



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

**Version Exclusively for the 2018 Youth Olympic Games  
(Buenos Aires, Argentina)**

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## 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 (2015 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, subject to Article 2 of the *EAD* and *ECM Rules* for the Youth Olympic Games only. Where appropriate, and only when the specific factual circumstances so warrant, *Support Personnel* will be held additionally responsible.

*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

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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
- 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 2016. 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.

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* Bureau has approved such rules (such as for the Youth Olympic Games.) The *EADCM*

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*Regulations*, particularly as they apply to *Banned Substances (the EAD Rules)*, have intentionally been modeled after the 2015 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

### 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* will be considered additionally responsible under 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*. 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 quantity of a *Banned Substance* and/or its *Metabolites* or *Markers* in a *Horse's Sample* shall constitute an *EAD Rule* violation.

**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 the evaluation of *Banned Substances* that can also be produced endogenously.

**2.1.5 For the 2018 Youth Olympic Games only, it is necessary that intent, fault, negligence or knowing Presence be demonstrated in order to issue a sanction against a Person under Articles 10.1, 10.2, 10.4 and/or Article 11.**

**For the avoidance of doubt, this does not apply to sanctions that may be imposed on a Horse, which remain fully subject to Articles 10 and/or 11.**

**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.

**2.2.3 For the 2018 Youth Olympic Games only, it is necessary that intent, fault, negligence or knowing Use be demonstrated in order to issue a sanction against a Person under Articles 10.1, 10.2, 10.4 and/or Article 11. However, once intent, fault, negligence or knowing Use has been demonstrated, the sanction shall be determined in accordance with Articles 10 and/or 11.**

**For the avoidance of doubt, this does not apply to sanctions that may be imposed on a Horse under Articles 10 and 11, which remain fully subject to Articles 10 and/or 11.**

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

**2.3.1** Evading *Sample* collection, or without compelling justification, refusing or failing to submit to *Sample* collection 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.

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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.***

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

### **2.6 *Possession of a Banned Substance(s) or a Banned Method(s).***

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.***

### **2.8 *Complicity***

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

### **2.9 *Prohibited Association***

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

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

**2.9.2** 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

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longer of six years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed; or

**2.9.3** Is serving as a front or intermediary for an individual described in Article 2.9.1 or 2.9.2.

In order for this provision to apply, it is necessary that the *Person Responsible* has previously been advised in writing by the FEI of the *Support Person's* disqualifying status and the potential *Consequence* of prohibited association and that the Person Responsible or other Person can reasonably avoid the association. The FEI shall also use reasonable efforts to advise the Support Person who is the subject of the notice to the *Person Responsible* or other *Person* that the *Support Person* may, within 15 days, come forward to FEI to explain that the criteria described in Articles 2.9.1 and 2.9.2 do not apply to him or her. (Notwithstanding Article 16, this Article applies even when the *Support Person's* disqualifying conduct occurred prior to the effective date provided in Article 16.)

The burden shall be on the *Person Responsible* to establish that any association with the *Support Person* described in Article 2.9.1 and 2.9.2 is not in a professional or sport-related capacity.

### 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* 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 Laboratories*. The *Person Responsible* and/or member of the *Support Personnel* 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

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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 another *FEI* standard, *FEI* Rule or Regulation, *FEI Manual* or policy which did not by a balance of probability cause an *Adverse Analytical Finding* or other *EAD Rule* violation shall not invalidate such results. If the *Person Responsible* and/or member of the *Support Personnel* (where applicable) establishes, by a balance of probability, that a departure from another *FEI* standard, *FEI* Rule or Regulation, *FEI Manual* or policy could reasonably have caused the *EAD Rule* violation based on the *Adverse Analytical Finding* or other *EAD Rule* violation, then the *FEI* must prove that the 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* 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* (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 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* 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*

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and/or member of the *Support Personnel* 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 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.

### 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*, 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 (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 no other body may conduct *Testing* at *International Events* 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.

All *Horses* registered with the *FEI* or a *National Federation* shall be subject to intelligence based *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 13.1.

### 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*,

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*Veterinary Delegate*, and/or 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.

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

*Samples* 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

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time to time pursuant to a defined monitoring program. Samples may be collected and stored for future analysis.

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

No *Sample* may be used for any purpose other than as described in Article 6.2 above, without the *Person Responsible's* written consent. Those *Samples* used for purposes other than as set forth in Article 6.2 (for example research) 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 14 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 *Sample* was taken at the Olympic, Paralympic or World Equestrian Games and only if the *Banned Substance* or *Banned Method* was prohibited at the time the *Sample* was taken, all subject to Article 14.

### **6.6 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* 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 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*. Any *Person Responsible* or member of the *Support Personnel* may file a Protest to the *FEI Tribunal* under Article 163 of the *FEI* General Regulations arguing that he has a good faith basis to refuse answering such questions to the satisfaction of the *ECIU*.

**ARTICLE 7 RESULTS MANAGEMENT**

**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 *Testing* procedures of the *FEI* Veterinary Regulations, the *FEI Standard for Laboratories* or another *FEI* standard, *FEI* Rule or Regulation, *FEI Manual* or policy that caused the *Adverse Analytical Finding*.

**7.1.3** If (i) the review under Article 7.1.2 reveals an apparent departure from the *Testing* procedures of the *FEI* Veterinary Regulations, the *FEI Standard for Laboratories* or another *FEI* standard, *FEI* Rule or Regulation, *FEI Manual* or policy 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 *Testing* procedures of the *FEI* Veterinary Regulations, the *FEI Standard for Laboratories* or another *FEI* standard, *FEI* Rule or Regulation, *FEI Manual* or policy 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 *EAD Rule* violated;

(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 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

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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;

(g) 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 in accordance with Article 7.6.2;

(h) The opportunity to provide a written explanation about the overall circumstances of the case or to dispute (within a specific deadline indicated in the notification) the assertion that an anti-doping rule violation has occurred;

(i) The opportunity to make an agreement with the *FEI* about the Consequences that are mandated by these EAD Rules or (where some discretion as to Consequences exists under these Anti-Doping Rules) that have been offered by the *FEI*, subject to the approval of the *FEI Tribunal* of such agreement;

(j) The imposition of a mandatory *Provisional Suspension* in accordance with Article 7.4.1;

(k) The imposition of an optional *Provisional Suspension* where the *FEI Tribunal* decides to impose it in accordance with Article 7.4.2;

(l) The opportunity to voluntarily accept a *Provisional Suspension* pending the resolution of the matter, in all cases where a *Provisional Suspension* has not been imposed;

(m) The opportunity to promptly admit the EAD Rule violation and consequently request that the early commencement of the period of Ineligibility in accordance with Article 10.10.3; and

(n) The opportunity to cooperate and provide substantial assistance in discovering or establishing an anti-doping rule violation.

**7.1.5** Pursuant to Article 7.1.4 (d) above, within seven (7) days of receipt of the duly executed *Confirmatory Analysis Request Form (B Sample)*, the *FEI* will propose possible dates for such analysis. The *Person Responsible* and the *Owner* of the *Horse* (if applicable) may accept the *A Sample* analytical results

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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*, including the *Owner*, shall receive *Notification* of the *EAD Rule violation* and all relevant corresponding documents.

