

## PROPOSALS FOR RULES CHANGES OF EQUINE ANTI-DOPING & CONTROLLED MEDICATION 2024

### Introduction

This year, the FEI Equine Anti-Doping and Controlled Medication Regulations (EADCMRs) are undergoing a full review.

No EADCMRs proposals were received from NFs/MOU Stakeholders by the Rules Revision Policy deadline of 1 March 2024. However, prior to drafting the EADCMRs, the FEI Legal and Veterinary Departments provided various proposals to NFs/Stakeholders during this year's FEI Sports Forum (see <https://inside.fei.org/fei/sports-forum/2024/session-documents/session-three>).

The FEI Sports Forum's feedback and comments were considered when drafting the proposed rule changes. Please kindly note as well that some of the proposed changes may impact other sets of Rules, such as the Veterinary Regulations and that the corresponding changes will be made accordingly.

A full mark-up showing all proposed changes to the EADCMRs has been provided, together with a clean version. Please kindly note that any changes to the EADCMRs will need to be submitted to WADA to ensure that they comply with the WADA Code.

A summary of the key changes are outlined in this memo.

We would appreciate you sending any comments you may have on these proposed rule changes by Wednesday, 21 August 2024. Please send your comments to [rules@fei.org](mailto:rules@fei.org) with a copy to me at [mikael.rentsch@fei.org](mailto:mikael.rentsch@fei.org).

Thank you.



Mikael Rentsch

Legal Director

## A. Out of Competition Testing

Further to the Equine Ethics and Wellbeing Commission's recommendations, provisions regarding Out-of-Competition Testing have been added. One of the main challenges concerns the consequences and responsibility further to an Out-of-Competition positive sample. While in Endurance it is clear that the Registered Trainer shall be the Person Responsible, it was less obvious and seemed much more complicated to establish responsibilities for the other Disciplines. Discussions and debates occurred during the FEI Sports Forum Session, but there was no real consensus as to who should be the Person Responsible.

One of the suggestions that seemed to be accepted was to have the consequences only for the Horse that tested positive (i.e. to impose a Suspension on the Horse).

As you know, a Horse that tests positive to an In-Competition Test is currently Provisionally Suspended for a period of two months. This two-month Provisional Suspension is applied further to a Policy established by the FEI Tribunal since 2012. The Policy has been confirmed by the Court of Arbitration for Sport (CAS) and is now widely accepted within the equestrian community.

The proposal is to also impose a two-month Suspension on Horses that test positive to an Out-of-Competition test. In Endurance, the Registered Trainer will be considered as the Person Responsible and additional sanctions will apply, taking into account their level of Fault or Negligence. For the other Disciplines, the Person Responsible will be the Horse Owner, mainly in order to have someone to notify of a positive sample, to notify the two-month Suspension of the Horse and related consequences (fines and costs). However, except in Endurance, this means that unless there is any evidence that a specific person has breached the Equine Anti-Doping and Controlled Medication Regulations for an Out-of-Competition Test, no further consequences will apply to the Person Responsible.

## B. Special Procedure for Minors for Controlled Medication cases

**Today:** We only have a Special Procedure for Minors for **Banned Substance** cases.

### **The Consequences are as follows:**

- Disqualification of the Results
- 2 month suspension on the Minor
- 2 month suspension for the Horse
- A Fine of CHF 1'500
- Costs of CHF 1'000 (CHF 2'000 if B Sample is requested)

This means that there is no Special Procedure for Minors for Controlled Medication and that the current consequences (unless the Minor can avail of the Administrative Procedure (Fast Track)) are a 6 month suspension as the starting point and a Fine of CHF 3'000-5'000 (compared to a two month suspension and a Fine of CHF 1'500 for the Special Procedure for Minors for Banned Substance cases).

