

## **ATHLETE'S GUIDE TO THE EQUINE ANTI-DOPING AND CONTROLLED MEDICATION REGULATIONS**

**THIS GUIDE IS EFFECTIVE FROM 5 APRIL 2010**

### **Why this Guide?**

This guide is written for the Athlete to help understand the key provisions of the new Equine Anti-Doping and Controlled Medication Regulations. Legal rules are technical and can be quite confusing for the non-lawyer. But in order to create a regulation system that has integrity, is legally sound, and will protect the Athlete's rights, some amount of legal complexity cannot be avoided. So this guide is for you – no legal jargon or confusing concepts – just the explanations that Athletes really need to know.

### **What's in a Name?**

The name of this new system of regulations governing equine doping and medication control is the Equine Anti-Doping and Controlled Medication ("EADCM") Regulations. We know it is long and perhaps hard to remember, but we are not trying to make it confusing. The long name is necessary to accurately explain what is in the regulations, since they include both the rules on doping control and the rules on medication control. In the EADCM regulations, anything prohibited in competition, no matter how the substance is classified, is called a "Prohibited Substance". Doping substances, which have no place in equine sport, are called "Banned Substances," while medication substances that are commonly used in equine medicine but prohibited in competition, are called "Controlled Medication Substances". An easy way to think of these two groups is "Banned Substances" are "above the line" and constitute doping while Controlled Medication Substances are "below the line" because they are commonly used in equine practice, even though they are prohibited in competition. Over time the largest category of positive cases during competition have usually been Medication Substances, so be careful. The EADCM regulations book contains the Equine Anti-Doping ("EAD") rules as its first chapter, while the second chapter contains the Equine Controlled Medication ("ECM") rules. So think of it as one rule book with two parts, which together form the EADCM regulation system.

### **To recap:**

***EADCM Regulations:*** The entire regulation system including both doping and medication control

***Prohibited Substances:*** Any substance that is not allowed in a horse's system during competition

***Banned Substances:*** Doping or "above the line" substances

***Controlled Medication Substances:*** Medication or “below the line” substances

**What are my Responsibilities?**

As an Athlete, you have a responsibility to know, understand, and follow the EADCM regulations. But you do not have to be a legal expert to have this basic understanding. If you are the rider, driver, or vaulter of the horse, then you are the Person Responsible for the horse that will be held accountable for an EADCM regulation violation. This is true even if you are riding, driving, or vaulting a borrowed horse! Therefore, you need to be very careful about who you trust to care for your horses and even more so who you trust to treat your horses. In the case of a borrowed horse, you should make sure you are comfortable with the horse’s treating history before competing with it. In the regulations, if a member of your support personnel does something that leads to an EADCM regulation violation, that person may be held accountable, but so will you. For example, if you rely on your veterinarian who tells you that a substance can be used on your horse without violating any rules, and later you find out that your horse has tested positive for a Prohibited Substance, you will be in violation of the rules even though you were relying on your veterinarian. Similarly, if a groom who is working for you mistakenly gives one of your competition horses medication intended for an ill horse and the competition horse later tests positive, you will be in violation of the regulations (and your groom may be also.)

**What is the “Strict Liability” Principle?**

Under the EADCM regulations, the Person Responsible is strictly liable whenever a Prohibited Substance is found in a horse’s sample. This means that it is a violation whether or not the Person Responsible intentionally or unintentionally, knowingly or unknowingly, used a Prohibited Substance or was negligent or otherwise at fault. It is also irrelevant whether the Prohibited Substance actually had a performance-enhancing effect. It is very important therefore for the Person Responsible to understand not only what is prohibited, but also what might potentially cause an inadvertent violation. Even though this strict liability principle exists, the Person Responsible will always have the opportunity to explain why he or she is not at fault and the circumstances surrounding what happened will always be taken into consideration when determining sanction (suspension and/or fine). But the strict liability principle means that disqualification of the horse/rider combination for the Event in which the horse tested positive is automatic even if you can prove, and everyone agrees, that you were not at fault.

**What is the Equine Prohibited Substances List?**

Most medicines and drugs are prohibited if detected in a horse at the time of competition. This concept is based on the FEI’s philosophy that a horse should compete on its own merits without any unfair advantage that might follow the use of drugs. Therefore, the Equine Prohibited Substances List (the “List”) identifies all of the substances that are not allowed in competition and indicates whether they will be treated as a Banned Substance or a Controlled Medication Substance. You should know that any substances that have the same biological or chemical effect as a Prohibited

Substances are similarly prohibited, just as if they were already on the List, even if they are not named. This is to prevent Athletes from administering to their horses substances produced by pharmaceutical companies that are practically identical to a Prohibited Substance, but with only one or two atoms changed just to avoid violating the EADCM regulations. It would not be fair to ignore substances like those because it would encourage cheating and be unfair to the vast majority of Athletes who compete fairly. New substances can be added to the List at any time, but will not lead to an EADCM regulation violation until they have been on the List for at least ninety (90) days.

