Equine Anti-Doping and Controlled Medication Regulations

Based on the FEI Equine Anti-Doping and Controlled Medication Regulations

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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 governing bodies in the spirit of the World Anti-Doping Code (2009 version). They are written 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 harmonized 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, will 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 by the FEI General Assembly in November 2009 and the EA National Board in December 2009 and effective 06 April 2010, 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 separate and distinct approaches to Doping, on the one hand, which is defined in the EAD Rules Articles 2.1-2.7; and Controlled Medication, on the other hand, as defined in the ECM Rules. Consequently, these two categories of rules are being presented in one comprehensive Rulebook, in separate chapters, for ease of use and understanding. This new approach brings with it a change in the applicable terminology. In future, 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 and their Support Personnel accept these Regulations as a condition of participation and involvement in FEI and EA activities and shall therefore be bound by them. The introduction of Support Personnel into these Regulations is not entirely new as the FEI and EA General Regulations have always provided for the opportunity to include an “Additional Person Responsible” in the prosecution of a case where the factual circumstances have warranted that Person’s inclusion. The incorporation and moderate expansion of the concept within the new Regulations is intended to ensure that all participants in equestrian sport who violate the EADCM Regulations will be held accountable. It is fundamental, however, that the inclusion of Support Personnel is in no way intended to lessen or shift the
responsibility of the Person Responsible. The Person Responsible remains ultimately responsible, and thereby ultimately liable, for EADCM violations. Where appropriate, and only when the specific factual circumstances so warrant, Support Personnel will be held additionally responsible.

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

Fundamental Rationale for the FEI's EADCM Regulations

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

- 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 06 April 2010. They must be read in conjunction with the FEI Statutes, General Regulations, Veterinary Regulations, Internal Regulations of the FEI Tribunal, equivalent EA By-Laws and regulations, FEI Standard for Laboratories, and any other applicable rules or regulations.

These EADCM Regulations shall apply to the FEI, EA, and each Person Responsible and his or her Support Personnel by virtue of their membership in, accreditation by, or participation in the FEI or in EA, 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 will 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, including EA rules and regulations.

These EADCM Regulations will therefore apply to all Doping and Medication Controls over which the FEI or EA has jurisdiction or have been delegated jurisdiction by another governing body, subject to Article 13.1 of both the EAD Rules and the ECM Rules. The EADCM Regulations, particularly as they apply to Banned Substances (the EAD Rules), have intentionally been modelled after the 2009 WADA Model Code for human athletes. Conversely, the ECM Rules have been developed with special consideration for the need to administer responsible controlled medication 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) – an Equine Therapeutic Use Exemption (also known as Medication Form 1) shall only be available in connection with a Controlled Medication Substance processed under the ECM Rules and not in connection with a Banned Substance processed under the EAD 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 2.7 of these EAD Rules.

ARTICLE 2  EAD RULE VIOLATIONS

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

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

2.1  The presence of a Banned Substance or its Metabolites or Markers in a Horse’s Sample

2.1.1  It is the personal duty of each Person Responsible 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 - 2.7 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 either of the following: (i) presence of a Banned Substance 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 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.

2.2  Use or Attempted Use of a Banned Substance or a Banned Method

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

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

2.3 Refusing or failing without compelling justification to submit to Sample collection after Notification as authorized in the EADCM Regulations or otherwise evading Sample collection.

2.4 Tampering, or Attempted Tampering with any part of Doping Control.

2.5 Possession of Banned Substances or Banned Methods

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

2.6 Trafficking or Attempted Trafficking in any Banned Substance or Banned Method

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

ARTICLE 3 PROOF OF EAD RULE VIOLATIONS

3.1 Burdens and Standards of Proof

EA will have the burden of establishing that an EAD Rule violation has occurred. The standard of proof shall be whether EA 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
that a departure from the *FEI Standard for Laboratories* occurred which in all probability caused the *Adverse Analytical Finding*.

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

**3.2.2** Departures from another *FEI* standard or other *EAD Rule* or policy, which did not in all 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 or *EAD Rule* could reasonably have caused the *Adverse Analytical Finding* or other *EAD Rule* violation, then EA shall prove to the comfortable satisfaction of the *Hearing Panel* 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 irrefutable 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 by electronic communication link 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* and EA 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 will not go into effect any sooner than ninety (90) days following its publication. The FEI will also send each new version of the List by email to National Federations and to Contact 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.

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) shall be final and binding on all parties and shall not be subject to challenge by a Person Responsible, member of their Support Personnel or any other Person on any basis.

ARTICLE 5 TESTING

5.1 Authority to Test

All Horses registered with the FEI or a National Federation, or otherwise competing at an International Event or National Event, shall be subject to In-Competition Testing by the FEI and EA, or by any other Anti-Doping Organisation responsible for Testing at a Competition or Event in which they participate.

The FEI or its assignees or agents, shall be responsible for Testing at International Events. EA or its assignees or agents shall be exclusively responsible for Testing at its National Events.

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 EA from adopting its own Out-of-Competition Testing protocols, subject to Article 13.1.

5.2 Responsibility for Testing

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

The EA National Medication Control Officer will be responsible for overseeing all Testing conducted by EA. Testing may be conducted by persons listed on the FEI List of Event Veterinarian or by other qualified persons at a given Event or at such other place as authorised by these EAD Rules, or as authorised in writing by the EA CEO or his or her designee(s).
5.3 **Testing Standards**

*Testing* conducted by or on behalf of the FEI and EA 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 EA will 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 Event Veterinarian in cooperation with the Ground Jury at National Events may also select *Horses* for Target Testing.

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

**ARTICLE 6**

**ANALYSIS OF SAMPLES**

*Samples* collected under these *EAD Rules* and arising from *EA Testing* are the property of EA. 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. EA will 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 EA. However, the Person Responsible may elect to have the B-*Sample* analysed at a different Laboratory than the one that performed the A *Sample* analysis. If such an election is made, the EA will 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*. EA may also seek to detect other substances for research and monitoring purposes, as publicly announced by EA from time to time pursuant to a defined monitoring program.

6.3 **Research on Samples**

No *Sample* may be used for any purpose other than as described in Article 6.2 above, without the written consent of the Person Responsible. Those *Samples* used for purposes other than Article 6.2 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 analyze Samples and report results in conformity with the FEI Standard for Laboratories.

ARTICLE 7 RESULTS MANAGEMENT

7.1 Results Management for Tests arising out of EA Testing or other EAD Rule violations

Results management for Tests arising out of EA 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 EA, 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 A-Sample Adverse Analytical Finding, EA will conduct a review to determine whether there is any apparent departure from Testing procedures of the FEI Veterinary Regulations or the FEI Standard for Laboratories that caused the Adverse Analytical Finding.

7.1.3 If the initial review under Article 7.1.2 does not reveal an apparent departure from the Testing procedures of the FEI Veterinary Regulations or from the FEI Standard for Laboratories that caused the Adverse Analytical Finding, EA shall promptly Notify the Person Responsible of:

(a) the Adverse Analytical Finding;

(b) the EAD Rule violated;

(c) the right of the Person Responsible 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 to elect to have the B-Sample analysed at a different laboratory than the one that performed the A-Sample analysis, such Laboratory to be chosen by EA, 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 declared threat to the integrity of the analysis process; and
(e) the right of the Person Responsible 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.

