



FEITM **ONLINE GENERAL ASSEMBLY 2020**

Rules Session
21.11.2020



Session 1: Anti-Doping Rules

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- **Part I – Human Anti-Doping**
 - Short Presentation on key changes
 - Q & A
- **Part II – Equine Anti-Doping**
 - Short Presentation on key changes
 - Q & A



What has changed in the WADA Code and International Standards?

The changes cover almost all areas of anti-doping such as for example the list of anti-doping rule violations, prohibited substances, education, Therapeutic Use Exemptions (TUEs), results managements, sanctions, etc.

In addition, **two new International Standards** will come into force: the International Standard for Education (ISE) and the International Standard for Results Management (ISRM).

Roles of the FEI – Education

- Plan, implement, monitor and evaluate, and promote Education Programs in cooperation with other Anti-Doping Organizations (ADOs), such as NFs
- **Require NFs** to conduct education in cooperation with their NADOs.
- May have a role in educating non-international-level athletes and athlete support personnel under FEI's authority.
- Support that an **athlete's first experience** with anti-doping **through education** rather than testing.



Responsibilities of the FEI – Education

- **Develop** an education program for those under FEI’s jurisdiction and in FEI’s Education Pool
- **Document** an education plan to show how FEI’s education program will be **implemented** and **monitored**
- **Evaluate** FEI’s education programs **annually**
- Provide athletes and athlete support personnel with education **in advance** of an international-event.
- The FEI will organise webinars in 2021 in order assist NFs to develop their education plans, to have the necessary tools & education materials



Code Compliance – Roles of the FEI

- **In charge** of anti-doping (education, testing and sanctioning) within equestrian sport on an international-level.
- **Ensure** that **all NFs** are in compliance with the Code and International Standards and enforce compliance.



Code Compliance – Responsibilities of the FEI

- Require that NFs are in compliance with the Code and Standards and take appropriate action to enforce compliance, including (but not limited to):
 - Require NFs to conduct testing under the documented authority of the FEI and use their NADO or other sample collection authority to collect Samples;
 - Require NFs to recognize the authority of the NADO in their country and assist as appropriate with the NADO's implementation of the national testing program for equestrian sport;
 - Require that NFs analyze all samples collected using a WADA-accredited or WADA-approved laboratory;
 - Require that any national level ADRV cases discovered by NFs are adjudicated by an operationally independent hearing panel



New Definition of “International-Level Athletes”

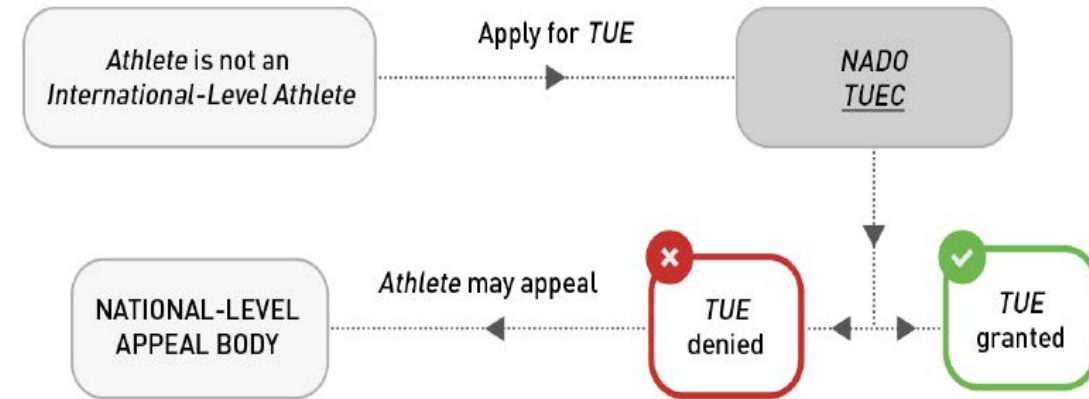
- **International-Level Athletes** are now defined as follows:
 - In Jumping: Any Athlete ranked in the **top 500**
 - In Dressage & Eventing: Any Athlete ranked in the **top 300**
 - For all the other Disciplines: Any Athlete ranked in the **top 100**
 - Any Athlete included in either Registered Testing Pool and/or a Testing Pool