## **7.2 Review of Atypical Findings**

7.2.1 In some circumstances Laboratories are directed to report the presence of *Banned Substances*, which may also be produced endogenously, 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 the *Testing* procedures, the *FEI Standard for Laboratories* or another *FEI* standard, *FEI Rule* or *Regulation*, *FEI Manual* or

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policy that caused the *Atypical Finding*. If that review does not reveal any departure that caused the *Atypical Finding*, the FEI and/or the *Equestrian Community Integrity Unit* shall conduct the required investigation. After the investigation is completed, the *Person Responsible*, and the *Owner* of the *Horse* (if applicable) and his or her *National Federation*, shall be *Notified* whether or not the *Atypical Finding* will be brought forward as an *Adverse Analytical Finding*. The *Person Responsible's National Federation* shall be *Notified* as provided in Article 7.1 *EAD Rules*.

**7.2.2** The FEI will not provide *Notice* of an *Atypical Finding* until the investigation is completed and it has *Decided* whether it will bring the *Atypical Finding* forward as an *Adverse Analytical Finding*. However, 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 supplying the *Person Responsible* and the *Owner* of the *Horse* (if applicable) with such *Notice* including a description of the *Atypical Finding* and the information described in Article 7.1.4 (b)-(e) above.

### **7.3 Review of Other EAD Rule Violations**

For apparent *EAD Rule* violations that do not involve *Adverse Analytical Findings*, the FEI and/or the *Equestrian Community Integrity Unit* may conduct any necessary follow-up investigation and at such time as the FEI is satisfied that an *EAD Rule* violation has occurred, it shall then promptly *Notify* the *Person Responsible*, the *Owner* of the *Horse* (if applicable) and/or member of the *Support Personnel* (where applicable) of the *EAD Rule* which appears to have been violated and the basis of the violation.

### **7.4 Provisional Suspensions**

**7.4.1** The FEI may provisionally suspend a *Person Responsible*, member of the *Support Personnel*, 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.

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

**7.4.3** If a *Provisional Suspension* is imposed by the FEI, either the hearing in accordance with Article 8 below shall be advanced to a date which

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avoids substantial prejudice to the Person alleged to have committed the EAD Rule violation, or such Person 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*.

**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 10.4 below or that 10.5 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*; 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* 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 *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*.

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**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*) 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* 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.

### **7.5 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 jurisdiction 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, the *FEI* similarly has jurisdiction to conduct Results Management.

### **7.6 Resolution Without a Hearing**

#### **7.6.1 Agreement between Parties**

At any time during the results management process the *Person Responsible* and/or member of the *Support Personnel* and/or *Owner* against whom an EAD Rule violation is asserted may admit that violation at any time, waive a hearing and may agree with the *FEI* on the Consequences that are mandated by these EAD Rules or (where some discretion as to Consequences exists under these EAD Rules) that have been offered by the *FEI*. The agreement shall be submitted to the *FEI Tribunal* for approval and, where approved by the *FEI Tribunal*, the final agreement shall state the full reasons for any period of Ineligibility agreed, including (if applicable), a justification for why the flexibility in *Sanction* was applied. Such agreement shall be considered as a decision for the case and will be reported to the parties with a right to appeal under Article 12.2.2 and published as provided in Article 13.3.

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### 7.6.2 Waiver of Hearing

A *Person Responsible* and/or member of the *Support Personnel* and/or *Owner* may waive a hearing expressly.

Alternatively, if the *Person Responsible* and/or member of the *Support Personnel* and/or *Owner* against whom an EAD Rule violation is asserted fails to dispute that assertion within ten (10) days of *Notification* (or within any other deadline as may be imposed in a specific case) that such a violation is alleged, then he/she shall be deemed to have admitted the violation, to have waived a hearing, and to have accepted the *Consequences* that are mandated by these EAD Rules or (where some discretion as to *Consequences* exists under these EAD Rules) that have been offered by the *FEI* provided that *FEI Tribunal* approval has been provided.

**7.6.3** In cases where Article 7.6.1 or Article 7.6.2 applies, a hearing before a hearing panel shall not be required. Instead the *FEI Tribunal* shall promptly issue a written decision confirming the commission of the EAD Rule violation and the *Consequences* imposed as a result, and setting out the full reasons for any period of *Ineligibility* imposed, including (if applicable) a justification for why the maximum potential period of *Ineligibility* was not imposed. The *FEI* shall send copies of that decision to other *Anti-Doping Organizations* with a right to appeal under Article 12.2.2, and shall *Publicly Disclose* that decision in accordance with Article 13.3.

## 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 *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* 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 7.6.2 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* (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*) alleged to have violated the *EAD Rules* may attend the hearing under all circumstances.

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**8.1.5** A *Person Responsible* and/or member of the *Support Personnel* (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 Principles for a Fair Hearing

All *Decisions* and hearings under these *EAD Rules* shall respect the following principles:

- (A) fair and impartial *Hearing Panel*;
- (B) the right to be represented by counsel (separately or together) at the *Person Responsible's* and/or member of the *Support Personnel's* (including *Owner's*) own expense;
- (C) The right to be fairly and timely informed of the asserted *EAD Rule* violation;
- (D) The right to respond to the asserted *EAD Rule* violation and resulting consequences;
- (E) The right of each party to present evidence (including, but not limited to any evidence the *FEI* obtains from the activities of the *Equestrian Community Integrity Unit*);
- (F) The right of each party to call and question witnesses (subject to the *Hearing Panel's* discretion to accept testimony by telephone or written submission);
- (G) A timely hearing, subject to prompt and complete submissions by the parties;
- (H) The *Person Responsible's* and/or member of the *Support Personnel's* (including *Owner*) right to an interpreter at the hearing if requested at least five (5) business days in advance of the hearing, with the *Hearing Panel* to determine the identity and responsibility for the costs of the interpreter; and
- (I) A timely, written, reasoned *Decision*, specifically including an explanation for any period of *Ineligibility*.

### 8.3 Decisions

**8.3.1** At the end of the hearing, or on a timely basis thereafter, the *FEI Tribunal* shall issue a written decision that includes the full reasons for the decision and for any period of *Ineligibility* imposed, including (if applicable) a justification for why the greatest potential *Consequences* were not imposed. 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.

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**8.3.2** 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 13.3.2; 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*. 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*.

### ARTICLE 9 AUTOMATIC *DISQUALIFICATION* OF INDIVIDUAL 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 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.

With respect to the 2018 Youth Olympic Games only, and for the avoidance of doubt, if an *EAD Rule* violation is established, *Disqualification* as set forth above is automatic. This is true even if intent, fault, negligence or knowing Presence or Use cannot be established against any Person.

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 Individual Results 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:

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**10.1.1** At the Olympic Games, Paralympic Games, *FEI* World Equestrian Games, *FEI* Championships for Seniors, and Regional Games:

An *EAD Rule* violation occurring during or in connection with an *Event* shall lead to *Disqualification* of all of the *Person Responsible's* individual 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, except as provided in Article 10.1.4.

