in an individual case and only where the FEI, in its sole discretion, has agreed that the *Person Responsible* and/or member of the *Support Personnel* or other *Person* has provided *Substantial Assistance* to the FEI, the *Equestrian Community Integrity Unit*, criminal authority or professional disciplinary body which results in (i) the FEI discovering or bringing forward an *EAD Rule* violation; and/or an ECM Rule violation; and/or an FEI Anti-Doping Rules for Human *Athletes* violation by another *Person* or (ii) which results in a criminal or disciplinary body discovering or bringing forward a criminal offence or the breach of professional rules by another *Person* and the information provided by such *Person* providing *Substantial Assistance* is made available to the FEI. Such *Substantial Assistance* must be independently corroborated in order to reduce the period of *Ineligibility* and under no circumstance should it amount only to blaming another *Person* or entity for the alleged *EAD Rule* violation.

The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the seriousness of the *EAD Rule* violation committed and the significance of the *Substantial Assistance* provided in an effort to promote doping-free equestrian sport, compliance with the *EAD Rules* and/or the integrity of equestrian sport. In any event, no more than three-quarters of the otherwise applicable period of *Ineligibility* may be suspended. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this section must be no less than eight (8) years. For purposes of this paragraph, the otherwise applicable period of *Ineligibility* shall not include any period of *Ineligibility* that could be added under Article 10.9.3.2 of these *EAD Rules*.

If so requested by *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* who seeks to provide *Substantial Assistance*, the FEI shall allow the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* to provide the information to it subject to a *Without Prejudice Agreement*

If the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* fails to continue to cooperate and to provide the complete and credible *Substantial Assistance* upon which a suspension of the *Consequences* was based, the *FEI Tribunal* shall reinstate the original *Consequences*. If the *FEI Tribunal* decides to reinstate suspended *Consequences* or decides not to reinstate suspended *Consequences*, that *Decision* may be appealed by any *Person* entitled to appeal under Article 13.

### **10.7.2 Admission of an *EAD Rule* Violation in the Absence of Other Evidence**

Where a *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* voluntarily admits the commission of an *EAD Rule* violation before having received *Notice* of a *Sample* collection which could establish an *EAD Rule* violation (or, in the case of an *EAD Rule* violation other than Article 2.1, before receiving first *Notice* of the admitted violation pursuant to Article 7) and that admission is the only reliable evidence of the violation at the time of admission, then the period of *Ineligibility* may be reduced, but not below one-half of the period of *Ineligibility* otherwise applicable.

### **10.7.3 Application of Multiple Grounds for Reduction of a Sanction**

If the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under two (2) or more of Articles 10.5, 10.6 or 10.7, before applying any reduction or suspension under Article 10.7, the otherwise applicable period of *Ineligibility* shall be determined in accordance with Articles 10.2, 10.3, 10.5 and 10.6. If the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under Article 10.7, then the period of *Ineligibility* may be reduced or suspended, but not below one-quarter of the otherwise applicable period of *Ineligibility*.

## **10.8 Results Management Agreements**

### **10.8.1 Six (6) Month Reduction for Certain Anti-Doping Rule Violations Based on Early Admission and Acceptance of Sanction**

Where a *Person Responsible* and/or member of the *Support Personnel* and/or other *Person*, after being notified by the FEI of a potential *EAD Rule* violation that carries an asserted period of *Ineligibility* of two (2) years or more years (including any period of *Ineligibility* asserted under Article 10.4), admits the violation and accepts the asserted period of *Ineligibility* no later than twenty (20) days after receiving notice of an *EAD Rule* violation charge, the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* may receive a six (6) month reduction in the period of *Ineligibility* asserted by the FEI. Where the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* receives the six (6) month reduction in the asserted period of *Ineligibility* under this Article 10.8.1, no further reduction in the asserted period of *Ineligibility* shall be allowed under any other Article.

### **10.8.2 Case Resolution Agreement**

Where the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* admits an *EAD Rule* violation after being confronted with the *EAD Rule* violation by the FEI and agrees to *Consequences* acceptable to the FEI, at its sole discretion, then: (a) the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* may receive a reduction in the period of *Ineligibility* based on an assessment by the FEI of the application of Articles 10.1 through 10.7 to the asserted *EAD Rule* violation, the seriousness of the violation, the *Person Responsible* and/or member of the *Support Personnel*'s

## EQUINE ANTI-DOPING RULES

and/or other *Person's* degree of *Fault* and how promptly the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* admitted the violation; and (b) the period of *Ineligibility* may start as early as the date of *Sample* collection or the date on which another EAD Rule violation last occurred. In each case, however, where this Article is applied, the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* shall serve at least one-half of the agreed-upon period of *Ineligibility* going forward from the earlier of the date the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* accepted the imposition of a sanction or a *Provisional Suspension* which was subsequently respected by the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person*.

The agreement shall be submitted to the *FEI Tribunal* for the sole purpose of the *FEI Tribunal* confirming that the above criteria have been fulfilled (or do not apply) and, where so confirmed 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 published as provided in Article 14.3 The *Decision* by the FEI to enter or not enter into a case resolution agreement, and the amount of the reduction to, and the starting date of, the period of *Ineligibility* and the confirmation of the case resolution agreement by the *FEI Tribunal* are not subject to appeal under Article 13.

If so requested by a *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* who seeks to enter into a case resolution agreement under this Article, the FEI shall allow the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* to discuss an admission of the *EAD Rule* violation with it subject to a *Without Prejudice Agreement*.

### 10.9 Multiple Violations

#### 10.9.1 Second or Third *EAD Rule* Violation

**10.9.1.1** For a *Person Responsible* and/or member of the *Support Personnel's* and/or other *Person's* second *EAD Rule* violation, the period of *Ineligibility* shall be the greater of:

- (a) six months;
- (b) a period of *Ineligibility* in the range between:
  - (i) the sum of the period of *Ineligibility* imposed for the first *EAD Rule* violation plus the period of *Ineligibility* otherwise applicable to the second *EAD Rule* violation treated as if it were a first violation;
  - and
  - (ii) twice the period of *Ineligibility* otherwise applicable to the second *EAD Rule* violation treated as if it were a first violation, with the period of *Ineligibility* within this range to be determined based on the entirety of the circumstances and the *Person Responsible* and/or

## EQUINE ANTI-DOPING RULES

member of the *Support Personnel's* and/or other *Person's* with respect to the second violation.

**10.9.1.2** A third anti-doping rule violation will always result in a lifetime period of *Ineligibility*, except if the third violation fulfills the condition for elimination or reduction of the period of *Ineligibility* under Article 10.5 or 10.6, or involves a violation of Article 2.4. In these particular cases, the period of *Ineligibility* shall be from eight (8) years to lifetime *Ineligibility*.

**10.9.1.3** The period of *Ineligibility* established in Articles 10.9.1.1 and 10.9.1.2 may then be further reduced by the application of Article 10.7

**10.9.2** An EAD violation for which an *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* has established *No Fault or Negligence* shall not be considered a prior violation for purposes of this Article.

### **10.9.3 Additional Rules for Certain Potential Multiple Violations**

**10.9.3.1** For purposes of imposing sanctions under Article 10.9, except as provided in Article 10.9.3.2 and 10.9.3.3 an EAD violation will only be considered a second violation if the FEI can establish that the *Athlete* or other *Person* committed the additional EAD Rule violation after the *Person Responsible* or other *Person* received notice pursuant to Article 7, or after FEI made reasonable efforts to give notice of the first anti-doping rule violation. If FEI cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction.

**10.9.3.2** If the FEI establishes that an *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* and that the additional violation occurred twelve (12) months or more before or after the first-noticed violation, then the period of *Ineligibility* for the additional violation shall be calculated as if the additional violation were a stand-alone first violation and this period of *Ineligibility* is served consecutively, rather than concurrently, with the period of *Ineligibility* imposed for the earlier-noticed violation. Where this Article 10.9.3.2 applies, the violations taken together shall constitute a single violation for purposes of Article 10.9.1.

**10.9.3.3** If the FEI establishes that *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* committed a violation of Article 2.4 in connection with the *Doping Control* process for an underlying asserted *EAD Rule* violation, the violation of Article 2.4 shall be treated as a stand-alone first violation and the period of *Ineligibility* for such violation shall be served consecutively, rather than concurrently, with the period of *Ineligibility*, if any, imposed for the underlying *EAD Rule* violation. Where this Article 10.9.3.3 is applied, the violations taken together shall constitute a single violation for purposes of Article 10.9.1.

**10.9.3.4** If the FEI establishes that *Person Responsible and/or member of the Support Personnel* and/or other *Person* has committed a second or third *EAD Rule* violation during a period of *Ineligibility*, the periods of *Ineligibility* for the multiple violations shall run consecutively, rather than concurrently.

**10.9.4 Multiple *EAD Rule* and/or *ECM Rule* Violations During a Ten-Year Period**

For purposes of Article 10.9, each *EAD Rule/ECM Rule* violation must take place within the same ten year period in order to be considered multiple violations.

**10.9.5 Violations involving both a *Controlled Medication Substance* or *Method* and a *Banned Substance* or *Method***

Where a *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* based on the same factual circumstances is found to have committed a violation involving both (a) *Controlled Medication Substance(s)* or (a) *Controlled Medication Method(s)* under the *ECM Rules* and (a) *Banned Substance(s)* or (a) *Banned Method(s)* under these *EAD Rules*, the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* shall be considered to have committed one *EAD Rule* violation and the Sanction imposed shall be based on the *Banned Substance* or *Banned Method* that carries the most severe Sanction.

**10.10 *Disqualification* of Results in Competitions Subsequent to Sample Collection or Commission of an *EAD Rule* Violation**

**10.10.1** In addition to the automatic *Disqualification* of the results in the *Event/the Competition* which produced the positive *Sample* under Article, all other competitive results obtained from the date a positive *Sample* was collected, or other *EAD Rule* violation occurred, through the commencement of any *Provisional Suspension* or *Ineligibility* period, shall, unless fairness requires otherwise, be *Disqualified* with all of the resulting consequences including forfeiture of any medals, points and prizes.

**10.10.2** As a condition of regaining eligibility after being found to have committed an *EAD Rule* violation, the *Person Responsible* and/or member of the *Support Personnel* must first repay all prize money forfeited under this Article and any other fines and/or costs attributed to the violation which have been ordered by the *FEI Tribunal* or otherwise accepted by the *Person Responsible*.

**10.11 Forfeited Prize Money**

If the FEI recovers prize money forfeited as a result of an *EAD Rule* violation, it shall take reasonable measures to allocate and distribute this prize money to the next placed *Person Responsible/team* who would have been entitled to it had the forfeiting *Person Responsible/team* not competed.

**10.12 Intentionally Omitted**

**10.13 Commencement of *Ineligibility* Period**

**10.13.1** Where the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* is already serving a period of *Ineligibility* for an EAD (or ECM) Rule violation, any new period of *Ineligibility* shall commence on the first day after the current period of *Ineligibility* has been served. Otherwise, except as provided below, the period of *Ineligibility* imposed on any *Person* or *Horse* shall start on the date of the *Decision* providing for *Ineligibility* or if the hearing is waived or there is no hearing, on the date *Ineligibility* is accepted or otherwise imposed or any other date specified by the *FEI Tribunal* in its *Decision*.

**10.13.2 Delays Not Attributable to the *Person Responsible* or member of the *Support Personnel* or other *Person***

Where there have been substantial delays in the hearing process or other aspects of *Doping Control* and the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* can establish that such delays are not attributable to the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* alleged to have committed the *EAD Rule* violation, the *Hearing Panel* may start the period of *Ineligibility* at an earlier date commencing as early as the date of *Sample* collection or the date on which another *EAD Rule* violation last occurred. All competitive results achieved during the period of *Ineligibility* including retroactive *Ineligibility* shall be *Disqualified*.

**10.13.3 Credit for *Provisional Suspension* or Period of *Ineligibility* Served.**

**10.13.3.1** If a *Provisional Suspension* is respected by the *Person Responsible* and/or member of the *Support Personnel*, and/or other *Person* or *Horse*, then a credit shall be received for such period of *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed as determined by the *FEI Tribunal*. If the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* does not respect a *Provisional Suspension*, then the *Person Responsible* and/or member of the *Support Personnel* or other *Person* shall receive no credit for any period of *Provisional Suspension* served. If a period of *Ineligibility* is served pursuant to a *Decision* that is subsequently appealed, then the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* and/or *Horse* shall receive a credit for such period of *Ineligibility* served against any period of *Ineligibility* which may ultimately be imposed on appeal.

**10.13.3.2** If a *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* voluntarily accepts a *Provisional Suspension* in writing for himself, herself or the *Horse*, and thereafter refrains from participating in equestrian activities, such *Person* or *Horse* shall receive a credit for such period of voluntary *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. A copy of the voluntary *Provisional Suspension* shall be provided promptly to each party entitled to receive *Notice* of an asserted *EAD Rule* violation. If a *Provisional Suspension* is voluntarily accepted, it can only be lifted by *Decision* of the *FEI Tribunal*.

**10.13.3.3** No credit against a period of *Ineligibility* shall be given for any time period before the effective date of the *Provisional Suspension* or voluntary

*Provisional Suspension* regardless of whether the *Person* alleged to have committed the *EAD Rule* violation elected not to compete or was suspended by a team.

## **10.14 Status During *Ineligibility* or *Provisional Suspension***

### **10.14.1 Prohibition Against Participation during *Ineligibility* or *Provisional Suspension***

No *Horse*, *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* who has been declared *Ineligible* or is subject to a *Provisional Suspension* may, during a period of *Ineligibility* or *Provisional Suspension*, participate in any capacity at an *Event*, or in a *Competition* or activity that is authorised or organised by the *FEI* or any *National Federation* or be present at an *Event* (other than as a spectator) that is authorised or organised by the *FEI* or any *National Federation*, or participate in any capacity at an *Event* or in a *Competition* authorised or organised by any international or national-level *Event* organisation or any elite or national-level sporting activity funded by a governmental agency. In addition, for any *EAD Rule* violation, some or all of sport-related financial support or other sport-related benefits received by such *Person Responsible* and/or *Support Personnel* and/or other *Person* may be withheld by the *FEI* and/or its *National Federations*. A *Horse* subject to a period of *Ineligibility* shall remain subject to *Testing*.

In addition, any *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* or *Horse* subject to *Ineligibility* under Article 10 may also be banned from any venues where *FEI* competitions are taking place, whether or not the *Person Responsible* or member of the *Support Personnel* or other *Person* is registered with the *FEI*.

### **10.14.2 Return to Training**

As an exception to Article 10.14.1, a *Person Responsible* may return to train with a team or to use the facilities of a club or other member organization of the *FEI*'s member organization during the shorter of: (1) the last two months of the *Person Responsible*'s period of *Ineligibility*, or (2) the last one-quarter of the period of *Ineligibility* imposed.

### **10.14.3 Violation of the Prohibition of Participation During *Ineligibility* or *Provisional Suspension***

Where a *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* who has been declared *Ineligible* or whose *Horse* has been declared *Ineligible* violates the prohibition against participation or attendance during *Ineligibility* described in Article 10.14.1 above, the results of any such participation shall be *Disqualified* and a new period of *Ineligibility* equal in length to the original period of *Ineligibility*, including a reprimand and no period of *Ineligibility*, shall be added to the end of the original period of *Ineligibility*. The new period of *Ineligibility* may be adjusted based on the *Person Responsible* and/or member of the *Support Personnel*'s and/or other *Person*'s degree of *Fault* or other circumstances of the case. In addition, further sanctions may be imposed if appropriate. The determination of whether any *Person* has violated the prohibition against participation or attendance, and whether an adjustment

## EQUINE ANTI-DOPING RULES

shall be made by the *FEI Tribunal*. This *Decision* may be appealed under Article 13.

*A Person Responsible and/or member of the Support Personnel and/or other Person who violates the prohibition against participation during a Provisional Suspension described in Article 10.14.1 shall receive no credit for any period of Provisional Suspension served and the results of such participation shall be Disqualified.*

Where *Person Responsible and/or member of the Support Personnel and/or other Person* assists a *Person* in violating the prohibition against participation during *Ineligibility* or a *Provisional Suspension*, the *FEI* shall impose sanctions for a violation of Article 2.9 for such assistance.

### **10.15 Automatic Publication of Sanction**

A mandatory part of each sanction shall include automatic publication, as provided in Article 14.3.

## **ARTICLE 11 CONSEQUENCES TO TEAMS**

### **11.1 Testing of Teams**

Where one (1) member of a team has been notified of an *EAD* Rule violation under Article 7 in connection with an *Event*, the *FEI* shall conduct appropriate *Target Testing* of all members of the team during the *Event Period*.

### **11.2 Consequences for Teams**

**11.2.1** The *FEI* Regulations for Equestrian *Events* at the Olympic Games shall apply at the Olympic Games and the *FEI* Regulations for the Equestrian *Events* at the Paralympic Games shall apply at the Paralympic Games.

**11.2.2** At all *Events* at which these *EAD Rules* apply, other than those listed in 11.2.1:

If a member of a team is found to have committed a violation of these *EAD Rules* in connection with an *In-Competition* test during the *Event*:

- (i) Article 9 shall apply to the *Person Responsible's* results and where those result(s) count towards a team result(s) or team qualification(s), the *Person Responsible's* result(s) shall be subtracted from the Team result(s), to be replaced with the result(s) of the next applicable Team member.
- (ii) Article 10.1 shall apply to the *Person Responsible's* result(s) and where those result(s) that are *Disqualified* count towards a Team result(s) or Team qualification(s), such *Person Responsible's* result(s) shall be subtracted from the Team result(s), to be replaced with the result(s) of the next applicable Team member.

If by removing the *Person Responsible's* results from the team results, the number of *Athletes* counting for the team is less than the required number, the team shall be *Eliminated*.

**ARTICLE 12 INTENTIONALLY OMITTED**

**ARTICLE 13. RESULTS MANAGEMENT APPEALS**

**13.1 Decisions Subject to Appeal**

*Decisions* made under these *EAD Rules* may be appealed as set forth below in Article 13.2 through 13.3. Such *Decisions* shall remain in effect while under appeal unless the appellate body orders otherwise.

**13.1.1 Scope of Review Not Limited**

The scope of review on appeal includes all issues relevant to the matter and is expressly not limited to the issues or scope of review before the initial *Decision* maker. Any party to the appeal may submit evidence, legal arguments and claims that were not raised in the first instance hearing so long as they arise from the same cause of action or same general facts or circumstances raised or addressed in the first instance hearing.

**13.1.2 CAS Shall Not Defer to the Findings Being Appealed**

In making its *Decision*, *CAS* shall not give deference to the discretion exercised by the body whose *Decision* is being appealed.

**13.2 Appeals from Decisions Regarding EAD Rule Violations, Consequences, and Provisional Suspensions, Implementation of Decisions and Authority**

The following *Decisions* may be appealed exclusively as provided in this Article 13.2: (a) a *Decision* that an *EAD Rule* violation was committed; (b) a *Decision* imposing consequences for an *EAD Rule* violation; (c) a *Decision* that no *EAD Rule* violation was committed; (d) a *Decision* that an *EAD Rule* violation proceeding cannot go forward for procedural reasons (including, for example, exceeding the Statute of Limitations); (e) a *Decision* under Article 10.14.3 (Violation of the Prohibition of Participation during *Ineligibility*); (f) a *Decision* that the *FEI* or a *National Federation* lacks authority to rule on an alleged *EAD Rule* violation or its *Consequences*; (g) a *Decision* by any *National Federation* not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping violation, or a *Decision* not to go forward with an anti-doping violation; (h) a *Decision* to impose or lift a *Provisional Suspension* as a result of a *Preliminary Hearing* or otherwise, in violation of Article 7.4; (i) a *Decision* to suspend, or not suspend *Consequences* or to reinstate, or not reinstate *Consequences* under Article 10.7.1; (j) a *Decision* under Article 10.14.3.

**13.2.1** In cases arising from participation in an *International Event* or in cases involving *FEI*-registered *Horses*, the *Decision* may be appealed exclusively to *CAS* in accordance with the provisions applicable before *CAS*.

**13.2.2** In cases under Article 13.2.1, the following parties shall have the right to appeal to *CAS*: (a) the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* who is the subject of the *Decision* being appealed, or the *Horse Owner*, where its *Horse* is subject to *Provisional*

## EQUINE ANTI-DOPING RULES

*Suspension or Ineligibility*; (b) the other party to the case in which the *Decision* was rendered; (c) the *FEI*; (d) the *National Federation* of the *Person* who is the subject of the *Decision* being appealed; and (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the *Decision* may have an effect in relation to the Olympic Games or Paralympic Games, including *Decisions* affecting eligibility for the Olympic Games or Paralympic Games.

### **13.2.3 Duty to Notify**

All parties to any *CAS* appeal must ensure that the *FEI* and all other parties with a right to appeal have been given timely notice of the appeal.

### **13.2.4 Appeal from Imposition of Provisional Suspension**

The only *Person* that may appeal from the imposition of a *Provisional Suspension* is the *FEI* or the *Person* upon whom or upon whose *Horse* the *Provisional Suspension* is imposed.

### **13.2.5 Cross Appeals and other Subsequent Appeals Allowed**

Cross appeals and other subsequent appeals by any respondent named in cases brought to *CAS* under the *Code* are specifically permitted. Any party with a right to appeal under this Article 13 must file a cross appeal or subsequent appeal at the latest with the party's answer.

## **13.3 Time for Filing Appeals**

The time to file an appeal to *CAS* shall be twenty one (21) days from the date of *Receipt* of the *Hearing Panel Decision* by the appealing party. The above notwithstanding, the following shall apply in connection with appeals filed by a party entitled to appeal but which was not a party to the proceedings having led to the *Decision* subject to appeal:

a) Within fifteen (15) days from the *Notice* of the *Decision*, such party/ies shall have the right to request from the *Hearing Panel* having issued the *Decision* a copy of the full case file pertaining to the *Decision*; and

b) If such a request is made within the fifteen (15) day period, then the party making such request shall have twenty one (21) days from receipt of the file to appeal to *CAS*.