Therefore, the proposal is to include a **Special Procedure for Minors for Controlled Medication cases**. The Proposed Consequences are as follows:

- Disqualification of the Results

- **1 month** suspension on the Minor
- A **Fine** of **CHF 500**
- **Costs** of **CHF 500** (CHF 1'500 if B Sample is requested)

### C. Fast Track to be available to Endurance Trainers

In Endurance, the Registered Trainer shall be considered as additional Person Responsible and held additionally responsible for any presence of a Banned Substance/Controlled Medication (Articles 2.1 of the EAD Rules and the ECM Rules).

If a Sample is positive to 1 Controlled Medication and it's the first-time offence, the Athlete (the Person Responsible) is eligible for the Administrative Procedure (Fast Track).

However, the Registered Trainer is not eligible for the Administrative Procedure.

Therefore, there are today two different procedures with two difference outcomes.

The suggestion it to have **equal treatment** to both the Athlete and the Registered Trainer and **to offer the Administrative Procedure to both of them**, still only where it is their first offence. It would avoid separate proceedings and discrepancies in the process.

### D. Gene Doping and Cloning

While gene doping is currently already prohibited in the Equine Prohibited Substance List, much more details have been added regarding the definition of Genetic Therapy, Gene Editing and Genome Editing in the Equine Prohibited Substance List (please see Appendix 1 to this Memo). Please kindly note that the topic of gene doping is also being discussed within the International Horse Sports Confederation as the Racing Authorities may update their wording on the matter. Any relevant updates/changes may be incorporated in the Final Draft.

### E. Hair & Fluids Samples

It is proposed to introduce hair testing to complement blood and urine analysis as it prolongs the detection window. The method is already established and functioning in horseracing. In addition, saliva sampling is also added as this will allow non-evasive testing during competition, such as in the Vet Gate in Endurance for example.

### F. Cocktail of Controlled Medications

The current issue is that Substances with the same/similar/synergetic or masking effect are each administered in a lower dose to avoid exceeding the reporting level. The combined effect may mask clinical signs of lameness for example. The proposed solution is that in case of the presence of more than one drug with the same/similar/synergetic or masking effect, the reporting level would be decreased by 50%. Please note that in horseracing no reporting level is applied in such circumstances, meaning that any finding is considered as a positive.

### G. Removal of two-stage notifications

Today the notification of an anti-doping violation is done in two stages:

- The Notification Letter of an alleged violation of the EADCMRs
- The Notice of Charge

After the Notification Letter, the Person Responsible has 20 days to provide their explanations to the alleged violations. Thereafter, if the FEI is still satisfied that the Person Responsible has committed the rule violation, the Person Responsible is formally charged.

Persons Responsible are usually confused with the two-stage notifications and in the end, in almost all cases a Notice of Charge is ultimately sent.

The proposal is to simplify the process and to only have one Notification Letter. The Person Responsible keeps the same rights to be heard and to provide explanations, evidence, etc.

## **H. Pony Measurement Session – Consequences of Positive Sample**

Pony Measurement is subject to anti-doping testing and it is considered as In-Competition.

The proposed change would clearly state in the Rules who is the Person Responsible in case of a positive sample (i.e the Owner).

The proposal is also to specify what are the consequences on the pony measurement, especially if the pony was measured out.

## **I. FEI Guidelines for Fines and Contribution Towards Legal Costs**

Changes have been made to the Guidelines to include provisions in case of a positive sample for an Out-Of-Competition Test. Please see Appendix 2 to this Memo.

## **APPENDIX 1 - PROHIBITION OF GENETIC THERAPY, GENE EDITING AND GENOME EDITING**

Please see below the proposed wording to be included in the Equine Prohibited Substances List.

### **PROHIBITION OF GENETIC THERAPY, GENE EDITING AND GENOME EDITING**

#### a. Definition of Genetic Therapy

A Genetic Therapy is defined as including any therapy, method or process which involves the use or administration of:

- i. oligomers or polymers of nucleic acid
- ii. nucleic acid analogues
- iii. genetically modified cells
- iv. gene editing agents which are capable, at any time, of directly or indirectly causing an action or effect on, and/or manipulating, gene expression in any mammalian body, including but not limited to gene editing agents with the capacity to alter genome sequences and/or the transcriptional, post-transcriptional or epigenetic regulation of gene expression.