**10.1.2** At Events other than those listed above: an *EAD Rule* violation occurring during or in connection with an *Event* may lead to *Disqualification* of all of the *Person Responsible's* individual results obtained in that *Event*, with any and all *Horses* with which the *Person Responsible* competed, with all consequences, including forfeiture of all medals, points and prizes, except as provided in Article 10.1.4. Where applicable, consequences to teams will take place as provided in Article 11).

**10.1.3** Notwithstanding the above, for all Events, including but not limited to the Olympic and Paralympic Games, exceptional circumstances may be considered. Generally, and subject to 10.1.4 and 10.1.5 below, all Results from Competitions in which the *Person Responsible* or *Horse* participated prior to *Sample* collection shall be *Disqualified* unless it can be demonstrated that such Results were not likely to have been affected by the *EAD Rule* violation.

**10.1.4** If the *Person Responsible* establishes that he bears *No Fault or Negligence* for the *EAD Rule* violation, the *Person Responsible's* individual results in the other *Competitions* shall not be *Disqualified* unless the *Person Responsible's* results in *Competitions* other than the *Competition* in which the *EAD Rule* violation occurred were likely to have been affected by the *Person Responsible's EAD Rule* violation.

**10.1.5** 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 *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 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 10.4, 10.5 or 10.6 are applicable:

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**10.3.1** For violations of Articles 2.3 2.4 or 2.5, the period of Ineligibility shall be two 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 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*, shall result in lifetime *Ineligibility* for the member of the *Support Personnel*. 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 years, depending on the seriousness of the violation. A fine of up to CHF15,000 shall also be imposed along with appropriate legal costs.

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

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

If the *Person Responsible* and/or member of the *Support Personnel* (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* (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 10.8 below.

Article 10.4 can apply in cases involving Specified Substances. Otherwise Article 10.4 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 mislabeled or contaminated supplement. *Persons Responsible* are responsible for what their *Horses* ingest and have been warned about the possibility of supplement contamination.

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

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

#### **10.5.1 Reduction of Sanctions for Specified Substances and Contaminated Products**

##### **10.5.1.1. *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* 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 years of *Ineligibility*, depending on the *Athlete's* or other *Person's* degree of *Fault*. Where the *Person Responsible* and/or member of the *Support Personnel* intends to establish that he/she bears *No Fault or Negligence*, Article 10.4 shall apply.

##### **10.5.1.2. Contaminated Products**

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

#### **10.5.2. Application of *No Significant Fault or Negligence* beyond the Application of Article 10.5.1**

If a *Person Responsible* and/or member of the *Support Personnel* (where applicable) establishes in an individual case that he bears *No Significant Fault or Negligence*, then 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.

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

### **10.6.1 *Substantial Assistance* in Discovering or Establishing *EAD Rule Violations***

The *FEI Tribunal* may, prior to a final appellate *Decision* under Article 12 below or the expiration of the time to appeal, suspend a part or all of the period of *Ineligibility* imposed in an individual case where the *Person Responsible* and/or member of the *Support Personnel* 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 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 drug-free 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. If the *Person Responsible* and/or member of the *Support Personnel* fails to continue to cooperate and to provide the complete and credible *Substantial Assistance* upon which a suspension of the period of *Ineligibility* was based, the *FEI Tribunal* shall reinstate the original period of *Ineligibility*. If the *FEI Tribunal* decides to reinstate a suspended period of *Ineligibility* or decides not to reinstate a suspended period of *Ineligibility*, that decision may be appealed by any *Person* entitled to appeal under Article 12.

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

Where a *Person Responsible* and/or member of the *Support Personnel* 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.

### **10.6.3 Prompt Admission of an Anti-Doping Rule Violation after being Confronted with a Violation Sanctionable under Article 10.2.1 or Article 10.3.1**

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A *Person Responsible* and/or member of the *Support Personnel* potentially subject to a two year sanction under Article 10.2.1 or 10.3.1 (for evading or refusing *Sample Collection* or *Tampering with Sample Collection*), by promptly admitting the asserted anti-doping rule violation after being confronted by the *FEI*, and also upon the approval and at the discretion the *FEI*, may receive a reduction in the period of *Ineligibility* down to a minimum of one half of the otherwise applicable period of *Ineligibility*, depending on the seriousness of the violation and the *Person Responsible* and/or member of the *Support Personnel's* degree of *Fault*.

### **10.6.4 Where a *Person Responsible* and/or member of the *Support Personnel* Establishes Entitlement to a Reduction in Sanction Under More than One Provision of this Article**

If the *Person Responsible* and/or member of the *Support Personnel* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under two (2) or more of Articles 10.4, 10.5 or 10.6, then the period of *Ineligibility* may be reduced or suspended, but not below one-quarter of the otherwise applicable period of *Ineligibility*.

### **10.7 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 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 up to a maximum of four years unless the *Person Responsible* and/or member of the *Support Personnel* can prove to the comfortable satisfaction of the *FEI Tribunal* that he/she did not knowingly commit the *EAD Rule* violation. The occurrence of multiple substances or methods may be considered as a factor in determining aggravating circumstances under this Article 10.7. The *Person Responsible* and/or member of the *Support Personnel* can avoid the application of this Article by admitting the *EAD Rule* violation as asserted promptly after being confronted by the *FEI* with the *EAD Rule Violation*.

### **10.8 Multiple Violations**

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

- (a) Six months;
- (b) One-half of the period of *Ineligibility* imposed for the first *EAD Rule* violation without taking into account any reduction under Article 10.6; or
- (c) Twice the period of *Ineligibility* otherwise applicable to the second *EAD Rule* violation treated as if it were a first violation, without taking into account any reduction under Article 10.6.

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The period of *Ineligibility* established above may then be further reduced by the application of Article 10.6.

**10.8.2** 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 10.4 or 10.5, or involves a violation of Article 2.4. In these particular cases, the period of *Ineligibility* shall be from eight years to lifetime *Ineligibility*.

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

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

**10.8.4.1** For purposes of imposing sanctions under Article 10.8, an EAD violation will only be considered a second violation if FEI can establish that the *Athlete* or other *Person* committed the second EAD Rule violation after the *Athlete* 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.

**10.8.4.2** If, after the imposition of a sanction for a first EAD Rule violation, FEI discovers facts involving an EAD Rule violation by the *Person Responsible* and/or member of the *Support Personnel* which occurred prior to notification regarding the first violation, then FEI shall impose an additional sanction based on the sanction that could have been imposed if the two violations had been adjudicated at the same time. Results in all *Competitions* dating back to the earlier anti-doping rule violation will be *Disqualified* as provided in Article 10.8.

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

For purposes of Article 10.8, each *EAD Rule/ECM Rule* violation must take place within the same ten year period in order to be considered multiple violations.

### **10.8.6 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* 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* 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.

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

10.9.1 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.

**10.9.2** 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*.

**10.10 Commencement of Ineligibility Period**

10.10.1 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*.

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

Where there have been substantial delays in the hearing process or other aspects of *Doping Control* not attributable to the *Person Responsible* and/or member of the *Support Personnel* 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*.