## **ARTICLE 14 REPORTING, PUBLIC DISCLOSURE AND DATA PRIVACY**

### **14.1 Statistical Reporting**

*National Federations* shall report to the *FEI* at the end of every year aggregated and anonymous results of all *Doping Controls* within their jurisdiction. The *FEI* may periodically publish *Testing* data received from *National Federations* as well as comparable data from *Testing* under the *FEI*'s jurisdiction.

**14.2 Protection of Confidential Information by an Employee or Agent of the FEI**

The FEI shall ensure that information concerning *Adverse Analytical Findings*, *Atypical Findings*, and other asserted EAD Rule violations remains confidential until such information is *Publicly Disclosed* in accordance with Article 14.3. The FEI shall ensure that its employees (whether permanent or otherwise), contractors, agents, consultants, and *Delegated Third Parties* are subject to fully enforceable contractual duty of confidentiality and to fully enforceable procedures for the investigation and disciplining of improper and/or unauthorized disclosure of such confidential information.

**14.3 Public Disclosure**

**14.3.1** Neither the *FEI* or its *National Federation* shall publicly identify *Horses* or *Persons Responsible* whose *Horses' Samples* have resulted in *Adverse Analytical Findings*, or *Persons Responsible* and/or members of the *Support Personnel* and/or other *Person* who were alleged to have otherwise violated these *Rules*, until the earlier of completion of the administrative review and *Notification* described in Articles 7.1.2 and 7.1.4 above or the start of the *Provisional Suspension* of the *Person* alleged to have violated the *EAD Rule*. Once a violation of these *EAD Rules* has been established, it shall be publicly reported in an expeditious manner via the *FEI Case Status Table* at [www.fei.org](http://www.fei.org) unless another mechanism for publicly reporting the information is warranted at the discretion of the *FEI*. If the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* or the *National Federation* of any such *Person* makes information concerning an *EAD Rule* violation or alleged *EAD Rule* violation public prior to release of this information on the *Case Status Table*, the *FEI* may comment on such public information or otherwise publicly report the matter.

**14.3.2** In any case where it is determined, after a hearing or appeal, that the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* did not commit an *EAD Rule* violation, the *Decision* may be *Publicly Disclosed* only with the consent of the *Person* who is the subject of the *Decision*. The *FEI* shall use reasonable efforts to obtain such consent, and if consent is obtained, shall *Publicly Disclose* the *Decision* in its entirety or in such redacted form as such *Person* and *FEI* may jointly approve.

**14.3.3** Publication shall be accomplished at a minimum by placing the required information on the *FEI's* Web site or publishing it through other means and leaving the information up for the longer of one month or the period of *Ineligibility*.

**14.3.4** Neither the *FEI*, any *National Federation*, any *FEI* approved *Laboratory*, or any official of any of the above, shall publicly comment on the specific facts of a pending case (as opposed to a general description of process and science), except in response to public comments attributed to the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* or their representatives.

**14.3.5** The mandatory *Public Reporting* required in Article 14.3.1 shall not be required where the *Person Responsible* and/or member of the *Support*

## EQUINE ANTI-DOPING RULES

*Personnel* and/or other *Person* who has been found to have committed an anti-doping rule violation is a *Minor*. Any optional *Public Reporting* in a case involving a *Minor* shall be proportionate to the facts and circumstances of the case.

### 14.4 Data Privacy

**14.4.1** The FEI may collect, store, process or disclose personal information relating to *Person Responsible* and/or member of the *Support Personnel*, and/or other *Person*, *Owners* and *Horses* where necessary and appropriate to conduct its *Anti-Doping Activities* under these *EAD Rules* and in compliance with applicable law.

**14.4.2** Without limiting the foregoing, the FEI shall:

- (a) Only process personal information in accordance with a valid legal ground;
- (b) *Notify* any *Participant* or *Person* subject to these *EAD Rules*, in a manner and form that complies with applicable laws that their personal information may be processed by the FEI and other *Persons* for the purpose of the implementation of these *EAD Rules*;
- (c) Ensure that any third-party agents (including any *Delegated Third Party*) with whom the FEI shares the personal information of any *Participant* or *Person* is subject to appropriate technical and contractual controls to protect the confidentiality and privacy of such information.

## ARTICLE 15 IMPLEMENTATION OF *DECISIONS*

### 15.1 Automatic Binding Effect of *Decisions* on *National Federations*

**15.1.1** A *Decision* of an EAD Rule violation made by the *FEI Tribunal*, or *CAS* shall, after the parties to the proceeding are notified, automatically be binding beyond the parties to the proceeding upon the *National Federations*, with the effects described below:

**15.1.1.1** A *Decision* by any of the above-described bodies imposing a *Provisional Suspension* (after a *Provisional Hearing* has occurred or the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* has either accepted the *Provisional Suspension* or has waived the right to a *Provisional Hearing*, expedited hearing or expedited appeal offered in accordance with Article 7.4.3) automatically prohibits the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* from participation (as described in Article 10.14.1) in all sports within the authority of any *National Federation* during the *Provisional Suspension*.

**15.1.1.2** A *Decision* by any of the above-described bodies imposing a period of *Ineligibility* (after a hearing has occurred or been waived) automatically prohibits the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* from participation (as described

## EQUINE ANTI-DOPING RULES

in Article 10.14.1) in all sports within the authority of any *National Federation* for the period of *Ineligibility*.

**15.1.1.3** A *Decision* by any of the above-described bodies accepting an EAD Rule violation automatically binds all *National Federations*.

**15.1.1.4** A *Decision* by any of the above-described bodies to *Disqualify* results under Article 10.10 for a specified period automatically *Disqualifies* all results obtained within the authority of any *National Federation* during the specified period.

**15.1.2** The FEI and its *National Federations* shall recognize and implement a *Decision* and its effects as required by Article 15.1.1, without any further action required, on the date actual notice of the *Decision* is received.

**15.1.3** A *Decision* by the *FEI Tribunal* or *CAS* to suspend, or lift, *Consequences* shall be binding upon the FEI and its *National Federations* without any further action required, on the earlier of the date actual notice of the *Decision* is received.

### ARTICLE 16 STATUTE OF LIMITATIONS

No EAD Rule violation proceeding may be commenced under these *EAD Rules* against a *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* for an *EAD Rule* violation unless he or she has been notified of the EAD Rule Violation as provided in Article 7, or notification has been reasonably attempted, ten years from the date the violation is asserted to have occurred.

### ARTICLE 17 ADDITIONAL ROLES AND RESPONSIBILITIES OF NATIONAL FEDERATIONS

**17.1** All *National Federations* and their members shall comply with these *EAD Rules*. All *National Federations* and other members shall include in their policies, rules and programs the provisions necessary to ensure that the FEI may enforce these *EAD Rules* (including carrying out *Testing*) directly in respect of *Persons Responsible* and other *Persons* under its authority as specified in the Introduction to these Anti-Doping Rules (Section "Scope of these Anti-Doping Rules").

**17.2** For FEI Disciplines only, all *National Federations* shall specifically incorporate Articles 2, 3, 4, and 8.2 of these *EAD Rules* into their anti-doping regulations without substantive change by January 1, 2021 and enforce them against their members, unless doing so would contravene any applicable national law and/or FEI approval has been obtained. With regards to the other Articles of these *EAD Rules*, *National Federations*, to the extent they do not wish to incorporate them, shall adopt corresponding provisions which embody similar concepts and principles, especially with respect to Article 10. Nothing in these *EAD Rules* shall be interpreted to prevent a *National Federation* from conducting out-of-competition testing on national *Horses* as part of its national *Doping Control*.

**17.3** All *National Federations* shall report any information suggesting or relating to an EAD Rule violation to the FEI and shall cooperate with investigations conducted by any the *FEI* with authority to conduct the investigation.

## EQUINE ANTI-DOPING RULES

**17.4** All *National Federations* shall conduct anti-doping *Education*.

### **ARTICLE 18 INTENTIONALLY OMITTED**

### **ARTICLE 19 ADDITIONAL ROLES AND RESPONSIBILITIES OF PERSONS RESPONSIBLE**

**19.1** To be knowledgeable of and comply with these *EAD Rules*.

**19.2** To ensure their *Horse* is available for *Sample* collection.

**19.3** To take responsibility, in the context of anti-doping, for all substances that enter the body of their *Horse*.

**19.4** To inform their grooms, veterinarians and other members of the *Support Personnel* of their obligations not to *Use Banned Substances* and *Banned Methods* and to take responsibility to make sure that any veterinary treatment received does not violate these *EAD Rule Rules*.

**19.5** To cooperate with the *FEI* investigating *EAD Rule* violations.

Failure by any *Person Responsible* and/or member of the *Support Personnel* to cooperate in full with *Anti-Doping Organizations* investigating *EAD Rules* violations may result in a charge of misconduct under the *FEI's* disciplinary rules.

**19.6** To disclose the identity of *Support Personnel* upon request by the *FEI*.

**19.7** Offensive conduct towards a *Doping Control* official or other *Person* involved in *Doping Control* by a member of the *Support Personnel*, which does not otherwise constitute *Tampering*, may result in a charge of misconduct under the *FEI's* disciplinary rules.

### **ARTICLE 20 ADDITIONAL ROLES AND RESPONSIBILITIES OF SUPPORT PERSONNEL**

**20.1** To be knowledgeable of and comply with these *EAD Rules*.

**20.2** To cooperate with the *Testing* program.

**20.3** To use their influence on *Person Responsible* values and behaviour to foster anti-doping attitudes.

**20.4** To cooperate with *Anti-Doping Organizations* investigating *EAD Rule* violations.

Failure by any *Support Personnel* to cooperate in full with *Anti-Doping Organizations* investigating *EAD Rule* violations may result in a charge of misconduct under the *FEI's* disciplinary rules.

**20.5** *Support Personnel* shall not *Use* or *Possess* any *Banned Substance* or *Banned Method*.

Any such *Use* or *Possession* may result in a charge of misconduct under the *FEI's* disciplinary rules.

## EQUINE ANTI-DOPING RULES

**20.6** Offensive conduct towards a *Doping Control* official or other *Person* involved in *Doping Control* by a member of the *Support Personnel*, which does not otherwise constitute *Tampering*, may result in a charge of misconduct under the FEI's disciplinary rules.

### **ARTICLE 21            ADDITIONAL ROLES AND RESPONSIBILITIES OF OTHER PERSONS SUBJECT TO THESE ANTI-DOPING RULES**

**21.1** To be knowledgeable of and comply with these *EAD Rules*.

**21.2** To cooperate with *Anti-Doping Organizations* investigating EAD Rule violations.

Failure by any other *Person* subject to these *EAD Rules* to cooperate in full with the *FEI* investigating anti-doping rule violations may result in a charge of misconduct under the FEI's disciplinary rules.

**21.3** Not to *Use* or *Possess* any *Banned Substance* or *Banned Method*.

**21.4** Offensive conduct towards a *Doping Control* official or other *Person* involved in *Doping Control* by a *Person*, which does not otherwise constitute *Tampering*, may result in a charge of misconduct under the FEI's disciplinary rules.

### **ARTICLE 22            ADDITIONAL ROLES AND RESPONSIBILITIES OF ORGANISING COMMITTEES ("OCs")**

**22.1** To be knowledgeable of and comply with these anti-doping rules.

**22.2** To foster a clean spirit of sport at their *Events*.

**22.3** When notified by the FEI that *Testing* is planned at their *Event*, to provide adequate facilities for *Testing* as instructed by the FEI; and, where possible and if requested, staff or volunteers to assist with *Person Responsible* notification.

**22.4** Confidentiality

The OC shall maintain strict confidentiality on all aspects of any *Testing* session planned at its *Events*. It shall not disclose the *Testing* plan beyond a strict need-to-know, and shall not publish any details on such *Testing* plan.

**22.5** *Educational* initiatives

OCs shall also cooperate with the FEI's clean sport educational initiatives at their *Events*.

**22.6** To cooperate with the *Testing* plans of other *Anti-Doping Organisations* with *Testing* jurisdiction.

### **ARTICLE 23 AMENDMENT AND INTERPRETATION OF EAD RULES**

**23.1** These *EAD Rules* may be amended from time to time by the *FEI* in accordance with the *FEI* Statutes and General Regulations.

## EQUINE ANTI-DOPING RULES

- 23.2** Except as provided in Article 23.5 *EAD Rules*, these *EAD Rules* shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes. Nothing herein shall be interpreted to supplant the applicability of national laws to national events.
- 23.3** The headings used for the various parts and Articles of these *EAD Rules* are for convenience only and shall not be deemed part of the substance of these *EAD Rules* or to affect in any way the language of the provisions to which they refer.
- 23.4** The Introduction, Appendix 1 Definitions, the *Equine Prohibited Substances List*, and the FEI List of Approved *Laboratories*, shall all be considered integral parts of these *EAD Rules*.
- 23.5** These *EAD Rules* have been adopted pursuant to the *FEI Statutes* and General Regulations and shall be interpreted, where applicable, in a manner that is consistent with applicable provisions of these Statutes and General Regulations as well as other *FEI* rules and regulations including but not limited to the *Veterinary Regulations*, the *Internal Regulations of the FEI Tribunal*, the *Procedural Rules of the FEI Tribunal*, the *FEI Standard for Laboratories* and the various *FEI Sport Rules*. In the event of conflict with the Statutes or the General Regulations, the Statutes and the General Regulations shall apply, subject however, to the application by the *FEI Tribunal* of the legal principle of *lex specialis derogat legi generali* which provides that a specific provision should govern over a general provision. In the event of conflict with any other rules or regulations, these *EAD Rules* shall apply.
- 23.6** Where the term “days” is used in these *EAD Rules*, it shall mean calendar days unless otherwise specified.
- 23.7** The time limits fixed under the present *EAD Rules* shall begin from the day after which *Notification* by the *FEI* is received. Official holidays and non-working days are included in the calculation of time limits. The time limits fixed under the present *EAD Rules* are respected if the communications by the parties are sent before midnight on the last day on which such time limits expire. If the last day of the time limit is an official holiday or a non-business day in the country where the *Notification* has been made, the time limit shall expire at the end of the first subsequent business day.

## ARTICLE 24 FINAL PROVISIONS

- 24.1** These *EAD Rules* shall enter into force on 1 January 2021 (the “**Effective Date**”). They repeal the *FEI EAD Rules* that came into effect on 1 January 2020.
- 24.2** These *EAD Rules* shall not apply retroactively to matters pending before the *Effective Date*. However:
- 24.2.1** *EAD Rule* violations taking place prior to the *Effective Date* count as “first violations” or “second violations” for purposes of determining sanctions under Article 10 for violations taking place after the *Effective Date*.
- 24.2.2** Any *EAD Rule* violation case which is pending as of the *Effective Date* and any *EAD Rule* violation case brought after the *Effective Date* based on an

## EQUINE ANTI-DOPING RULES

EAD Rule violation which occurred prior to the *Effective Date*, shall be governed by the substantive EAD Rule in effect at the time the *alleged EAD Rule* violation occurred, and not by the substantive *EAD Rule* set out in these *EAD Rules*, unless the panel hearing the case determines the principle of "*lex mitior*" appropriately applies under the circumstances of the case. For these purposes, the retrospective periods in which prior violations can be considered for purposes of multiple violations under Article 10.9.4 and the statute of limitations set forth in Article 16 are procedural rules, not substantive rules, and should be applied retroactively along with all of the other procedural rules in these *EAD Rules* (provided, however, that Article 16 shall only be applied retroactively if the statute of limitation period has not already expired by the *Effective Date*).

**24.2.3** With respect to cases where a final *Decision* finding an *EAD Rule* violation has been rendered prior to the *Effective Date*, but the *Person Responsible* or member of the *Support Personnel* or other *Person* is still serving the period of *Ineligibility* as of the *Effective Date*, the *Person Responsible* or member of the *Support Personnel* or other *Person* may apply to the FEI to consider a reduction in the period of *Ineligibility* in light of these *EAD Rules*. Such application must be made before the period of *Ineligibility* has expired. The *Decision* rendered may be appealed pursuant to Article 13.2. These *EAD Rules* shall have no application to any case where a final *Decision* finding an *EAD Rule* violation has been rendered and the period of *Ineligibility* has expired.

**24.2.4** For purposes of assessing the period of *Ineligibility* for a second violation under Article 10.9.1, where the sanction for the first violation was determined based on rules in force prior to the *Effective Date*, the period of *Ineligibility* which would have been assessed for that first violation had these *EAD Rules* been applicable, shall be applied.

**24.2.5** Changes to the List relating to substances on the List shall not, unless they specifically provide otherwise, be applied retroactively. As an exception, however, when a Prohibited Substance has been removed from the Prohibited List, an *Person Responsible* or member of the *Support Personnel* or other *Person* currently serving a period of *Ineligibility* on account of the formerly Prohibited Substance may apply to the FEI to consider a reduction in the period of *Ineligibility* in light of the removal of the substance from the Prohibited List.

**EQUINE CONTROLLED MEDICATION RULES**

**FEI Medication Code & Rationale for the *ECM Rules***

1. These *ECM Rules* have been adopted in recognition of the following fundamental imperatives of equestrian sport:
  - A central and distinctive feature of equestrian sport is that it involves a partnership between two types of athlete, one human and one equine. One of those partners is unable to speak for itself. It is therefore the FEI's responsibility to speak on its behalf, and to ensure that, at every stage of the governance, regulation, administration and practice of the sport, the welfare of the *Horse* is paramount.
  - This includes regulating the administration of *Controlled Medication Substances* to *Horses* involved in the sport to ensure *Horse* welfare and the highest levels of professionalism.
  - In particular, all treatments must be given in the best health and welfare interests of the *Horse*, and not for any other reasons.
  - No *Controlled Medication Substance* shall be given to any *Horse* during or close to an *Event* unless the appropriate FEI guidelines for medication authorisation have been followed.
  - Every treatment must be fully justifiable based on the medical condition of the *Horse* receiving the treatment.
  - *Horses* that cannot compete as a result of injury or disease must be given appropriate veterinary treatment and rest (or recovery period). *Persons Responsible* and their *Support Personnel* must obtain advice from a Permitted Treating Veterinarian and only administer treatments prescribed based on the objective clinical opinion of the Permitted Treating Veterinarian.
  - A complete and accurate record of all treatments during or close to an *Event* should be maintained in the form of a *FEI Medication Logbook* as foreseen under the VRs.
2. These *ECM Rules* are to be interpreted and applied (including where an issue arises that is not expressly provided for in these *ECM Rules*) by reference to the need to follow the FEI Medication Code and protect and advance the fundamental imperatives described above. This purposive interpretation and application will take precedence over any strict legal or technical interpretations that may otherwise be proposed.

## EQUINE CONTROLLED MEDICATION RULES

### **ARTICLE 1                    *DEFINITION OF A CONTROLLED MEDICATION VIOLATION***

A *Controlled Medication* violation is defined as the occurrence of one or more of the *ECM Rule* violations set forth in Article 2.1 through Article 2.5 of these *ECM Rules*.

### **ARTICLE 2                    *CONTROLLED MEDICATION RULE VIOLATIONS***

The purpose of Article 2 is to specify the circumstances and conduct which constitute *ECM* rule violations. Hearings in *ECM* cases will proceed based on the assertion that one or more of these specific rules have been violated.

*Persons Responsible* and/or their *Support Personnel* shall be responsible for knowing what constitutes an *ECM Rule* violation and the substances and methods which have been included on the *Equine Prohibited Substances List* and identified as *Controlled Medication Substances* and *Controlled Medication Methods*.

Where *Controlled Medication Substances* or *Controlled Medication Methods* are involved, the following shall constitute *ECM Rule* violations:

#### **2.1 The presence of a *Controlled Medication Substance* and/or its *Metabolites* or *Markers* in a *Horse's Sample*.**

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

**2.1.2** Sufficient proof of a *Rule* violation under Article 2.1 is established by any of the following where there is no valid *Veterinary Form*: (i) presence of a *Controlled Medication Substance* and/or its *Metabolites* or *Markers* in the *Horse's A Sample* where the *Person Responsible* waives analysis of the *B Sample* and the *B Sample* is not analysed; (ii) or, where the *Horse's B Sample* is analysed and the analysis of the *Horse's B Sample* confirms the presence of the *Controlled Medication Substance* and/or its *Metabolites* or *Markers* found in the *Horse's A Sample* during an *Event* or where the *A* or *B Sample* is split into two (2) parts and the analysis of the confirmation part of the split *Sample* confirms the presence of the *Controlled Medication Substance* or its *Metabolites* or *Markers* found in the first part of the split *Sample* or the *Person Responsible* waives analysis of the confirmation part of the split *Sample*. An *Adverse Analytical Finding* may be established by a positive blood or urine *Sample*.

**2.1.3** Excepting those *Controlled Medication Substances* for which a quantitative threshold is specifically identified in the *Equine Prohibited Substances List* or where a valid *Veterinary Form* has been submitted, the presence of any reported quantity of a *Controlled Medication Substance* and/or its *Metabolites* or *Markers* in a *Horse's Sample* during an *Event* shall constitute an *ECM Rule* violation.

## EQUINE CONTROLLED MEDICATION RULES

**2.1.4** As an exception to the general rule of Article 2.1, the *Equine Prohibited Substances List* or the *FEI Standard for Laboratories* may establish special reporting criteria for the evaluation of *Controlled Medication Substances*.

### **2.2 Use or Attempted Use of a Controlled Medication Substance or a Controlled Medication Method.**

**2.2.1** It is each *Person Responsible's* personal duty, along with members of their *Support Personnel*, to ensure that no *Controlled Medication Substance* enters into the *Horse's* body and that no *Controlled Medication Method* is *Used* during an *Event* without a valid *Veterinary Form*. Accordingly, it is not necessary that intent, fault, negligence or knowing *Use* on the part of the *Person Responsible*, and/or member of his *Support Personnel* (where applicable), be demonstrated in order to establish a *Rule* violation for *Use* of a *Controlled Medication Substance* or a *Controlled Medication Method*. However, in accordance with the definition of *Attempt*, it is necessary to show intent in order to establish an *ECM Rule* violation for *Attempted Use* of a *Controlled Medication Substance* or a *Controlled Medication Method*.