For the avoidance of doubt, the following are not defined as a Genetic Therapy for the purpose of the FEI Equine Anti-Doping and Controlled Medication Regulations:

- the use or administration of autologous conditioned serum or “platelet-rich plasma” treatments which do not involve the transfer of whole cells / DNA.

b. Except as provided by the FEI Anti-Doping and Controlled Medication Regulations, the use or administration of a Genetic Therapy on or to a Horse is prohibited at all times.

#### c. Exempted Genetic Therapy

A Genetic Therapy may be used or administered to a specific Horse with the express prior approval of the FEI if that Genetic Therapy is used to treat an injury or disorder formally diagnosed by a Veterinarian, and:

- a. is not capable of modifying a Horse’s heritable genome;
- b. does not pose a threat to the welfare of Horse;
- c. does not pose a threat to the integrity of the FEI or equestrian sport, either by having the potential to enhance or harm the performance of a Horse in a Competition.

#### d. Control and recording

The Horse Owner or Registered Trainer has the responsibility to inform and obtain the approval of the FEI of any intended Genetic Therapy to a Horse prior to such treatment, irrespective of whether it is to be administered before, in or out of competition. The Horse Owner or Registered Trainer must maintain full and accurate records of all such therapies – which must be kept for a minimum of five years and be readily available for inspection by the FEI and/or FEI Officials when requested.

### **2. Prohibition on Gene Editing and Genome Editing**

#### a. Definition of Gene Editing

Gene Editing is defined as any process or treatment in respect of a Horse which involves the insertion, deletion and/or replacement of DNA at a specific site in the genome of the Horse.

b. Definition of Genome Editing

Genome Editing is defined as any process or treatment in respect of a Horse which involves the insertion, deletion and/or replacement of DNA in the genome of the Horse.

c. The use on, or administration or application to, any Horse of Gene Editing or Genome Editing is prohibited at all times.



## **FEI GUIDELINES FOR FINES AND CONTRIBUTIONS TOWARDS LEGAL COSTS**

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Effective as of 1 January ~~2021~~2025,  
~~Updates 5 May 2021~~

## a. **Introduction**

These FEI Guidelines for Fines and Contributions Towards Legal Costs (“Guidelines”) have been prepared with the aim of informing Persons Responsible, National Federations, Athletes, Persons, and any stakeholders of the types and ranges of fines and contributions to legal costs that may be imposed for each rule violation based on the categories below, and to provide the FEI Tribunal with assistance in the imposition of consistent and efficient fines and contributions to legal costs.

## b. **Fines and Legal Cost Range is a Guideline Only**

The fines and contribution to legal cost types and ranges below are simple guidelines and are not mandatory. These Guidelines are intended to provide a basis upon which discretion can be exercised consistently in similar circumstances but are not binding on the FEI Tribunal. Depending on the facts and circumstances of each case, the FEI Tribunal may determine that no purpose is served by imposing fines and contributions to legal costs within the range provided in these Guidelines. In some cases, fines and contributions to legal costs below the stated range, or no fines and contributions to legal costs at all, may be warranted. Conversely, the FEI Tribunal may determine that the facts and circumstances of a specific case may call for the imposition of fines and contributions to legal costs above or otherwise outside of a stated range. Examples include, but not are limited to, prior rule violations, egregious misconduct, the need for increased deterrence, or certain policy considerations.

## c. **FEI Tribunal Discretion**

The FEI Tribunal must always exercise judgment and discretion and consider appropriate aggravating and mitigating factors in determining appropriate fines and contributions to legal costs in every case. In addition, regardless of whether the fines and contributions to legal costs are within or outside of the range stated in the Guidelines, the FEI Tribunal must explain the basis for the fines and contributions to legal costs imposed.