If, upon the initial review, EA decides not to bring forward the Adverse Analytical Finding as an EAD Rule violation, it will so Notify the Person Responsible.

7.1.4 Pursuant to Article 7.1.3 (d) above, within seven (7) days of receipt of the Confirmatory Analysis Request Form (B-Sample), EA will propose possible dates for such analysis. The Person Responsible may accept the A-Sample analytical results by waiving the right to a B-Sample analysis. EA 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 is deemed to have waived his or her right to a B-Sample analysis if he or she does not submit the Confirmatory Analysis Request Form within the stipulated time limit.

7.1.5 In addition to the Person Responsible and his or her representative (witness), a representative of EA will also be allowed to be present for the B-Sample Analysis.

7.1.6 If the B-Sample proves negative, then the entire test shall be considered negative. EA will be informed of the results confidentially and will Notify the Person Responsible.

7.1.7 If a Banned Substance or the Use of a Banned Method is identified in the B-Sample, EA will be informed of the results confidentially and will Notify the Person Responsible.

7.1.8 EA may conduct any follow-up investigation as may be required. Upon completion of such follow-up investigation, if any, EA will promptly Notify the Person Responsible of the results of the follow-up investigation.

7.1.9 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.)

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 Banned Substances, which may also be produced endogenously, as Atypical Findings subject to further investigation. Upon receipt of an A-Sample Atypical Finding, EA will conduct a review to determine whether there is any apparent departure from the Testing procedures.
or the FEI Standard for Laboratories that caused the Atypical Finding. If that review does not reveal any departure that caused the Atypical Finding, EA will conduct the required investigation. After the investigation is completed, the Person Responsible will be Notified whether or not the Atypical Finding will be brought forward as an Adverse Analytical Finding.

7.2.1 EA 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 EA determines that the B-Sample should be analysed prior to the conclusion of the investigation under Article 7.2, EA may conduct the B-Sample Analysis after supplying the Person Responsible with such Notice including a description of the Atypical Finding and the information described in Article 7.1.3 (b)-(e) above.

7.3 Review of Other EAD Rules Violations

For apparent EAD Rule violations that do not involve Adverse Analytical Findings, EA may conduct any necessary follow-up investigation and at such time as it is satisfied that an EAD Rule violation has occurred, it shall then promptly Notify the Person Responsible 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 EA will provisionally suspend a Person Responsible, member of the Support Personnel, and/or the Horse of the Person Responsible 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 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 7.1.3 above.

If EA imposes a Provisional Suspension, either the hearing in accordance with Article 8 below will be advanced to a date that 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.
7.4.2 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 or her *Horse* will not be subject to any further **Provisional Suspension** on account of a violation of Article 2.1 above (Presence of a *Banned Substance* or its *Metabolites or Markers*).

In circumstances where the *Person Responsible* or his or her *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, without otherwise affecting the *Competition or Event*, it is still possible for the *Person Responsible* and his or her *Horse* to be re-entered, the *Person Responsible* and his or her *Horse* may continue to take part in the *Competition and/or Event*.

7.4.3 After the imposition of a **Provisional Suspension** following a *Preliminary Hearing* but prior to a final hearing, the *Person Responsible* and/or member of the *Support Personnel* can petition **EA** for a second *Preliminary Hearing* provided that the following can be established:

(i) new evidence exists that, if known at the time of the *Preliminary Hearing*, may have lead to the lifting of the **Provisional Suspension**; or

(ii) there is a likelihood of success on the merits and the continuation of the **Provisional Suspension** will cause undue harm or prejudice to the *Person Responsible* and/or member of the *Support Personnel*.

Such Petition must be made in writing to the **EA CEO** and must clearly set forth the basis for the request for the second *Preliminary Hearing* pursuant to the criteria set forth above. The *Preliminary Hearing* panel member who presided over the original *Preliminary Hearing* shall decide whether or not a second *Preliminary Hearing* will be granted. If it is granted, the same *Preliminary Hearing* panel member who presided over the first *Preliminary Hearing* will preside over the second *Preliminary Hearing*, unless unusual circumstances prevent him or her from doing so, in which case another **EA Tribunal** member will be appointed and will conduct the second *Preliminary Hearing*.

7.4.4 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 that is authorized or organized by the *FEI*, **EA** or any other *National Federation* or in *Competitions* authorized or organized by any international or national level *Event* organization.
7.5 Retirement from Sport

If a Person Responsible and/or member of the Support Personnel retires while a Results Management process is underway, EA 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, EA similarly has jurisdiction to conduct Results Management.

ARTICLE 8 RIGHT TO A FAIR HEARING

8.1 Hearings before the EA Tribunal

8.1.1 The EA Tribunal shall decide all cases involving violations of these EAD Rules.

8.1.2 When it appears, following the Results Management Process described in Article 7, that these EAD Rules have been violated, then the case shall be submitted to a Hearing Panel of the EA Tribunal for 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 must cooperate promptly in the submission of such evidence and pleadings and in attendance at a hearing if requested by the EA Tribunal.

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

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

8.1.6 Decisions of the EA Tribunal may be appealed to the Court of Arbitration for Sport as provided in Article 12 below.

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 expense of Person Responsible and/or member of the Support Personnel;
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 EA obtains);

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 right of the Person Responsible and/or member of the Support Personnel 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 Waiver of Hearing

The right to a hearing may be waived either expressly or by the failure of the Person Responsible and/or member of the Support Personnel (where applicable) to request a hearing within ten (10) days of Notification that such a violation is alleged. Where no hearing occurs, the EA Tribunal shall issue a reasoned decision explaining the actions taken.

ARTICLE 9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS

A violation of these EAD Rules in connection with a test in a given Competition automatically leads to 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.

A Test will be deemed “in connection” with a given Competition if it takes place in the time span between one (1) hour before the beginning of the first Horse inspection and half an hour after the announcement of the final results of the last Competition of the Event.

ARTICLE 10 SANCTIONS

10.1 Disqualification of Results in the Event during which an EAD Rule Violation Occurs
An EAD Rule violation occurring during or in connection with an Event may lead to Disqualification of all individual results of the Person Responsible 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 10.1.1.

**10.1.1** If the Person Responsible establishes that he or she bears No Fault or Negligence for the EAD Rule violation, the individual results of the Person Responsible in the other Competitions shall not be Disqualified unless these 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 of the Person Responsible.

**10.1.2** In addition, the Horse of the Person Responsible may also be Disqualified for the 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**

The Sanction imposed for a violation of Article 2.1 (presence of a Banned Substance or its Metabolites or Markers), Article 2.2 (Use or Attempted Use of a Banned Substance or a Banned Method) or Article 2.5 (Possession of a Banned Substance or a Banned Method) shall be as follows unless the conditions for eliminating, reducing, or increasing the Sanction provided in 10.4, 10.5, or 10.6 are met.

First Violation: Two (2) years Ineligibility; A Fine of $15,000 unless fairness dictates otherwise, and appropriate legal costs.

Multiple Violations: As set forth in Article 10.7 below.