**2.2.2** The success or failure of the *Use* or *Attempted Use* of a *Controlled Medication Substance* or a *Controlled Medication Method* is not material. It is sufficient that the *Controlled Medication Substance* or *Controlled Medication Method* was *Used* or *Attempted* to be *Used* during an *Event* without a valid *Veterinary Form* for an *ECM Rule* violation to be committed.

### **2.3 Tampering, or Attempted Tampering with any part of Medication Control that is not otherwise a violation of the ECM Rules by a Person Responsible; Member of the Support Personnel or Other Person.**

### **2.4 Complicity**

Assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an *ECM Rule* violation or any *Attempted ECM Rule* violation.

### **2.5 Administration or Attempted Administration of a Controlled Medication Substance.**

## **ARTICLE 3 PROOF OF ECM RULE VIOLATIONS**

### **3.1 Burdens and Standards of Proof**

The *FEI* shall have the burden of establishing that an *ECM Rule* violation has occurred. The standard of proof shall be whether the *FEI* has established an *ECM Rule* violation on the balance of probabilities. Where these *ECM Rules* place the burden of proof upon the *Person Responsible* and/or member of his *Support Personnel* and/or other *Person* to rebut a presumption or establish specified facts or circumstances, the standard of proof shall also be by a balance of probability, except where a different standard of proof is specifically identified.

### **3.2 Methods of Establishing Facts and Presumptions**

Facts related to *ECM Rule* violations may be established by any reliable means, including admissions. The following rules of proof shall be applicable in *Controlled Medication* cases brought under these *ECM Rules*:

**3.2.1** *FEI*-approved Laboratories are presumed to have conducted *Sample* analysis and custodial procedures in accordance with the *FEI Standard for Laboratories*. The *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* who is alleged to have committed the *ECM Rule* violation may rebut this presumption by establishing by a balance of probability that a departure from the *FEI Standard for Laboratories* occurred which could reasonably have caused the *Adverse Analytical Finding*.

If the preceding presumption is rebutted by showing that a departure from the *FEI Standard for Laboratories* occurred which could reasonably have caused the *Adverse Analytical Finding*, then the *FEI* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.

**3.2.3** Departures from any provision of these *ECM Rules* shall not invalidate analytical results or other evidence of an *ECM Rules* violation; provided however if the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* (where applicable) establishes that a departure from a provision of these *ECM Rules* could reasonably have caused the *ECM Rule* violation based on the *Adverse Analytical Finding* or other *ECM Rule* violation, then the *FEI* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding* or the factual basis for the *ECM Rule* violation.

**3.2.4** The facts established by a *Decision* of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrebuttable evidence against the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* to whom the *Decision* pertained with regards to the factual findings unless it can be established that the *Decision* violated principles of natural justice.

**3.2.5** The *Hearing Panel* presiding over a case alleging an *ECM Rule* violation may draw an inference adverse to the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* (where applicable) who is asserted to have committed an *ECM Rule* violation based on the refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or telephonically as directed by the *FEI Tribunal*) in order to answer questions from the *Hearing Panel* or the *FEI*.

## **ARTICLE 4 THE EQUINE PROHIBITED SUBSTANCES LIST**

### **4.1 Incorporation of the *Equine Prohibited Substances List***

These *ECM Rules* incorporate the *Equine Prohibited Substances List* (the "List") which is published and revised by the *FEI* from time to time. The *FEI* will publish the current *List* in such a manner that it is available to its members and constituents, including, but not limited to, publication on the *FEI* website.

**4.2 Review and Publication of *Controlled Medication Substances* and *Controlled Medication Methods* Identified on the *List***

The *FEI* may revise the *List* from time to time but at least once annually by posting the new list on the *FEI* website, or via such other appropriate channel, but such new list shall not go into effect any sooner than ninety (90) days following its publication. Each new version of the *List* shall also be sent by email to *National Federations* and to *National Head FEI Veterinarians* at email addresses supplied by the *National Federations* and on file with the *FEI*. The *List* shall be published by the *FEI* at least once a year, with an opportunity for *National Federation* and stakeholder feedback. All *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* shall be bound by the Prohibited List, and any revisions thereto, from the date they go into effect, without further formality. It is the responsibility of all *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* to familiarize themselves with the most up-to-date version of the Prohibited List and all revisions thereto.

**4.3 Substances and Methods included on the *List***

The *FEI*'s categorization of a substance or method on the *List* as a *Controlled Medication Substance* or *Controlled Medication Method* including any establishment of a threshold for a *Controlled Medication Substance* and/or the quantitative amount of such threshold and the classification of certain *Prohibited Substances* as *Specified Substances* shall be final and binding on all parties and shall not be subject to challenge by a *Person Responsible*, member of the *Support Personnel*, and/or any other *Person* on any basis including, but not limited to, any challenge based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a risk to the welfare of the *Horse* or violate the spirit of sport.

**4.4 Veterinary Form**

*Horses* with documented medical conditions requiring the *Use* of a *Controlled Medication Substance* or a *Controlled Medication Method* during or prior to an *Event* must obtain permission for ongoing participation in accordance with the *FEI* Veterinary Regulations as specified therein.

**4.4 Specified Substances**

For purposes of the application of Article 10 and Article 7.4, *Specified Substances* shall be taken as meaning only those *Prohibited Substances* identified as *Specified Substances* on the *Prohibited List*.

**ARTICLE 5 TESTING**

**5.1 Authority to Test**

All *Horses* registered with the *FEI* or a *National Federation*, or otherwise present or competing at an *International Event* or *National Event* or *Competition* or a *FEI Pony Measurement* shall be subject to *In-Competition Testing* (a) by the *FEI* or by any other *Anti-Doping Organisation* responsible for *Testing* at a

## EQUINE CONTROLLED MEDICATION RULES

*Competition* or *Event* in the case of *International Events* and FEI Pony Measurements and (b) in the case of *National Events*, by the *National Federation* through which the *Horse* is registered, or by any other *Anti-Doping Organisation* responsible for *Testing* at a *Competition* or *Event*.

The *FEI* or its assignees or agents shall be exclusively responsible for *Testing* at *International Events* and FEI Pony Measurements and no other body may conduct *Testing* at *International Events* or FEI Pony Measurements without the *FEI's* express written permission. Each *National Federation* or its assignees or agents shall be exclusively responsible for *Testing* at its *National Events*, and no other body may conduct *Testing* at *National Events* without the *National Federation's* express written permission. *National Federations* are responsible for *Results Management* arising from *Testing* at *National Events* but are obligated to promptly report any positive findings to the *FEI* that have been notified as anti-doping rule violations unless doing so would contravene national law.

### 5.2 Responsibility for *FEI Testing*

The *FEI* Veterinary Department shall be responsible for overseeing all *Testing* conducted by the *FEI*. *Testing* may be conducted by the *Testing Veterinarians*, *Veterinary Delegate*, and/or by other qualified persons at a given *Event* or at such other place as authorised by these *ECM Rules*, the *FEI* Veterinary Regulations, or as authorised in writing by the *FEI* Secretary General or his or her designee(s).

### 5.3 Testing Standards

*Testing* conducted by or on behalf of the *FEI* shall be in substantial conformity with the *Testing* procedures set forth in the *FEI* Veterinary Regulations in effect at the time of *Testing*.

### 5.4 Selection of *Horses* to be Tested

**5.4.1** The *FEI* shall determine the number of *Tests* to be performed and on which *Horses* they shall be performed.

**5.4.2** In addition to the selection procedures set forth in Article 5.4.1 above, the *Veterinary Commission/Veterinary Delegate/Testing Veterinarian* in cooperation with the *Ground Jury* at *International Events* may also select *Horses* for *Random Testing* and/or *Target Testing* in cooperation with the *Ground Jury* at *International Events*.

**5.4.3.** Each *National Federation* shall determine, within its jurisdiction, the number of *Tests* to be performed and on which *Horse* they shall be performed.

**5.4.4.** Nothing in these *Rules* shall be construed to limit where the *FEI* is authorised to conduct *Testing* on *Horses In-Competition*.

## **ARTICLE 6 ANALYSIS OF SAMPLES**

*Samples* collected under these *Rules* and arising from *FEI Testing* are the property of the *FEI*. They shall be analysed in accordance with the following principles:

### **6.1 Use of approved Laboratories**

These *ECM Rules* incorporate the *FEI List of approved Laboratories* which is published and revised by the *FEI* from time to time. The *FEI* shall send *Samples* for analysis only to these approved *Laboratories*, which are subject to the *FEI Standard for Laboratories*. The choice of *Laboratory* used for the *Sample* analysis of either or both the *A* and *B Sample* shall be determined exclusively by the *FEI*. However, the *Person Responsible* may elect to have the *B Sample* analysed at a different *Laboratory* than the one which performed the *A Sample* analysis. If such an election is made, the *FEI* shall select the *B Sample Laboratory* from the *FEI List of approved Laboratories* and inform the *Person Responsible* accordingly.

As provided for in Article 3.2, facts related to *ECM Rule* violations may be established by any reliable means. This would include, for example, reliable laboratory or other forensic testing conducted outside of *FEI Approved Laboratories*.

### **6.2 Purpose of Collection and Analysis of Samples**

*Samples* and related analytical data or *Doping Control* information shall be analysed shall be analysed to detect *Controlled Medication Substances and Controlled Medication Methods*, all as set forth in the *List*. The *FEI* may also seek to detect other substances for research and monitoring purposes, as publicly announced by the *FEI* from time to time pursuant to a defined monitoring program. *Samples* may be collected and stored for future analysis.

### **6.3 Research on Samples**

*Samples*, related analytical data and *Medication Control* information may be used for anti-doping research purposes, although no *Sample* may be used for research without the *Person Responsible's* written consent. *Samples* and related analytical data or *Doping Control* information used for research purposes shall first be processed in such a manner as to prevent *Samples* and related analytical data or *Medication Control* information following written consent from the *Person Responsible* shall have all means of identification removed from the *Sample* so it cannot be traced back to a particular *Horse* or *Person Responsible*. All *Samples* shall be destroyed pursuant to the guidelines set forth in the *FEI Standard for Laboratories* and in no event later than the lapse of the *Statute Of Limitations* in Article 16.

### **6.4 Standards for Sample Analysis and Reporting**

*Laboratories* shall analyse *Samples* and report results in conformity with the *FEI Standard for Laboratories*.

#### **6.5 Retesting Samples**

A *Sample* may be reanalysed for the purposes of research pursuant to Article 6.3 at any time exclusively at the direction of the *FEI*. Nothing herein, however, shall prevent the *FEI* from conducting subsequent tests on a *Sample* pursuant to an alleged violation under Article 2.1. The retesting of *Samples* may lead to an *ECM Rule* violation only if the *Controlled Medication Substance* or *Controlled Medication Method* was prohibited at the time the *Sample* was taken, all subject to Article 16.

#### **6.6 Further Analysis of a Sample Prior to or During Results Management**

There shall be no limitation on the authority of a laboratory to conduct repeat or additional analysis on a *Sample* prior to the time the *FEI* notifies a *Person Responsible* that the *Sample* is the basis for an Article 2.1 *ECM Rule* violation charge. If after such notification the *FEI* wishes to conduct additional analysis on that *Sample*, it may do so with the consent of the *Person Responsible* or approval from a hearing body.

#### **6.7 Further Analysis of a Sample After it has been Reported as Negative or has Otherwise not Resulted in an Anti-Doping Rule Violation Charge**

After a laboratory has reported a *Sample* as negative, or the *Sample* has not otherwise resulted in an anti-doping rule violation charge, it may be stored and subjected to further analyses for the purpose of Article 6.2 at any time exclusively at the direction of either the *Anti-Doping Organization* that initiated and directed *Sample* collection or the *FEI*. Any other *Anti-Doping Organization* with authority to test the *Horse* that wishes to conduct further analysis on a stored *Sample* may do so with the permission of the *Anti-Doping Organization* that initiated and directed *Sample* collection or the *FEI*, and shall be responsible for any follow-up *Results Management*. Any *Sample* storage or further analysis initiated by the *FEI* or another *Anti-Doping Organization* shall be at the *FEI*'s or that organization's expense. Further analysis of *Samples* shall conform with the requirements of the *FEI Standard for Laboratories*.

#### **6.8 Split of A or B Sample**

Where the *FEI* an *Anti-Doping Organization* with *Results Management* authority, and/or a *FEI Approved Laboratory* (with approval from the *FEI* or the *Anti-Doping Organization* with *Results Management* authority) wishes to split an *A* or *B Sample* for the purpose of using the first part of the split *Sample* for an *A Sample* analysis and the second part of the split *Sample* for confirmation, then the procedures set forth in the *FEI Standard for Laboratories* and/or relevant processes from the *FEI* approved laboratories shall be followed.

#### **6.9 FEI's Right to Take Possession of Samples and Data**

The *FEI* may, in its sole discretion at any time, with or without prior notice, take physical possession of any *FEI Sample* and related analytical data or information in the possession of a *FEI Approved Laboratory* or *Anti-Doping Organization*. Upon request by the *FEI*, the *FEI Approved Laboratory* or *Anti-Doping Organization* in possession of the *FEI Sample* or data shall grant access to and enable the *FEI* to take physical possession of the *Sample* or data as soon as possible. If the *FEI* has

## EQUINE CONTROLLED MEDICATION RULES

not provided prior notice to the *FEI Approved Laboratory* or *Anti-Doping Organization* before taking possession of an *FEI Sample* or data, it shall provide such notice to the *FEI Approved Laboratory* and each *Anti-Doping Organization* whose *FEI Samples* or data have been taken by the *FEI* within a reasonable time after taking possession. After analysis and any investigation of a seized *Sample* or data, the *FEI* may direct another *Anti-Doping Organization* with authority to test the *Horse* to assume *Results Management* responsibility for the *Sample* or data if a potential *ECM Rule* violation is discovered.

### **6.10 Equestrian Community Integrity Unit**

The *Equestrian Community Integrity Unit* (ECIU) shall have the power to conduct investigations arising from or relating to these *ECM Rules* in order to protect the integrity of the *FEI* and equestrian sport, as set forth in the *FEI Statutes*. The refusal of a *Person Responsible* or member of the *Support Personnel* and/or other *Person* to cooperate with the *ECIU* may result in an adverse inference being drawn against that *Person* in any related *FEI Tribunal* proceeding. If the *Equestrian Community Integrity Unit* determines that it has a good faith basis to pose questions relating to any investigation to a *Person Responsible* or member of the *Support Personnel* and/or other *Person* and such *Person* refuses to answer such questions, that *Person Responsible* or member of the *Support Personnel* and/or other *Person* may be prohibited from participating in any *FEI* activities until such questions are answered to the satisfaction of the *ECIU*.

## **ARTICLE 7 RESULTS MANAGEMENT**

*Results Management* under these *ECM Rules* establishes a process designed to resolve *ECM Rules* violation matters in a fair, expeditious and efficient manner.

### **7.1 Results Management for Tests arising out of FEI Testing or other ECM Rule violations**

Results management for *Tests* arising out of *FEI Testing* or other *ECM Rule* violations shall proceed as set forth below:

**7.1.1** The results of all *Sample* analyses must be sent exclusively to the *FEI*, in a report signed by an authorised representative of the *Laboratory*. All communications must be conducted in such a way that the results of the *Sample* analyses are confidential.

**7.1.2** Upon receipt of an *Adverse Analytical Finding*, the *FEI* shall conduct a review to determine whether: (a) the *Adverse Analytical Finding* is consistent with a valid *Veterinary Form* that has been granted, or (b) if there is any apparent departure from any provision of these *ECM Rules* that caused the *Adverse Analytical Finding*. This may include a review of the *Laboratory Documentation Package* produced by the laboratory to support the *Adverse Analytical Finding* (if available at the time of the review) and the relevant *Doping Control* form(s) and *Testing* documents.

**7.1.3** If (i) the initial review under Article 7.1.2 reveals a valid *Veterinary Form* or departure from any provision of these *ECM Rules* that caused the *Adverse Analytical Finding*, the entire test shall be considered negative, and/or (ii) upon the review, the *FEI* *Decides* not to bring forward the *Adverse Analytical Finding*,

## EQUINE CONTROLLED MEDICATION RULES

the *FEI* shall promptly *Notify* the *Person Responsible* and the *Owner* of the *Horse* (if applicable).

**7.1.4** If the review of an *Adverse Analytical Finding* under Article 7.1 does not reveal an apparent departure from any provision of these *ECM Rules* that caused the *Adverse Analytical Finding*, the *FEI* shall promptly *Notify* the *Person Responsible* and the *Owner* of the *Horse* (if applicable) of:

(a) the *Adverse Analytical Finding*;

(b) the fact that the *Adverse Analytical Finding* may result in an *ECM Rule* violation of Article 2.1 and/or Article 2.2 and the applicable *Consequences*;

(c) the *Person Responsible's* and the *Owner* of the *Horse's* (if applicable) right to promptly request the analysis of the *B Sample*, or, failing such request, that the *B Sample* analysis may be deemed irrevocably waived;

(d) the opportunity for the *Person Responsible* and the *Owner* of the *Horse* (if applicable) to elect to have the *B Sample* analysed at a different *Laboratory* than the one which performed the *A Sample* analysis, such *Laboratory* to be chosen by the *FEI*, and the opportunity to send a representative (witness) to be present for the *B Sample* analysis within the time period specified in the *FEI Standard for Laboratories* unless allowing such representative or witness presents a threat to the integrity of the analysis process. Where both the *Person Responsible* and the *Owner* have elected to have the *B Sample* analysed but one of them has elected to have the *B Sample* analysed at a different laboratory than the one which performed the *A Sample* analysis and the other one has elected to have the *B Sample* analysed at the same laboratory as the one which performed the *A Sample* analysis, it shall be for the *FEI* to decide the question taking into account all relevant circumstances;

(e) the right of the *Person Responsible* and the *Owner* of the *Horse* (if applicable) to request copies of the *A* and *B Sample* (if applicable) *Laboratory Documentation Package* which includes information as specified in the *FEI Standard for Laboratories*;

(f) the right of the *Person Responsible* and/or the *FEI* to request to the *FEI Tribunal* that Article 9.1 (*Automatic Disqualification*) be promptly applied where the *B Sample Analysis* confirms the *A Sample Analysis* or where the right to request the *B Sample Analysis* is waived in accordance with Article 7.1.5;

(g) the opportunity to provide an explanation within a short deadline;

(h) the opportunity provide *Substantial Assistance* as set out under Article 10.7.1, to admit the *ECM Rule* violation and potentially benefit from a three month reduction in the period of *Ineligibility* under Article 10.8.1 (if applicable) or to seek to enter into a case resolution agreement under Article 10.8.2;

(i) any matters relating to *Provisional Suspension* (including the possibility to accept a voluntary *Provisional Suspension*) as per Article 7.4;

(j) the right of the *Person Responsible* and/or the *FEI* to request to the *FEI Tribunal* that Article 9.1 (*Automatic Disqualification*) be promptly applied where

## EQUINE CONTROLLED MEDICATION RULES

the *B Sample Analysis* confirms the *A Sample Analysis* or where the right to request the *B Sample Analysis* is waived;

(k) the *Person Responsible's* and the *Owner* of the *Horse's* right to request the hearing or, failing such request within the deadline specified in the notification, that the hearing may be deemed waived; and

(l) where applicable, the availability of the *Administrative Procedure* described in Article 8.3,

In the discipline of Endurance, where a *Provisional Suspension* is imposed on a registered Trainer of the *Horse* pursuant to either Clause 7.4.1 or 7.4.2 below, the registered Trainer shall be notified accordingly and the provisions of this Article 7 that apply to the *Person Responsible* and the *Owner* shall also apply to the registered Trainer.

**7.1.5** Pursuant to Article 7.1.4 (d) above, following receipt of the duly executed *Confirmatory Analysis Request Form (B Sample)*, the FEI will propose possible dates for such analysis. If the *Person Responsible* and the *Owner* of the *Horse* requests the "B" *Sample* analysis but claims that they and/or their representative are not available on the scheduled date indicated by the FEI, the FEI shall liaise with the *Laboratory* and propose (at least) two (2) alternative dates. If the *Person Responsible* and the *Owner* of the *Horse* and their representative claim not to be available on the alternative dates proposed, the FEI shall instruct the *Laboratory* to proceed regardless and appoint an *Independent Witness* to verify that the "B" *Sample* container shows no signs of *Tampering* and that the identifying numbers match that on the collection documentation.

The *Person Responsible* and the *Owner* of the *Horse* (if applicable) may accept the *A Sample* analytical results by waiving the right to a *B Sample* analysis. The FEI may nonetheless elect at its discretion to proceed with the *B Sample* analysis. In such case, the *B Sample* analysis shall only be used to confirm the *A Sample Adverse Analytical Finding*. The *Person Responsible* and the *Owner* of the *Horse* (if applicable) is deemed to have waived his right to a *B Sample* analysis if he does not submit the *Confirmatory Analysis Request Form* within the stipulated time-limit in the *Notification*.

**7.1.6** In addition to the *Person Responsible* and the *Owner* of the *Horse* (if applicable) and his/their representative (witness), a representative of the *National Federation(s)* involved as well as a representative of the FEI shall also be allowed to be present for the *B Sample* analysis. If notice under Article 7.1.3 has not been carried out through the *National Federation*, the *National Federation* shall be informed in a timely manner by the FEI of the *Adverse Analytical Finding* and its right to attend the *B Sample* analysis.

**7.1.7** If the *B Sample* proves negative, then the entire test shall be considered negative. The FEI shall be informed of the results confidentially and shall notify the *Person Responsible* and the *Owner* of the *Horse* (if applicable).

**7.1.8** If the *B Sample* analysis confirms the *A Sample* analysis, the FEI shall be informed of the results confidentially and shall *Notify* the *Person Responsible* and the *Owner* of the *Horse* (if applicable).