**10.10.3 Timely Admission**

Where the *Person Responsible* and/or member of the *Support Personnel* (where applicable) promptly (which, for the *Person Responsible*, in all circumstances, means before the *Person Responsible* competes again) admits the *EAD Rule* violation after being confronted with the *EAD Rule* violation by the *FEI*, 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* who committed the *EAD Rule* violation shall serve at least one-half of the period of *Ineligibility* going forward from the date *Ineligibility* is imposed or accepted.

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This Article shall not apply where the period of Ineligibility has already been reduced under Article 10.6.3.

### **10.10.4 Credit for Provisional Suspension or Period of Ineligibility Served.**

If a *Provisional Suspension* is imposed and respected by the *Person Responsible* and/or member of the *Support Personnel*, 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 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 *Horse* shall receive a credit for such period of *Ineligibility* served against any period of *Ineligibility* which may ultimately be imposed on appeal.

**10.10.5** If a *Person Responsible* and/or member of the *Support Personnel* 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*.

**10.10.6** 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 his team.

## **10.11 Status During *Ineligibility***

### **10.11.1 Prohibition Against Participation during *Ineligibility***

No *Horse*, *Person Responsible* and/or member of the *Support Personnel* who has been declared *Ineligible* may, during the 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 *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* 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* or *Horse* subject to *Ineligibility* under Article 10 may also be banned from any

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venues where *FEI* competitions are taking place, whether or not the *Person Responsible* or member of the *Support Personnel* is registered with the *FEI*.

### **10.11.2 Return to Training**

As an exception to Article 10.11.1, 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.

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

Where a *Person Responsible* and/or member of the *Support Personnel* who has been declared *Ineligible* or whose *Horse* has been declared *Ineligible* violates the prohibition against participation or attendance during *Ineligibility* described in Article 10.11.1 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* 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* 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 shall be made by the *FEI Tribunal*. This decision may be appealed under Article 12.

## **ARTICLE 11 CONSEQUENCES TO TEAMS**

**11.1** Unless otherwise provided in the *FEI* Regulations for Equestrian Events at the Olympic or Paralympic Games, the Consequences to teams set forth below will apply.

**11.1.1** At the Olympic Games, Paralympic Games, *FEI* World Equestrian Games: If a member of a team is found to have committed a violation of these *EAD Rules* during an *Event*, the results of the *Person Responsible* will be *Disqualified* in all *Competitions* and the entire team *Disqualified*.

**11.1.2** At all other *Events* than those listed above:  
If a member of a team is found to have committed a violation of these *EAD Rules* during an *Event* where a team ranking is based on the addition of individual results, the results of the *Person Responsible* may be *Disqualified* in all *Competitions* and will be subtracted from the team result, to be replaced with the results 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.

**11.2** Notwithstanding the above, for all *Events*, including but not limited to the Olympic and Paralympic Games, exceptional circumstances may be considered.

**ARTICLE 12 APPEALS**

**12.1 Decisions Subject to Appeal**

*Decisions* made under these *EAD 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.

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

In making its decision, CAS need not give deference to the discretion exercised by the body whose decision is being appealed.

**12.2 Appeals from *Decisions* Regarding *EAD Rule* Violations, Consequences, and *Provisional Suspensions***

The following *Decisions* may be appealed exclusively as provided in this Article 12.2: (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 10.11.3 (Violation of the Prohibition of Participation during *Ineligibility*); (f) a *Decision* that the *FEI* or a *National Federation* lacks jurisdiction 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; and (h) a *Decision* to impose a *Provisional Suspension* as a result of a *Preliminary Hearing* or otherwise, in violation of Article 7.4; the only *Person* that may appeal from a *Provisional Suspension* is the *FEI* or the *Person* upon whom or upon whose *Horse* the *Provisional Suspension* is imposed.

**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* 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 Committee or International Paralympic Committee, as applicable, where the *Decision* may have an effect in relation to the Olympic Games or Paralympic Games,

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including *Decisions* affecting eligibility for the Olympic Games or Paralympic Games.

### **12.2.3 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 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 ten (10) 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 file on which it relied; 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 ten (10) day period, then the party making such request shall have twenty one days from receipt of the file to appeal to CAS.

## **ARTICLE 13 APPLICATION, REPORTING AND RECOGNITION**

### **13.1 Application of FEI EAD Rules**

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, 2016 and enforce them against their members, unless doing so would contravene any applicable national law. 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*.

### **13.2 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.

### **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* 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* 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.

**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* 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.

**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 leaving the information up for the longer of one month or the period of *Ineligibility*.

**13.3.4** 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* or their representatives.

**13.3.5** The mandatory *Public Reporting* required in Article 13.3.2 shall not be required where the *Person Responsible* and/or member of the *Support Personnel* 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.

### **13.4 Recognition of *Decisions* by *National Federations***

Any *Decision* of the *FEI* regarding a violation of these *EAD Rules* shall be recognised and enforced by all *National Federations* (including with respect to *National Events*) and *National Federations* shall take all necessary action to implement any and all ramifications relating to such *Decisions*. Failure to do so may be considered a violation of these *EAD Rules* and the *FEI Statutes*.

**ARTICLE 14                    STATUTE OF LIMITATIONS**

No action may be commenced under these *EAD Rules* against a *Person Responsible* and/or member of the *Support Personnel* 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 15                    AMENDMENT AND INTERPRETATION OF *EAD RULES***

- 15.1** These *EAD Rules* may be amended from time to time by the *FEI* in accordance with the *FEI* Statutes and General Regulations.
- 15.2** Except as provided in Article 15.5 *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.
- 15.3** 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.
- 15.4** 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*.
- 15.5** 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.
- 15.6** 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 16                    TRANSITIONAL PROVISIONS**

**16.1    Application to *Decisions* Rendered Prior to the 2010 *EAD Rules***

The 2016 *EAD Rules* shall have no application to any anti-doping rule violation case where a Final *Decision* finding an anti-doping rule violation has been rendered and the period of *Ineligibility* has expired.

They shall not apply retroactively to matters pending before the Effective Date; provided, however, that:

**16.1.1** 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.

**16.1.2** The retrospective periods in which prior violations can be considered for purposes of multiple violations under Article 10.8.5 and the statute of limitations set forth in Article 14 are procedural rules and should be applied retroactively; provided, however, that Article 14 shall only be applied retroactively if the statute of limitations period has not already expired by the Effective Date. Otherwise, with respect to any EAD Rule violation case which is pending as of the Effective Date and any anti-doping rule violation case brought after the Effective Date based on an anti-doping rule violation which occurred prior to the Effective Date, the case shall be governed by the substantive anti-doping rules in effect at the time the alleged anti-doping rule violation occurred unless the *FEI* Tribunal or national arbitral panel deciding the case determines the principle of "lex mitior" appropriately applies under the circumstances of the case.

**16.1.3** For purposes of assessing the period of *Ineligibility* for a second violation under Article 10.8.1, 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 Anti-Doping Rules been applicable, shall be applied.

## EQUINE CONTROLLED MEDICATION RULES

### 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* will be considered additionally responsible under 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*. 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 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.

