

**PROPOSALS FOR 2020 MODIFICATIONS TO THE
ANTI-DOPING RULES FOR HUMAN ATHLETES**

26 October 2020

Dear National Federations,

Please find below a summary of the proposed changes to the Anti-Doping Rules for Human Athletes together with the corresponding explanations, the comments received as well as the reasoning for accepting or not accepting each proposal.

In the following document you will find 2 sections as follows:

- A.** [Proposed Rules changes to be voted at the FEI General Assembly 2020](#); and
- B.** [Proposed Rules changes that have been rejected or deferred to a future Rules revision.](#)

Sincerely,



Mikael Rentsch

FEI Legal Director

A. PROPOSED RULES CHANGES TO BE VOTED AT THE FEI GENERAL ASSEMBLY 2020

How are the Anti-Doping Rules for Human Athletes being revised?

A full mark-up showing all proposed changes to the WADA Model Rules has been provided, together with a clean version. **Please kindly note that WADA has confirmed to the FEI that the Rules submitted for approval at the FEI General Assembly are fully compliant with the 2021 WADA Code.**

There is only one pending matter concerning the definition of "In-Competition". The 2021 WADA Code includes an amended definition of "In-competition" with the purpose of harmonizing the approach taken by Anti-Doping Organizations. However, WADA may approve, for a particular sport, an alternative definition if an International Federation provides a compelling justification that a different definition is necessary for its sports. The FEI made an application to WADA and is waiting for WADA's decision on the FEI's proposed definition of "In-Competition".

Kindly note that the FEI's proposed definition of "In-Competition" is *"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."*

For your information, should WADA not accept the FEI's definition of "In-Competition", then WADA's definition would apply: *"The period commencing at 11:59 p.m. on the day before a Competition in which the Athlete is scheduled to participate through the end of such Competition and the Sample collection process related to such Competition."*

We will update you on WADA's decision as soon as we hear from WADA.

What are the key changes?

The changes cover all areas of anti-doping, from the definition of anti-doping rule violations to the publication of decisions. New categories of persons will be bound by the rules. New questions are addressed related to the protection of whistle blowers, retesting of samples, compliance, education, the increase in cases arising due to the use of social drugs and issues identified as a result of the Russian doping crisis, etc. **A comprehensive summary** of the substantial changes to the Code and International Standards is available in the [**"Resource Library – ADRHA Rule Changes"**](#).

In [**"Understand the Key Changes for 2021"**](#) we highlight **rule changes to which National Federations must pay particular attention as they will require operational measures** and must be known and understood by all persons subject to the Code and the Anti-Doping Rules for Human Athletes. They fall under the following categories:

- Education requirements

- Therapeutic Use Exemptions (TUEs)
- Anti-Doping Rule Violations (ADRVs)
- Persons bound by the Code and ADRHA
- Prohibited Substances
- Common Contaminants in Supplements and Other Products
- Dealing with Cases
- Sanctions

For National Federations, the now mandatory education requirements are an important task. Working together with the NADO/RADO¹ will be essential. It is important to start now. National Federations are invited to refer to sections 4 ["Adjusting Your Education Plan to the 2021 ADRHA"](#) and 5 ["Developing a partnership with your NADO/RADO"](#).

Please note that National Federations will also **be required** to update their **own human and equine anti-doping rules** so that they are in line with the new WADA Code and FEI Rules.

¹ National / Regional Anti-Doping Organisations

B. PROPOSED RULES CHANGES THAT HAVE BEEN REJECTED OR DEFERRED TO A FUTURE RULES REVISION

Proposal from (National Federation, Stakeholder or FEI)
European Equestrian Federation (EEF)
Article Number – Article Name
Introduction (Scope)
Explanation for Proposed Change
The proposed changes are mandated by the revision of the World Anti-Doping Code (Code) and its related International Standards, which will come into effect on 1 January 2021.
Proposed Wording on 13 July 2020
(...) <i>These Anti-Doping Rules shall apply to:</i> (...) <i>(c) the following Athletes, Athlete Support Personnel and other Persons:</i> <i>(ii) all Athletes and Athlete Support Personnel who participate in such capacity in Events, Competitions and other activities organized, convened, authorized or recognized by the FEI, or any National Federation, or by any member or affiliate organization of any National Federation (including any clubs, teams, associations, or leagues), wherever held;</i> (...)
Comments received by 31 August 2020
The expansion of the applicability of FEI rules on all athletes taking part in Events authorized or recognized by a NF might lead to jurisdictional controversies between FEI NADOs and NFs. It would be helpful if jurisdiction issues were addressed explicitly and if the coordination between NADOs and ITA was set out in the rules. Proposed wording: <i>These Anti-Doping Rules shall apply to:</i> <i>(c) the following Athletes, Athlete Support Personnel and other Persons:</i> <i>(ii) all Athletes and Athlete Support Personnel who participate in such capacity in Events, Competitions and other activities organized, convened, authorized or recognized by the FEI, or any National Federation, or by any member or affiliate organization of any National Federation (including any clubs, teams, associations, or leagues), wherever held; However, depending on the provisions in the national rules, NFs and/or NADOs will have both testing authority as well as jurisdiction with regard to (a) National Events and (b) out of competition testing of athletes, who are not International Level Athletes.</i>
FEI feedback
WADA and the FEI's views are that there is no need to have the above sentence added and that it could even create more confusion.