## EQUINE CONTROLLED MEDICATION RULES

**7.1.9** The *FEI* and/or the *Equestrian Community Integrity Unit* may conduct any follow-up investigation as may be required. Upon completion of such follow-up investigation, if any, the *FEI* shall promptly notify the *Person Responsible's National Federation* of the results of the follow-up investigation.

**7.1.10** For the avoidance of doubt, an *Adverse Analytical Finding* confirmed by the *B Sample* analysis may result from blood or urine *Samples*, or any combination thereof (for example, a confirmatory *B Sample* Analysis is valid if performed on a blood sample, even if the *A Sample Adverse Analytical Finding* arose from a urine *Test*, and vice-versa). In addition, and also for the avoidance of doubt, where the *A Sample* is positive for a *Threshold Controlled Medication Substance*, as it is quantitatively above the threshold level set for the *Controlled Medication Substance*, the *B Sample* shall be deemed to confirm the *A Sample* so long as the level of the *B Sample* is also quantitatively above the threshold, even if the *B Sample* level varies quantitatively from the *A Sample* level.

**7.1.11** Where appropriate, the members of the *Support Personnel* and/or other *Person* including the *Owner*, shall receive *Notification* of the *ECM Rule violation* and all relevant corresponding documents.

**7.1.12** If at any point during *Results Management* up until the charge under Article 7.5, the *FEI* decides not to move forward with a matter, it must notify the *Person Responsible*, and/or member of the *Support Personnel* or other *Person* (provided that *Person Responsible*, and/or member of the *Support Personnel* or other *Person* had been already informed of the ongoing *Results Management*) and give notice (with reasons) to the bodies with a right of appeal under Article 13.2.3.

### **7.2 Review of Atypical Findings**

In some circumstances Laboratories may report the presence of *Controlled Medication Substances* which require further investigation as provided by the *FEI Atypical Findings Policy* and such reports shall be treated by the *FEI* as *Atypical Findings* subject to further investigation. Upon receipt of an *A Sample Atypical Finding*, the *FEI* shall conduct a review to determine whether there is any apparent departure from any provision of these *ECM Rules* that caused the *Atypical Finding*. If that review does not reveal any departure that caused the *Atypical Finding*, the *FEI* shall conduct the required investigation in accordance with the *FEI Atypical Findings Policy*.

**7.2.1** The *FEI* need not provide *Notice* of an *Atypical Finding* until it has completed the investigation and decided whether it will bring the *Atypical Finding* forward as an *Adverse Analytical Finding* unless one of the following circumstances exists:

(a). If the *FEI* determines that the *B Sample* should be analysed prior to the conclusion of the investigation under Article 7.2, the *FEI* may conduct the *B Sample* analysis after notifying the *Person Responsible* and the *Owner* of the *Horse* (if applicable) with such *Notice* to include a description of the *Atypical Finding* and the information described in Article 7.1.4 (c)-(e) and 7.1.5 above.

(b) If the *FEI* receives a request, either from a *Major Event Organization* shortly before one of its *International Events* or from a sport organization responsible

## EQUINE CONTROLLED MEDICATION RULES

for meeting an imminent deadline for selecting team members (or *Horses*) for an *International Event*, to disclose whether any *Person Responsible* or *Horse* identified on a list provided by the Major *Event Organization* or sport organization has a pending *Atypical Finding*, the FEI shall identify any *Person Responsible* or *Horse* after first providing notice of the *Atypical Finding* to the *Person Responsible* or and the *Owner* of the *Horse* (if applicable);

(c) If the *Atypical Finding* is likely to be connected to a serious pathology that requires urgent veterinary attention.

If after the investigation is completed, the FEI decides to pursue the *Atypical Finding* as an *Adverse Analytical Finding*, then the procedure shall follow the provisions of Clause 7.1.4 *mutatis mutandi*. The *Person Responsible's National Federation* shall be *Notified* as provided in Article 7.1 *ECM Rules*. The *Decision* of the FEI to pursue or not pursue an *Atypical Finding* as an *Adverse Analytical Finding* is final and is not subject to appeal.

### **7.3 Notification for specific cases and other *ECM Rule* Violations**

**7.3.1** At such time as the FEI considers that the *Person Responsible* or other *Person* may have committed (an) *ECM Rule* violation(s), the FEI shall promptly *Notify* the *Person Responsible*, the *Owner* of the *Horse* (if applicable) and/or member of the *Support Personnel*; and/or other *Person* (where applicable

- (a) The relevant *ECM Rule* violation(s) and the applicable *Consequences*;
- (b) The relevant factual circumstances upon which the allegations are based;
- (c) The relevant evidence in support of those facts that the FEI considers demonstrates that the *Person Responsible* and/or member of the *Support Personnel* or other *Person* may have committed (an) *ECM Rule violation(s)*;
- (d) The *Person Responsible's* and/or member of the *Support Personnel's* or other *Person's* right to provide an explanation within reasonable deadline;
- (e) the opportunity to provide *Substantial Assistance* as set out under Article 10.7.1, to admit the *ECM Rule* violation and potentially benefit from a three (3) month reduction in the period of *Ineligibility* under Article 10.8.1 (if applicable) or to seek to enter into a case resolution agreement under Article 10.8.2; and
- (f) any matters relating to *Provisional Suspension* (including the possibility to accept a voluntary *Provisional Suspension*) as per Article 7.4.

### **7.4 Provisional Suspensions**

**7.4.1** The FEI shall provisionally suspend a *Person Responsible*, member of the *Support Personnel*, other *Person* and/or the *Person Responsible's Horse* prior to the opportunity for a full hearing based on: (a) an admission that an *ECM Rule* violation has taken place (for the avoidance of doubt, an admission

## EQUINE CONTROLLED MEDICATION RULES

by any *Person* can only be used to provisionally suspend that *Person*); or (b) all of the following elements: (i) an *Adverse Analytical Finding* for two *Controlled Medication Substances* from the *A Sample* or *A and B Samples* provided that neither of the *Controlled Medication Substances* is a *Specified Substance*; (ii) the review described in Article 7.1.2; and (iii) the *Notification* described in Article 7.1.4 above. For the discipline of Endurance, where the criteria at (b) above are met, the *FEI* shall provisionally suspend the registered Trainer (as defined in the *FEI Endurance Rules*) of the *Horse* and the registered Trainer shall be considered as a member of the *Support Personnel* for the purposes of these *ECM Rules*. If a *Provisional Suspension* is imposed, either the hearing in accordance with Article 8 shall be advanced to a date which avoids substantial prejudice to the *Person Responsible* alleged to have committed the *ECM Rule* violation, or such *Person Responsible* shall be given an opportunity for a *Preliminary Hearing* either on a timely basis after imposition of the *Provisional Suspension* or before imposition of the *Provisional Suspension* in order to show cause why the *Provisional Suspension* should not be imposed (or should be lifted). Where a *Horse* is provisionally suspended, the *Owner* shall also have the right to request a *Preliminary Hearing*. Notwithstanding the foregoing, the *FEI* may provisionally suspend a *Person Responsible* pursuant to this Article 7.4.1 if that *Person Responsible* is a *Minor* but the *FEI* shall provisionally suspend the relevant *Horse*.

Additionally, and notwithstanding the above provisions or the provisions of Article 7.4.2 below, for the discipline of Endurance, the *FEI* shall provisionally suspend the registered Trainer of the *Horse* based on all of the following elements:

- (i) an *Adverse Analytical Finding* for one (1) *Controlled Medication Substance* (including its metabolites or markers) from the *A Sample* or *A and B Samples*, except where the *Controlled Medication Substance* is a *Specified Substance*;

and

- (ii) a previous violation of the *ECM Rules* within the last four (4) years or a previous violation of the *EAD Rules* within the last ten (10) years involving the same *Horse* or another *Horse* trained by the registered Trainer provided that the registered Trainer was the registered Trainer of that *Horse* at the time of the previous violation(s);

and/or

- (iii) a pending *EAD* or *ECM Rule* violation involving the same *Horse* or another *Horse* trained by the registered Trainer provided that the registered Trainer was the registered Trainer of that *Horse* at the time of the previous violation(s).

**7.4.2** The *FEI* may provisionally suspend a *Person Responsible*, member of the *Support Personnel*, other *Person* and/or the *Person Responsible's Horse* prior to the opportunity for a full hearing if (a) the *Person Responsible*, member of the *Support Personnel* or other *Person* or *Horse* has a pending *EAD* or *ECM Rule* violation or previously violated the *EAD Rules* in the last ten (10) years or the *ECM Rules* in the last four (4) years or (b) based on (i) an *Adverse Analytical*

## EQUINE CONTROLLED MEDICATION RULES

*Finding for two Controlled Medication Substances from the A Sample or A and B Samples and at least one of the Controlled Medication Substances is a Specified Substance; (ii) the review described in Article 7.1.2; and (iii) the Notification described in Article 7.1.4 above. For the discipline of Endurance, if the FEI provisionally suspends the Person Responsible pursuant to this Article 7.4.2, the FEI shall also provisionally suspend the registered Trainer (as defined in the FEI Endurance Rules) of the Horse and the registered Trainer shall be considered as a member of the Support Personnel for the purposes of these ECM Rules.*

**7.4.3** *The FEI may provisionally suspend a Person Responsible, member of the Support Personnel, other Person and/or the Person Responsible's Horse prior to the opportunity for a full hearing based on evidence that a violation of these ECM Rules is highly likely to have been committed by the respective Person.*

**7.4.4** *Notwithstanding Articles 7.4.1 and 7.4.2, a Provisional Suspension may not be imposed unless the Person, and in the case of the Provisional Suspension of a Horse, the Owner is given: (a) an opportunity for a Preliminary Hearing, either before or on a timely basis after the imposition of the Provisional Suspension; or (b) an opportunity for an expedited hearing in accordance with Article 8 on a timely basis after the imposition of the Provisional Suspension.*

*The imposition of a Provisional Suspension, or the Decision not to impose a Provisional Suspension, may be appealed in an expedited process in accordance with Article 12.2.*

**7.4.5** *The Provisional Suspension shall be maintained unless the Person requesting the lifting of the Provisional Suspension establishes to the comfortable satisfaction of the FEI Tribunal that:*

(i) *the allegation that an ECM Rule violation has been committed has no reasonable prospect of being upheld, e.g., because of a material defect in the evidence on which the allegation is based; or*

(ii) *the Person can demonstrate that the evidence will show that he bears No Fault or No Negligence for the ECM Rule violation that is alleged to have been committed, so that any period of Ineligibility that might otherwise be imposed for such offence is likely to be completely eliminated by application of Article 105. below or that 10.6 below applies and the Person can demonstrate that the evidence will show that he bears No Significant Fault or Negligence and that he has already been provisionally suspended for a period of time that warrants the lifting of the Provisional Suspension pending the final Decision of the FEI Tribunal. This Article 7.4.4(ii) does not apply to an application to lift a Provisional Suspension imposed on a Horse; or*

(iii) *exceptional circumstances exist that make it clearly unfair, in all of the circumstances of the case, to impose a Provisional Suspension prior to final hearing of the FEI Tribunal. This ground is to be construed narrowly, and applied only in truly exceptional circumstances. For example, the fact that the Provisional Suspension would prevent the Person or Horse competing in a particular Competition or Event shall not qualify as exceptional circumstances for these purposes.*

## EQUINE CONTROLLED MEDICATION RULES

The *FEI* may also request the lifting of the *Provisional Suspension*.

**7.4.6** If a *Provisional Suspension* is imposed based on an *A Sample Adverse Analytical Finding* and a subsequent *B Sample* analysis (if requested) does not confirm the *A Sample* analysis, then the *Person(s)* alleged to have committed the *Rule* violation and his member of the *Support Personnel or other Person*, and/or *Horse* shall not be subject to any further *Provisional Suspension* on account of a violation of Article 2.1 (Presence of a *Controlled Medication Substance* and/or its *Metabolites* or *Markers*). In circumstances where the *Person Responsible* and/or his *Horse* has been removed from a *Competition and/or Event* based on a violation of Article 2.1 and the subsequent *B Sample* analysis does not confirm the *A Sample* finding, if it is still possible for the *Person Responsible* and his *Horse* to be re-entered without otherwise affecting the *Competition or Event*, the *Person Responsible* and his *Horse* may continue to take part in the *Competition and/or Event*.

**7.4.7** After the imposition of a *Provisional Suspension* and prior to a final hearing, the *Person Responsible* and/or member of the *Support Personnel* (including *Owner*) and/or other *Person* can petition the *FEI Tribunal* for another *Preliminary Hearing* provided that new evidence exists that, if known at the time of the earlier *Preliminary Hearing*, may have satisfied the requirements of Article 7.4.4 above and may have led to the lifting of the *Provisional Suspension*. Such petition must be made in writing to the *FEI Tribunal* and copied to the *FEI* Legal Department and must clearly establish the existence of such new evidence meeting this criterion. If the request for another *Preliminary Hearing* is granted by the *FEI Tribunal*, and provided that a *Preliminary Hearing* had already taken place at an earlier stage, the *same FEI Tribunal* member who presided over the prior *Preliminary Hearing* will *Decide* the new *Preliminary Hearing* request, unless exceptional circumstances prevent it from doing so, in which case another *FEI Tribunal* member will be appointed and will conduct the new *Preliminary Hearing*. If another *Preliminary Hearing* is granted after the *Hearing Panel* has been constituted, any member of the *Hearing Panel* may conduct the *Preliminary Hearing*. *Preliminary Hearing Decisions* may be issued by the *FEI Tribunal* without reasons.

**7.4.8** During a period of *Provisional Suspension*, no *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* who themselves are provisionally suspended, or a *Horse* that is provisionally suspended, may participate in any capacity at an *Event* or in a *Competition* or activity, or being present at an *Event* (other than as spectator) that is authorised or organised by the *FEI* or any *National Federation* or in *Competitions* authorised or organised by any International - or national-level - *Event* organisation.

### **7.4.9** Voluntary Acceptance of *Provisional Suspension*

*The Person Responsible* on their own initiative may voluntarily accept a *Provisional Suspension* if done so prior to the later of: (i) the expiration of ten (10) days from the report of the *B Sample* (or waiver of the *B Sample*) or ten (10) days from the notice of any other *ECM Rule* violation, or (ii) the date on which the *Person Responsible* first competes after such report or notice.

## EQUINE CONTROLLED MEDICATION RULES

Other *Persons* on their own initiative may voluntarily accept a *Provisional Suspension* if done so within ten (10) days from the notice of the *ECM Rule* violation.

The deadlines set out in this Article may be extended subject to the agreement of the FEI.

Upon such voluntary acceptance, the *Provisional Suspension* shall have the full effect and be treated in the same manner as if the *Provisional Suspension* had been imposed under Article 7.4.1 or 7.4.2; provided, however, at any time after voluntarily accepting a *Provisional Suspension*, the *Person Responsible* or other *Person* may withdraw such acceptance, in which event the *Person Responsible* or other *Person* shall not receive any credit for time previously served during the *Provisional Suspension*.

### 7.5 Charge

**7.5.1** If, after receipt of the *Person Responsible*, or other *Person's* explanation or expiry of the deadline to provide such explanation, the FEI is (still) satisfied that the *Person Responsible*, member of the *Support Personnel* or other *Person's* has committed (an) *ECM Rule* violation(s), the FEI shall promptly charge the *Person Responsible*, member of the *Support Personnel* or other *Person's* with the *ECM Rule* violation(s) they are asserted to have breached. In this letter of charge, the FEI:

(a) Shall set out the provision(s) of *ECM Rules* asserted to have been violated by the *Person Responsible*, member of the *Support Personnel* or other *Person*;

(b) Shall provide a detailed summary of the relevant facts upon which the assertion is based, enclosing any additional underlying evidence not already provided in the notification under Article 7.1.4;

(c) Shall indicate the specific *Consequences* being sought in the event that the asserted *ECM Rule* violation(s) is/are upheld and that such *Consequences* shall have binding effect on all *National Federations* and *WADA Code Signatories* in all sports and countries as per Article 14;

(d) Shall grant a deadline of not more than twenty (20) days from receipt of the letter of charge (which may be extended subject to the prior written agreement of the FEI Legal Department) to the *Person Responsible*, member of the *Support Personnel* or other *Person* to admit the *ECM Rule* violation asserted and to accept the proposed *Consequences* by signing, dating and returning an acceptance of *Consequences* form, which shall be enclosed to the letter;

(e) For the eventuality that the *Person Responsible*, member of the *Support Personnel* or other *Person* does not accept the proposed *Consequences*, shall already grant to the *Person Responsible*, member of the *Support Personnel* or other *Person* a deadline (which shall not be more than twenty (20) days from receipt of the letter of charge unless extended subject to the prior written agreement of the FEI Legal Department) to challenge in writing the FEI's

## EQUINE CONTROLLED MEDICATION RULES

assertion of an *ECM Rule* violation and/or proposed *Consequences*, and/or make a written request for a hearing before the relevant hearing panel;

(f) Shall indicate that if the *Person Responsible*, member of the *Support Personnel* or other *Person* does not challenge the *FEI's* assertion of an *ECM Rule* violation or proposed *Consequences* nor request a hearing within the prescribed deadline, the *FEI* shall be entitled to deem that the *Person Responsible*, member of the *Support Personnel* or other *Person* has waived their right to a hearing and admitted the *ECM Rule* violation as well as accepted the *Consequences* set out by the *FEI* in the letter of charge;

(g) Shall indicate that the *Person Responsible*, member of the *Support Personnel* or other *Person* may be able to obtain a suspension of *Consequences* if they provide *Substantial Assistance* under Article 10.6.1, may admit the *ECM Rule* violation(s) within twenty (20) days from receipt of the letter of charge (unless extended subject to the prior written agreement of the *FEI* Legal Department) and potentially benefit from a three (3) month reduction in the period of *Ineligibility* under Article 10.8.1 (if applicable) and/or seek to enter into a case resolution agreement by admitting the anti-doping rule violation(s) under Article 10.8.2; and

(h) Shall set out any matters relating to *Provisional Suspension* as per Article 7.4 (if applicable).

In the discipline of Endurance, where proceedings are opened against a registered Trainer of the *Horse*, the registered Trainer shall be charged accordingly and the provisions of this Article 7.5 that apply to the *Person Responsible* and the *Owner* shall also apply to the registered Trainer.

**7.5.2** The notice of charge notified to the *Person Responsible*, member of the *Support Personnel* or other *Person* shall simultaneously be notified by the *FEI* to the *Person Responsible*, member of the *Support Personnel* or other *Person* *National Federation*.

**7.5.3** In the event that the *Person Responsible*, member of the *Support Personnel* or other *Person* either (i) admits the *ECM Rule* violation and accepts the proposed *Consequences* or (ii) is deemed to have admitted the violation and accepted the *Consequences* as per Article 7.5.1(f), the *FEI Tribunal* shall promptly issue the *Decision* and notify it in accordance with Article 8.4.3.

**7.5.4** If, after the *Person Responsible*, member of the *Support Personnel* or other *Person* on has been charged, the *FEI* decides to withdraw the charge, it must notify the *Person Responsible*, member of the *Support Personnel* or other *Person* and give notice (with reasons) to the bodies with a right of appeal under Article 12.2.

**7.5.5** In the event that the *Person Responsible*, member of the *Support Personnel* or other *Person* requests a hearing, the matter shall be referred to the *FEI Tribunal* and be dealt with pursuant to Article 8.

## **7.6 Intentionally Omitted**

## **7.7 Retirement from Sport**

If a *Person Responsible* and/or member of the *Support Personnel* retires while a *Results Management* process is underway, the *FEI* retains authority to complete its *Results Management* process. If a *Person Responsible* and/or member of the *Support Personnel* retires before any *Results Management* process has begun and the *FEI* would have had *Results Management* authority over the *Person Responsible* or member of the *Support Personnel* or other *Person* at the time the *Person Responsible* or member of the *Support Personnel* committed an *ECM Rule* violation, the *FEI* similarly has jurisdiction to conduct *Results Management*.

## **ARTICLE 8 RIGHT TO A FAIR HEARING**

### **8.1 Hearings before the *FEI Tribunal***

**8.1.1** The *FEI Tribunal* shall *Decide* all cases involving violations of these *ECM Rules*.

**8.1.2** When the *FEI* sends a *Notice* to a *Person Responsible* and/or a member of the *Support Personnel* and/or other *Person* and/or *Owner* asserting a violation of these *ECM Rules* and the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* does not waive a hearing in accordance with Article 8.4, then the case shall be assigned to a *Hearing Panel* of the *FEI Tribunal* for hearing and adjudication.

**8.1.3** Hearings pursuant to this Article shall be completed expeditiously following the completion of the *Results Management* or investigation process described in Article 7 and the submission of all relevant evidence and pleadings by the parties. The *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* (where applicable) alleged to have violated the *ECM Rules* shall cooperate promptly in the submission of such evidence and pleadings and in attendance at a hearing if requested by the *FEI Tribunal*.

**8.1.4** The *Person Responsible* and/or member of the *Support Personnel* (including *Owner*) and/or other *Person* alleged to have violated the *ECM Rules* may attend the hearing under all circumstances.

**8.1.5** A *Person Responsible* and/or member of the *Support Personnel* (where applicable) and/or other *Person* may acknowledge the *ECM Rule* violation and accept consequences consistent with Articles 8.3.3 and 8.3.4 of the *ECM Rules* (if the *Administrative Procedure* is elected) or Articles 9 and 10 *ECM Rules* as proposed by the *FEI*.

### **8.2 Fair Hearings**

#### **8.2.1 Fair, Impartial and Operationally Independent *Hearing Panel***

**8.2.1.1** The *FEI* shall establish a *Hearing Panel*, the *FEI Tribunal*, which has jurisdiction to hear and determine whether an *Person Responsible* and/or member of the *Support Personnel* and/or other *Person*, subject to these *ECM Rules*, has committed an *ECM Rule* violation and, if applicable, to impose relevant *Consequences*.