**10.3 Ineligibility for Other Rule Violations**

The Sanction for EAD Rule violations other than as provided in Article 10.2 above shall be as follows:

**10.3.1** For violations of Article 2.3 (Refusing or Failing to Submit to Sample collection), Article 2.4 (Tampering or Attempted Tampering with any part of Doping Control) or Article 2.7 (Assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an EAD Rule violation or any Attempted EAD Rule violation.), the Sanction shall be as set forth in Article 10.2 unless the conditions for eliminating, reducing or increasing the Sanction provided in Articles 10.4, 10.5, or 10.6 are met.
10.3.2 For violations of Article 2.6 (Trafficking or Attempted Trafficking), the period of Ineligibility imposed shall be a minimum of four (4) years up to lifetime Ineligibility unless the conditions provided in Article 10.5 are met. A fine of $25,000 shall also be imposed, unless fairness dictates otherwise, along with appropriate legal costs. In addition, significant violations of Articles 2.6 or 2.7 that may also violate non-sporting laws and regulations shall be reported to the competent administrative, professional or judicial authorities.

10.4 Elimination or Reduction of the Period of Ineligibility for Specified Substances under Specific Circumstances

Where a Person Responsible and/or member of the Support Personnel (where applicable) can establish how a Specified Substance entered the Horse or came into his or her Possession and that such Specified Substance was not intended to enhance the Horse’s sport performance or mask the Use of a Banned Substance or Banned Method, the period of Ineligibility found in Article 10.2 shall be replaced with the following:

First violation: At a minimum, a reprimand and no period of Ineligibility from future Events, and at a maximum, two (2) years Ineligibility, along with a Fine of up to $15,000 and appropriate legal costs.

To justify any elimination or reduction, the Person Responsible and/or member of the Support Personnel (where applicable) must produce corroborating evidence in addition to his or her word that establishes to the comfortable satisfaction of the Hearing Panel the absence of an intent to enhance sport performance in the Horse or mask the Use of a Banned Substance or Banned Method. The degree of fault attributable to the Person alleged to have committed the EAD Rule violation shall be the criterion considered in assessing any reduction of the period of Ineligibility. However, Article 10.5 cannot be invoked to defend against an EADMC Regulation violation involving a Specified Substance.

10.5 Elimination or Reduction of Period of Ineligibility Based on Exceptional Circumstances

10.5.1 No Fault or Negligence

If the Person Responsible and/or member of the Support Personnel (where applicable) establishes in an individual case that he or she bears No Fault or Negligence for the EAD Rule violation, the otherwise applicable period of Ineligibility and other Sanctions may be eliminated in regard to such Person. When a Banned Substance 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 and other Sanctions are 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 10.7 below.

10.5.2 No Significant Fault or Negligence

If a Person Responsible and/or member of the Support Personnel (where applicable) establishes in an individual case that he or she bears No Significant Fault or Negligence, then the otherwise applicable period of Ineligibility and other Sanctions 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 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 and other sanctions reduced.

10.5.3 Substantial Assistance in Discovering or Estabishing EAD Rule Violations

The EA Tribunal may, prior to a final appellate decision under Article 12 below or the expiration of the time to appeal, suspend a part 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 EA, criminal authority or professional disciplinary body, which results in EA discovering or establishing an EAD Rule violation by another Person or which results in a criminal or disciplinary body discovering or establishing a criminal offence or the breach of professional rules by another Person. 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 EA Tribunal
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subsequently reinstates any part of the suspended period of Ineligibility because the Person Responsible and/or member of the Support Personnel has failed to provide the Substantial Assistance which was anticipated, the Person Responsible and/or member of the Support Personnel may appeal the reinstatement pursuant to Article 12.2.

10.5.4 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.

10.5.5 Where a Person Responsible and/or member of the Support Personnel Establishes Entitlement to 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 10.5.2, 10.5.3 and 10.5.4, then the period of Ineligibility may be reduced or suspended to not below one-quarter of the otherwise applicable period of Ineligibility.

10.6 Aggravating Circumstances Which May Increase the Period of Ineligibility

If EA establishes in an individual case involving an EAD Rule violation other than violations under Article 2.6 (Trafficking or Attempted Trafficking) and 2.7 (assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an EAD Rule violation or any Attempted EAD 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 four (4) years unless the Person Responsible and/or member of the Support Personnel, can prove to the comfortable satisfaction of the Hearing Panel that he or she did not knowingly commit the EAD Rule violation. 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 EA with the EAD Rule violation.
10.7 Multiple Violations

10.7.1 Second EAD Rule Violation

For the first EAD Rule violation by the Person Responsible and/or member of the Support Personnel, the period of Ineligibility is set forth in Articles 10.2 and 10.3 (subject to elimination, reduction, or suspension under Articles 10.4 and 10.5 or to an increase under Article 10.6). For a second EAD Rule violation, the period of Ineligibility shall be increased by the Hearing Panel, taking into account the respective severity of both EAD Rule violations involved and the circumstances of the particular case. In all events, the Ineligibility shall be a minimum of eight (8) years up to a lifetime Ineligibility if, alternatively,

(i) both EAD Rule violations were or should be sanctioned by the standard sanction of two (2) years under Articles 10.2 or 10.3.1, or

(ii) at least one of the two EAD Rule violations was or should be sanctioned by an aggravated Sanction under Article 10.6 or by a Sanction under Article 10.3.2. In all other cases, the Ineligibility period shall be within the range of one (1) year to eight (8) years.

Where a Person Responsible and/or member of the Support Personnel is found to have committed an EAD Rule violation after having committed an ECM Rule violation, this may be considered as a factor in determining aggravating circumstances under Article 10.6 above.

10.7.2 Application of Articles 10.5.3 and 10.5.4 to Second EAD Rule Violation

Where a Person Responsible and/or member of the Support Personnel, who commits a second EAD Rule violation, establishes entitlement to suspension or reduction of a portion of the period of Ineligibility under Article 10.5.3 or Article 10.5.4, the Hearing Panel shall first determine the otherwise applicable period of Ineligibility and then apply the appropriate suspension or reduction of the period of Ineligibility. The remaining period of Ineligibility, after applying any suspension or reduction under Articles 10.5.3 and 10.5.4, must be at least one-fourth of the otherwise applicable period of Ineligibility.

10.7.3 Third EAD Rule Violation

A third EAD 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 Articles 10.4 or 10.5. In these particular cases, the period of Ineligibility shall be from eight (8) years to a lifetime ban.
10.7.3 Additional EAD Rules for certain Potential Multiple Violations

For purposes of imposing sanctions under Article 10.7, an EAD Rule violation will only be considered a second EAD Rule violation if EA can establish that the Person Responsible and/or member of the Support Personnel (where applicable) committed the second violation after he or she received Notice of the first violation pursuant to Article 7 (Results Management), or after EA made reasonable efforts to give Notice of the first EAD Rule violation.

If EA 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. However, the occurrence of multiple violations may be considered as a factor in determining aggravating circumstances under Article 10.6.

If, after the resolution of a first EAD Rule violation, EA 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 the EA Tribunal shall impose an additional Sanction based on the Sanction that could have been imposed if the two violations would have been adjudicated at the same time. Results in all Competitions dating back to the earlier EAD Rule violation will be Disqualified as provided in Article 10.8. To avoid the possibility of a finding of aggravating circumstances (Article 10.6) on account of the earlier-in-time but later-discovered violation, the Person Responsible and/or member of the Support Personnel must voluntarily admit the earlier EAD Rule violation on a timely basis after Notice of the violation for which he or she is first charged. The same rule shall also apply when the FEI discovers facts involving another prior violation after the resolution of a second EAD Rule violation.