**Is the FEI Prohibited Substances List Different from what I will Need to Follow for National Competitions?**

With the introduction of these new EADCM regulations, the same List will eventually apply for international and national competitions. (Some National Federations are obligated to adopt the FEI List by January 2011, while others have until January 2012. Please consult your own NF for clarification.) The hope and expectation is that this will improve clarity and ease of competition for Athletes.

**What if I would like to give my Horse a Controlled Medication but I Still Want to Compete?**

If your horse needs medication and is scheduled to compete soon, you must discuss the options with your treating/team veterinarian. Different substances take different times to clear from the horse's system. If several drugs are used at the same time the detection periods can often be *unpredictable and longer*. Your horse must be "clean" at the time of competition to avoid violating the regulations. If your horse was treated during transport to an event or close to competition or you have any doubt as to whether a substance is still present in the horse's system, you must report this immediately upon arrival at the show to the relevant Veterinary Official and request permission to compete by arranging for your treating/team veterinarian to complete and sign the appropriate Equine Therapeutic Use Exemption ("ETUE") which will be subject to review by the appropriate Veterinary Official present prior to approval. Do not expect that if you submit an ETUE, it will be automatically accepted. If your horse needs veterinary assistance or treatment at an event, your treating/team veterinarian must request permission and approval from the Veterinary Official *before* administering the medication. The appropriate ETUE must then be completed and sent to the FEI. You should know that ETUEs are only available for Controlled Medication and not for Banned Substances.

**What is "Elective Testing"?**

Elective testing provides a system whereby your treating/team veterinarian can request an FEI laboratory to test for certain Prohibited Substances in the urine of a competition horse. The substance(s) given to the horse that you would like it to be tested for must be identified to the laboratory. Elective testing could assist you in estimating how long a Prohibited Substance may be detectable in your horse's system following a course of treatment. However, you must know that elective testing is only available for urine, not

for blood, and is at your own cost. Nonetheless, some Prohibited Substances that do not show up in urine tests may be found in a blood sample, and may therefore lead to a positive test result even if the elective testing results do not detect any Prohibited Substances. Further, the results of elective testing are unofficial and for your reference only. To use this service, carefully read the instructions and ask your treating/team veterinarian to complete the application form available on the FEI website.

### **Are any Substances Permitted during Competition?**

There is no list of permitted substances, only what is prohibited. The FEI has always allowed certain substances during competition that will not lead to a violation if detected in a horse's bodily sample taken in competition. However, there are certain rules specific to the various disciplines so please be aware of any special rules imposed by your particular sport. Please also remember that injectables especially may not be administered in competition without ETUE Form 3, which must be approved and completed by a treating/team veterinarian and countersigned by the relevant Veterinary Official present at the event. If you are granted permission under ETUE Form 3 to use an injectable, the administration may require oversight or stewarding by the Veterinary Delegate or his or her Designee. Treating/team Veterinarians will be required to consult with the Veterinary Delegate on whether oversight is required.

You can read general and specific examples of what is not prohibited in competition [here](#).

### **When can my Horse be Tested?**

Your horse can be tested any time in Competition from one (1) hour before the beginning of the first horse inspection and terminating half an hour after the announcement of the final results of the last Competition at the Event. This might be modified somewhat with the Olympic and Paralympic Games (together referred to herein as "OG") given their unique schedules. While there is no comprehensive Out-of-Competition testing programme, specific horses may be tested out-of-competition when there is an intelligence-based reason for the test.

### **Why was my Horse Selected for Testing?**

Most winning horses are tested routinely and others are selected at random. A horse may also be chosen if the Ground Jury is concerned about the horse's performance. If your horse is selected for testing, a steward or the testing official will inform you, usually as you are leaving the competition area. If your horse is selected for testing, you must promptly comply and follow the instructions of the steward or testing official. He or she will accompany the horse to the collecting stables and remain with it until the sample has been collected. You must also stay with the horse or arrange for a groom or other appropriate representative to be present throughout the whole procedure. Minors must be accompanied by their representative, who must be over 18 years of age.