## EQUINE CONTROLLED MEDICATION RULES

**8.2.1.2** The FEI shall ensure that the *FEI Tribunal* is free of conflict of interest and that its composition, term of office, professional experience, *Operational Independence* and adequate financing comply with the requirements set out in these *ECM Rules*.

**8.2.1.3** Board members, staff members, commission members and consultants of the FEI or its affiliates (e.g. *National Federations* or confederation), as well as any *Person* involved in the investigation and pre-adjudication of the matter, cannot be appointed as members and/or clerks (to the extent that such clerk is involved in the deliberation process and/or drafting of any *Decision*) of the *FEI Tribunal*. In particular, no member shall have previously considered any *Results Management Decision*, or appeals in the same given case.

**8.2.1.4** The *FEI Tribunal* shall consist of an independent Chair and at least six (6) other independent members.

**8.2.1.5** Each member shall be elected by taking into consideration their requisite equine anti-doping/sports law experience including their legal, sports, medical and/or scientific expertise. Each member shall be appointed for a once renewable term of four (4) years.

**8.2.1.6** The *FEI Tribunal* shall be in a position to conduct the hearing and decision-making process without interference from the *FEI* or any third party.

### **8.2.2 Principles for a Fair Hearing**

Hearings must be held in accordance with the following principles:

**8.2.2.1** The hearing panel must remain fair, impartial and Operationally Independent at all times;

**8.2.2.2** The Hearing Process shall be accessible and affordable;

**8.2.2.3** The Hearing Process shall be conducted within a reasonable time;

**8.2.2.4** The right to be informed in a fair and timely manner of the asserted *ECM Rule* violation(s), the right to be represented by counsel at the *Person Responsible*, member of the *Support Personnel* (including the *Owner*) or other *Person's* own expense, the right of access to and to present relevant evidence, the right to submit written and oral submissions, the right to call and examine witnesses, and the right to an interpreter at the hearing at the *Person Responsible*, member of the *Support Personnel* (including the *Owner*) or other *Person's* own expense.

**8.2.2.5** The parties shall be notified of the identity of the *FEI Tribunal* panel member(s) appointed to hear and determine the matter and be provided with their declaration at the outset of the *Hearing Process*. The parties shall be informed of their right to challenge the appointment of any hearing panel member if there are grounds for potential conflicts of interest within seven (7) days from the ground for the challenge having become known. Any challenge

## EQUINE CONTROLLED MEDICATION RULES

shall be decided upon by an independent person from the wider pool of *FEI Tribunal* members.

### **8.2.3 Hearing Process**

**8.2.3.1** When the FEI sends a notice to a *Person Responsible*, member of the *Support Personnel* or other *Person* notifying them of a potential *ECM Rule* violation, and the *Person Responsible*, member of the *Support Personnel* or other *Person* does not waive a hearing in accordance with Article 8.5.1 or Article 8.5.2, then the case shall be referred to the *FEI Tribunal* for hearing and adjudication, which shall be conducted in accordance with the principles described above.

**8.2.3.2** The Chair shall appoint either one (1) member or three (3) members (which may include the Chair) to hear that case.

**8.2.3.3** Upon appointment by the Chair as a member of the *FEI Tribunal*, each member must also sign a declaration that there are no facts or circumstances known to him or her which might call into question their impartiality in the eyes of any of the parties, other than those circumstances disclosed in the declaration.

**8.2.3.4** Hearings held in connection with *Events* in respect to *Person Responsible*, member of the *Support Personnel* or other *Person* who are subject to these *ECM Rules* may be conducted by an expedited process where permitted by the *FEI Tribunal*.

**8.2.3.5** The *National Federation of Person Responsible*, member of the *Support Personnel* or other *Person* may attend the hearing as observers. In any event, the FEI shall keep them fully apprised as to the status of pending cases and the result of all hearings.

### **8.3 Administrative Procedure**

**8.3.1** For *Adverse Analytical Findings* involving *Controlled Medication Substances*, the *Person Responsible* (excluding the registered Trainer in Endurance) and/or member of the *Support Personnel* (where applicable) may elect to have their case processed under the "*Administrative Procedure*" provided that:

a. No more than one (1) *Controlled Medication Substance* (including its metabolites or markers) is detected in the *Sample*;

b. The *Person Responsible* and/or member of the *Support Personnel* (where applicable) and the *Horse* are first-time offenders (namely, no record of any *EAD* or *ECM Rule* violations, or violations of any predecessor rules) without any pending or concluded cases within the last four (4) years preceding the *Sample* which caused the *Adverse Analytical Finding*. A prior violation of any *EAD* or *ECM Rule* where the *Person Responsible* and/or member of the *Support Personnel* was found to have *No Fault or Negligence* shall not be considered as a violation for the purpose of this Article 8.3.1(b); and

## EQUINE CONTROLLED MEDICATION RULES

c. The *Event* during which the *Sample* was taken from the *Horse* is not part of the Olympic Games, Paralympic Games or World Equestrian Games.

Notwithstanding the foregoing, in the discipline of Endurance, the registered Trainer cannot elect to have his/her case processed under the *Administrative Procedure*.

**8.3.2** If the *Person Responsible* requests a hearing before the *FEI Tribunal*, Article 10 below shall apply at the discretion of the *Hearing Panel*.

**8.3.3** Where the *Administrative Procedure* is applied by the *FEI*, the following consequences shall be imposed and no other consequences, including those set forth in Article 10 below or elsewhere in these *ECM Rules*, shall be applicable to any *Person* who has elected this *Administrative Procedure*:

a. *Disqualification* of the *Person Responsible* and/or member of the *Support Personnel* (where applicable) and *Horse* combination from the whole *Event* and forfeiture of all prizes and prize money won at the *Event*;

b. A *Fine* of CHF 1,500; and

c. Costs of CHF 1,000. However, if a *B Sample* analysis is requested and the *Administrative Sanction* accepted after the *B Sample Analysis*, the costs shall be increased to CHF 2,000.

Where the *Administrative Procedure* is applied by the *FEI* for an *ECM Rule* violation, that *ECM Rule* violation shall not count as a prior violation for the purposes of Article 10.9 (*Multiple Violations*) of these *ECM Rules*.

**8.3.4** Where the *Person Responsible* is a *Minor* at the time of the *Event*, the consequences shall be limited to *Disqualification* from the *Event* and forfeiture of all prizes and prize money won at the *Event*, in addition to payment of any costs associated with the *Administrative Procedure*.

**8.3.5** In order to apply this *Administrative Procedure*, the *Person Responsible* and/or member of the *Support Personnel* (where applicable) must execute an *Acceptance Form* within fourteen (14) calendar days following the date of the *Notice* in which the *FEI* offers this *Administrative Procedure* to the *Person* alleged to have committed the *ECM Rule* violation. The *FEI* may reasonably extend such deadline provided the file has not yet been circulated to the *FEI Tribunal* or any of its members.

**8.3.6** If the *Person Responsible* and/or member of the *Support Personnel* (where applicable) does not elect the *Administrative Procedure* within the fixed time limit, the *Administrative Sanctions* shall be considered declined and the case shall be submitted to the *FEI Tribunal* for final *Decision*. The *FEI Tribunal* may impose *Sanctions* and costs which may be more or less severe than the ones provided for in the *Administrative Procedure*.

**8.3.7** A record of *Administrative Procedure* *Sanctions* will be published, on a weekly basis, on the *FEI* website.

## EQUINE CONTROLLED MEDICATION RULES

### 8.4 Decisions

**8.4.1** At the end of the hearing, or on a timely basis thereafter, the *FEI Tribunal* shall issue a written *Decision* that includes the the jurisdictional basis and applicable rules, detailed factual background; *ECM Rule* violation(s) committed, applicable Consequences, including (if applicable) a justification for why the greatest potential *Consequences* were not imposed and the appeal route and the applicable deadline. The *FEI Tribunal* may decide to communicate the operative part of the *Decision* to the parties, prior to the reasons. The *Decision* shall be enforceable from such notification of the operative part by courier, facsimile and/or electronic mail.

**8.4.2** If no appeal is brought against the *Decision*, then (a) if the *Decision* is that an *ECM Rule* violation was committed, the *Decision* shall be *Publicly Disclosed* as provided in Article 13.3.2; but (b) if the *Decision* is that no *ECM Rule* violation was committed, then the *Decision* shall only be *Publicly Disclosed* with the consent of the *Person Responsible* and/or member of the *Support Personnel*. The *FEI* shall use reasonable efforts to obtain such consent, and if consent is obtained, shall *Publicly Disclose* the *Decision* in its entirety or in such redacted form as the *Person Responsible* and/or member of the *Support Personnel* may approve.

The principles contained at Article 13.3.5 shall be applied in cases involving a *Minor*.

#### 8.4.3 Notification of Decisions

**8.4.3.1** The *FEI* shall notify, directly and/or or indirectly via the *FEI Tribunal Clerk*, the *Decision* to the *Person Responsible*, member of the *Support Personnel* or other *Person* and to other *Anti-Doping Organizations* with a right to appeal under Article 12.2. The *Decision* may be appealed as provided in Article 12.

**8.4.3.2** When being notified of the *Decision*, the *Person Responsible*, member of the *Support Personnel* or other *Person* must also be informed of the following:

(a) If subject to a period of *Ineligibility* shall be made aware of their status during *Ineligibility*, including the *Consequences* of a violation of the prohibition of participation during *Ineligibility*, pursuant to Article 10.13.

(b) If subject to a period of *Ineligibility* should also be made aware by that they remain subject to *Testing* during the period of *Ineligibility*.

### 8.5 Waiver of Hearing

**8.5.1** A *Person Responsible* and/or member of the *Support Personnel* and/or *Owner* and/or other *Person* may waive a hearing expressly and agree with the *Consequences* proposed by the *FEI*.

## EQUINE CONTROLLED MEDICATION RULES

- 8.5.2** However, if the *Person Responsible* and/or member of the *Support Personnel* and/or *Owner* and/or other *Person* against whom an *ECM Rule* violation is asserted fails to dispute that assertion within twenty (20) days or the deadline specified in the notice sent by the FEI, then he/she shall be deemed to have waived a hearing, to have admitted the violation, and to have accepted the proposed *Consequences*.
- 8.5.3** In cases where Article 8.5.1 or 8.5.2 applies, a hearing before the *FEI Tribunal* shall not be required. Instead the *FEI Tribunal* shall promptly issue a written *Decision* that conforms with the requirements of Article 8.4 and which includes the full reasons for the *Decision*, the period of *Ineligibility* imposed,, the *Disqualification* of results under Article 10.10 and, if applicable, a justification for why the greatest potential *Consequences* were not imposed.
- 8.5.4** The *FEI* shall notify that *Decision* to the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* and to other *Anti-Doping Organizations* with a right to appeal under Article 12.. The FEI shall *Publicly Disclose* that *Decision* in accordance with Article 13.3.

### ARTICLE 9 AUTOMATIC DISQUALIFICATION OF RESULTS

- 9.1** For cases other than those prosecuted under the *Administrative Procedure*, a violation of these *ECM Rules* in connection with a *Test* in a given *Competition* automatically leads to the *Disqualification* of the result(s) of the *Person Responsible* and *Horse* combination obtained in that *Competition* with all resulting consequences, including forfeiture of any related medals, points and prizes.

Where applicable, consequences to teams are detailed in Article 11.

Even if a Sanction is reduced or eliminated under Article 10 below, such reduction or eliminated shall under no circumstances eliminate the automatic *Disqualification* of the Result(s) mandated by this Article 9.

- 9.2** In circumstances where the *Person Responsible* and *Owner* are informed of an *Adverse Analytical Finding* in accordance with Article 7.1 and

- (i) the *B Sample* analysis confirms the *A Sample* analysis; or
- (ii) the right to request the analysis of the *B Sample* is not exercised; and
- (iii) where requested by the FEI and/or the *Person Responsible*,

the matter will be submitted to the *FEI Tribunal* who shall decide whether or not to apply Article 9.1 at that stage of the proceedings by issuing a partial *Decision*.

**ARTICLE 10            SANCTIONS**

**10.1    *Disqualification of Results in the Event during which an ECM Rule Violation Occurs***

The following rules relating to the *Disqualification* of results will apply to cases other than those prosecuted under the *Administrative Procedure*:

**10.1.1** At the Olympic Games and Paralympic Games, An *ECM Rule* violation occurring during or in connection with the *Event* shall lead to *Disqualification* of all of the *Person Responsible's* results obtained in that *Event*, with any and all *Horses* with which the *Person Responsible* competed, with all consequences (and the resulting consequences to teams as provided in Article 11), including forfeiture of all medals, points and prizes.

**10.1.2** At all other *Events* at which these *ECM Rules* apply, an *ECM Rule* violation occurring during or in connection with an *Event* shall, upon the *Decision* of the *FEI Tribunal*, lead to *Disqualification* of all of the *Person Responsible's* results obtained in that *Event*, with any and all *Horses*, with all *Consequences*, including forfeiture of all medals, points and prizes, unless the *Horse(s)* tested negative in another *Competition(s)* prior to the *Competition* in which the *ECM Rules* were violated, in which case the result(s) obtained by the *Person Responsible* in that *Competition(s)* will not be *Disqualified*.

Where applicable, consequences to teams shall be as provided in Article 11.

**10.1.3** In addition, the *Person Responsible's Horse* may also be *Disqualified* from the entire *Event* with all consequences, including forfeiture of all medals, points, and prizes even if earned while being ridden by someone other than the *Person Responsible*, if the *Horse's* results in *Competitions* other than the *Competition* in which the *ECM Rule* violation occurred were likely to have been affected by the *ECM Rule* violation.

**10.2    *Ineligibility and Fine for Presence, Use or Attempted Use of Controlled Medication Substances or Controlled Medication Methods***

The period of *Ineligibility* for a violation of Articles 2.1, 2.2 or 2.5 shall be six months, subject to potential reduction or suspension pursuant to Articles 10.4, 10.5 or 10.6.

A *Fine* of up to CHF 15,000 and appropriate legal costs shall also be imposed for any *Controlled Medication* violation.

**10.3    *Ineligibility for Other Rule Violations***

The period of *Ineligibility* for violations of these *ECM Rules* other than as provided in Article 10.2 shall be:

**10.3.1** For violations of Article 2.3 (*Tampering or Attempted Tampering with Controlled Medication*), Article 2.4 (Assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an *ECM Rule* violation or any *Attempted ECM Rule* violation), the period of *Ineligibility* set forth in Article 10.2 shall apply unless the conditions for eliminating, reducing or increasing

## EQUINE CONTROLLED MEDICATION RULES

the Sanction provided in Articles 10.4, or 10.5 are met. A *Fine* of up to CHF 15,000 and appropriate legal costs shall also be imposed.

### **10.4 *Aggravating Circumstances which may Increase the Period of Ineligibility***

If the FEI establishes in an individual case involving an *ECM Rule* violation other than violations under Article 2.7 (*Trafficking or Attempted Trafficking*), 2.8 (*Administration or Attempted Administration*), 2.9 (*Complicity*) or 2.11 (*Acts by a Person Responsible or Other Person to Discourage or Retaliate Against Reporting*) that *Aggravating Circumstances* are present which justify the imposition of a period of *Ineligibility* greater than the standard sanction, then the period of *Ineligibility* otherwise applicable shall be increased by an additional period of *Ineligibility* of up to six (6) months depending on the seriousness of the violation and the nature of the *Aggravating Circumstances*, unless the *Person Responsible*, member of the *Support Personnel* or other *Person* can establish that he or she did not knowingly commit the *ECM Rule* violation.

### **10.5 *Elimination of the Period of Ineligibility Where there is No Fault or Negligence***

If the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* (where applicable) establishes in an individual case that he/she bears *No Fault or Negligence* for the *ECM Rule* violation, the otherwise applicable period of *Ineligibility* and other Sanctions (apart from Article 9) shall be eliminated in regard to such *Person*. When a *Controlled Medication Substance* and/or its *Metabolites* or *Markers* is detected in a *Horse's Sample* in violation of Article 2.1 (presence of a *Controlled Medication Substance*), the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* (where applicable) must also establish how the *Controlled Medication Substance* entered the *Horse's* system in order to have the period of *Ineligibility* and other Sanctions eliminated. In the event this Article is applied and the period of *Ineligibility* otherwise applicable is eliminated, the *ECM Rule* violation shall not be considered a violation for the limited purpose of determining the period of *Ineligibility* for Multiple Violations under Article 10.9 below and shall not be considered a prior violation for the purpose of Article 8.3 (*Administrative Procedure*) above.

Article 10.5 can apply in cases involving *Specified Substances*. Otherwise Article 10.5 only applies in exceptional circumstances. *No Fault or Negligence* does not apply in the following circumstances:

- (a) where the presence of the *Controlled Medication Substance* in a *Sample* came from a mislabeled or contaminated supplement. *Persons Responsible* are responsible for what their *Horses* ingest and have been warned about the possibility of supplement contamination.
- (b) the *Administration* of a *Controlled Medication Substance* by the *Person Responsible's* veterinary personnel or member of the *Support Personnel* without disclosure to the *Person Responsible*. *Persons Responsible* are responsible for their choice of veterinary personnel and *Support Personnel* and for advising veterinary personnel and *Support Personnel*

## EQUINE CONTROLLED MEDICATION RULES

that the presence of a *Controlled Medication Substance* in a *Horse's* system is forbidden during an *Event* without a valid *Veterinary Form*.

### **10.6 Reduction of the Period of *Ineligibility* based on *No Significant Fault or Negligence***

#### **10.6.1 Reduction of Sanctions in Particular Circumstances**

All reductions under 10.6.1 are mutually exclusive and not cumulative.

##### **10.6.1.1. *Specified Substances***

Where the ECM rule violation involves a *Controlled Medication Substance* that is a *Specified Substance*, and the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* can establish *No Significant Fault or Negligence*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, six months of *Ineligibility*, depending on the *Person Responsible's* or other *Person's* degree of *Fault*. Where the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* intends to establish that he/she bears *No Fault or Negligence*, Article 10.5 shall apply.

##### **10.6.1.2. *Contaminated Products or Other Contamination***

In cases where the *Person* and/or member of the *Support Personnel* and/or other *Person* can establish *No Significant Fault or Negligence* and that the detected *Controlled Medication* came from a *Contaminated Product* or that the detected *Controlled Medication* was caused by another form of contamination, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, six months *Ineligibility*, depending on such *Person's* and/or member of the *Support Personnel's* and/or other *Person's* degree of *Fault*.

#### **10.6.2 Application of *No Significant Fault or Negligence* beyond the Application of Article 10.6.1**

If a *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* (where applicable) establishes in an individual case where 10.6.1 is not available that he bears *No Significant Fault or Negligence*, then, subject to further reduction or elimination as provided in Article 10.7, the otherwise applicable period of *Ineligibility* and other Sanctions (apart from Article 9) may be reduced in regard to such *Person*. When a *Controlled Medication Substance* or its *Metabolites* or *Markers* is detected in a *Horse's Sample* in violation of Article 2.1 (presence of a *Controlled Medication Substance* and/or its *Metabolites* or *Markers*), the *Person* alleged to have committed the *ECM Rule* violation must also establish how the *Controlled Medication Substance* or its *Metabolites* or *Markers* entered the *Horse's* system in order to have the period of *Ineligibility* and other Sanctions reduced.

**10.7 Elimination, Reduction, or Suspension of Period of *Ineligibility* or other Consequences for Reasons Other than Fault**

**10.7.1 Substantial Assistance in Discovering or Establishing *ECM* Rule Violations**

The *FEI Tribunal* may, prior to an appellate *Decision* under Article 12 below or the expiration of the time to appeal, suspend a part or all of the *Consequences* (other than *Disqualification* and mandatory *Public Disclosure*) imposed in an individual case where the *FEI* confirms that the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* has provided *Substantial Assistance* to the *FEI*, the *Equestrian Community Integrity Unit*, criminal authority or professional disciplinary body which results in (i) the *FEI* discovering or bringing forward an *ECM Rule* violation and/or an *EAD Rule* violation; and/or an *FEI Anti-Doping Rules for Human Athletes* violation by another *Person* or (ii) which results in a criminal or disciplinary body discovering or bringing forward a criminal offence or the breach of professional rules by another *Person* and the information provided by such *Person* providing *Substantial Assistance* is made available to the *FEI*. Such *Substantial Assistance* must be independently corroborated in order to reduce the period of *Ineligibility* and under no circumstance should it amount only to blaming another *Person* or entity for the alleged *ECM Rule* violation.

The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the seriousness of the *ECM Rule* violation committed and the significance of the *Substantial Assistance* provided in an effort to promote medication-free *Competition*, compliance with the *ECM Rules* and/or the integrity of equestrian sport. In any event, no more than three-quarters of the otherwise applicable period of *Ineligibility* may be suspended. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this section must be no less than eight (8) years. For purposes of this paragraph, the otherwise applicable period of *Ineligibility* shall not include any period of *Ineligibility* that could be added under Article 10.9.3.2 of these *ECM Rules*.

If so requested by *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* who seeks to provide *Substantial Assistance*, the *FEI* shall allow the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* to provide the information to it subject to a *Without Prejudice Agreement*.

If the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* fails to continue to cooperate and to provide the complete and credible *Substantial Assistance* upon which a suspension of the *Consequences* was based, the *FEI Tribunal* shall reinstate the original *Consequence(s)*. If the *FEI Tribunal* decides to reinstate suspended *Consequence(s)* or decides not to reinstate suspended *Consequence(s)*, that *Decision* may be appealed by any *Person* entitled to appeal under Article 12.

**10.7.2 Admission of an ECM Rule Violation in the Absence of Other Evidence**

Where a *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* voluntarily admits the commission of an *ECM Rule* violation before having received *Notice* of a *Sample* collection which could establish an *ECM Rule* violation (or, in the case of a *ECM Rule* violation other than Article 2.1, before receiving first *Notice* of the admitted violation pursuant to Article 7) and that admission is the only reliable evidence of the violation at the time of admission, then the period of *Ineligibility* may be reduced subject to the discretion of the *Hearing Panel*.