10.7.4 Multiple EAD Rule Violations During an Eight-Year Period

For purposes of Article 10.7, each EAD Rule violation must take place within the same eight (8) year period in order to be considered multiple violations.

10.7.5 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 a violation involving both a Controlled Medication Substance or a Controlled Medication Method under the ECM Rules and a Banned Substance or Banned Method 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. The occurrence of multiple substances or methods may be considered as a factor in determining aggravating circumstances under Article 10.6 above.

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

In addition to the automatic Disqualification of the results in the Competition that produced the positive Sample under Article 9 (Automatic Disqualification of Individual Results), 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.

10.8.1 As a condition of regaining eligibility after being found to have committed an EAD Rule violation, the Person Responsible must first repay all prize money forfeited under this Article.

10.9 Commencement of Ineligibility Period

Except as provided below, the period of Ineligibility shall start on the date of the decision providing for Ineligibility. Any period of Provisional Suspension (whether imposed or voluntarily accepted) shall be credited against the total period of Ineligibility imposed.

10.9.1 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.

10.9.2 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 EA, 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.

10.9.3 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 that may ultimately be imposed.

10.9.4 If a Person Responsible and/or member of the Support Personnel voluntarily accepts a Provisional Suspension in writing from EA for himself, herself or the Horse, and thereafter refrains from competing, such Person or Horse shall receive a credit for such period of voluntary Provisional Suspension against any period of Ineligibility that may ultimately be imposed. A copy of the voluntary acceptance of a Provisional Suspension shall be provided promptly to each party entitled to receive Notice of a potential EAD Rule violation.

10.9.5 No credit against a period of Ineligibility will 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 or her team.

10.10 Status During Ineligibility

10.10.1 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 in a Competition or activity that is authorized or organized by the FEI or any National Federation or be present at an Event (other than as a spectator) that is authorized or organized by the FEI or any National Federation, or participate in any capacity in Competitions authorized or organized by any international or national-level Event organization. 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 EA. A Horse subject to a period of Ineligibility shall remain subject to Testing.

In addition, any member of the Support Personnel subject to Ineligibility under Article 10 may also be banned from any venues where FEI or EA competitions are taking place, whether or not they are registered with the FEI or with EA.
10.10.2 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 10.10.1 above, the results of such participation will be Disqualified and the period of Ineligibility that was originally imposed shall start over. This means that the entire period of Ineligibility must be served again from the beginning, with the first date of Ineligibility served fixed as the date of the later violation of the prohibition against participation or attendance. The new period of Ineligibility may be reduced under Article 10.5.2 if the Person Responsible and/or member of the Support Personnel establishes that he or she bears No Significant Fault or Negligence for violating the prohibition against participation or attendance. The determination of whether any Person has violated the prohibition against participation or attendance, and whether a reduction under Article 10.5.2 is appropriate, will be made by the EA Tribunal.

ARTICLE 11 CONSEQUENCES TO TEAMS

11.1 If a Person Responsible is a member of a team and 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 committing the violation will be subtracted from the team result and replaced with the results of the next applicable team member. If by removing the results of the Person Responsible from the team results, the number of Persons counting for the team is less than the required number, the team shall be eliminated from ranking. If a key member of a team, other than the Person Responsible, such as, but not limited to, the chef d'equipe, team veterinarian, or team coach, admits or is found to have violated these EAD Rules, the entire team may be Disqualified if fairness so requires.

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 will remain in effect while under appeal unless the appellate body orders otherwise.

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 10.10.2 (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 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 Person upon whom 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) EA; 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.

12.3 Time for Filing Appeals

The time to file an appeal to CAS shall be thirty (30) 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 or parties will 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 not, however, 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 thirty (30) days from receipt of the file to file an 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, 8.2, and 10 of these EAD Rules into their anti-doping regulations without substantive change by January 1, 2011 and enforce them against their members, unless doing so would contravene any applicable national law. For any National Federation that has had a system of national anti-doping rules in effect for at least five (5) years, such mandatory compliance may be delayed until January 1, 2012. 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. 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 7.1.3 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 EA Case Status Table at www.equestrian.org.au unless another mechanism for publicly reporting the information is warranted at the discretion of the EA. 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, EA 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 disclosed publicly only with the consent of the Person who is the subject of the decision. The EA will use reasonable efforts to obtain such consent, and if consent is obtained, will publicly disclose the decision in its entirety or in such redacted form as such Person and EA may jointly approve.

13.3.3 Neither EA, any FEI-approved Laboratory, or any official 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.

13.4 Reciprocal Agreements with Other National Federations

EA may enter into agreements with other National Federations, which provide for the recognition on a mutual basis of each other’s decisions in respect of EAD Rule violations and will give effect to and enforce the decisions of those other National Federations in accordance with the terms of such agreements.

13.5 Recognition of Decisions of Other National Federations

Notwithstanding that EA has not entered into any such agreement referred to in Rule 13.4 with a National Federation, EA may nevertheless give effect to the decisions of that Federation in respect to any rider's EAD Rule violations regardless of whether that rider is a member of EA or not, and in so doing EA may make such adjustments to those decisions as it considers necessary to ensure that the penalty applies for both international and national events and competitions in Australia or elsewhere as applicable. EA’s rights under this Rule do not in any way limit its rights to impose any additional or other penalty on the rider concerned if that rider is a member of EA.

13.6 Recognition of EA Decisions by Other National Federations

EA expects that other National Federations will act to give effect to and enforce its decisions in respect to EAD Rule violations and EA may, to such extent as it considers necessary, encourage other National Federation to do so.
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 such action is commenced within eight (8) 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 EA in accordance with the EA Constitution, By-Laws and General Regulations.

15.2 Except as provided in Article 15.5 EAD Rules, these EAD Rules must be interpreted as an independent and autonomous text and not by reference to existing law or statutes. Nothing herein must 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, are all be considered integral parts of these EAD Rules.

15.5 These EAD Rules have been adopted pursuant to the EA Constitution, By-Laws and General Regulations and will be interpreted, where applicable, in a manner that is consistent with applicable provisions of these Statutes and General Regulations as well as FEI rules and regulations including but not limited to the Veterinary Regulations, the FEI Standard for Laboratories and the various FEI and EA sport rules. In the event of conflict with the Constitution or the General Regulations, the Constitution and the General Regulations will apply, subject however, to the application by the EA 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 will apply.

15.6 The time limits fixed under the present EAD Rules will begin from the day after that on which Notification by the EA 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 General Application of the 2010 EAD Rules

The 2010 EAD Rules shall apply in full force and effect after 05 April 2010 (the “Effective Date”).

16.2 Non-Retroactive Unless Principle of “Lex Mitior” Applies

With respect to any EAD Rule violation case which is pending as of the Effective Date and any EAD Rule violation case brought after the Effective Date based on an EAD Rule violation which occurred prior to the Effective Date, the case will be governed by the substantive EAD Rules in effect at the time the alleged EAD Rule violation occurred unless the Hearing Panel hearing the case determines that the principle of “lex mitior” appropriately applies under the circumstances of the case.

16.3 Application to Decisions Rendered Prior to the 2010 EAD Rules

The 2010 EAD Rules will 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.
EQUINE CONTROLLED MEDICATION RULES

FEI Medication Code

All treatments must be given in the best health and welfare interests of the Horse.

Therefore:

• Every treatment must be fully justifiable by 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. Persons Responsible and their Support Personnel must obtain advice from their treating Veterinarian or team Veterinarian prescribing a treatment and the necessary duration of treatment.