**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 the evaluation of *Controlled Medication Substances* that can also be produced endogenously.

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**2.1.5 For the 2018 Youth Olympic Games only, it is necessary that intent, fault, negligence or knowing Presence be demonstrated in order to issue a sanction against a Person under Articles 10.1, 10.2, 10.4 and/or Article 11.**

**For the avoidance of doubt, this does not apply to sanctions that may be imposed on a Horse, which remain fully subject to Articles 10 and/or 11.**

### **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.

**2.2.3 For the 2018 Youth Olympic Games only, it is necessary that intent, fault, negligence or knowing Use be demonstrated in order to issue a sanction against a Person under Articles 10.1, 10.2, 10.4 and/or Article 11. However, once intent, fault, negligence or knowing Use has been demonstrated, the sanction shall be determined in accordance with Articles 10 and/or 11.**

**For the avoidance of doubt, this does not apply to sanctions that may be imposed on a Horse under Articles 10 and 11, which remain fully subject to Articles 10 and/or 11.**

### **2.3 Tampering, or Attempted Tampering with any part of Medication Control that is not otherwise a violation of the ECM Rules.**

### **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* 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* 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 another *FEI* standard, *FEI* Rule or Regulation, *FEI Manual* or policy which did not by a balance of probability cause an *Adverse Analytical Finding* or other *Rule* violation shall not invalidate such results. If the *Person Responsible* and/or member of the *Support Personnel* (where applicable) establishes, by a balance of probability, that a departure from another *FEI* standard, *FEI* Rule or Regulation, *FEI Manual* or policy could reasonably have caused the *ECM Rule* violation based on the *Adverse Analytical Finding* or other *ECM Rule* violation, then the *FEI* must prove that the 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* to whom the *Decision* pertained with regards to the factual findings unless it can be established that the *Decision* violated principles of natural justice.

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**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* (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* 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* 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 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.

#### **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*, 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 (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 no other body may conduct *Testing* at *International Events* 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

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*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.

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

*Samples* 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**

No *Sample* may be used for any purpose other than as described in Article 6.2, without the *Person Responsible's* written consent. Those *Samples* used for purposes other than as set forth in Article 6.2 (for example research) 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 14.

#### **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**

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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 *Sample* was taken at the Olympic, Paralympic or World Equestrian Games and only if the *Controlled Medication Substance* or *Controlled Medication Method* was prohibited at the time the *Sample* was taken, all subject to Article 14.

### 6.6 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* 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 such *Person* refuses to answer such questions, that *Person Responsible* or member of the *Support Personnel* may be prohibited from participating in any *FEI* activities until such questions are answered to the satisfaction of the *ECI*. Any *Person Responsible* and/or member of the *Support Personnel* may file a Protest to the *FEI Tribunal* under Article 163 of the *FEI General Regulations* arguing that he has a good faith basis to refuse answering such questions to the satisfaction of the *ECIU*.

## ARTICLE 7 RESULTS MANAGEMENT

### 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 the *FEI Testing* procedures of the *FEI Veterinary Regulations*, the *FEI Standard for Laboratories* or another *FEI* standard, *FEI Rule* or Regulation, *FEI Manual* or policy that caused the *Adverse Analytical Finding*.

**7.1.3** If (i) the initial review under Article 7.1.2 reveals a valid *Veterinary Form* or departure from the *Testing* procedures of the *FEI Veterinary Regulations* or from the *FEI Standard for Laboratories* 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*

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Analytical Finding, 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 the *Testing* procedures of the *FEI Veterinary Regulations*, the *FEI Standard for Laboratories* or other *FEI* standard, *FEI Rule or Regulation*, *FEI Manual* or policy 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 *ECM Rule* violated;

(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 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 7.6.2;

(g) 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;

(h) Where applicable, the availability of the *Administrative Procedure* described in Article 8.3,

(i) The opportunity to provide a written explanation about the overall circumstances of the case or to dispute (within a specific deadline indicated in the notification) the assertion that an *ECM rule* violation has occurred;

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- (j) The opportunity to make an agreement with the FEI about the Consequences that are mandated by these ECM Rules or (where some discretion as to Consequences exists under these Controlled Rules) that have been offered by the FEI;
- (k) The imposition of a mandatory *Provisional Suspension* in accordance with Article 7.4.1;
- (l) The imposition of an optional *Provisional Suspension* where the FEI Tribunal decides to impose it in accordance with Article 7.4.2;
- (m) The opportunity to voluntarily accept a *Provisional Suspension* pending the resolution of the matter, in all cases where a *Provisional Suspension* has not been imposed;
- (n) The opportunity to promptly admit the ECM Rule violation and consequently request the early commencement of the period of *Ineligibility* in accordance with Article 10.10.3; and
- (o) The opportunity to cooperate and provide substantial assistance in discovering or establishing an ECM rule violation.

**7.1.5** Pursuant to Article 7.1.4 (d) above, within seven (7) days of receipt of the duly executed *Confirmatory Analysis Request Form (B Sample)*, the FEI will propose possible dates for such analysis. 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).

**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

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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*, including the *Owner*, shall receive *Notification* of the *ECM Rule violation* and all relevant corresponding documents.

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

As provided in the *FEI Standard for Laboratories*, in some circumstances Laboratories are directed to report the presence of *Controlled Medication Substances*, which may also be produced endogenously, 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 the *Testing* procedures, the *FEI Standard for Laboratories* or another *FEI* standard, *FEI* Rule or Regulation, *FEI Manual* or policy 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. After the investigation is completed, the *Person Responsible*, and the *Owner* of the *Horse* (if applicable) and his *National Federation* shall be notified whether or not the *Atypical Finding* will be brought forward as an *Adverse Analytical Finding*. The *Person Responsible's National Federation* shall be notified as provided in Article 7.1.

**7.2.1** The *FEI* will not provide *Notice* of an *Atypical Finding* until it has completed its investigation and *Decided* whether it will bring the *Atypical Finding* forward as an *Adverse Analytical Finding*. However, 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 supplying the *Person Responsible* and the *Owner* of the *Horse* (if applicable) with such *Notice* including a description of the *Atypical Finding* and the information described in Article 7.1.4 (b)-(e).

### **7.3 Review of Other ECM Rule Violations**

For apparent *ECM Rule* violations that do not involve *Adverse Analytical Findings*, the *FEI* and/or the *Equestrian Community Integrity Unit* may conduct any necessary follow-up investigation and at such time as it is satisfied that an *ECM Rule* violation has occurred, it shall then promptly *Notify* the *Person Responsible*, the *Owner* of the *Horse* (if applicable) and/or

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member of the *Support Personnel* (where applicable) of the *ECM Rule* which appears to have been violated and the basis of the violation.

### **7.4 Provisional Suspensions**

**7.4.1** The *FEI* shall provisionally suspend a *Person Responsible*, member of the *Support Personnel*, 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 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. 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*.

**7.4.2** The *FEI* may provisionally suspend a *Person Responsible*, member of the *Support Personnel*, 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 *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 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.

**7.4.3** The *FEI* may provisionally suspend a *Person Responsible*, member of the *Support Personnel*, 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** 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 10.4 below or that 10.5 below applies and the *Person* can

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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*; 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.