Specific provisions apply to International-Level Athletes (e.g. Testing, TUEs, whereabouts, and Results Management)

Note: All Athletes (and Support Personnel) who are members of the FEI or of a NF, and/or Athletes who participate in FEI Competitions are bound by the FEI Anti-Doping Rules for Human Athletes

Therapeutic Use Exemptions (TUEs)

- Athletes who are not International-Level Athletes shall apply to their National Anti-Doping Organization for a TUE
- **Automatic recognition** by the FEI of any TUE granted by a National Anti-Doping Organization



Definition of “In-Competition”

- The FEI filed an application with WADA for an alternative definition of “In-Competition”
- WADA accepted an alternative definition based on the timing of In-Competition being aligned with that of the applicable horse inspection and approved a definition which included amendments to align it as close as possible within the 2021 Code: “*The period commencing one (1) hour before the beginning of the first Horse inspection the day before a Competition in which the athlete/rider is scheduled to participate through to the end of the last Competition at the Event for that athlete/rider or the sample collection process related to such Competition.*”

Substances of Abuse

- *Substances of Abuse* are substances that are identified as such because they are frequently abused in society outside of the context of sport. The following are designated *Substances of Abuse*: cocaine, diamorphine (heroin), methylenedioxymethamphetamine (MDMA/"ecstasy"), tetrahydrocannabinol (THC).



Substances of Abuse

- In order for Article 10.2.4.1 to apply, the athlete **must establish** that the use occurred **out-of-competition** and was **unrelated to sport performance**.
- The period of ineligibility is a **flat three months** with no argument over No Significant Fault, etc. (This eliminates the need for expensive hearings on the appropriate length of sanction.)
- The athlete **can reduce** the period of ineligibility **down to one month** by completing a **rehabilitation program** satisfactory to the RMA. (This addresses the athlete health concern.)



Working Together

- Also important to remind you that the FEI delegates certain aspects of its Anti-Doping programme for human athletes to the ITA (International Testing Agency).
- So your NF might be contacted from time to time by our main contact at ITA, Gustavo Battaglia (using the email address fei@ita.sport)
- FEI's goal is to work in partnerships with NFs (and NADOs) to synergise testing and education programmes. Should your NF be interested, please contact Catherine Bollon at Catherine.bollon@fei.org.

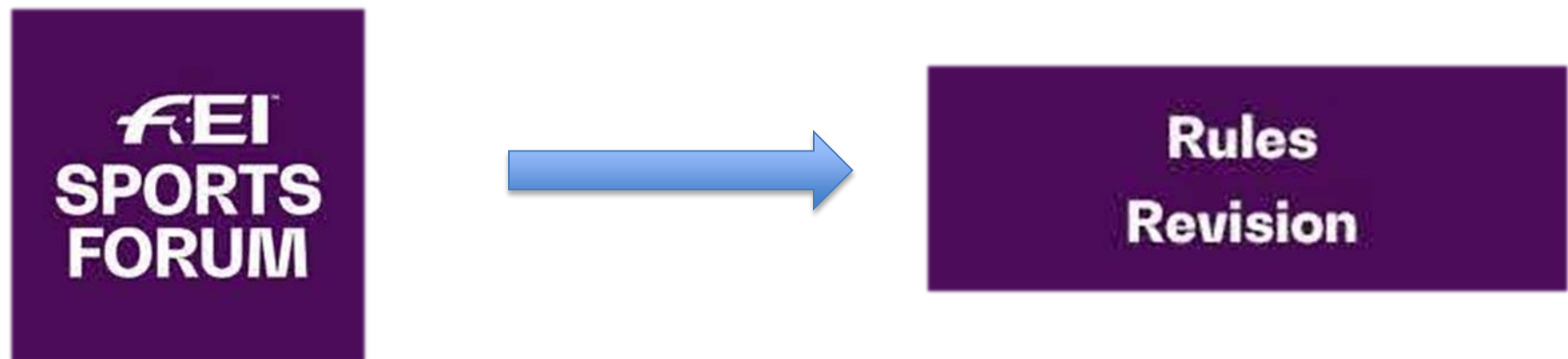




Equine Anti-Doping & Controlled Medication Regulations Review of Proposed Changes