• No Controlled Medication Substance shall be given to any Horse during or close to an event unless the appropriate FEI guidelines for medication authorization have been followed.

• A complete and accurate record of all treatments during or close to an event should be maintained in the form of a Medication Logbook.
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 2.7 of these ECM Rules.

ARTICLE 2  CONTROLLED MEDICATION RULE VIOLATIONS

Persons Responsible and their Support Personnel are 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.

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

2.1 The presence of a Controlled Medication Substance or its Metabolites or Markers in a Horse’s Sample

2.1.1 It is the personal duty of each Person Responsible to ensure that no Controlled Medication Substance is present in the Horse’s body during an Event. 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 – 2.7 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 either of the following:

(i) presence of a Controlled Medication Substance 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 Controlled Medication Substance 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 substances for which a quantitative threshold or permitted limit is specifically identified in the Equine Prohibited Substances List or where a valid ETUE has been submitted, the presence of any quantity of a Controlled Medication Substance 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 or be ingested from the environment or as a result of contamination.

2.2 Use or Attempted Use of a Controlled Medication Substance or a Controlled Medication Method

2.2.1 It is the personal duty of each Person Responsible along with members of their Support Personnel, to ensure that no Controlled Medication Substance enters into the Horse’s body In-Competition without an ETUE. Accordingly, it is not necessary that intent, fault, negligence or knowing Use on the part of the Person Responsible, or member of his or her 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.

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 for an ECM Rule violation to be committed.

2.3 Refusing or failing without compelling justification to submit to Sample collection after Notification or otherwise evading Sample collection.

2.4 Tampering, or Attempted Tampering with any part of Medication Control.

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

ARTICLE 3 PROOF OF ECM RULE VIOLATIONS

3.1 Burdens and Standards of Proof

EA will have the burden of establishing that an ECM Rule violation has occurred. The standard of proof will be whether EA has established an ECM 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 ECM 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 ECM Rule violations may be established by any reliable means, including admissions. The following rules of proof will 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 that a departure from the FEI Standard for Laboratories occurred which in all probability caused the Adverse Analytical Finding.

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

3.2.2 Departures from another FEI standard or other ECM Rule or policy which did not cause an Adverse Analytical Finding or other Rule violation will 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 or ECM Rule could reasonably have caused the Adverse Analytical Finding or other ECM Rule violation, then EA must prove to the comfortable satisfaction of the hearing panel that the departure did not cause the Adverse Analytical Finding or the factual basis for the ECM 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, will 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 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 EA Tribunal) in order to answer questions from the Hearing Panel or EA.
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 contact 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.

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 shall be final and binding on all parties and shall not be subject to challenge by a Person Responsible, member of their Support Personnel, and/or any other Person on any basis.

4.4 Equine Therapeutic Use Exemption (ETUE)

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 through an ETUE in accordance with the FEI Veterinary Regulations through the use of a Medication Form as therein specified.

ARTICLE 5  TESTING

5.1 Authority to Test

All Horses registered with the FEI or a National Federation, or otherwise competing at an International Event or National Event, are subject to In-Competition Testing by the FEI and the National Federation through which the Horse is registered, or by any other Anti-Doping Organisation responsible for Testing at a Competition or Event in which they participate.

The FEI or its assignees or agents, shall be responsible for Testing at International Events. EA or its assignees or agents will be exclusively responsible for Testing at its National Events.
5.2 Responsibility for FEI Testing

The FEI Veterinary Department is responsible for overseeing all Testing conducted by the FEI. Testing may be conducted by members of the FEI Veterinary Commission or by other qualified persons at a given Event or at such other place as authorised by these ECM Rules, 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 must 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 in cooperation with the Ground Jury at International Events may also select Horses for Target Testing.

5.4.3. EA determines, 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 will be construed to limit where the FEI or EA is authorised to conduct Testing on Horses In-Competition.

ARTICLE 6 ANALYSIS OF SAMPLES

Samples collected under these Rules and arising from FEI or EA Testing are the property of the FEI or EA, respectively. They will 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 or EA will 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 will be determined exclusively by the FEI or EA as the case may be. However, the Person Responsible may elect to have the B-Sample analysed at a different Laboratory to the one that performed the A-Sample analysis. If such an election is made, the FEI or EA will 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 will be analysed to detect Controlled Medication Substances and Controlled Medication Methods, all as set forth in the List. EA may also seek to detect other substances for research and monitoring purposes, as publicly announced by the EA from time to time pursuant to a defined monitoring program.

6.3 Research on Samples

No Sample may be used for any purpose other than as described in Article 6.2, without the written consent of the Person Responsible. Those Samples used for purposes other than Article 6.2 following written consent from the Person Responsible will have all means of identification removed from the Sample so it cannot be traced back to a particular Horse or Person Responsible. All Samples must 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 must analyze Samples and report results in conformity with the FEI Standard for Laboratories.

6.5 Retesting Samples

A Sample may be re-analysed for the purposes of research pursuant to Article 6.3 at any time exclusively at the direction of EA. Nothing herein, however, will prevent EA from conducting subsequent tests on a Sample pursuant to an alleged violation under Article 2.1.

ARTICLE 7 RESULTS MANAGEMENT

7.1 Results Management for Tests arising out of EA Testing or other ECM Rule violations

Results management for Tests arising out of EA Testing or other ECM Rule violations will proceed as set forth below:

7.1.1 The results of all Sample analyses must be sent exclusively to EA, 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 A-Sample Adverse Analytical Finding, EA will conduct a review to determine whether: (a) the Adverse Analytical Finding is consistent with an applicable ETUE that has been granted, or (b) if there is any apparent departure from the FEI Testing procedures of the FEI Veterinary Regulations or the FEI Standard for Laboratories that caused the Adverse Analytical Finding.
7.1.3 If the initial review under Article 7.1.2 does not reveal an applicable ETUE or departure from the Testing procedures of the FEI Veterinary Regulations or from the FEI Standard for Laboratories that caused the Adverse Analytical Finding, EA will promptly Notify the Person Responsible of:

(a) the Adverse Analytical Finding;

(b) the ECM Rule violated;

(c) the right of the Person Responsible 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 to elect to have the B-Sample analysed at a different Laboratory to the one which performed the A-Sample analysis, such Laboratory to be chosen by EA, 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 declared threat to the integrity of the analysis process; and

(e) the right of the Person Responsible 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.

If, upon the initial review, EA decides not to bring forward the Adverse Analytical Finding as an ECM Rule violation, it will so Notify the Person Responsible.

7.1.4 Pursuant to Article 7.1.3 (d) above, within seven (7) days of receipt of the Confirmatory Analysis Request Form (B-Sample), EA will propose possible dates for such analysis. The Person Responsible may accept the A-Sample analytical results by waiving the right to a B-Sample analysis. EA may nonetheless elect at its discretion to proceed with the B-Sample analysis. In such case, the B-Sample analysis will only be used to confirm the A-Sample Adverse Analytical Finding. The Person Responsible is deemed to have waived his or her right to a B-Sample analysis if he or she does not submit the Confirmatory Analysis Request Form within the stipulated time limit.

7.1.5 In addition to the Person Responsible and his or her representative (witness), a representative of EA will also be allowed to be present for the B-Sample analysis.