### **What are my Rights during Testing?**

You have a right to observe the process and to make any complaints or objections if they are warranted. You or your representative will be given a form to sign after the Testing Veterinarian completes the process. If you have any complaints or concerns, you should record them on the form and the Testing Veterinarian will give you a copy of the form. If the sample from your horse later tests positive for a Prohibited Substance, that form with your concerns may become an important part of the case. Many Athletes delegate the duty for horse testing to their grooms or other representatives. Please be aware that the taking of the sample is an important part of the Anti-Doping and Medication Control procedure. Only the person who is there to witness it will be able to testify later about the procedures and whether they were conducted according to the rules. So if you send your groom or another representative, you will be relying entirely on that groom or representative to explain what transpired if your horse tests positive for a Prohibited Substance. Testing is an important part of your obligation as an Athlete and testing positive can have serious consequences. You are therefore encouraged to be present for the testing whenever possible.

### **What Samples are Collected from the Horse?**

Usually urine and blood are collected under the direct supervision of an FEI testing official. Generally, the Testing Veterinarian will give the horse one (1) hour to urinate and, if a urine sample is not produced in that timeframe, will take only the blood sample. Each sample is split into two parts, known as A and B Samples. Sometimes other samples may be taken such as leg bandages, hair or swabs. All samples will be carefully collected, labeled and packed, and you or your representative will be asked to sign that the procedure has been witnessed and that you do not have any complaints or concerns about the process. If you do have any complaints or concerns about the process, you should make sure to note them on the form and to keep the copy of the form for your records. The samples will be sealed and the package sent to an FEI laboratory with only a unique number to eventually identify which horse the samples came from once the results are finalized.

### **What Happens to my Horse's Samples if they are Negative for Prohibited Substances?**

If the sample is negative, it will be disposed of within three (3) months' time according to the Laboratory's standard procedures. However, if the sample was taken at the OG or the World Equestrian Games ("WEG"), it may be preserved for up to eight (8) years. If OG or WEG samples are tested after those Events, the Person Responsible would be held accountable for a positive test only if the Prohibited Substance detected was prohibited at the time the sample was taken from the horse. The reason these samples are kept is the importance of maintaining the integrity of the OGs and WEG. If the FEI later learns through intelligence that an Athlete may have violated the regulations, the FEI needs to be able to go back and test the relevant sample to determine whether that intelligence is accurate. This protects our highest levels of equestrian competition and

ensures that you – the Athlete competing on a horse free of Prohibited Substances – are getting a fair and level playing field at the pinnacle of your career.

**What Happens if my Horse Tests Positive for a Prohibited Substance?**

If your horse tests positive for a Prohibited Substance, the FEI will receive the sample information anonymously from the FEI Laboratory and conduct an investigation to ensure the integrity of the positive test. Specifically, the FEI will look into whether any medication forms were filed for that horse at the competition as well as whether the Veterinary Regulations and Laboratory procedures were properly followed. If the FEI does discover something that was not done exactly right, they will then look to see whether that mistake actually caused the sample to test positive. If it did not, and the sample would have tested positive anyway, the FEI may still proceed with the case.

**Will I be Provisionally Suspended?**

You will automatically be provisionally suspended if the positive test is for a Banned Substance, or if it is for a Controlled Medication Substance arising from a sample taken at the OG or WEG. This Provisional Suspension is automatic and not at the discretion of the FEI, so all Athletes are treated the same. You will be informed immediately of your right to have a Preliminary Hearing to argue for the lifting of the Provisional Suspension. This hearing will be before one (1) FEI Tribunal member and you will receive the decision quickly. If the Provisional Suspension is not lifted and sometime afterwards you collect new evidence that you feel would justify a lifting of the Provisional Suspension, you may ask the FEI Legal Department for a second Preliminary Hearing to present that new evidence. Any period of time that you are provisionally suspended will be credited against the final suspension ordered after the Final Hearing.

**I Know I can't Compete while I'm Provisionally Suspended, but can I Coach?**

No, if you are provisionally suspended (this is also true for a final suspension), you cannot engage in any official activities related to equestrian sport, whether on a national or on an international level, except anti-doping education. However, during a Provisional Suspension, your presence at an Event is not prohibited, as it is for a Final Suspension.

**What is an "Administrative Procedure" case?**

If your horse's sample is positive for a Controlled Medication Substance that was not taken at the OG or WEG, and this is the first violation for both you and your horse, you will be offered the opportunity to take advantage of the Administrative Procedure (sometimes referred to as "Fast Track"). This means that you may accept to pay a fine of CHF 1,500 and costs of CHF 1,000 and, at the same time, you waive your right to a Final Hearing before the FEI Tribunal. Both you and your horse will be disqualified from the Event at which the sample was taken, which includes forfeiting any prize money or medals, but you will not face any ineligibility period (i.e. suspension). Please be aware that the Administrative Procedure is offered as a benefit for first-time minor offences. You have no obligation to accept it and may always insist that your case be heard by the

FEI Tribunal. If you do not choose the Administration Procedure, the matter will be referred to the FEI Tribunal, which will apply the sanctions provided for in the EADCM (this means that you may be suspended and/or fined).