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Proposal from (National Federation, Stakeholder or FEI)
European Equestrian Federation (EEF)
Article Number – Article Name
Art. 10.4 - Aggravating Circumstances which may Increase the Period of Ineligibility
Explanation for Proposed Change
The proposed changes are mandated by the revision of the World Anti-Doping Code (Code) and its related International Standards, which will come into effect on 1 January 2021.
Proposed Wording on 13 July 2020
<i>If the FEI establishes in an individual case involving an anti-doping rule violation other than violations under Article 2.7 (Trafficking or Attempted Trafficking), 2.8 (Administration or Attempted Administration), 2.9 (Complicity) or 2.11 (Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting) that Aggravating Circumstances are present which justify the imposition of a period of Ineligibility greater than the standard sanction, then the period of Ineligibility otherwise applicable shall be increased by an additional period of Ineligibility of up to two (2) years depending on the seriousness of the violation and the nature of the Aggravating Circumstances, unless the Athlete or other Person can establish that he or she did not knowingly commit the anti-doping rule violation</i>
Comments received by 31 August 2020
If the FEI establishes in an individual case involving an anti-doping rule violation other than violations under Article 2.7 (Trafficking or Attempted Trafficking), 2.8 (Administration or Attempted Administration), 2.9 (Complicity) or 2.11 (Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting) that <i>Aggravating Circumstances</i> are present which justify the imposition of a period of <i>Ineligibility</i> greater than the standard sanction, then the period of <i>Ineligibility</i> otherwise applicable shall be increased by an additional period of <i>Ineligibility</i> of up to two (2) years depending on the seriousness of the violation and the nature of the <i>Aggravating Circumstances</i> , unless the <i>Athlete</i> or other <i>Person</i> can establish that he or she did not knowingly commit the anti-doping rule violation. Examples of Aggravating Circumstances can be...
FEI feedback
Please refer to the definition of “Aggravating Circumstances” which already gives some examples: <i>Aggravating Circumstances: Circumstances involving, or actions by, an Athlete or other Person which may justify the imposition of a period of Ineligibility greater than the standard sanction. Such circumstances and actions shall include, but are not limited to: the Athlete or other Person Used or Possessed multiple Prohibited Substances or Prohibited Methods, Used or Possessed a Prohibited Substance or Prohibited Method on multiple occasions or</i>

committed multiple other anti-doping rule violations; a normal individual would be likely to enjoy the performance-enhancing effects of the anti-doping rule violation(s) beyond the otherwise applicable period of *Ineligibility*; the *Athlete* or *Person* engaged in deceptive or obstructive conduct to avoid the detection or adjudication of an anti-doping rule violation; or the *Athlete* or other *Person* engaged in *Tampering* during *Results Management*. For the avoidance of doubt, the examples of circumstances and conduct described herein are not exclusive and other similar circumstances or conduct may also justify the imposition of a longer period of *Ineligibility*.

Proposal from (National Federation, Stakeholder or FEI)

European Equestrian Federation (EEF)

Article Number – Article Name

Art. 13.2.2 - Appeals Involving Other Athletes or Other Persons

Explanation for Proposed Change

The proposed changes are mandated by the revision of the World Anti-Doping Code (Code) and its related International Standards, which will come into effect on 1 January 2021.

Proposed Wording on 13 July 2020

(...)

These Anti-Doping Rules shall apply to:

(...)

(c) the following Athletes, Athlete Support Personnel and other Persons:

(ii) all Athletes and Athlete Support Personnel who participate in such capacity in Events, Competitions and other activities organized, convened, authorized or recognized by the FEI, or any National Federation, or by any member or affiliate organization of any National Federation (including any clubs, teams, associations, or leagues), wherever held;

(...)

Comments received by 31 August 2020

We acknowledge that it is very unlikely that the FEI will make decisions on cases that involve neither an international event nor an international level athlete. However, according to the scope of the rules, it is possible. NFs will therefore need to furnish the FEI with the legal framework (e.g. contracts) for the appellate bodies provided for in the rules by their NADO to have jurisdiction. Some NFs may have difficulties in providing this framework. (E.g. Due to formal requirements for the stipulation of arbitration NF GER will not be able to provide it.)

FEI feedback

WADA and the FEI's views are that we should not amend the provision. NFs are not signatory of the Code, and when they have roles in anti-doping they act as "delegated third party" so they act for delegation. In art 13.2.2 there is the provision in case of an appeal, so there has been already a first instance managed by the NADO which has already adjudicated the first instance; therefore we do not see an issue of delegation for the appeal process. In any case the last paragraph of art 13.2.2 already contains a "safeguard" provision reading: "If no such body as described above is in place and available at the time of the appeal, the decision may be appealed to CAS in accordance with the applicable procedural rules."