## d. **Application for exceptional circumstances/facts to lower a fine and/or the contribution towards legal costs**

A Person, Athlete, Person Responsible and/or an additional Person Responsible may make an application to the FEI Tribunal and explain any exceptional circumstances/facts and reasons as to why the fine and/or contribution to legal costs to be imposed, if any, should be lower than the “standard” fine and/or contribution to legal costs. For example, if the Person Responsible competes at lower levels only (such as 1\* and 2\* competitions) and/or has “low” revenues/income.

## e. **Factors to take into consideration by the FEI Tribunal**

The FEI Tribunal shall also take into consideration the following non-exhaustive list of factors when assessing the level of the fines and contributions to legal costs: The complexity of the case, whether outside counsels were involved, any extra work on procedural grounds (delaying the process), whether there was an in-person hearing, whether expert statements / witnesses were needed, the prohibited substance(s) at stake (if any) etc.



## f. **Categories of Rule Violations**

A violation of the FEI Equine Anti-Doping and Controlled Medication Regulations (“EADCMRs”) 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 of the EADCMRs. Even if a Sanction is reduced or eliminated under Article 10 of the EADCMRs, such reduction or elimination shall under no circumstances reverse the automatic Disqualification of Individual Results mandated by Article 9 of the EADCMRs.

Please see also Articles 10.1 of the EADCMRs (Disqualification of Results in the Event during which an EAD/ ECM Rule Violation Occurs).

Violations of the EADCMRs may also result in the imposition of a period of Ineligibility on the Person Responsible in accordance with Articles 10.2 and 10.3 of the EADCMRs.

Categories of fines and contribution to legal costs in the Sections I and II below are based on the EADCM Rules, Articles 10.2: “A fine of up to CHF 15,000 and appropriate legal costs shall also be imposed.”

## I. **GUIDELINES FOR CONTROLLED MEDICATION CASES**

### (i) **FINES:**

#### 1. **First time violation:**

g.	With an elimination of the Ineligibility period based on No Fault/Negligence:	<b>CHF 0</b>
h.	With a reduction of the Ineligibility period based on No Significant Fault/Negligence:	<b>CHF 1'000 – 3'000</b>
i.	Early Admission and Acceptance of Sanction (art. 10.8.1)	<b>CHF 2'500</b>
j.	Without any reduction of the Ineligibility period:	<b>CHF 3'000 – 5'000</b>
<b>2.</b>	<b>Multiple Violations:</b>	<b>CHF 3'000 – 10'000</b>
<b>3.</b>	<b>Aggravating Circumstances:</b>	<b>CHF 5'000 – 10'000</b>
<b>4.</b>	<b>Specified Substances cases:</b>	<b>CHF 0 – 1'500</b>

### (ii) **CONTRIBUTIONS TOWARDS LEGAL COSTS<sup>1</sup>:**

1.	If the PR can demonstrate No Fault/No Negligence (thus eliminating any Ineligibility period): <b>its own costs</b>	<b>Each party shall bear</b>
2.	With a reduction of the Ineligibility period - No Significant Fault/Negligence:	<b>CHF 0 – 1'500</b>
3.	Early Admission and Acceptance of Sanction (art. 10.8.1)	<b>CHF 0</b>

<sup>1</sup> For the avoidance of any doubt, it does not apply to Atypical Findings where each party shall bear its own cost

- |    |  |                           |
|----|--|---------------------------|
| 4. | Without any reduction of the Ineligibility period:   | <b>CHF 1'000 - 10'000</b> |
| 5. | If a case is dropped (i.e. because the correct procedure was not followed): FEI to pay between | <b>CHF 1'500 - 10'000</b> |

## **II. GUIDELINES FOR BANNED SUBSTANCE CASES**

### **A. For all EAD Violations, except Out-Of-Competition Testing**

#### **(i) FINES:**

##### **1. First time violation:**

- |    |  |                                       |
|----|--|---------------------------------------|
| a. | With an elimination of the Ineligibility period based on No Fault/Negligence:          | <b>CHF 0</b>                          |
| b. | With a reduction of the Ineligibility period based on No Significant Fault/Negligence: | <b>CHF 3'000 - 7'500</b>              |
| c. | Early Admission and Acceptance of Sanction (art. 10.8.1)                               | <b>CHF 5'000</b>                      |
| d. | Without any reduction of the Ineligibility period:                                     | <b>CHF 7'500 - 15'000<sup>2</sup></b> |