**What is a B Sample analysis?**

A “B sample” analysis is the laboratory analysis of the second part of the sample (urine or blood) taken from your horse, the B sample. This is done to ensure that the Prohibited Substance detected in the A sample is unquestionably present. If the B sample is negative, the case will be dropped and no further action taken. In the new EADCM regulations, the Person Responsible may request to have the B sample tested at a different FEI Laboratory than the A sample. This is a new development in the regulations and is in response to the requests and concerns of our Athletes. The FEI will select the second Laboratory from among the FEI approved laboratories based on geographic proximity, the turnover time the second laboratory can commit to, and any other factors that might enhance the fair and quick evaluation of the B sample. Also, the Person Responsible will now have the opportunity to be present, or send a representative, to witness the entire B sample analysis. You should know that if you are found to have violated the EADCM regulations by the FEI Tribunal, you will be responsible for the costs of the B sample analysis.

**If Both the A and B Samples are Positive, what Happens Next?**

If the B sample confirms the A sample, the Person Responsible will be offered the opportunity to submit explanations, witness statements, and expert opinions, in his or her defence. The PR will also be given the opportunity for a Final Hearing before the FEI Tribunal (by telephone or in-person). If the PR does not want a Final Hearing, he or she may simply submit all of the documents in the case to the FEI Tribunal to render a decision. The FEI will also have the opportunity to submit documents, witness statements, and other evidence in support of the prosecution of the case. (A step-by-step guide to How Testing Works and What Happens Next is also available in the Download Centre.)

**As Athletes, we Mostly Hear about Cases that Result from Positive A and B Samples.**

**Are there Other Violations that can Lead to an EADCM case before the FEI Tribunal?**

Yes. While the large majority of anti-doping and controlled medication violation cases arise from laboratory testing on a horse’s sample, there are other actions that are prohibited and could lead to a case against you. Those additional potential violations are:

- (1) Use or attempted use of a Prohibited Substance. This means that if you are caught using or trying to use something prohibited, a case may be brought against you even if your horse’s sample is not tested or comes back negative for any Prohibited Substances.

- (2) Refusing to submit to Sample Collection after Notification or otherwise Evading Sample Collection. If you refuse to have your horse sampled, do not present your horse for testing after notification, or you hide from the testing representatives, a case may be brought against you.
- (3) Tampering. If you tamper with your horse's bodily sample, such as trying to replace it with another horse's sample or interfering with clean collection, then a case may be brought against you.
- (4) Possession. If you have Banned Substances in your possession in competition, a case may be brought against you. There is no Possession violation for Controlled Medication.
- (5) Assisting, encouraging, aiding, abetting, or covering up or any other type of complicity in violating the EADCM regulations could result in a case being brought against you.

### **What is the FEI Tribunal?**

The FEI Tribunal consists of seven (7) volunteer lawyers from all over the world who are elected by the General Assembly to perform this important decision-making function for the FEI. (Currently, FEI Tribunal members come from Argentina, Belgium, France, Germany, Ireland, Israel and Norway.) The FEI Tribunal considers evidence presented to it in cases brought under the EADCM regulations (and other types of cases as well) and renders decisions. Usually, cases brought under the EAD section of the regulations (above the line) are heard and decided by three (3) Tribunal members, while ECM violations (below the line) are decided by one (1) Tribunal member.

### **Will I Need a Lawyer if my Case goes before the FEI Tribunal?**

There is no requirement to have a lawyer if you are presenting your case before the FEI Tribunal. However, you should consult with your advisors to determine the best course of action for you, as legal representation can generally be very helpful in this process.

### **What is a Final Hearing?**

If you request a Final Hearing before the FEI Tribunal, you will have the opportunity to present your case in full (either in person or by telephone) directly to the FEI Tribunal Member(s) selected for your case. The FEI Legal Department will present the case from its perspective. Final Hearings are usually conducted in a conference room at the FEI headquarters or a meeting room elsewhere, depending on the location chosen for the Hearing. The member designated to chair the hearing will manage the evidence presented by each side and ensure a smooth and fair process.

### **What are my Rights at a Final Hearing?**



At a Final Hearing, you have the right: (1) to a fair and impartial Hearing Panel; (2) to be represented by counsel of your choosing (at your expense); (3) to respond as you wish to the violation; (4) to present evidence as you wish, including calling and questioning witnesses; and (5) to have an interpreter if you are not comfortable in the English language.