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 *Rule* violation and his member of the *Support Personnel*, 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*.

**7.4.6** 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*) 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 lead 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.

**7.4.7** During a period of *Provisional Suspension*, no *Person Responsible* and/or member of the *Support Personnel* 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

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any *National Federation* or in *Competitions* authorised or organised by any International - or national-level - *Event* organisation.

### 7.5 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 jurisdiction 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, the *FEI* similarly has jurisdiction to conduct Results Management.

### 7.6 Resolution Without a Hearing

#### 7.6.1 Agreement between Parties

In cases where the Administrative Procedure, as set out in Article 8.3 below, is not available, at any time during the results management process the *Person Responsible* and/or member of the *Support Personnel* and/or *Owner* against whom an anti-doping rule violation is asserted may admit that violation at any time, waive a hearing and may agree with the *FEI* on the Consequences that are mandated by these ECM Rules or (where some discretion as to Consequences exists under these ECM Rules) that have been offered by the *FEI*. The agreement shall be submitted to the *FEI Tribunal* for approval and, where approved by the *FEI Tribunal*, the final agreement shall state the full reasons for any period of Ineligibility agreed, including (if applicable), a justification for why the flexibility in Sanction was applied. Such agreement shall be considered as a decision for the case and will be reported to the parties with a right to appeal under 12.2.2 and published as provided in Article 13.3.

#### 7.6.2 Waiver of Hearing

A *Person Responsible* and/or member of the *Support Personnel* and/or *Owner* may waive a hearing expressly.

Alternatively, if the *Person Responsible* and/or member of the *Support Personnel* and/or *Owner* against whom an ECM Rule violation is asserted fails to dispute that assertion within ten (10) days of *Notification* (or within any other deadline as may be imposed in a specific case) that such a violation is alleged, then he/she shall be deemed to have admitted the violation, to have waived a hearing, and to have accepted the *Consequences* that are mandated by these ECM Rules or (where some discretion as to *Consequences* exists under these ECM Rules) that have been offered by the *FEI* provided that *FEI Tribunal* approval has been provided.

**7.6.3** In cases where Article 7.6.1 or Article 7.6.2 applies, a hearing before a hearing panel shall not be required. Instead the *FEI Tribunal* shall promptly issue a written decision confirming the commission of the ECM Rule violation and the *Consequences* imposed as a result, and setting out the full reasons for any period of *Ineligibility* imposed, including (if applicable) a justification for why the maximum potential period of *Ineligibility* was not imposed. The *FEI*

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shall send copies of that decision to other *Anti-Doping Organizations* with a right to appeal under Article 12.2.2, and shall *Publicly Disclose* that decision in accordance with Article 13.3.

### 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 Owner asserting a violation of these *ECM Rules* and the *Person Responsible* and/or member of the *Support Personnel* 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* (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*) 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) 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 Principles for a Fair Hearing

All *Decisions* and hearings under these *ECM Rules* shall respect the following principles:

- A. Fair and impartial *Hearing Panel*;
- B. The right to be represented by counsel (separately or together) at the *Person Responsible's* and/or member of the *Support Personnel's* (including *Owner's*) own expense;
- C. The right to be fairly and timely informed of the asserted *ECM Rule* violation;
- D. The right to respond to the asserted *ECM Rule* violation and resulting consequences;

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- E. The right of each party to present evidence (including, but not limited to any evidence the *FEI* obtains from the activities of the *Equestrian Community Integrity Unit*);
- F. The right of each party to call and question witnesses (subject to the *Hearing Panel's* discretion to accept testimony by telephone or written submission);
- G. A timely hearing, subject to prompt and complete submissions by the parties;
- H. The *Person Responsible's* and/or member of the *Support Personnel's* (including *Owner*) right to an interpreter at the hearing if requested at least five (5) business days in advance of the hearing, with the *Hearing Panel* to determine the identity and responsibility for the costs of the interpreter; and
- I. A timely, written, reasoned *Decision*, specifically including an explanation for any period of *Ineligibility*.

### 8.3 Administrative Procedure

**8.3.1** For *Adverse Analytical Findings* involving *Controlled Medication Substances*, the *Person Responsible* 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*; 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 *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 the *Horse* from the whole *Event* and forfeiture of all prizes and prize money won at the *Event*;
- b. A *Fine* of CHF 1,500; and

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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.

**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.

### **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 full reasons for the decision and for any period of *Ineligibility* imposed, including (if applicable) a justification for why the greatest potential *Consequences* were not imposed. 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*.

**ARTICLE 9                    AUTOMATIC *DISQUALIFICATION* OF INDIVIDUAL 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 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 Individual Results mandated by this Article 9.

With respect to the 2018 Youth Olympic Games only, and for the avoidance of doubt, if an *ECM Rule* violation is established, *Disqualification* as set forth above is automatic. This is true even if intent, fault, negligence or knowing *Presence* or *Use* cannot be established against any *Person*.

**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, Paralympic Games, *FEI World Equestrian Games*, *FEI Championships for Seniors*, and *Regional Games*: An *ECM Rule* violation occurring during or in connection with an *Event* shall lead to *Disqualification* of all of the *Person Responsible's* individual 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, except as provided in Article 10.1.1.

**10.1.2** At *Events* other than those listed above: an *ECM Rule* violation occurring during or in connection with an *Event* may lead to *Disqualification* of all of the *Person Responsible's* individual results obtained in that *Event*, with any and all *Horses* with which the *Person Responsible* competed, with all consequences, including forfeiture of all medals, points and prizes, except as provided in Article 10.1.4.

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**10.1.3** Notwithstanding the above, for all *Events*, including but not limited to the Olympic and Paralympic Games, exceptional circumstances may be considered. Generally, and subject to 10.1.4 and 10.1.5 below, all Results from *Competitions* in which the *Person Responsible* or *Horse* participated prior to *Sample* collection shall be *Disqualified* unless it can be demonstrated that such Results were not likely to have been affected by the *ECM Rule* violation.

**10.1.4** If the *Person Responsible* establishes that he bears *No Fault or Negligence* for the *ECM Rule* violation, the *Person Responsible's* individual results in the other *Competitions* shall not be *Disqualified* unless the *Person Responsible's* results in *Competitions* other than the *Competition* in which the *ECM Rule* violation occurred were likely to have been affected by the *Person Responsible's ECM Rule* violation.

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

If the *Person Responsible* and/or member of the *Support Personnel* (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

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2.1 (presence of a *Controlled Medication Substance*), the *Person Responsible* and/or member of the *Support Personnel* (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 10.8 below.

Article 10.4 can apply in cases involving Specified Substances. Otherwise Article 10.4 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* that the presence of a *Controlled Medication Substance* in a *Horse's* system is forbidden during an *Event* without a valid *Veterinary Form*.

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

#### **10.5.1 Reduction of Sanctions for Specified Substances and Contaminated Products**

##### **10.5.1.1. 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* 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 *Athlete's* or other *Person's* degree of *Fault*. Where the *Person Responsible* and/or member of the *Support Personnel* intends to establish that he/she bears *No Fault or Negligence*, Article 10.4 shall apply.