7.1.6 If the B-Sample proves negative, then the entire test shall be considered negative. EA will be informed of the results confidentially and shall notify the Person Responsible.
7.1.7 If a Controlled Medication Substance or the Use of a Controlled Medication Method is identified in the B-Sample, EA will be informed of the results confidentially and shall Notify the Person’s Responsible.

7.1.8 EA may conduct any follow-up investigation as may be required.

7.1.9 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.).

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, EA will conduct a review to determine whether there is any apparent departure from the Testing procedures or the FEI Standard for Laboratories that caused the Atypical Finding. If that review does not reveal any departure that caused the Atypical Finding, EA will conduct the required investigation. After the investigation is completed, the Person Responsible will be notified whether or not the Atypical Finding will be brought forward as an Adverse Analytical Finding.

7.2.1 EA 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 EA determines that the B-Sample should be analysed prior to the conclusion of the investigation under Article 7.2, EA may conduct the B-Sample analysis after supplying the Person Responsible with such Notice including a description of the Atypical Finding and the information described in Article 7.1.3 (b)-(e).

7.3 Review of Other ECM Rules Violations

For apparent ECM Rule violations that do not involve Adverse Analytical Findings, EA 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 and/or member of the Support Personnel (where applicable) of the ECM Rule that appears to have been violated and the basis of the violation.

7.4 Provisional Suspensions

7.4.1 In the context of Olympic and Paralympic Games and World Equestrian Games, 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 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 from the A Sample or A and B Samples; (ii) the review described in Article 7.1.2; and (iii) the Notification described in Article 7.1.3 above. If a Provisional Suspension is imposed at the discretion of the FEI, 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.

7.4.2 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 or her 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 or its Metabolites or Markers). In circumstances where the Person Responsible or his or her 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, without otherwise affecting the Competition or Event, it is still possible for the Person Responsible and his or her Horse to be re-entered, the Person Responsible and his or her Horse may continue to take part in the Competition and/or Event.

7.4.3 After the imposition of a Provisional Suspension following a Preliminary Hearing but prior to a final hearing, the Person Responsible and/or member of the Support Personnel can petition the FEI for a second Preliminary Hearing provided that the following can be established: (i) new evidence exists that, if known at the time of the Preliminary Hearing, may have lead to the lifting of the Provisional Suspension; or (ii) there is a likelihood of success on the merits and the continuation of the Provisional Suspension will cause undue harm or prejudice to the Person Responsible and/or member of the Support Personnel. Such Petition must be made in writing to the FEI Legal Department and must clearly set forth the basis for the request for the second Preliminary Hearing pursuant to the criteria set forth above. The Preliminary Hearing panel member who presided over the original Preliminary Hearing shall decide whether or not a second Preliminary Hearing will be granted. If it is granted, the same Preliminary Hearing panel member who presided over the first Preliminary Hearing will preside over the second Preliminary Hearing, unless unusual circumstances prevent him from doing so, in which case another FEI Tribunal member will be appointed and will conduct the second Preliminary Hearing.

7.4.4 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 in a *Competition* or activity at an *Event* that is authorized or organized by the FEI or any *National Federation* or in *Competitions* authorized or organized by any international - or national-level - *Event* organization.

### 7.5 Retirement from Sport

If a *Person Responsible* and/or member of the *Support Personnel* retires while a Results Management process is underway, EA 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, EA similarly has jurisdiction to conduct Results Management.

### ARTICLE 8

**RIGHT TO A FAIR HEARING**

#### 8.1 Hearings before the *EA Tribunal*  

8.1.1 The *EA Tribunal* shall decide all cases involving violations of these *ECM Rules*.

8.1.2 When it appears, following the Results Management Process described in Article 7, that these *ECM Rules* have been violated, then the case shall be submitted to a *Hearing Panel* of the *EA Tribunal* for 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 *EA Tribunal*.

8.1.4 The *Person Responsible* and/or member of the *Support Personnel* 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 8.3.5 and 8.3.6 of the *ECM Rules* (if the Administrative Procedure is elected) or Articles 9 and 10 *ECM Rules* as proposed by EA.

8.1.6 Decisions of the *EA Tribunal* may be appealed to the Court of Arbitration for Sport as provided in Article 12.
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 and/or member of the Support Personnel’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;

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 right of the Person Responsible and/or of a member of the Support Personnel 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) 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 eight (8) years preceding the Sample that caused the Adverse Analytical Finding; and
8.3.2 If the Person Responsible requests a hearing before the EA Tribunal, Article 10 below will apply at the discretion of the Hearing Panel.

8.3.3 Where the Administrative Procedure is applied by EA, the following consequences will be imposed and no other consequences, including those set forth in Article 10 below or elsewhere in these ECM Rules, will 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 $1,500; and

c. Costs of $1,000. However, if a B-Sample analysis is requested and the administrative Sanction accepted after the B-Sample Analysis, the costs will be increased to $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 EA offers this Administrative Procedure to the Person alleged to have committed the ECM Rule violation. EA 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 will be considered declined and the case will be submitted to the EA Tribunal for final decision. The EA Tribunal may impose Sanctions and costs that may be more or less severe than the ones provided for in the Administrative Procedure.

8.3.7. A record of administrative Sanctions is published on the FEI website.

8.4 Waiver of Hearing

The right to a hearing may be waived either expressly or by the failure of the Person Responsible and/or of a member of the Support Personnel (where applicable) to request a hearing within ten (10) days of Notification that such a violation is alleged. Where
no hearing occurs, the **EA Tribunal** shall issue a reasoned decision explaining the actions taken.

**ARTICLE 9  AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS**

A violation of these **ECM Rules** in connection with a **Test** in a given **Competition** automatically leads to **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.

A test will be deemed “in connection” with a given **Competition** if it takes place during the time between one (1) hour before the beginning of the first **Horse** inspection and half an hour after the announcement of the final results of the last **Competition** of the **Event**.

**ARTICLE 10  SANCTIONS**

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

An **ECM Rule** violation occurring during or in connection with an **Event** may lead to **Disqualification** of all individual results of the **Person Responsible** 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 10.1.1.

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

**10.1.2** In addition, the **Horse** of the **Person Responsible** may also be **Disqualified** for the **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**

For ** Controlled Medication Substances or Controlled Medication Methods**, the period of **Ineligibility** imposed for a violation of Article 2.1 (presence of a **Controlled Medication Substance** or its Metabolites or Markers) or Article 2.2 (Use or Attempted Use of a **Controlled Medication Substance** or a **Controlled Medication Method**) shall be:
First violation: Up to two (2) years of Ineligibility

Multiple Violations: As provided in Article 10.6 below.

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

However, the Person Responsible and/or member of the Support Personnel (where applicable) shall have the opportunity in each case, before a period of Ineligibility is imposed, to establish the basis for eliminating reducing, or increasing, this Sanction as provided in Article 10.4.

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 (Refusing or Failing to Submit to Sample collection), Article 2.4 (Tampering or Attempted Tampering with Controlled Medication) or Article 2.5 (Assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an ECM Rule violation or any Attempted ECM Rule violation),

the Sanctions 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 $ 15,000 and appropriate legal costs will also be imposed.