EADCMRs: Process and Proposed Changes

- New WADA Code will take effect on 1 January 2021
- EADCMRs need to be updated for 2021 to align with new WADA Code
- Consultation with NFs and other stakeholders via the FEI Sports Forum 2020
- Rules Revision Process



Sanctions – Base Level of Sanctions

- Sports Forum Question: *Do you want to increase the standard level for Banned Substance cases from 2 years to 4 years to align with the WADA Code and the FEI Anti-Doping Rules for Human Athletes?*
 - Big majority against increasing “base sanctions” (currently 2 years Banned Substances, 6 months Controlled Medications)
 - No change to “base sanctions”

Sanctions – Harmonised Sanctions

- Sports Forum Question: *Shall the same standard level (be it 2 years or 4 years) apply across all FEI Disciplines?*
 - Big majority in favour of retaining the current system whereby the **same sanctions** are imposed across **all disciplines**.
 - No support for a special sanctioning system for Endurance
 - No change



Contamination

Contamination

- Main feedback from NFs – system needs to be more flexible in relation to contamination cases.
- Key Changes in EADCMRs to deal with contamination:
 - 1) Expansion of Atypical Findings Concept
 - 2) More flexibility in relation to sanctions for contamination cases





Atypical Findings

- Atypical Findings (ATFs) occur when the laboratory provides the results of their testing of a Sample to the FEI and more investigation/review is needed before it can be reported as an Adverse Analytical Finding (“AAF” i.e. a positive).
- **Currently:** only a **very limited** category of substances – those that are produced endogenously (e.g. testosterone) can be reported as ATFs. New WADA Code expands this.
- **Proposal:** to **expand the scope of substances** that would be reported as **ATFs** to include those substances that we know are quite likely to be in a Sample because of contamination e.g. Specified Substances

Atypical Findings



- Samples within this category of substances would **initially** be dealt with as **Atypical Findings** (instead of Adverse Analytical Findings).
- In practice this would allow the **FEI** to carry out a **review/investigation** before they are reported as a “real” positive (Adverse Analytical Finding)



FEI Atypical Findings Policy



FEI ATYPICAL FINDINGS POLICY

This FEI Atypical Findings Policy (the **Policy**) was approved by the FEI Board on 20 October 2020 and will take effect as of 1 January 2021¹. It is issued in accordance with Articles 7.2 of the FEI Equine Anti-Doping Rules and the Equine Controlled Medication Rules (the **EADCMR**)².

All capitalised terms used in this Policy and not defined herein have the meaning given to such terms in the EADCMRs.

This Policy sets out the process by which the FEI will decide whether or not an Atypical Finding (**ATF**) will be pursued as an Adverse Analytical Finding (**AAF**). Changes to this Policy can only be made with the express approval of the FEI Board. National Federations must be informed of any changes to this Policy before the updated Policy comes into effect.

As per Articles 7.2 of the EADCMRs, ATFs occur when the laboratory provides the results of their testing of a Sample to the FEI and more investigation/review is needed to determine whether or not it should be treated as an AAF.