##### **10.5.1.2. Contaminated Products**

In cases where the *Person* and/or member of the *Support Personnel* can establish *No Significant Fault or Negligence* and that the detected *Controlled Medication* came from a *Contaminated Product*, 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* degree of *Fault*.

### **10.5.2 Application of No Significant Fault or Negligence beyond the Application of Article 10.5.1**

If a *Person Responsible* and/or member of the *Support Personnel* (where applicable) establishes in an individual case that he bears *No Significant Fault or Negligence*, then 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.

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

### **10.6.1 Substantial Assistance in Discovering or Establishing *ECM Rule* Violations**

The *FEI Tribunal* may, prior to a final appellate *Decision* under Article 12 below or the expiration of the time to appeal, suspend a part or all of the period of *Ineligibility* imposed in an individual case where the *Person Responsible* and/or member of the *Support Personnel* 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 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*. If the *Person Responsible* and/or member of the *Support Personnel* fails to continue to cooperate and to provide the complete and credible *Substantial Assistance* upon which a suspension of the period of *Ineligibility* was based, the *FEI Tribunal* shall reinstate the original period of *Ineligibility*. If the *FEI Tribunal* decides to reinstate a suspended period of *Ineligibility*, that decision may be appealed by any *Person* entitled to appeal under Article 12.

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

Where a *Person Responsible* and/or member of the *Support Personnel* 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

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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*.

### **10.6.3 Prompt Admission of an Anti-Doping Rule Violation after being Confronted with a Violation Sanctionable under Article 10.3.1**

A *Person Responsible* and/or member of the *Support Personnel* potentially subject to a one year sanction under 10.3.1 (for *Tampering with Sample Collection*), by promptly admitting the asserted anti-doping rule violation after being confronted by the *FEI*, and also upon the approval and at the discretion the *FEI Tribunal*, may receive a reduction in the period of *Ineligibility* down to a minimum of one half of the otherwise applicable period of *Ineligibility*, depending on the seriousness of the violation and the *Person Responsible* and/or member of the *Support Personnel's* degree of *Fault*.

### **10.6.4 Where a *Person Responsible* and/or member of the *Support Personnel* Establishes Entitlement to a Reduction in Sanction Under More than One Provision of this Article**

If the *Person Responsible* and/or member of the *Support Personnel* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under two (2) or more of Articles 10.4, 10.5 or 10.6, then the period of *Ineligibility* may be reduced or suspended further subject to the discretion of the *Hearing Panel*.

## **10.7 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 2.4 above (Assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an *ECM Rule* violation or any *Attempted Rule* violation) 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 up to a maximum of two (2) years unless the *Person Responsible* and/or member of the *Support Personnel* (where applicable) can prove to the comfortable satisfaction of the *Hearing Panel* that he or she did not knowingly commit the *ECM Rule* violation. The occurrence of multiple substances or methods may be considered as a factor in determining aggravating circumstances under this Article 10.7. The *Person Responsible* and/or member of the *Support Personnel* can avoid the application of this article by admitting the *ECM Rule* violation as asserted promptly after being confronted with the *Rule* violation by the *FEI*.

## **10.8 Multiple Violations**

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

- (a) three months;

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- (b) one-half of the period of *Ineligibility* imposed for the first ECM Rule violation without taking into account any reduction under Article 10.6; or
- (c) twice the period of *Ineligibility* otherwise applicable to the second ECM Rule violation treated as if it were a first violation, without taking into account any reduction under Article 10.6.

The period of *Ineligibility* established above may then be further reduced by the application of Article 10.6.

**10.8.2** 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*.

The conditions set out in Articles 10.8.1 and 10.8.2 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.

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

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

**10.8.4.1** For purposes of imposing sanctions under Article 10.8, an ECM Rule violation will only be considered a second violation if FEI can establish that the *Athlete* or other *Person* committed the second ECM Rule violation after the *Athlete* 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.

**10.8.4.2** If, after the imposition of a sanction for a first ECM Rule violation, the FEI discovers facts involving an ECM Rule violation by the *Person Responsible* and/or member of the *Support Personnel* which occurred prior to notification regarding the first violation, then FEI shall impose an additional sanction based on the sanction that could have been imposed if the two violations had been adjudicated at the same time. Results in all *Competitions* dating back to the earlier anti-doping rule violation will be *Disqualified* as provided in Article 10.9.

**10.8.5 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* 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* 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.

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

**10.9.1** 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.

**10.9.2** 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 Commencement of *Ineligibility* Period**

**10.10.1** 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*.

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

Where there have been substantial delays in the hearing process or other aspects of *Medication Control* not attributable to the *Person Responsible* and/or member of the *Support Personnel* 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 *Disqualified*.

### **10.10.3 Timely Admission**

Where the *Person Responsible* and/or member of the *Support Personnel* (where applicable) promptly (which, for the *Person Responsible*, in all circumstances, means before the *Person Responsible* competes again) admits the *ECM Rule* violation after being confronted with the *Rule* violation by the *FEI*, 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* who committed the *ECM Rule* violation shall serve at least one-half of the period of *Ineligibility* going forward from the date *Ineligibility* is imposed or accepted.

This Article shall not apply where the period of *Ineligibility* has already been reduced under Article 10.6.3.

### **10.10.4 Credit for Provisional Suspension or Period of Ineligibility Served**

If a *Provisional Suspension* is imposed (or voluntarily accepted) and respected by the *Person Responsible*, member of the *Support Personnel*, 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 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 *Horse* shall receive a credit for such period of *Ineligibility* served against any period of *Ineligibility* which may ultimately be imposed on appeal.

**10.10.5** If a *Person Responsible* and/or member of the *Support Personnel* 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*.

**10.10.6** 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.

## **10.11 Status During *Ineligibility***

### **10.11.1 Prohibition against Participation during *Ineligibility***

No *Horse*, *Person Responsible* and/or member of the *Support Personnel* who has been declared *Ineligible* may, during the 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

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*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* 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* 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* is registered with the *FEI*.

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

Where a *Person Responsible* or member of the *Support Personnel* who has been declared *Ineligible* or whose *Horse* has been declared *Ineligible* violates the prohibition against participation or attendance during *Ineligibility* described in Article 10.11.1 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* 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* 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 shall be made by the *FEI Tribunal*. This decision may be appealed under Article 12.

## **ARTICLE 11 CONSEQUENCES TO TEAMS**

**11.1** Unless otherwise provided in the *FEI Regulations for Equestrian Events at the Olympic or Paralympic Games*, the Consequences to teams set forth below will apply.

**11.1.1** At the Olympic Games, Paralympic Games, *FEI World Equestrian Games*, *FEI Championships for Seniors*, and *Regional Games*: If a member of a team is found to have committed a violation of these *ECM Rules* during an *Event*, the results of the *Person Responsible* will be *Disqualified* in all *Competitions* and the entire team *Disqualified*.

**11.1.2** At all other Events than those listed above: If a member of a team is found to have committed a violation of these *ECM Rules* during an *Event* where a team ranking is based on the addition of individual results, the results of the *Person Responsible* may be *Disqualified* in all *Competitions* and will be subtracted from the team result, to be replaced with the results 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.