10.4 Elimination or Reduction of Period of Ineligibility Based on Exceptional Circumstances

10.4.1 No Fault or Negligence

If the Person Responsible and/or member of the Support Personnel (where applicable) establishes in an individual case that he or she bears No Fault or Negligence for the ECM Rule violation, the otherwise applicable period of Ineligibility and other Sanctions may be eliminated 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), 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 that this Article is applied and the period of Ineligibility otherwise applicable and other Sanctions are 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 10.6 below.

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

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

The **EA Tribunal** may, prior to a final appellate decision under Article 12 below or the expiration of the time to appeal, suspend a part 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 EA, criminal authority or professional disciplinary body, which results in EA discovering or establishing an **ECM Rule** violation by another **Person** or which results in a criminal or disciplinary body discovering or establishing a criminal offence or the breach of professional rules by another **Person**. 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 **EA Tribunal** subsequently reinstates any part of the suspended period of **Ineligibility** because the **Person Responsible** and/or member of the **Support Personnel** has failed to provide the **Substantial Assistance** that was anticipated, the **Person Responsible** and/or member of the **Support Personnel** may appeal the reinstatement pursuant to Article 12.2 below.

**10.4.4 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 that could establish an **ECM Rule** violation (or, in the case of a **ECM Rule** violation other than Article 2.1, before receiving first **Notice** of the admitted violation pursuant to Article 7) and that admission is the only reliable evidence of the violation at the time of admission, then the period of **Ineligibility** may be reduced subject to the discretion of the **Hearing Panel**.
10.4.5. Where a Person Responsible and/or member of the Support Personnel Establishes Entitlement to 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 10.4.2, 10.4.3 and 10.4.4, then the period of Ineligibility may be reduced or suspended further, subject to the discretion of the Hearing Panel.

10.5 Aggravating Circumstances Which May Increase the Period of Ineligibility

If EA establishes in an individual case involving an ECM Rule violation other than violations under Article 2.5 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 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 EA.

10.6 Multiple Violations

10.6.1 Second ECM Rule Violation

For the first ECM Rule violation of the Person Responsible and/or a member of the Support Personnel, the period of Ineligibility is set forth in Articles 10.2 and 10.3 (subject to elimination, reduction, or suspension under Article 10.4 or to an increase under Articles 10.5 and 10.6). For a second ECM Rule violation, the period of Ineligibility shall be at the discretion of the Hearing Panel, which shall in every case render increased penalties for multiple violations up to and including three (3) years Ineligibility, if so warranted. For a third ECM Rule violation, the Hearing Panel shall have the discretion to increase the Sanction to up to four (4) years Ineligibility. For more violations, the Hearing Panel shall have the discretion to impose a lifetime ban and shall in no circumstances render a Sanction of less than four (4) years Ineligibility.

The same shall apply in case one or more of the rule violations previously committed were EAD Rule violations.
10.6.2 Additional ECM Rules for certain Potential Multiple Violations

For purposes of imposing Sanctions under Article 10.6, an ECM Rule violation will only be considered a second Rule violation if the FEI can establish that the Person Responsible and/or member of the Support Personnel (where applicable) committed the second violation after he or she received Notice pursuant to Article 7 (Results Management), or after EA made reasonable efforts to give Notice of the first Rule violation. If EA 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. However, the occurrence of multiple violations may be considered as a factor in determining aggravating circumstances under Article 10.5 above.

If, after the resolution of a first ECM Rule violation, EA discovers facts involving a Rule violation by the Person Responsible and/or member of the Support Personnel that occurred prior to Notification regarding the first violation, then the EA Tribunal shall impose an additional Sanction based on the Sanction that could have been imposed if the two violations would have been adjudicated at the same time. Results in all Competitions dating back to the earlier ECM Rule violation will be Disqualified as provided in Article 10.7.

To avoid the possibility of a finding of Aggravating Circumstances (Article 2.5) on account of the earlier-in-time but later-discovered violation, the Person Responsible and/or member of the Support Personnel, must voluntarily admit the earlier ECM Rule violation on a timely basis after Notice of the violation for which he or she is first charged. The same rule shall also apply when the FEI discovers facts involving another prior violation after the resolution of a second ECM Rule violation.

10.6.3 Multiple ECM Rule Violations during a Four-Year Period

For purposes of Article 10.6, each ECM Rule violation must take place within the same four (4) year period in order to be considered multiple violations.

10.6.4 Violations Involving Both a Controlled Medication Substance or Method and a Banned Substance or Method

Where a Person Responsible and/or member of the Support Personnel based on the same factual circumstances is found to have committed a ECM Rule violation involving both a Controlled Medication Substance or a Controlled Medication Method under these ECM Rules and a Banned Substance or Banned Method 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.
The occurrence of multiple substances or methods may be considered as a factor in determining aggravating circumstances under Article 10.5 above.

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

In addition to the automatic Disqualification of the results in the Competition which produced the positive Sample under Article 9 (Automatic Disqualification of Individual 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.

10.7.1 As a condition of regaining eligibility after being found to have committed an ECM Rule violation, the Person Responsible must first repay all prize money forfeited under this Article.

10.8 Commencement of Ineligibility Period

Except as provided below, the period of Ineligibility shall start on the date of the decision providing for Ineligibility. Any period of Provisional Suspension (whether imposed or voluntarily accepted) shall be credited against the total period of Ineligibility imposed.

10.8.1 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.

10.8.2 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.

10.8.3 If a Provisional Suspension is imposed 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 that may ultimately be imposed.

10.8.4 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 competing, such Person or Horse shall receive a credit for such period of voluntary Provisional Suspension against any period of Ineligibility that may ultimately be imposed. A copy of the voluntary acceptance of a Provisional Suspension shall be provided promptly to each party entitled to receive Notice of a potential ECM Rule violation.

10.8.5 No credit against a period of Ineligibility shall be given for any time period before the effective date of the Provisional Suspension or voluntary Provisional Suspension regardless of whether the Person alleged to have committed the ECM Rule violation elected not to compete or was suspended by his or her team.

10.9 Status During Ineligibility

10.9.1 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 in a Competition or activity that is authorized or organized by EA or be present at an Event (other than as a spectator) that is authorized or organized by EA, or participate in any capacity in Competitions authorized or organized by any international or national Event organization. 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 EA. A Horse subject to a period of Ineligibility shall remain subject to Testing.

In addition, any member of the Support Personnel subject to Ineligibility under Article 10 may also be banned from any venues where FEI or EA competitions are taking place, whether or not they are registered with, or members of, the FEI or EA.

10.9.2 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 10.9.1, the results of such participation shall be Disqualified and the period of Ineligibility which was originally imposed shall start over so that the entire period of Ineligibility must be served again from the beginning with the first date of Ineligibility served fixed as the date of the later
violation of the prohibition against participation or attendance. The new period of Ineligibility may be reduced under Article 10.4.2 if the Person Responsible and/or member of the Support Personnel establishes that he or she bears No Significant Fault or Negligence for violating the prohibition against participation or attendance. The determination of whether any Person has violated the prohibition against participation or attendance, and whether a reduction under Article 10.4.2 is appropriate, shall be made by the EA Tribunal.

ARTICLE 11 CONSEQUENCES TO TEAMS

11.1 If a Person Responsible, as 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 committing the violation will be subtracted from the team result and replaced with the results of the next applicable team member. If, by removing the results of the Person Responsible from the team results, the number of Persons counting for the team is less than the required number, the team will be eliminated from ranking. If a key member of a team, other than the Person Responsible, such as, but not limited to, the chef d’équipe, team veterinarian, or team coach, admits or is found to have violated these ECM Rules, the entire team may be Disqualified if fairness so requires.