**10.7.3 Application of Multiple Grounds for Reduction of a Sanction**

If the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under two (2) or more of Articles 10.5, 10.6 or 10.7, before applying any reduction or suspension under Article 10.7, the otherwise applicable shall be determined in accordance with Articles 10.2, 10.3, 10.5 and 10.6. If the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under Article 10.7, then the period of *Ineligibility* may be reduced or suspended further subject to the discretion of the *Hearing Panel*.

**10.8 Results Management Agreements**

**10.8.1 Three (3) Month Reduction for Certain ECM Rule Violations Based on Early Admission and Acceptance of Sanction**

Where *Person Responsible* and/or member of the *Support Personnel* and/or other *Person*, after being notified by the FEI of a potential *ECM Rule* violation that carries an asserted period of *Ineligibility* of six (6) months or more (including any period of *Ineligibility* asserted under Article 10.4), admits the violation and accepts the asserted period of *Ineligibility* no later than twenty (20) days after receiving notice of an *ECM Rule* violation charge, the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* may receive a three (3) month reduction in the period of *Ineligibility* asserted by the FEI. Where the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* receives the three (3) month reduction in the asserted period of *Ineligibility* under this Article 10.8.1, no further reduction in the asserted period of *Ineligibility* shall be allowed under any other Article.

**10.8.2 Case Resolution Agreement**

Where the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* admits an *ECM Rule* violation after being confronted with the *ECM Rule* violation by the FEI and agrees to *Consequences* acceptable to the FEI, at its sole discretion, then: (a) the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* may receive a reduction in the period of *Ineligibility* based on an assessment by the FEI of the application of Articles 10.1 through 10.7 to the asserted *ECM Rule* violation, the seriousness of the violation, the *Person Responsible* and/or member of the *Support Personnel's*

## EQUINE CONTROLLED MEDICATION RULES

and/or other *Person's* degree of *Fault* and how promptly the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* admitted the violation; and (b) the period of *Ineligibility* may start as early as the date of *Sample* collection or the date on which another *ECM Rule* violation last occurred. In each case, however, where this Article is applied, the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* shall serve at least one-half of the agreed-upon period of *Ineligibility* going forward from the earlier of the date the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* accepted the imposition of a sanction or a *Provisional Suspension* which was subsequently respected by the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person*.

The agreement shall be submitted to the *FEI Tribunal* for the sole purpose of the *FEI Tribunal* confirming that the above criteria have been fulfilled (or do not apply) and, where so confirmed 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 published as provided in Article 13.3 The *Decision* by the FEI to enter or not enter into a case resolution agreement, and the amount of the reduction to, and the starting date of, the period of *Ineligibility* and the confirmation of the case resolution agreement by the *FEI Tribunal* are not subject to appeal under Article 13.

If so requested by a *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* who seeks to enter into a case resolution agreement under this Article, the FEI shall allow the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* to discuss an admission of the *ECM Rule* violation with it subject to a *Without Prejudice Agreement*.

### 10.9 Multiple Violations

#### 10.9.1 Second or Third *ECM Rule* Violation

**10.9.1.1** For a *Person Responsible* and/or member of the *Support Personnel's* and/or other *Person's* second *ECM Rule* violation (within the previous 4 years), the period of *Ineligibility* shall be the greater of:

- (a) three months;
- (b) a period of *Ineligibility* in the range between:
  - (i) the sum of the period of *Ineligibility* imposed for the first *ECM Rule* violation plus the period of *Ineligibility* otherwise applicable to the second *ECM Rule* violation treated as if it were a first violation; and
  - (ii) twice the period of *Ineligibility* otherwise applicable to the second *ECM Rule* violation treated as if it were a first violation with the period of *Ineligibility* within this range to be determined based on the entirety of the circumstances and the *Person Responsible* and/or member of the *Support Personnel's* and/or other *Person's* with respect to the second violation.

## EQUINE CONTROLLED MEDICATION RULES

**10.9.1.2** For a third ECM Rule violation, within the previous 4 years, the *Hearing Panel* shall have the discretion to increase the Sanction to up to 4 years of *Ineligibility*. For a fourth or more ECM Rule violation, within the previous 4 years, the *Hearing Panel* shall have the discretion to impose a lifetime period of *Ineligibility* and shall in no circumstances render a Sanction of less than 4 years *Ineligibility*.

**10.9.1.3** The period of *Ineligibility* established in Articles 10.9.1.1 and 10.9.1.2 may then be further reduced by the application of Article 10.7

The conditions set out in Articles 10.9.1.1 and 10.9.1.2 above shall apply in case one or more of the rule violations previously committed were *EAD Rule* violations. However, these Articles shall also be applicable if the *EAD Rule* violation preceding the current *ECM Rule* violation occurred in the previous 10 years.

**10.9.2** An ECM Rule violation for which an *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* has established *No Fault or Negligence* shall not be considered a prior violation for purposes of this Article.

### **10.9.3 Additional Rules for Certain Potential Multiple Violations**

**10.9.3.1** For purposes of imposing sanctions under Article 10.9, except as provided in Article 10.9.3.2 and 10.9.3.3 an ECM Rule violation will only be considered a second violation if FEI can establish that the *Athlete* or other *Person* committed the additional ECM Rule violation after the *Person Responsible* or other *Person* received notice pursuant to Article 7, or after the FEI made reasonable efforts to give notice of the first ECM Rule violation. If the FEI cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction.

**10.9.3.2** If the FEI establishes that an *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* and that the additional violation occurred twelve (12) months or more before or after the first-noticed violation, then the period of *Ineligibility* for the additional violation shall be calculated as if the additional violation were a stand-alone first violation and this period of *Ineligibility* is served consecutively, rather than concurrently, with the period of *Ineligibility* imposed for the earlier-noticed violation. Where this Article 10.9.3.2 applies, the violations taken together shall constitute a single violation for purposes of Article 10.9.1.

**10.9.3.3** If the FEI establishes that *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* committed a violation of Article 2.4 of the *ECM Rules* in connection with the *Doping Control* process for an underlying asserted *ECM Rule* violation, the violation of Article 2.4 shall be treated as a stand-alone first violation and the period of *Ineligibility* for such violation shall be served consecutively, rather than concurrently, with the period of *Ineligibility*, if any, imposed for the

## EQUINE CONTROLLED MEDICATION RULES

underlying *ECM Rule* violation. Where this Article 10.9.3.3 is applied, the violations taken together shall constitute a single violation for purposes of Article 10.9.1.

**10.9.3.4** If the FEI establishes that *Person Responsible and/or member of the Support Personnel* and/or other *Person* has committed a second or third *ECM Rule* violation during a period of *Ineligibility*, the periods of *Ineligibility* for the multiple violations shall run consecutively, rather than concurrently.

### **10.9.4 Violations Involving Both a *Controlled Medication Substance or Method* and a *Banned Substance or Method***

Where a *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* based on the same factual circumstances is found to have committed an *ECM Rule* violation involving both (a) *Controlled Medication Substance(s) or (a) Controlled Medication Method(s)* under these *ECM Rules* and (a) *Banned Substance(s) or Banned Method(s)* under the *EAD Rules*, the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* shall be considered to have committed one rule violation, but the Sanction imposed shall be based on the *Banned Substance or Banned Method* that carries the most severe Sanction.

### **10.10 Disqualification of Results in Competitions Subsequent to Sample Collection or Commission of an *ECM Rule* Violation**

**10.10.1** In addition to the automatic *Disqualification* of the results in the *Competition/the Event* which produced the positive *Sample* under Article 9 (*Automatic Disqualification of Results*), all other competitive results obtained from the date a positive *Sample* was collected, or other *ECM Rule* violation occurred, through the commencement of any *Provisional Suspension* or *Ineligibility* period, shall, unless fairness requires otherwise, be *Disqualified* with all of the resulting consequences including forfeiture of any medals, points and prizes.

**10.10.2** As a condition of regaining eligibility after being found to have committed an *ECM Rule* violation, the *Person Responsible* and/or member of the *Support Personnel* must first repay all prize money forfeited under this Article and any other fines and/or costs attributed to the violation which have been ordered by the *FEI Tribunal* or otherwise accepted by the *Person Responsible*.

### **10.10 Forfeited Prize Money**

If the FEI recovers prize money forfeited as a result of an *ECM Rule* violation, it shall take reasonable measures to allocate and distribute this prize money to the next placed *Person Responsible/team* who would have been entitled to it had the forfeiting *Person Responsible/team* not competed.

### **10.11 Intentionally Omitted**

**10.12 Commencement of *Ineligibility* Period**

**10.12.1** Where the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* is already serving a period of *Ineligibility* for an ECM (or EAD) Rule violation, any new period of *Ineligibility* shall commence on the first day after the current period of *Ineligibility* has been served. Otherwise. Otherwise, except as provided below, the period of *Ineligibility* imposed on any *Person* or *Horse* shall start on the date of the *Decision* providing for *Ineligibility* or if the hearing is waived or there is no hearing, on the date *Ineligibility* is accepted or otherwise imposed or any other date specified by the *FEI Tribunal* in its *Decision*.

**10.12.2 Delays Not Attributable to the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person***

Where there have been substantial delays in the hearing process or other aspects of *Medication Control* and the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* can establish that such delays are not attributable to the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* alleged to have committed the *Rule* violation, the *Hearing Panel* may start the period of *Ineligibility* at an earlier date commencing as early as the date of *Sample* collection or the date on which another *ECM Rule* violation last occurred. All competitive results achieved during the period of *Ineligibility* including retroactive *Ineligibility* shall be

**10.12.3 Credit for *Provisional Suspension* or Period of *Ineligibility* Served**

If a *Provisional Suspension* is respected by the *Person Responsible*, member of the *Support Personnel*, and/or other *Person* and/or *Horse*, then a credit shall be received for such period of *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed as determined by the *FEI Tribunal*. If the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* does not respect a *Provisional Suspension*, then the *Person Responsible* and/or member of the *Support Personnel* shall receive no credit for any period of *Provisional Suspension* served. If a period of *Ineligibility* is served pursuant to a *Decision* that is subsequently appealed, then the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* and/or *Horse* shall receive a credit for such period of *Ineligibility* served against any period of *Ineligibility* which may ultimately be imposed on appeal.

**10.12.4** If a *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* voluntarily accepts a *Provisional Suspension* in writing for himself, herself or the *Horse*, and thereafter refrains from participating in equestrian activities, such *Person* or *Horse* shall receive a credit for such period of voluntary *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. A copy of the voluntary *Provisional Suspension* shall be provided promptly to each party entitled to receive *Notice* of a potential *ECM Rule* violation. If a *Provisional Suspension* is voluntarily accepted, it can only be lifted by *Decision* of the *FEI Tribunal*.

**10.12.5** No credit against a period of *Ineligibility* shall be given for any time period before the effective date of the *Provisional Suspension* or voluntary

*Provisional Suspension* regardless of whether the *Person* alleged to have committed the *ECM Rule* violation elected not to compete or was suspended by his team.

### **10.13 Status During *Ineligibility* or *Provisional Suspension***

#### **10.13.1 Prohibition against Participation during *Ineligibility* or *Provisional Suspension***

No *Horse*, *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* who has been declared *Ineligible* or is subject to a *Provisional Suspension* may, during a period of *Ineligibility*, participate in any capacity at an *Event*, or in a *Competition* or activity that is authorised or organised by the *FEI* or any *National Federation* or be present at an *Event* (other than as a spectator) that is authorised or organised by the *FEI* or any *National Federation*, or participate in any capacity at an *Event* or in a *Competition* authorised or organised by any international or national-level *Event* organisation or any elite or national-level sporting activity funded by a governmental agency. In addition, for any *ECM Rule* violation, some or all of sport-related financial support or other sport-related benefits received by such *Person Responsible* or *Support Personnel* and/or other *Person* may be withheld by the *FEI* and/or its *National Federations*. A *Horse* subject to a period of *Ineligibility* shall remain subject to *Testing*.

In addition, any *Person Responsible* or member of the *Support Personnel* and/or other *Person* or *Horse* subject to *Ineligibility* under Article 10 may also be banned from any venues where *FEI* competitions are taking place, whether or not the *Person Responsible* or member of the *Support Personnel* or other *Person* is registered with the *FEI*.

#### **10.13.2 Return to Training**

As an exception to Article 10.13.1, a *Person Responsible* may return to train with a team or to use the facilities of a club or other member organization of the *FEI*'s member organization during the shorter of: (1) the last two months of the *Person Responsible*'s period of *Ineligibility*, or (2) the last one-quarter of the period of *Ineligibility* imposed.

#### **10.13.3 Violation of the Prohibition of Participation During *Ineligibility***

Where a *Person Responsible* or member of the *Support Personnel* and/or other *Person* who has been declared *Ineligible* or whose *Horse* has been declared *Ineligible* violates the prohibition against participation or attendance during *Ineligibility* described in Article 10.13.1 above, the results of any such participation shall be *Disqualified* and a new period of *Ineligibility* equal in length up to the original period of *Ineligibility*, including a reprimand and no period of *Ineligibility*, shall be added to the end of the original period of *Ineligibility*. The new period of *Ineligibility* may be adjusted based on the *Person Responsible* and/or member of the *Support Personnel*'s and/or other *Person*'s degree of *Fault* or other circumstance of the case. In addition, further sanctions may be imposed if appropriate. The determination of whether any *Person* has violated the prohibition against participation or attendance, and whether an adjustment

## EQUINE CONTROLLED MEDICATION RULES

shall be made by the *FEI Tribunal*. This *Decision* may be appealed under Article 12.

*A Person Responsible and/or member of the Support Personnel and/or other Person* who violates the prohibition against participation during a *Provisional Suspension* described in Article 10.13.1 shall receive no credit for any period of *Provisional Suspension* served and the results of such participation shall be *Disqualified*.

Where a *Person Responsible and/or member of the Support Personnel and/or other Person* assists a *Person* in violating the prohibition against participation during *Ineligibility* or a *Provisional Suspension*, the *FEI* shall impose sanctions for a violation of Article 2.9 of the *EAD Rules* for such assistance.

### ARTICLE 11            **CONSEQUENCES TO TEAMS**

#### 11.1    **Testing of Teams**

Where one (1) member of a team has been notified of an *ECM* Rule violation under Article 7 in connection with an *Event*, the *FEI* shall conduct appropriate *Target Testing* of all members of the team during the *Event Period*.

#### 11.2    **Consequences for Teams**

**11.2.1** The *FEI Regulations* for Equestrian *Events* at the Olympic Games shall apply at the Olympic Games and the *FEI Regulations* for the Equestrian *Events* at the Paralympic Games shall apply at the Paralympic Games.

**11.2.2** At all *Events* at which these *ECM Rules* apply, other than those listed in 11.2.1:

If a member of a team is found to have committed a violation of these *ECM Rules* in connection with an *In-Competition* test during the *Event*:

- (i) Article 9 shall apply to the *Person Responsible's* results and where those result(s) count towards a team result(s) or team qualification(s), the *Person Responsible's* result(s) shall be subtracted from the Team result(s), to be replaced with the result(s) of the next applicable Team member.
- (ii) Article 10.1 shall apply to the *Person Responsible's* result(s) and where those result(s) that are *Disqualified* count towards a Team result(s) or Team qualification(s), such *Person Responsible's* result(s) shall be subtracted from the Team result(s), to be replaced with the result(s) of the next applicable Team member.

If by removing the *Person Responsible's* results from the team results, the number of *Athletes* counting for the team is less than the required number, the team shall be eliminated from the ranking.

**ARTICLE 12 RESULTS MANAGEMENT APPEALS**

**12.1 Decisions Subject to Appeal**

*Decisions* made under these *ECM Rules* may be appealed as set forth below in Article 12.2 through 12.3. Such *Decisions* shall remain in effect while under appeal unless the appellate body orders otherwise.

**12.1.1 Scope of Review Not Limited**

The scope of review on appeal includes all issues relevant to the matter and is expressly not limited to the issues or scope of review before the initial *Decision* maker. Any party to the appeal may submit evidence, legal arguments and claims that were not raised in the first instance hearing so long as they arise from the same cause of action or same general facts or circumstances raised or addressed in the first instance hearing.

**12.1.2 CAS Shall Not Defer to the Findings Being Appealed**

In making its *Decision*, CAS shall not give deference to the discretion exercised by the body whose *Decision* is being appealed.

**12.2 Appeals from Decisions Regarding ECM Rule Violations Consequences, and Provisional Suspensions, Implementation of Decisions and Authority**

The following *Decisions* may be appealed exclusively as provided in this Article 12.2: (a) a *Decision* that an *ECM Rule* violation was committed; (b) a *Decision* imposing consequences for an *ECM Rule* violation; (c) a *Decision* that no *ECM Rule* violation was committed; (d) a *Decision* that an *ECM Rule* violation proceeding cannot go forward for procedural reasons (including, for example, exceeding the Statute of Limitations); (e) a *Decision* under Article 10.11.2 (Violation of the Prohibition of Participation during *Ineligibility*); (f) a *Decision* that the *FEI* or a *National Federation* lacks authority to rule on an alleged *ECM Rule* violation or its Consequences; (g) a *Decision* by any *National Federation* not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as a *Controlled Medication* violation, or a *Decision* not to go forward with a *Controlled Medication* violation; (h) a *Decision* to impose or lift a *Provisional Suspension* as a result of a *Preliminary Hearing* or otherwise, in violation of Article 7.4; (i) a *Decision* to suspend, or not suspend *Consequences* or to reinstate, or not reinstate *Consequences* under Article 10.7.1; (j) a *Decision* under Article 10.13.3.

**12.2.1** In cases arising from participation in an *International Event* or in cases involving *FEI*-registered *Horses* the *Decision* may be appealed exclusively to CAS in accordance with the provisions applicable before CAS.

**12.2.2.** In cases under Article 12.2.1, the following parties shall have the right to appeal to CAS: (a) the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* who is the subject of the *Decision* being appealed, or the *Horse Owner*, where its *Horse* is subject to *Provisional Suspension* or *Ineligibility*; (b) the other party to the case in which the *Decision* was rendered; (c) the *FEI*; (d) the *National Federation* of the *Person* who is the subject of the *Decision* being appealed; and (e) the International Olympic

## EQUINE CONTROLLED MEDICATION RULES

Committee or International Paralympic Committee, as applicable, where the *Decision* may have an effect in relation to the Olympic Games or Paralympic Games, including *Decisions* affecting eligibility for the Olympic Games or Paralympic Games.

### **12.2.3 Duty to Notify**

All parties to any CAS appeal must ensure that the FEI and all other parties with a right to appeal have been given timely notice of the appeal.

### **12.2.4 Appeal from Imposition of Provisional Suspension**

The only *Person* that may appeal from the imposition of a *Provisional Suspension* is the *FEI* or the *Person* upon whom or upon whose *Horse* the *Provisional Suspension* is imposed.

### **12.2.5 Cross Appeals and other Subsequent Appeals Allowed**

Cross appeals and other subsequent appeals by any respondent named in cases brought to CAS under the *Code* are specifically permitted. Any party with a right to appeal under this Article 12 must file a cross appeal or subsequent appeal at the latest with the party's answer.

## **12.3 Time for Filing Appeals**

The time to file an appeal to CAS shall be twenty one (21) days from the date of *Receipt* of the *Hearing Panel Decision* by the appealing party. The above notwithstanding, the following shall apply in connection with appeals filed by a party entitled to appeal but which was not a party to the proceedings having led to the *Decision* subject to appeal:

a) Within fifteen (15) days from *Notice* of the *Decision*, such party/ies shall have the right to request from the *Hearing Panel* having issued the *Decision* a copy of the full case file pertaining to the *Decision*; a failure to make such request shall however not preclude such party from appealing to CAS within the time period set forth above; and

b) If such a request is made within the fifteen (15) day period, then the party making such request shall have twenty one (21) days from receipt of the file to appeal to CAS.

## **ARTICLE 13 REPORTING, PUBLIC DISCLOSURE AND DATA PRIVACY**

### **13.1 Statistical Reporting**

*National Federations* shall report to the *FEI* at the end of every year aggregated and anonymous results of all *Medication Control* within their jurisdiction. The *FEI* may periodically publish *Testing* data received from *National Federations* as well as comparable data from *Testing* under the *FEI's* jurisdiction.

**13.2 Protection of Confidential Information by an Employee or Agent of the FEI**

The FEI shall ensure that information concerning *Adverse Analytical Findings*, *Atypical Findings*, and other asserted ECM Rule violations remains confidential until such information is *Publicly Disclosed* in accordance with Article 13.3 The FEI shall ensure that its employees (whether permanent or otherwise), contractors, agents, consultants, and *Delegated Third Parties* are subject to fully enforceable contractual duty of confidentiality and to fully enforceable procedures for the investigation and disciplining of improper and/or unauthorized disclosure of such confidential information.

**13.3 Public Disclosure**

**13.3.1** Neither the *FEI* or its *National Federation* shall publicly identify *Horses* or *Persons Responsible* whose *Horses' Samples* have resulted in *Adverse Analytical Findings*, or *Persons Responsible* and/or members of the *Support Personnel* and/or other *Person* who were alleged to have otherwise violated these *Rules*, until the earlier of completion of the administrative review and *Notification* described in Articles 7.1.2 and 7.1.4 or the start of the *Provisional Suspension* of the *Person* alleged to have violated the *ECM Rule*. Once a violation of these *ECM Rules* has been established, it shall be publicly reported in an expeditious manner via the *FEI Case Status Table* at [www.fei.org](http://www.fei.org) unless another mechanism for publicly reporting the information is warranted at the discretion of the *FEI*. With regards to the *Administrative Procedure* set forth in Article 8.3 above, publication shall occur on the acceptance of the Administrative Sanction. If the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* or the *National Federation* of any such *Person* makes information concerning a *Rule* violation or alleged *ECM Rule* violation public prior to release of this information on the *Case Status Table*, the *FEI* may comment on such public information or otherwise publicly report the matter.