FEI Atypical Findings Policy – Key Points

- Decisions taken by ATF Panel
 - Independent Chair
 - appointed by FEI Board
 - Casting vote
 - Chair of List Group
 - FEI Veterinary Director
 - FEI Legal Director
- **ATF Substances**, approved by FEI Board based on recommendations of List Group
 - All Specified Substances + Endogenous Substances + Ractopamine + Zilpaterol



Atypical Findings Policy – Key Points



- **Steps in Process**

- Initial Review
- Notification to PR + NF
- Opportunity to provide relevant information

- **Criteria**

- **Source** of Prohibited Substance. Must be established to “*comfortable satisfaction of ATF Panel*”
- Measures taken by PR to avoid Prohibited Substance entering body of Horse
- Other factors (e.g. other positives at same Event)

FEI Atypical Findings Policy – Key Points

- Conclusion of Investigation
 - ATF Panel decides whether or not to pursue the case as an **Adverse Analytical Finding** (positive case)
 - If AAF, normal process applies. FEI Tribunal will decide case. If FEI does not pursue the case as an AAF, no further action. Matter is closed.
 - ATF Decision is **Final** (not subject to appeal)
- Transparency
 - Publication of statistics each year
 - anonymised



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Sanctions – Contamination

- Sports Forum Question: *Do you want to allow more flexibility for contamination cases, if proven, and even if the Athlete bears some Fault/Negligence for the positive case?*
 - Big majority in favour of introducing more flexibility in contamination cases on the understanding that where there is **Fault or Negligence** on the part of the PR, a **sanction** must be imposed.
 - Currently reduction for contamination is only allowed if it came from a “Contaminated Product” – narrow definition, does not cover environmental contamination (eg synephrine cases). **Proposal: expand scope** to increase flexibility

Sanctions - Contamination

*Contaminated Products **or other Contamination***

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



Disqualification

Disqualification: Individuals (Article 10.1)

- **Olympic or Paralympic Games:** Positive test shall lead to **Disqualification** of all of the **PRs results** obtained in that Event, with any and all Horses with which the Person Responsible competed.
- At **all other Events** where the EADCMR apply, a violation shall lead to **Disqualification** of all of **PR's results** obtained in that Event, **unless the Horse(s) tested negative** in another Competition(s) **prior** to the Competition in which the EAD Rules were violated, in which case the result(s) obtained by the Person Responsible in that Competition(s) will not be Disqualified.

Disqualification: Teams (Article 11.2)

- Feedback from Sports Forum on changes to impact of a positive test by a team member on the team result was mixed. No clear consensus.
- Proposed Rule Change
 - **Keep current situation for Olympic and Paralympic Games:** If one (or more) team member tests positive, **entire team is disqualified**
 - **For all other Events,** the PR who committed the violation is disqualified and their score(s)/result(s) does not count towards the team score (“**drop score**”). Entire team is not automatically disqualified.



Other Key Changes

Administrative Procedure (Article 8.3 ECMs)

- Administrative Procedure (“Fast Track”) - Controlled Medication Cases only and not Olympics, Paralympics, WEG
 - Proposed Rule Changes (Article 8.3 ECMs)
 - Prior “No Fault or Negligence” violation does not count when considering eligibility for Administrative Procedure
 - An Administrative Procedure case would no longer count as a prior violation for the purpose of the multiple violations rule.
 - PRs who had a prior Fast Track case would no longer face having their sanction doubled if they have a subsequent violation.
 - Clarification that the DSQ applies to the Athlete and Horse **combination** at the Event.

Results Management

- WADA has made changes to the Results Management Process that need to be reflected in EADCMRs
 - New 2 step system
 - Notification
 - opportunity for PR to provide explanations
 - Charge



Role of NFs & new Responsibilities

Expanded Responsibilities for NFs – Article 17

- National Federations will also be required to **update their rules to incorporate key provisions** of new EADCMRs (unless doing so would contravene national law of the FEI has given a specific approval of the NFs' system).
 - Articles 2 (violations), 3 (proof of violation), 4 (Prohibited List) & 8.2 (fair hearings)
- Duty to **report potential violations** to the FEI
- Duty to conduct anti-doping **education**



New Responsibilities for Stakeholders

- Persons Responsible
- Support Personnel
- Other Persons
- Organising Committees

- **What are the main responsibilities?**
 - Knowledge and compliance
 - Cooperation with investigations





thanks its partners