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.

12.2 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 10.9.2 (Violation of the Prohibition of Participation during Ineligibility);
(f) a decision that EA lacks jurisdiction to rule on an alleged ECM Rule violation or its consequences;
(g) a decision by EA 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 Person upon whom 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 the Horse is subject to Provisional Suspension or Ineligibility;

(b) the other party to the case in which the decision was rendered;

(c) EA; and

(d) the National Federation of the Person who is the subject of the decision being appealed.

12.3 Time for Filing Appeals

The time to file an appeal to CAS shall be thirty (30) 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 or parties 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 not however 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 thirty (30) days from receipt of the file to file an 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, 8.2, and 10 of these ECM Rules into their anti-doping regulations without substantive change by January 1, 2011 and enforce them against their members, unless doing so would contravene
any applicable national law. For any National Federation that has had a system of national anti-doping rules in effect for at least five (5) years, such mandatory compliance may be delayed until January 1, 2012. If any National Federations in this category (anti-doping rules in effect for at least five (5) years) are opposed to incorporating Article 4 by January 1, 2012, such National Federation may delay such implementation beyond January 1, 2012 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. 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 nor EA 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 7.1.3 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 will be publicly reported in an expeditious manner via the EA Case Status Table at www.equestrian.org.au 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 will 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, EA 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 disclosed publicly 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 Neither EA, 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.

13.4 Reciprocal Agreements with Other National Federations

EA may enter into agreements with other National Federations, which provide for the recognition on a mutual basis of each other’s decisions in respect of ECM Rule violations and will give effect to and enforce the decisions of those other National Federations in accordance with the terms of such agreements.

13.5 Recognition of Decisions of Other National Federations

Notwithstanding that EA has not entered into any such agreement referred to in Rule 13.4 with a National Federation, EA may nevertheless give effect to the decisions of that Federation in respect to any rider's ECM Rule violations regardless of whether that rider is a member of EA or not, and in so doing EA may make such adjustments to those decisions as it considers necessary to ensure that the penalty applies for both international and national events and competitions in Australia or elsewhere as applicable. EA's rights under this Rule do not in any way limit its rights to impose any additional or other penalty on the rider concerned if that rider is a member of EA.

13.6 Recognition of EA Decisions by Other National Federations

EA expects that other National Federations will act to give effect to and enforce its decisions in respect to ECM Rule violations and EA may, to such extent as it considers necessary, encourage other National Federation to do so.

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 such action is commenced 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 EA in accordance with the EA Constitution, By-Laws and General Regulations.
15.2 Except as provided in Article 15.5, these ECM Rules will be interpreted as an independent and autonomous text and not by reference to existing law or statutes. Nothing herein will 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 will 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 EA Constitution, By-Laws and General Regulations and will be interpreted, where applicable, in a manner that is consistent with applicable provisions of these instruments as well as other FEI and EA rules and regulations including but not limited to the Veterinary Regulations, 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 that on 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 General Application of the 2010 ECM Rules

The 2010 ECM Rules shall apply in full force and effect after January 1, 2010 (the “Effective Date”).

16.2 Non-Retroactive Unless Principle of “Lex Mitior” Applies

With respect to any ECM Rule violation case which is pending as of the Effective Date and any ECM Rule violation case brought after the Effective Date based on an ECM Rule violation which occurred prior to the Effective Date, the case shall be governed by the substantive ECM Rules in effect at the time the alleged ECM Rule violation occurred unless the Hearing Panel
hearing the case determines that the principle of “lex mitior” appropriately applies under the circumstances of the case.

16.3 Application to Decisions Rendered Prior to the 2010 ECM Rules

The 2010 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.
APPENDIX 1 - DEFINITIONS

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 organization 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, EA or another National Federation.

Athlete. Any person taking part in an FEI Event or EA 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 will 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. Any substance so described on the Equine Prohibited Substances List including its Metabolites and Markers.

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 Request Form. The written form sent to the Person Responsible by EA 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.

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*.

**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.

**EA: Equestrian Australia Limited (or Equestrian Australia)** acting through its applicable representative as determined in its Constitution, By-Laws, General Regulations, other regulations or rules, or by its CEO from time to time.

**EA Tribunal:** The full membership of the hearing body authorized to decide cases under these Regulations, as provided for in the *EA By-Laws*, General Regulations, or other applicable EA rules and regulations. Until its establishment, the *EA Tribunal* will be represented by *Hearing Panels* appointed to adjudicate individual cases.

**EADCM Regulations:** The entire regulation system involving Doping Control and Medication Control, incorporating both the *EAD Rules* and the *ECM Rules*.

**EAD Rules.** The EA Equine Anti-Doping Rules.

**ECM Rules.** The EA Equine Controlled Medication Rules.

**Equestrian Community Integrity Unit.** An investigative unit of the FEI empowered 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.

**Equine Therapeutic Use Exemption (ETUE).** The authorization 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 Medication Form as therein specified. For the avoidance of doubt, ETUEs are not available for Banned Substances or Banned Methods.

**Event.** As defined in the FEI General Regulations: “A complete meeting, ‘Show’, ‘Championship’ or ‘Games’. Events may be organized for one or more than one Discipline.”
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 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 authorized 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.

Ground Jury. The Ground Jury as defined in the FEI General Regulations.

Hearing Panel. The specific FEI or EA Tribunal members comprising the decision-making body in any particular case.

Horse. A horse, pony or other member of the genus Equus competing in an EA discipline/sport.

In-Competition. The period commencing one (1) hour before the beginning of the first Horse inspection (or first Competition where there is no Horse inspection) and terminating half an hour after the announcement of the final results of the last Competition at the Event.

Ineligibility. A consequence of an EADCM Regulation 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 or a major Event Organization 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 under the EADCM Regulations.

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 preferably recognized by its National Olympic Committee and approved by the General Assembly of the FEI.

**National Olympic Committee.** The organization 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.

**No Significant Fault or Negligence.** The Person Responsible and/or member of the Support Personnel establishing that his or her 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.

**Notice (or “Notify” or “Notification”).** Notice to a Person Responsible and/or member of Support Personnel who was a member of EA at the time the alleged Rule violation was committed may be accomplished by delivery of the Notice 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 EA. 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.

**Participant.** Any Horse, Person Responsible, and/or member of the Support Personnel.

**Person.** A natural Person or an organization or other entity.

**Person Responsible.** The Person Responsible for a EADCM Regulations violation arising in connection with an In-Competition Test or otherwise alleged to have occurred In-Competition, shall be as defined in the FEI General Regulations as
amended from time to time. 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 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 Organization. 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.

**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 authorized or organized by the FEI or any National Federation or at Competitions authorized or organized by any international- or national-level Event organization 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.

**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 testing for Doping or Controlled Medication substances.

**Specified Substances.** A category of Banned Substances as determined by the FEI from time to time and listed in the Equine Prohibited Substances List which may be subject to Article 10.4 of the EAD Rules.
**Substantial Assistance.** For purposes of Article 10.5.3 of the EAD Rules and Article 10.4.3 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; or providing fraudulent information to EA, the FEI or another Anti-Doping Organisation.

**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.

**Trafficking.** Selling, giving, transporting, sending, delivering or distributing 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 Organization 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.

**WADA.** The World Anti-Doping Agency.