**13.3.2** In any case where it is determined, after a hearing or appeal, that the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* did not commit an *ECM Rule* violation, the *Decision* may be *Publicly Disclosed* only with the consent of the *Person* who is the subject of the *Decision*. The *FEI* shall use reasonable efforts to obtain such consent, and if consent is obtained, shall *Publicly Disclose* the *Decision* in its entirety or in such redacted form as such *Person* and *FEI* may jointly approve.

**13.3.3** Publication shall be accomplished at a minimum by placing the required information on the *FEI's* Web site or publishing it through other means and having the information up for the longer of one month or the period of *Ineligibility*.

**13.3.4** Neither the *FEI*, any *National Federation*, any *Laboratory*, or any official of any of the above, shall publicly comment on the specific facts of a pending case (as opposed to a general description of process and science), except in response to public comments attributed to the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* or their representatives.

## EQUINE CONTROLLED MEDICATION RULES

**13.3.5** The mandatory *Public Reporting* required in article 13.3.1 shall not be required where the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* who has been found to have committed a controlled medication violation is a *Minor*. Any optional *Public Reporting* in a case involving a *Minor* shall be proportionate to the facts and circumstances of the case.

### **13.4 Data Privacy**

**13.4.1** The FEI may collect, store, process or disclose personal information relating to *Person Responsible* and/or member of the *Support Personnel*, and/or other *Person*, *Owners* and *Horses* where necessary and appropriate to conduct its *Controlled Medication* activities under these *ECM Rules* and in compliance with applicable law.

**13.4.2** Without limiting the foregoing, the FEI shall:

- (a) Only process personal information in accordance with a valid legal ground;
- (b) *Notify* any *Participant* or *Person* subject to these *ECM Rules*, in a manner and form that complies with applicable laws that their personal information may be processed by the FEI and other *Persons* for the purpose of the implementation of these *ECM Rules*;
- (c) Ensure that any third-party agents (including any *Delegated Third Party*) with whom the FEI shares the personal information of any *Participant* or *Person* is subject to appropriate technical and contractual controls to protect the confidentiality and privacy of such information.

## **ARTICLE 14 IMPLEMENTATION OF DECISIONS**

### **14.1 Automatic Binding Effect of Decisions on National Federations**

**14.1.1** A *Decision* of an *ECM Rule* violation made by the *FEI Tribunal*, or *CAS* shall, after the parties to the proceeding are notified, automatically be binding beyond the parties to the proceeding upon the *National Federations*, with the effects described below:

**14.1.1.1** A *Decision* by any of the above-described bodies imposing a *Provisional Suspension* (after a *Provisional Hearing* has occurred or the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* has either accepted the *Provisional Suspension* or has waived the right to a *Provisional Hearing*, expedited hearing or expedited appeal offered in accordance with Article 7.4.4) automatically prohibits the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* from participation (as described in Article 10.13.1) in all sports within the authority of any *National Federation* during the *Provisional Suspension*.

**14.1.1.2** A *Decision* by any of the above-described bodies imposing a period of *Ineligibility* (after a hearing has occurred or been waived)

## EQUINE CONTROLLED MEDICATION RULES

automatically prohibits the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* from participation (as described in Article 10.13.1) in all sports within the authority of any *National Federation* for the period of *Ineligibility*.

**14.1.1.3** A *Decision* by any of the above-described bodies accepting an ECM Rule violation automatically binds all *National Federations*.

**14.1.1.4** A *Decision* by any of the above-described bodies to *Disqualify* results under Article 10.10 for a specified period automatically *Disqualifies* all results obtained within the authority of any *National Federation* during the specified period.

**14.1.2** The FEI and its *National Federations* shall recognize and implement a *Decision* and its effects as required by Article 14.1.1, without any further action required, on the date actual notice of the *Decision* is received.

**14.1.3** A *Decision* by the *FEI Tribunal* or *CAS* to suspend, or lift, *Consequences* shall be binding upon the FEI and its *National Federations* without any further action required, on the earlier of the date actual notice of the *Decision* is received.

### ARTICLE 15 STATUTE OF LIMITATIONS

No *ECM Rule* violation proceeding may be commenced under these *ECM Rules* against a *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* for an *ECM Rule* violation unless he or she has been notified of the *ECM Rule* violation as provided in Article 7, or notification has been reasonably attempted within four (4) years from the date the violation is asserted to have occurred.

### ARTICLE 16 ADDITIONAL ROLES AND RESPONSIBILITIES OF NATIONAL FEDERATIONS

**16.1** All *National Federations* and their members shall comply with these *ECM Rules*. All *National Federations* and other members shall include in their policies, rules and programs the provisions necessary to ensure that the FEI may enforce these *ECM Rules* (including carrying out *Testing*) directly in respect of *Persons Responsible* and other *Persons* under its authority as specified in the Introduction to these Anti-Doping Rules (Section "Scope of these Anti-Doping Rules").

**16.2** For FEI Disciplines only, all *National Federations* shall specifically incorporate Articles 2, 3, 4, and 8.2 of these *ECM Rules* into their anti-doping regulations without substantive change by January 1, 2021 and enforce them against their members, unless doing so would contravene any applicable national law and/or FEI approval has been obtained. With regards to the other Articles of these *ECM Rules*, *National Federations*, to the extent they do not wish to incorporate them, shall adopt corresponding provisions which embody similar concepts and principles, especially with respect to Article 10. Nothing in these *ECM Rules* shall be interpreted to prevent a *National Federation* from conducting out-of-competition testing on national *Horses* as part of its national *Doping Control*.

## EQUINE CONTROLLED MEDICATION RULES

**16.3** All *National Federations* shall report any information suggesting or relating to an ECM Rule violation to the FEI and shall cooperate with investigations conducted by any the *FEI* with authority to conduct the investigation.

**16.4** All *National Federations* shall conduct anti-doping *Education*.

### **ARTICLE 17 INTENTIONALLY OMITTED**

### **ARTICLE 18 ADDITIONAL ROLES AND RESPONSIBILITIES OF PERSONS RESPONSIBLE**

**18.1** To be knowledgeable of and comply with these *ECM Rules*.

**18.2** To ensure their *Horse is* available for *Sample* collection.

**18.3** To take responsibility, in the context of Controlled Medication, for all substances that enter the body of their *Horse*.

**18.4** To inform their grooms, veterinarians and other members of the *Support Personnel* of their obligations not to *Use Controlled Medications In-Competition* and to take responsibility to make sure that any veterinary treatment received does not violate these ECM Rule Rules.

**18.5** To cooperate with the *FEI* investigating *ECM Rule* violations.

Failure by any *Person Responsible and/or member of the Support Personnel* to cooperate in full with *Anti-Doping Organizations* investigating *ECM Rule* violations may result in a charge of misconduct under the FEI's disciplinary rules.

**18.6** To disclose the identity of *Support Personnel* upon request by the FEI.

**18.7** Offensive conduct towards a *Doping Control* official or other *Person* involved in *Doping Control* by a *member of the Support Personnel*, which does not otherwise constitute *Tampering*, may result in a charge of misconduct under the FEI's disciplinary rules.

### **ARTICLE 19 ADDITIONAL ROLES AND RESPONSIBILITIES OF SUPPORT PERSONNEL**

**19.1** To be knowledgeable of and comply with these *ECM Rules*.

**19.2** To cooperate with the *Testing* program.

**19.3** To use their influence on *Person Responsible* values and behavior to foster compliance with these *ECM Rules*.

**19.4** To cooperate with *Anti-Doping Organizations* investigating *ECM Rule* violations.

Failure by any *Support Personnel* to cooperate in full with *Anti-Doping Organizations* investigating *ECM Rule* violations may result in a charge of misconduct under the FEI's disciplinary rules.

## EQUINE CONTROLLED MEDICATION RULES

**19.5** Offensive conduct towards a *Doping Control* official or other *Person* involved in *Doping Control* by a member of the *Support Personnel*, which does not otherwise constitute *Tampering*, may result in a charge of misconduct under the FEI's disciplinary rules.

### **ARTICLE 20                    ADDITIONAL ROLES AND RESPONSIBILITIES OF OTHER PERSONS SUBJECT TO THESE ANTI-DOPING RULES**

**20.1** To be knowledgeable of and comply with these *ECM Rules*.

**20.2** To cooperate with *Anti-Doping Organizations* investigating ECM Rule violations.

Failure by any other *Person* subject to these *ECM Rules* to cooperate in full with the *FEI* investigating anti-doping rule violations may result in a charge of misconduct under the FEI's disciplinary rules.

**20.3** Offensive conduct towards a *Doping Control* official or other *Person* involved in *Doping Control* by a *Person*, which does not otherwise constitute *Tampering*, may result in a charge of misconduct under the FEI's disciplinary rules.

### **ARTICLE 21                    ADDITIONAL ROLES AND RESPONSIBILITIES OF ORGANISING COMMITTEES ("OCs")**

**21.1** To be knowledgeable of and comply with these anti-doping rules.

**21.2** To foster a clean spirit of sport at their *Events*.

**21.3** When notified by the FEI that *Testing* is planned at their *Event*, to provide adequate facilities for *Testing* as instructed by the FEI; and, where possible and if requested, staff or volunteers to assist with *Person Responsible* notification.

**21.4** Confidentiality

The OC shall maintain strict confidentiality on all aspects of any *Testing* session planned at its *Events*. It shall not disclose the *Testing* plan beyond a strict need-to-know, and shall not publish any details on such *Testing* plan.

**21.5** *Educational* initiatives

OCs shall also cooperate with the FEI's clean sport educational initiatives at their *Events*.

**21.6** To cooperate with the *Testing* plans of other *Anti-Doping Organisations* with *Testing* jurisdiction.

**ARTICLE 22                    AMENDMENT AND INTERPRETATION OF *ECM RULES***

**22.1** These *ECM Rules* may be amended from time to time by the *FEI* in accordance with the *FEI Statutes* and *General Regulations*.

**22.2** Except as provided in Article 22.5, these *ECM Rules* shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes. Nothing herein shall be interpreted to supplant the applicability of national laws to national events.

**22.3** The headings used for the various parts and articles of these *ECM Rules* are for convenience only and shall not be deemed part of the substance of these Rules or to affect in any way the language of the provisions to which they refer.

**22.4** The Introduction, Appendix 1 Definitions, the *Equine Prohibited Substances List*, and the *FEI List of Approved Laboratories*, shall be considered integral parts of these *ECM Rules*.

**22.5** These *ECM Rules* have been adopted pursuant to the *FEI Statutes* and *General Regulations* and shall be interpreted, where applicable, in a manner that is consistent with applicable provisions of these *Statutes* and *General Regulations* as well as other *FEI* rules and regulations including but not limited to the *Veterinary Regulations*, the *Internal Regulations of the FEI Tribunal*, the *FEI Standard for Laboratories* and the various *FEI Sport Rules*. In the event of conflict with the *Statutes* or the *General Regulations*, the *Statutes* and the *General Regulations* shall apply, subject however to the application by the *FEI Tribunal* of the legal principle of *lex specialis derogat legi generali* which provides that a specific provision should govern over a general provision. In the event of conflict with any other rules or regulations, these *ECM Rules* shall apply.

**22.6** The time limits fixed under the present *ECM Rules* shall begin from the day after which *Notification* by the *FEI* is received. Official holidays and non-working days are included in the calculation of time limits. The time limits fixed under the present *ECM Rules* are respected if the communications by the parties are sent before midnight on the last day on which such time limits expire. If the last day of the time limit is an official holiday or a non-business day in the country where the *Notification* has been made, the time limit shall expire at the end of the first subsequent business day.

**ARTICLE 23                    FINAL PROVISIONS**

**23.1** These *ECM Rules* shall enter into force on 1 January 2021 (the "**Effective Date**"). They repeal the *FEI ECM Rules* that came into effect on 1 January 2020.

**23.2** These *ECM Rules* shall not apply retroactively to matters pending before the *Effective Date*. However:

**23.2.1** *ECM Rules* violations taking place prior to the *Effective Date* count as "first violations" or "second violations" for purposes of determining sanctions under Article 10 for violations taking place after the *Effective Date*.

**23.2.2** Any *ECM Rules* violation case which is pending as of the *Effective Date* and any *ECM Rules* violation case brought after the *Effective Date* based on an *ECM Rules* violation which occurred prior to the *Effective Date*, shall be

## EQUINE CONTROLLED MEDICATION RULES

governed by the substantive *ECM Rules* in effect at the time the *alleged ECM Rule* violation occurred, and not by the substantive *ECM Rule* set out in these *ECM Rules*, unless the panel hearing the case determines the principle of "*lex mitior*" appropriately applies under the circumstances of the case. For these purposes, the retrospective periods in which prior violations can be considered for purposes of multiple violations under Article 10.9.4 and the statute of limitations set forth in Article 16 are procedural rules, not substantive rules, and should be applied retroactively along with all of the other procedural rules in these *ECM Rules* (provided, however, that Article 16 shall only be applied retroactively if the statute of limitation period has not already expired by the *Effective Date*).

**23.2.3** With respect to cases where a final *Decision* finding an *ECM Rules* violation has been rendered prior to the *Effective Date*, but the *Person Responsible* or member of the *Support Personnel* and/or other *Person* is still serving the period of *Ineligibility* as of the *Effective Date*, the *Person Responsible* or member of the *Support Personnel* and/or other *Person* may apply to the FEI to consider a reduction in the period of *Ineligibility* in light of these *ECM Rules*. Such application must be made before the period of *Ineligibility* has expired. The *Decision* rendered may be appealed pursuant to Article 12.2. These *ECM Rules* shall have no application to any case where a final *Decision* finding an *ECM Rules* violation has been rendered and the period of *Ineligibility* has expired.

**23.2.4** For purposes of assessing the period of *Ineligibility* for a second violation under Article 10.9.1, where the sanction for the first violation was determined based on rules in force prior to the *Effective Date*, the period of *Ineligibility* which would have been assessed for that first violation had these *ECM Rules* been applicable, shall be applied.

**23.2.5** Changes to the List relating to substances on the List shall not, unless they specifically provide otherwise, be applied retroactively. As an exception, however, when a Prohibited Substance has been removed from the Prohibited List, an *Person Responsible* or member of the *Support Personnel* and/or other *Person* currently serving a period of *Ineligibility* on account of the formerly Prohibited Substance may apply to the FEI to consider a reduction in the period of *Ineligibility* in light of the removal of the substance from the Prohibited List.

**APPENDIX 1 – DEFINITIONS**

*A Sample.* At the time of testing, the sample of bodily fluids is split into two portions: an *A Sample*, which is tested first, and the *B Sample*, which may be tested if the *A Sample* requires confirmatory analysis or confirmatory analysis is requested.

*Active Substance.* Any chemical or compound that affects the function of the body of a human or animal. These substances can be artificial or natural, i.e. those created by the body in response to stimulation or injury. Active substances are often not the same as a product's trade name, and it is therefore necessary to check for the list of active substances within a product before use.

*Administration.* Providing, supplying, supervising, facilitating, or otherwise participating in the *Use or Attempted Use* by another *Person* of a Prohibited Substance or Prohibited Method. However, this definition shall not include the actions of bona fide veterinary personnel involving a *Controlled Medication Substance* or *Controlled Medication Method* used for genuine and legal therapeutic purposes or other acceptable justification and, if administered at an *Event*, with a valid *Veterinary Form*.

*Administrative Procedure.* The procedural mechanism available to a *Person Responsible* alleged to have committed an *ECM Rule violation* as set forth in Article 8.3 of the *ECM Rules*.

*Adverse Analytical Finding.* A report from a *Laboratory* or other approved entity that, consistent with the *FEI Standard for Laboratories*, establishes in a *Horse's Sample* the presence of one or more *Prohibited Substances* or its *Metabolites* or *Markers* or evidence of the *Use of a Prohibited Method*.

*Anti-Doping Organisation.* An organisation that is responsible for initiating, implementing or enforcing any part of the *Doping or Medication Control* process, including, for example, the *FEI*, the *International Olympic Committee*, the *International Paralympic Committee*, or a *National Federation*.

*Anti-Doping Activities.* Anti-doping *Education* and information, test distribution planning, conducting *Testing*, organizing analysis of *Samples*, gathering of intelligence and conduct of investigations, *Results Management*, hearings, monitoring and enforcing compliance with any *Consequences* imposed, and all other activities related to anti-doping to be carried out by or on behalf of an *Anti-Doping Organization*, as set out in these *EADCM Regulations*.

*Athlete.* Any person taking part in an *FEI Event*. Such person may be, including but not limited to, a rider, a driver, a lunger, or a vaulter.

*Attempt.* Purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of an *EADCM Regulation* violation. Provided, however, there shall be no *Regulation* violation based solely on an *Attempt* to commit a violation if the *Attempt* is renounced prior to it being discovered by a third party not involved in the *Attempt*.

*Atypical Finding.* A report from a *Laboratory* or other approved entity which requires further investigation according to the process set out in the *FEI Atypical Findings Policy*.

*Banned Method.* Any method so described on the *Equine Prohibited Substances List*.

## APPENDIX 1 DEFINITIONS

*Banned Substance.* Substances (including their *Metabolites* and *Markers*) that have been deemed by the FEI List Group to have: a) no legitimate use in the competition *Horse* and/or b) have a high potential for abuse. *Banned Substances* are prohibited at all times.

*B Sample.* At the time of testing, the sample of bodily fluids is split into two portions: an *A Sample*, which is tested first, and the *B Sample*, which may be tested if the *A Sample* requires confirmatory analysis or confirmatory analysis is requested.

*CAS.* The Court of Arbitration for Sport

*Competition.* As defined in the *FEI General Regulations*: "Refers to each individual class in which *Athletes* are placed in an order of merit and for which prizes may be awarded."

*Consequences of Anti-Doping Rule Violations ("Consequences").* A *Person Responsible* or member of the *Support Personnel's* or other *Person's* violation of an EADCM Regulation may result in one or more of the following: (a) *Disqualification* means the *Person Responsible's* results in a particular *Competition* or *Event* are invalidated, with all resulting *Consequences* including forfeiture of any medals, points and prizes; (b) *Ineligibility* means the *Person Responsible* or member of the *Support Personnel* or other *Person* is barred on account of an EADCM Regulation violation for a specified period of time from participating in any *Competition* or other activity or funding as provided in Articles 10.14 of the *EAD Rules* or 10.13 of the *ECM Rules*; (c) *Provisional Suspension* means the *Person Responsible* or member of the *Support Personnel* or other *Person* is barred temporarily from participating in any *Competition* or activity prior to the final *Decision* at a hearing conducted under Articles 8; (d) *Financial Consequences* means a financial sanction imposed for EADCM Regulation violation or to recover costs associated with an EADCM Regulation violation; and (e) *Public Disclosure* means the dissemination or distribution of information to the general public or *Persons* beyond those *Persons* entitled to earlier notification in accordance with Article 14 of the *EAD Rules* and Article 13 of the *ECM Rules*.

*Confirmatory analysis.* An analysis of a *B Sample* to confirm an *A Sample Adverse Analytical Finding*. *Persons Responsible* as well as the FEI can request a confirmatory analysis if an *Adverse Analytical Finding* results from the *A Sample* during testing.

*Confirmatory Analysis Request Form.* The written form sent to the *Person Responsible/the Owner* of the *Horse* (if applicable) by the FEI Legal Department that must be completed and returned if the *Person* wants a confirmatory analysis of the *B Sample* to be undertaken following an *Adverse Analytical Finding* resulting from the *A Sample*.

*Contaminated Product.* A product that contains a *Prohibited Substance* that is not disclosed on the product label or in information available in a reasonable Internet search.

*Controlled Medication Method.* Any method so described in the *Equine Prohibited Substances List*.

*Controlled Medication Substance.* Any substance, or its *Metabolites* or *Markers*, so described in the *Equine Prohibited Substances List*. *Controlled Medication Substances* are considered therapeutic and/or commonly used in equine medicine substances, and considered to have:

- a) the potential to affect performance, and/ or
- b) a potential welfare risk to the *Horse*.

## APPENDIX 1 DEFINITIONS

*Controlled Medication Substances* are prohibited *In-Competition*, but may be exceptionally permitted *In-Competition* when their use has been authorised by the appropriate Veterinary Form.

*Decision (or "Decide")*. An authoritative determination reached or pronounced after consideration of facts and/or law.

*Delegated Third Party*: Any *Person* to which the FEI delegates any aspect of *Doping Control* or anti-doping *Education* programs including, but not limited to, third parties or other *Anti-Doping Organizations* that conduct *Sample* collection or other *Doping Control* services or anti-doping *Educational* programs for the FEI, or individuals serving as independent contractors who perform *Doping Control* services for the FEI (e.g., non-employee *Doping Control* officers or chaperones). This definition does not include *CAS*.

*Disqualification, Disqualify, or Disqualified*. A consequence of an *EADCM Regulation* violation whereby results in a particular *Competition* or *Event* are invalidated, with all resulting consequences including forfeiture of any medals, points and prizes.

*Doping Control*. All steps and processes from test distribution planning through to ultimate disposition under the *EAD* and/or *ECM Rules* of any appeal and the enforcement of the *Consequences* including all steps and processes in between, including but not limited to *Testing*, investigations, *Sample* collection and handling, *Laboratory* analysis, *Results Management*, hearings and appeals and investigations or proceedings relating to violations of Articles 10.14 of the *EAD Rules* and Article 10.13 of the *ECM Rules* (Status during *Ineligibility* or *Provisional Suspension*).

*Education*. The process of learning to instil values and develop behaviours that foster and protect the spirit of sport, and to prevent intentional and unintentional doping.

*EADCM Regulations*. The entire regulation system involving *Doping Control* and *Medication Control*, incorporating both the *EAD Rules* and the *ECM Rules*.

*EAD Rules*. The *FEI* Equine Anti-Doping Rules.

*ECM Rules*. The *FEI* Equine Controlled Medication Rules.

*Elimination*. Unless otherwise specified in the applicable *FEI Rules* and *Regulations*, *Elimination* means that the *Athlete* with the *Horse* in question may not continue in the *Competition* at issue but the *Horse* is not necessarily *Eliminated* from the entire *Event*.