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- 11.2** Notwithstanding the above, for all *Events*, including but not limited to the Olympic and Paralympic Games, exceptional circumstances may be considered.

### ARTICLE 12 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.

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

In making its decision, CAS need 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***

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 jurisdiction 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; and (h) a *Decision* to impose a *Provisional Suspension* as a result of a *Preliminary Hearing* or otherwise, in violation of Article 7.4; the only *Person* that may appeal from a *Provisional Suspension* is the *FEI* or the *Person* upon whom or upon whose *Horse* the *Provisional Suspension* is imposed.

**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* 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

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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.

### 12.2.3 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.

### 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 ten (10) 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 file on which it relied; 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 ten (10) days period, then the party making such request shall have twenty one (21) days from receipt of the file to appeal to CAS.

## ARTICLE 13 APPLICATION, REPORTING AND RECOGNITION

### 13.1 Application of FEI ECM Rules

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, 2016 and enforce them against their members, unless doing so would contravene any applicable national law. If any National Federations that has had its own anti-doping rules in effect for at least five (5) years) is opposed to incorporating Article 4 by January 1, 2016, such National Federation may delay such implementation beyond January 1, 2016 and instead coordinate and agree with the FEI on an individual basis the appropriate implementation, if any, of Article 4 going forward. With regards to the other Articles of these 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 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.

### 13.2 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.

### 13.3 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* 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* 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* 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* or their representatives.

**13.3.5** The mandatory *Public Reporting* required in article 13.3.2 shall not be required where the *Person Responsible* and/or member of the *Support Personnel* 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 Recognition of *Decisions* by *National Federations***

Any *Decision* of the *FEI* regarding a violation of these *ECM Rules* shall be recognized and enforced by all *National Federations* (including with respect to *National Events*) and *National Federations* shall take all necessary action to implement any and all ramifications relating to such *Decisions*. Failure to do so may be considered a violation of these *ECM Rules* and the *FEI Statutes*.

### **ARTICLE 14 STATUTE OF LIMITATIONS**

No action may be commenced under these *ECM Rules* against a *Person Responsible* and/or member of the *Support Personnel* 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 15 AMENDMENT AND INTERPRETATION OF *ECM RULES***

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

**15.2** Except as provided in Article 15.5, 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.

**15.3** 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.

**15.4** 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*.

**15.5** 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.

**15.6** 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 16                    TRANSITIONAL PROVISIONS**

**16.1    Application to *Decisions* Rendered Prior to the 2010 *ECM Rules***

The 2016 *ECM Rules* shall have no application to any *Controlled Medication Rule* violation case where a final *Decision* finding a *Controlled Medication Rule* violation has been rendered and the period of *Ineligibility* has expired.

They shall not apply retroactively to matters pending before the Effective Date; provided, however, that:

**16.1.1** *ECM 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.

**16.1.2** The retrospective periods in which prior violations can be considered for purposes of multiple violations under Article 10.8.5 and the statute of limitations set forth in Article 14 are procedural rules and should be applied retroactively; provided, however, that Article 14 shall only be applied retroactively if the statute of limitations period has not already expired by the Effective Date. Otherwise, with respect to any *ECM Rule* violation case which is pending as of the Effective Date and any controlled medication rule violation case brought after the Effective Date based on controlled medication rule violation which occurred prior to the Effective Date, the case shall be governed by the substantive rules in effect at the time the alleged controlled medication rule violation occurred unless the *FEI* Tribunal or national arbitral panel deciding the case determines the principle of "lex mitior" appropriately applies under the circumstances of the case.

**16.1.3** For purposes of assessing the period of *Ineligibility* for a second violation under Article 10.8.1, 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.

## APPENDIX 1 - DEFINITIONS

### 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 an *Athlete* 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*, identifies in a *Horse's Sample* the presence of one or more *Prohibited Substances* or its *Metabolites* or *Markers* (including elevated quantities of endogenous substances) 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*.

**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 as provided by the *FEI Standard for Laboratories* or related technical documents prior to the determination of an *Adverse Analytical Finding*.

**Banned Method.** Any method so described on the *Equine Prohibited Substances List*.

**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.

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*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."

*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.

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.

*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 Rules* of any appeal including all steps and processes in between such as *Sample* collection and handling, *Laboratory* analysis, Results Management, hearings and appeals.

*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*.

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*Elective Testing.* Persons Responsible or their representatives may, at the request of a *Permitted Treating Veterinarian*, elect to have a *FEI* registered *Horse* tested by the *FEI Approved Laboratory* for the presence of up to 4 *Controlled Medication Substances*. *Elective Testing* is not available for blood. Anyone applying for *Elective Testing* should know that some *Prohibited Substances* that are not detectable in urine tests may be found in a blood sample and lead to a positive test result. The application form for *Elective Testing* can be downloaded from the *FEI* website.

*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.

*Endogenous Substances.* Substances that originate from within an organism, tissue, or cell. An example of an endogenous substance is testosterone in the gelded horse.

*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* Bureau once a 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* degree of *Fault* include, for example, the *Person Responsible's* and/or member of the *Support Personnel's* experience, whether the *Person Responsible* and/or member of the *Support Personnel* 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 the level of care and investigation exercised by the *Person Responsible* and/or member of the *Support Personnel* 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* 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* 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 Article 10.5.1 or 10.5.2.

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*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 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 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.

*Fine*. A consequence of an *EADCM* violation whereby a *Person Responsible* and/or member of the *Support Personnel* 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 159 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*. 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.

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Ineligibility. A consequence of an *EADCM Regulations* violation whereby the *Person Responsible*, *Horse* and/or member of the *Support Personnel* 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.

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 majority as established by the applicable laws of his or her country of residence.

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*.

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* 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 his or her system.

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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 *Athlete* must also establish how the *Prohibited Substance* entered his or her system.

Notice (or "Notify" or "Notification"). Notice to a *Person Responsible* and/or member of *Support Personnel* 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* (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*.

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*.

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.

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*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* (other than as a spectator) 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).

*Publicly Disclose or Publicly Report.* To disseminate or distribute information to the general public or *Persons* beyond those *Persons* entitled to earlier *Notification* in accordance with Article 13 of both the *EAD* and *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.

*Sample.* Any biological or other material collected for the purposes of *Doping* or *Controlled Medication*.

*Specified Substance.* Those *Prohibited Substances* identified as *Specified Substances* on the *Prohibited List*.

*Substantial Assistance.* For purposes of Article 10.6.1 of the *EAD Rules* and Article 10.6.1 of the *ECM Rules*, a *Person* providing *Substantial Assistance* must: (1) fully disclose in a signed written statement all information he or she possesses in relation to *EADCM Regulation* violation(s); and (2) fully cooperate with the investigation and adjudication of any case 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 which is initiated or, if no case is initiated, must have provided a sufficient basis on which a case 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.* Altering for an improper purpose or in an improper way; bringing improper influence to bear; interfering improperly; obstructing, misleading or engaging in any fraudulent conduct to alter results or prevent normal procedures from occurring;

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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.

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.