##### **2. Multiple Violations:** **CHF 10'000 -**

**15'000\***

##### **3. Aggravating Circumstances:** **CHF 10'000 -**

**15'000\***

##### **4. Specified Substances cases:** **CHF 0 - 1'500**

#### **(ii) CONTRIBUTIONS TOWARDS LEGAL COSTS<sup>3</sup>:**

- |    |   |                              |
|----|---|------------------------------|
| 1. | If the PR can demonstrate No Fault/No Negligence (thus eliminating any Ineligibility period):<br><b>its own costs</b> | <b>Each party shall bear</b> |
| 2. | With a reduction of the Ineligibility period - No Significant Fault/Negligence:                                       | <b>CHF 1'500 - 5'000</b>     |
| 3. | Early Admission and Acceptance of Sanction (art. 10.8.1)  | <b>CHF 0</b>                 |
| 4. | Without any reduction of the Ineligibility period:  | <b>CHF 2'000 - 15'000</b>    |
| 5. | If a case is dropped (i.e. because the correct procedure was not followed): Contribution <u>from the FEI</u>          | <b>CHF 3'000 - 15'000</b>    |

<sup>2</sup> Note: The Fine may be up to CHF 25'000 for a violation of Article 2.7 of the EADCMRs

<sup>3</sup> For the avoidance of any doubt, it does not apply to Atypical Findings where each party shall bear its own cost

## **B. In connection with an Out-Of-Competition Positive Test**

### **(i) FINES:**

**For all Disciplines, the following Consequences apply:**

- |                                       |                           |
|---------------------------------------|---------------------------|
| <b>1. First time violation:</b>       | <b>CHF 5'000</b>          |
| <b>2. Multiple Violations:</b>        | <b>CHF 5'000 – 15'000</b> |
| <b>3. Aggravating Circumstances:</b>  | <b>CHF 5'000 – 15'000</b> |
| <b>4. Specified Substances cases:</b> | <b>CHF 0 – 1'500</b>      |

### **(ii) COSTS:**

Costs of **CHF 1'000**. However, if a B Sample analysis is requested, the costs shall be increased to **CHF 2,000**.

**In addition to the above, for the Registered Trainer in Endurance; or in the event that a Person admits that an EAD Rule violation has taken place; or there is evidence that a violation of these EAD Rules is highly likely to have been committed by the respective Person, the following apply:**

- |   |                             |
|---|-----------------------------|
| <b>a. First time violation:</b>   |                             |
| e. With an elimination of the Ineligibility period based on No Fault/Negligence:          | <b>CHF 0</b>                |
| f. With a reduction of the Ineligibility period based on No Significant Fault/Negligence: | <b>CHF 3'000 – 7'500</b>    |
| g. Early Admission and Acceptance of Sanction (art. 10.8.1)                               | <b>CHF 5'000</b>            |
| h. Without any reduction of the Ineligibility period:                                     | <b>CHF 7'500 – 15'000</b>   |
| <b>5. Multiple Violations:</b>  | <b>CHF 10'000 – 15'000*</b> |
| <b>6. Aggravating Circumstances:</b>  | <b>CHF 10'000 – 15'000*</b> |
| <b>7. Specified Substances cases:</b>   | <b>CHF 0 – 1'500</b>        |

**1. CONTRIBUTIONS TOWARDS LEGAL COSTS<sup>4</sup>:**

6.	If the PR can demonstrate No Fault/No Negligence (thus eliminating any Ineligibility period):	<b>Each party shall bear its own costs</b>
7.	With a reduction of the Ineligibility period - No Significant Fault/Negligence:	<b>CHF 1'500 – 5'000</b>
8.	Early Admission and Acceptance of Sanction (art. 10.8.1)	<b>CHF 0</b>
9.	Without any reduction of the Ineligibility period:	<b>CHF 2'000 - 15'000</b>
10.	If a case is dropped (i.e. because the correct procedure was not followed): Contribution from the FEI	<b>CHF 3'000 – 15'000</b>

