



# **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 Establishing 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*

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/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'équipe, 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](http://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](http://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 lungers, 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.