*Equestrian Community Integrity Unit*. An investigative unit of the *FEI* empowered by Chapter XI of the *FEI Statutes* to gather evidence relating to any alleged violations of *FEI rules*, including these *EADCM Regulations*, and to submit such evidence for consideration by the *FEI Tribunal* for any cases brought under the *EADCM Regulations*.

*Equine Prohibited Substances List*. The list identifying the *Banned Substances/Controlled Medication Substances* and *Banned Methods/Controlled Medication Methods* as published from time to time under the direction of the Secretary General.

Substances with the same biological or chemical effect as a Prohibited Substance are also included on the List as a legal matter, even if they are not specifically listed by name on the List. This is to prevent anyone using substances that are almost identical to a specifically listed Prohibited Substance in either their chemical composition or biological effect. The List is revised by a group of experts (List Group) who propose changes to the FEI Board once a

## APPENDIX 1 DEFINITIONS

year. All changes come into effect 90 days after publication. The List is available in the "Resources" section of this Clean Sport toolkit, on the Clean Sport website ([www.cleansport.org](http://www.cleansport.org)) and as a smartphone app.

*Event.* As defined in the FEI General Regulations: "A complete meeting, 'Show', 'Championship' or 'Games'. Events may be organised for one or more than one Discipline."

*Fault.* Fault is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an *Person Responsible* and/or member of the *Support Personnel's* and/or other *Person's* degree of *Fault* include, for example, the *Person Responsible's* and/or member of the *Support Personnel's* and/or other *Person's* experience, whether the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* is a *Minor*, special considerations such as impairment, the degree of risk that should have been perceived by the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* and the level of care and investigation exercised by the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* in relation to what should have been the perceived level of risk. In assessing the *Person Responsible's* and/or member of the *Support Personnel's* and/or other *Person's* degree of *Fault*, the circumstances considered must be specific and relevant to explain the *Person Responsible's* and/or member of the *Support Personnel's* and/or other *Person's* departure from the expected standard of behaviour. Thus, for example, the fact that the *Person Responsible* would lose the opportunity to earn large sums of money during a period of *Ineligibility*, or the fact that the *Person Responsible* only has a short time left in his or her career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of *Ineligibility* under Articles 10.6.1 or 10.6.2.

*FEI.* The *Fédération Equestre Internationale* acting through its applicable representative as determined in its Statutes, General Regulations, other regulations or rules, or by its Secretary General from time to time.

*FEI Atypical Findings Policy.* The policy approved by the FEI Board in consultation with the FEI Headquarters, the FEI List Group and the FEI Approved Laboratories setting out (i) the process for determining those *Prohibited Substances* to which the provisions of these EADCMRs relating to *Atypical Findings* will apply; and (ii) the process that will apply to the investigation of *Atypical Findings*. The *FEI Atypical Findings Policy* and the list of *Prohibited Substances* to which the *FEI Atypical Findings Policy* will apply, as approved by the FEI Board, will be published on the FEI website.

*FEI Manual.* Any manual approved and distributed by the FEI, such as but not limited to the *FEI Testing Manual* and the *FEI Stewards Manual* (see *Veterinary Regulations*).

*FEI Medication Logbook.* Under the FEI VRs, an *FEI Medication Logbook* must be kept for all FEI Horses, recording the date, substance, and dosage of any treatment of a substance listed on the EPSL whether it occurred during or outside of competition. The record must also clearly identify the person administering the treatment. In the prosecution of any EADCM violation, the *FEI Tribunal* may request to see the *FEI Medication Logbook*.

*FEI Standard for Laboratories.* A standard setting out the criteria for Laboratories to apply in respect of analyses, custodial procedures and reports thereon adopted by the *FEI Tribunal* from time to time as certified by the Secretary General in support of these *Regulations*. Compliance with this Standard (as opposed to another alternative standard, practice or

## APPENDIX 1 DEFINITIONS

procedure) in force at the time of *Sample* analysis shall be sufficient to conclude that the procedures addressed by this Standard were performed properly.

*FEI Tribunal.* The full membership of the hearing body authorised to *Decide* cases under these *Regulations*, as provided for in the *FEI Statutes*, *General Regulations*, or other applicable *FEI* rules and regulations.

*Financial Consequences.* See *Consequences*

*Fine.* A consequence of an *EADCM* violation whereby a *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* receives a financial penalty.

*Foreign Veterinary Delegate.* *Veterinary Delegates* appointed in accordance with the *FEI General Regulations*, Article 154, either by the *NFs/OCs* or by the *FEI*, with the agreement of the *Technical Committee*.

*Ground Jury.* A body of *Officials* that is empowered under the *FEI General Regulations* to deal with all protests and reports related to anything occurring during or in direct connection with an *Event* within the period of its jurisdiction. The period of jurisdiction of the *Ground Jury* begins one hour before the beginning of the first horse inspection and ends, so far as each discipline is concerned, half an hour after the announcement of the final results in that discipline. The duties of the *Ground Jury* follow from Article 158 of the *FEI General Regulations*.

*Hearing Panel.* The specific *FEI Tribunal* member(s) comprising the *Decision*-making body in any particular case.

*Horse.* A *Horse*, pony or other member of the genus *Equus* competing in an *FEI* discipline. A *Horse* shall be born from a mare.

*In-Competition.* Unless stated otherwise in the relevant *Sports Rules*, the period commencing one (1) hour before the beginning of the first *Horse* inspection and terminating half an hour after the announcement of the final results of the last *Competition* at the *Event*. This period may vary for the *Olympic* and *Paralympic Games*, as determined by the applicable rules.

*Independent Witness.* A *Person*, invited by the *FEI* or *Laboratory* to witness parts of the *Analytical Testing* process. The *Independent Witness* shall be independent of the *Person Responsible*, the *Owner* of the *Horse* and his/her representative(s), the *Laboratory* and *FEI*. The *Independent Witness* may be indemnified for his/her service.

*Ineligibility.* A consequence of an *EADCM Regulations* violation whereby the *Person Responsible*, *Horse* and/or member of the *Support Personnel* and/or other *Person* is barred for a specified period of time from participating in any activities surrounding any *Competition* or *Event* or other activity or funding as provided in the applicable rules and, only if so specified in the *FEI Tribunal Decision*, from participating in or attending any *Competition* or *Event* in any capacity including as a spectator.

In the discipline of *Endurance* where an *Ineligibility* period is imposed on the registered *Trainer* of the *Horse*, for the duration of the period of *Ineligibility*:

- the *Trainer* is prohibited from training any *Horses* and from having any *Horses* under his direct or indirect care; and

## APPENDIX 1 DEFINITIONS

- the FEI and the *National Federation* shall not:

(i) accept any entries for any *Horses* registered with, or under the direct or indirect care of, the Trainer for any *Competition* or *Event* (at national or international level), except where the relevant *Competition* or *Event* will take place after the expiration of the period of *Ineligibility*; or

(ii) permit any *Horse*, registered with, or under the direct or indirect care of, the Trainer to participate in any *Competition* or *Event* (at a national or international level) even if duly entered; or

(iii) permit any *Horse* that was registered with the Trainer at the time of the *FEI Tribunal Decision* (but is no longer registered with the Trainer) and subsequently participated in any *Competition* or *Event* (at either national or international level) to be re-registered with the Trainer until the *Ineligibility* period has expired; or

(iv) permit any *Horse* that was under the direct or indirect care of the Trainer at the time of the *FEI Tribunal Decision* (but has since left the direct or indirect care of the Trainer) and subsequently participated in any *Competition* or *Event* (at either national or international level) to return to the direct or indirect care of the Trainer until the *Ineligibility* period has expired.

*International Event*. An *Event* where the FEI, International Olympic Committee, International Paralympic Committee, or a major *Event* Organisation is the ruling body for the *Event* or appoints the technical officials for the *Event*.

*Laboratory*. A laboratory approved by the FEI to analyse *Samples*.

*Laboratory Documentation Package*. The material produced by the *Laboratory* to support an analytical result such as for example an *Adverse Analytical Finding*.

*Marker*. A compound, group of compounds or biological parameter (s) that indicates the *Use* of a *Prohibited Substance* or a *Prohibited Method*.

*Medication Control*. All steps and processes from test distribution planning through to ultimate disposition of any appeal involving an *ECM Rule* violation, including all steps and processes in between such as, *Sample* collection and handling, laboratory analysis, *Equine Therapeutic Use Exemption*, *Results Management*, hearings and appeals.

*Metabolite*. Any substance produced by a biotransformation process.

*Minor*. A natural *Person* who has not reached the age of 18 (eighteen) at the date of the alleged EAD/ECM Rule violation.

*National Event*. A sport *Event* involving international- or national-level *Persons Responsible* that is not an *International Event*.

*National Federation*. The one national governing body from any country which is effectively in control of or is in a position to effectively control at least the Olympic Equestrian Disciplines and supported by its *National Olympic Committee* and approved by the General Assembly of the FEI.

## APPENDIX 1 DEFINITIONS

National Head FEI Veterinarian. An FEI Veterinarian appointed by each *National Federation* in order to maintain effective communication with the FEI on veterinary matters and to coordinate other FEI Veterinarians of the same *National Federation*.

National Olympic Committee. The organisation recognized by the International Olympic Committee. The term *National Olympic Committee* shall also include the National Sport Confederation in those countries where the National Sport Confederation assumes typical *National Olympic Committee* responsibilities in the Anti-Doping area.

No Fault or Negligence. The *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had administered to the *Horse*, or the *Horse's* system otherwise contained, a *Banned or Controlled Medication Substance* or he or she had *Used* on the *Horse*, a *Banned or Controlled Medication Method* or otherwise violated an EAD or ECM Rule. Except in the case of a *Minor*, for any violation of Article 2.1, the *Athlete* must also establish how the *Prohibited Substance* entered the *Horse's* system.

No Significant Fault or Negligence. The *Person Responsible* and/or member of the *Support Personnel* establishing that his fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for *No Fault or Negligence*, was not significant in relationship to the *EADCM Regulation* violation. Except in the case of a *Minor*, for any violation of Article 2.1 of the *EAD Rules* and Article 2.1 of the *ECM Rules*, the *Person Responsible* must also establish how the *Prohibited Substance* entered the *Horse's* system.

Notice (or "Notify" or "Notification"). *Notice* to a *Person Responsible* and/or member of *Support Personnel* and/or other *Person* who was a member of a *National Federation* at the time the alleged *Rule* violation was committed may be accomplished by delivery of the *Notice* to the *National Federation* but, where possible, will also be sent to the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* (where applicable) directly. In a case where a *Horse* is *Ineligible* or subject to any type of *Ineligibility*, *Notice* shall be to the *Horse Owner*, so long as such *Owner* has properly registered with the *FEI*. *Notice* of anything of relevance to the *EADCM Regulations* will be deemed to have occurred upon *Receipt* by the relevant *Person*.

Operational Independence: This means that (1) board members, staff members, commission members, consultants and officials of the *FEI* with responsibility for *Results Management* or its affiliates (e.g., *National Federations*, *Regional Groups* or confederations), as well as any *Person* involved in the investigation and pre-adjudication of the matter cannot be appointed as members and/or clerks (to the extent that such clerk is involved in the deliberation process and/or drafting of any *Decision*) of hearing panels of the *FEI* and (2) hearing panels shall be in a position to conduct the hearing and decision-making process without interference from the *FEI* or any third party. The objective is to ensure that members of the hearing panel or individuals otherwise involved in the *Decision* of the hearing panel, are not involved in the investigation of, or *Decisions* to proceed with, the case.

Out of Competition. Any *Doping Control* which is not *In-Competition*.

Owner. *Person* or entity having a property interest in whole or in part of one or more horses.

Participant. Any *Horse*, *Person Responsible*, and/or member of the *Support Personnel* and/or other *Person*.

## APPENDIX 1 DEFINITIONS

Person. A natural *Person* or an organisation or other entity.

Person Responsible. For the *Person Responsible* for an *EADCM Regulation* violation arising in connection with an *In-Competition Test* or otherwise alleged to have occurred *In-Competition*, reference is made to the definition in the *FEI General Regulations*. This shall include the additional *Person Responsible*. For all other *EADCM Regulation* violations, the *Person Responsible* shall be the *Horse's Owner*.

Possession or Possessing. The actual, physical possession, or the constructive possession (which shall be found only if the *Person Responsible* has exclusive control or intends to exercise exclusive control over the *Banned Substance/Method* or the premises in which a *Banned Substance/Method* exists); provided, however, that if the *Person Responsible* does not have exclusive control over the *Banned Substance/Method* or the premises in which a *Banned Substance/Method* exists, constructive possession shall only be found if the *Person Responsible* knew about the presence of the *Banned Substance/Method* and intended to exercise control over it. Provided, however, that there shall be no *EAD Rule* violation based solely on possession if, prior to receiving *Notification* of any kind that the *Person Responsible* has committed an *EAD Rule* violation, the *Person Responsible* has taken concrete action demonstrating that the *Person Responsible* never intended to have possession and has renounced possession by explicitly declaring it to an *Anti-Doping Organisation*. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a *Banned Substance* or *Banned Method* constitutes possession by the *Person Responsible* who makes the purchase.

Preliminary Hearing. An expedited abbreviated hearing occurring prior to a hearing under Article 8 (Right to a Fair Hearing) of the *EAD Rules* and the *ECM Rules* that provides the *Person* alleged to have committed the violation with *Notice* and an opportunity to be heard in either written or oral form.

Prohibited Substances. Substances that are not permitted for *Use* in the competition *Horse*, either a) during competition (*Controlled Medication Substances*) or b) at any time (*Banned Substances*). *Prohibited Substances* fall into two categories, *Banned Substances* and *Controlled Medication Substances*.

Provisional Suspension. A consequence of an *EADCM Regulation* violation or admission whereby the *Person Responsible* and/or member of the *Support Personnel* and/or a *Horse* is barred temporarily from participating in any capacity in a *Competition* or activity or being present at an *Event* that is authorised or organised by the *FEI* or any *National Federation* or at *Competitions* authorised or organised by any international- or national-level *Event* organisation prior to the final *Decision* at a hearing conducted under Article 8 (Right to a Fair Hearing). If so specified in the *Notification*, the *Person Responsible* and/or member of the *Support Personnel* and/or other *Person* may be barred temporarily from participating in or attending, in any capacity, including as a spectator, any *Competition* that is authorised or organised by the *FEI* or any *National Federation*.

In the discipline of Endurance where a *Provisional Suspension* is imposed on the registered Trainer of the *Horse*, for the duration of the period of the *Provisional Suspension*:

- the Trainer is prohibited from training any *Horses* and from having any *Horses* under his direct or indirect care; and
- the *FEI* and the *National Federation* shall not:

## APPENDIX 1 DEFINITIONS

- (i) accept any entries for *Horses* registered with or under the direct or indirect care of the *Trainer* for any *Competition* that is authorised or organised by the *FEI* or any *National Federation*, except where the relevant *Competition* will take place after the lifting of the *Provisional Suspension*;
- (ii) permit any *Horse* registered with, or under the direct or indirect care of the *Trainer*, to participate in any *Competition* that is authorised or organised by the *FEI* or any *National Federation* even if duly entered;
- (iii) permit any *Horse* that was registered with the *Trainer* at the time of the *Notification* (but is no longer registered with the *Trainer*) and subsequently participated in any *Competition* or *Event* (at either national or international level) to be re-registered with the *Trainer* until the *Provisional Suspension* period has been lifted; or
- (iv) permit any *Horse* that was under the direct or indirect care of the *Trainer* at the time of the *Notification* (but has since left the direct or indirect care of the *Trainer*) and subsequently participated in a *Competition* or *Event* (at either national or international level) to return to the direct or indirect care of the *Trainer* until the *Provisional Suspension* has been lifted.

Publicly Disclose. To disseminate or distribute information to the general public or *Persons* beyond those *Persons* entitled to earlier *Notification* in accordance with Article 14 of the *EAD* and Article 13 of the *ECM Rules*.

Random Testing. *Testing* may be performed randomly under the *FEI* Veterinary Regulations, i.e. without any specific pattern, purpose or objective.

Receipt. When a *Person* receives something of relevance to the *EADCM Regulations*. For the avoidance of doubt, in the event there is no specific confirmation of receipt, receipt shall be assumed to have occurred after ten (10) business days from dispatch.

Results Management: The process encompassing the timeframe between notification as per Articles 7.1.4, or in certain cases (e.g., *Atypical Finding*), such pre-notification steps expressly provided for in Articles 7.1.2 and 7.2, through the charge until the final resolution of the matter, including the end of the hearing process at first instance or on appeal (if an appeal was lodged).

Sample. Any biological or other material collected for the purposes of *Doping* or *Controlled Medication*.

Special Procedure for Minors. The procedural mechanism available to a *Minor* alleged to have committed an *EAD Rule violation* as set forth in Article 8.3 of the *EAD Rules*.

Specified Substance. Those *Prohibited Substances* identified as *Specified Substances* on the *Prohibited List*.

Substantial Assistance. For purposes of Articles 10.7.1 of the *EAD Rules*, a *Person* providing *Substantial Assistance* must: (1) fully disclose in a signed written statement or recorded interview all information he or she possesses in relation to *EADCM Regulation* violation(s) or other proceeding described in Articles 10.7.1; and (2) fully cooperate with the investigation

## APPENDIX 1 DEFINITIONS

and adjudication of any case or matter related to that information, including, for example, presenting testimony at a hearing if requested to do so by an *Anti-Doping Organisation* or *Hearing Panel*. Further, the information provided must be credible and must comprise an important part of any case or proceeding which is initiated or, if no case or proceeding is initiated, must have provided a sufficient basis on which a case or proceeding could have been brought.

*Support Personnel*. Any coach, trainer, athlete, *Horse Owner*, groom, steward, chef d'équipe, team staff, official, veterinarian, medical, or paramedical personnel assisting in any fashion a *Person Responsible* participating in or preparing for equine sports *Competition*. Veterinarians are included in the definition of *Support Personnel* with the understanding that they are professionals subject to professional standards and licenses. An allegation that a veterinarian violated an *EADCM Regulation* will only be made where the factual circumstances surrounding the case indicate a likelihood that the veterinarian was involved in the violation.

*Tampering*. Intentional conduct which subverts the *Doping Control* process but which would not otherwise be included in the definition of *Prohibited Methods*. *Tampering* shall include, without limitation, offering or accepting a bribe to perform or fail to perform an act, preventing the collection of a *Sample*, affecting or making impossible the analysis of a *Sample*, falsifying documents submitted to an *Anti-Doping Organization* or hearing panel, procuring false testimony from witnesses, committing any other fraudulent act upon the *Anti-Doping Organization* or hearing body to affect *Results Management* or the imposition of *Consequences*, and any other similar intentional interference or *Attempted* interference with any aspect of *Doping Control*.

*Target Testing*. Selection of *Horses* for *Testing* where specific *Horses* or groups of *Horses* are selected on a non-random basis for *Testing* at a specified time.

*Testing or Test*. The parts of the *Doping Control* and *Controlled Medication* process involving test distribution planning, *Sample* collection, *Sample* handling, and *Sample* transport to the *Laboratory*.

*Testing Veterinarian*. An FEI Official Veterinarian who undertakes the collection of samples which will be analysed and processed for *Prohibited Substances*.

*Threshold Banned or Controlled Medication Substance*. *Prohibited Substances* for which there is an established quantitative threshold or ratio which must be exceeded in order to be declared an *Adverse Analytical Finding* as described in the *Equine Prohibited Substances List*.

*Trafficking*. Selling, giving, transporting, sending, delivering or distributing or *Possessing* for any such purpose) a *Banned Substance* or a *Banned Method* (either physically or by any electronic or other means) by a *Person Responsible* and/or member of his *Support Personnel* subject to the jurisdiction of an *Anti-Doping Organisation* to any third party.

*Use*. The utilization, application, ingestion, injection or consumption by any means whatsoever of any *Banned or Controlled Medication Substance* or a *Banned or Controlled Medication Method*.

*Veterinary Commission*. The official adviser on all veterinary matters to the Organising Committee, the Appeal Committee and the *Ground Jury* at *Events*, as those terms are defined in the General Regulations.

## APPENDIX 1 DEFINITIONS

*Veterinary Delegate*. An FEI Veterinarian whose primary focus at the *Event* is to ensure that veterinary standards, in accordance with the Veterinary Regulations, are maintained, and to ensure that the welfare of the horse is protected. A *Veterinary Delegate* may not be involved in the treatment of horses.

*Veterinary Form (formerly: Equine Therapeutic Use Exemption (ETUE))*. The authorisation to compete when a *Controlled Medication Substance* and/or a *Controlled Medication Method* has been administered or used for legitimate therapeutic purposes in a *Horse*, as provided for in the FEI Veterinary Regulations through the use of an applicable *Veterinary Form* as therein specified. For the avoidance of doubt, Veterinary Forms are not available for *Banned Substances* or *Banned Methods*.

*WADA*. The World Anti-Doping Agency.

*Without Prejudice Agreement*: For purposes of Articles 10.7.1.1 and 10.8.2, a written agreement between the FEI and a *Person Responsible* or member of the *Support Personnel* and/or other *Person* that allows the *Person Responsible* or member of the *Support Personnel* and/or other *Person* to provide information to the FEI in a defined time-limited setting with the understanding that, if an agreement for *Substantial Assistance* or a case resolution agreement is not finalized, the information provided by the *Person Responsible* or member of the *Support Personnel* and/or other *Person* in this particular setting may not be used by the FEI against *Person Responsible* or member of the *Support Personnel* and/or other *Person* in any *Results Management* proceeding under these Regulations, and that the information provided by the FEI in this particular setting may not be used by the *Person Responsible* or member of the *Support Personnel* and/or other *Person* against the FEI in any *Results Management* proceeding under these Regulations. Such an agreement shall not preclude the FEI, *Person Responsible* or member of the *Support Personnel* and/or other *Person* from using any information or evidence gathered from any source other than during the specific time-limited setting described in the agreement.