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<sup>4</sup> For the avoidance of any doubt, it does not apply to Atypical Findings where each party shall bear its own cost

## k. Categories of Rule Violations

A violation of the FEI Anti-Doping Rules for Human Athletes (“ADRHA”) in connection with a test in a given Competition automatically leads to the Disqualification of the result(s) 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 of the ADRHA. Even if a Sanction is reduced or eliminated under Article 10 of the ADRHA, such reduction or elimination shall under no circumstances reverse the automatic Disqualification of Individual Results mandated by Article 9 of the ADRHA.

Please see also Articles 10.1 of the ADRHA (Disqualification of Results in the Event during which an Anti-Doping Rule Violation Occurs).

Violations of the ADRHA may also result in the imposition of a period of Ineligibility on the Athlete in accordance with Articles 10.2 and 10.3 of the EADCMRs.

Categories of fines and contribution to legal costs in the Sections III below are based on the ADRHA, Articles 10.12:

*“Where an Athlete or other Person commits an anti-doping rule violation, the FEI Tribunal may, in its discretion and subject to the principle of proportionality, elect to (a) have the FEI recover from the Athlete or other Person costs associated with the anti-doping rule violation and/or (b) fine the Athlete or other Person in an amount up to 15’000 Swiss Francs, and in accordance with the FEI Guidelines for Fines and Contributions towards Legal Costs.”*

## III. GUIDELINES FOR HUMAN DOPING CASES

### (i) FINES:

#### 1. First time violation:

- |    |  |                           |
|----|--|---------------------------|
| a. | With an elimination of the Ineligibility period based on No Fault/Negligence:          | <b>CHF 0</b>              |
| b. | With a reduction of the Ineligibility period based on No Significant Fault/Negligence: | <b>CHF 3’000 – 7’500</b>  |
| c. | Early Admission and Acceptance of Sanction (art. 10.8.1)                               | <b>CHF 5’000</b>          |
| d. | Without any reduction of the Ineligibility period:                                     | <b>CHF 7’500 - 15’000</b> |

#### 2. Multiple Violations:

**CHF 10’000 – 15’000**

#### 3. Aggravating Circumstances:

**CHF 10’000 - 15’000**

### (ii) CONTRIBUTIONS TOWARDS LEGAL COSTS<sup>5</sup>:

- |    |  |                              |
|----|--|------------------------------|
| 1. | If the Athlete can demonstrate No Fault/No Negligence (thus eliminating any Ineligibility period):<br><b>its own costs</b> | <b>Each party shall bear</b> |
| 2. | With a reduction of the Ineligibility period - No Significant Fault/Negligence:  | <b>CHF 1’500 – 5’000</b>     |
| 3. | Early Admission and Acceptance of Sanction (art. 10.8.1)   | <b>CHF 0</b>                 |

<sup>5</sup> For the avoidance of any doubt, it does not apply to Atypical Findings where each party shall bear its own cost

4. Without any reduction of the Ineligibility period: **CHF 2'000 – 15'000**

5. If a case is dropped (i.e. because the correct procedure was not followed): Contribution from the FEI **CHF 3'000 – 15'000**

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**IV. FOR NON-DOPING CASES (I.E. DISCIPLINARY, CLAIMS, APPEALS):**

**(i) FINES:**

As set out in the FEI General Regulations and/or relevant Sport Rules.

**(ii) CONTRIBUTIONS TOWARDS LEGAL COSTS:**

1. If the FEI Tribunal decides that the person in question does not deserve any sanction or if the person's appeal or claim is upheld (such as due to lack of jurisdiction of the FEI, insufficient evidence, original FEI Decision was invalid, etc):

Contribution from the FEI to the person: **CHF 0 – 15'000**

2. If the person is sanctioned by the FEI Tribunal: **CHF 1'500 – 15'000**