**What are the Possible Consequences if I Violate the EADCM Regulations?**

There are four (4) levels of consequences if you violate the EADCM regulations.

1. **Disqualification**: The combination of the horse and athlete will be automatically disqualified from the competition concerned and any resulting forfeiture of medals, prizes, money, etc must be returned to the Organising Committee. Further, the FEI Tribunal will have the discretion to disqualify the PR and/or horse from other competitions separately entered into at the same Event (i.e. that the Athlete or horse participated in with a different horse or Athlete) or from Events following the one in which the sample was taken. This discretionary disqualification will be determined by the FEI Tribunal based on the facts presented during the case.
2. **Ineligibility**: For Banned Substances, the ineligibility period (more generally know as suspension) shall be an entry point of two (2) years. This is consistent with the World Anti-Doping Agency's Code for human athletes and is a change from the previous rules which described the appropriate sanction as up to two (2) years. This two (2) year suspension can be reduced only if the PR can show that he was not at fault or did not demonstrate significant fault or negligence. For Controlled Medication Substances, the ineligibility period is up to two (2) years, based on the facts of the case and the Person Responsible's explanation(s).
3. **Fine**: For Banned Substances violations, the fine is CHF 15,000 unless fairness dictates otherwise. For Controlled Medication violations, the fine is up to CHF 15,000.
4. **Costs**: The FEI Tribunal may also require the PR to assume some of the legal costs for the case.

**If I am Disqualified with my Horse because of a Violation, are there any Consequences to my Teammates if I Participated with the Horse in a Team Competition?**

Yes. If you are disqualified from an event after participating in a team competition, your results will be subtracted from the team competition and replaced with the results of the next applicable team member. If, by removing your results, the number of Athletes counting for the team is too low, then the team will be eliminated from the ranking. Otherwise, the team shall bear the consequences of a reduced ranking. You should be aware that if your team collected a medal or prize money and its ranking is reduced

because of your disqualification, your teammates may be required to return the medal and/or prize money themselves.

**If I am Unhappy with the FEI Tribunal’s Decision, can I Appeal it?**

Yes, the FEI Tribunal’s decision is appealable to the Court of Arbitration for Sport (in Lausanne) within 30 days of the notification of the decision.

**What is the Court of Arbitration for Sport (“CAS”)?**

The Court of Arbitration for Sport (CAS) is an institution independent of any sports organization which provides for services in order to facilitate the settlement of sports-related disputes through arbitration or mediation by means of procedural rules adapted to the specific needs of the sports world. The CAS was created in 1984 and is placed under the administrative and financial authority of the International Council of Arbitration for Sport (ICAS). The CAS has nearly 300 arbitrators from 87 countries, chosen for their specialist knowledge of arbitration and sports law. Around 200 cases are registered by the CAS every year.

**What is the Equestrian Community Integrity Unit?**

The Equestrian Community Integrity Unit (“ECIU”) was recently created in response to the Joint-Commission recommendations and is there to protect you – the Athlete. It will investigate any allegations of EADCM regulation offences and report back to the FEI Legal Department. If you have evidence of any violation or serious concerns relating to doping or medication, you will be able to anonymously report them to the ECIU for follow-up. This new entity will be critical in our collective efforts to ensure Clean Sport.

 **WARNINGS**

- Please keep in mind the possible contamination of feed by Prohibited Substances and discuss this with your feed supplier. Food for competition horses should be certified free of Prohibited Substances. Avoid buying products in retail outlets for which specifications are unclear or from retailers you do not know very well. This warning also applies to certain herbal products and feed additives.
- There is evidence that some drugs excreted in a horse’s urine can be reingested if the horse eats its bedding (particularly straw). You should always ensure that your horse has clean bedding and that the bedding could not have been contaminated by another horse.
- If a horse receives medication make sure that the medicines administered cannot spread to competition horses in adjacent stables. Isoxsuprine (a treatment sometimes used for navicular disease and laminitis) is one example of a well-known contaminating substance. If a horse is treated, do not subsequently stable a competition horse in the same box without thoroughly cleaning it. Do not feed a horse from a bucket used for giving medications to another horse.

- Keep a medical record for your horse as well as for any borrowed horses. Ask the treating/team veterinarian and the grooms to document *in writing* all treatments administered to the horse stating date, time, substance(s) administered, dose, route (e.g. intravenous) as well as name and qualifications of veterinarian.

**PLEASE BE ADVISED THAT THIS GENERAL INFORMATION IS PROVIDED FOR THE BENEFIT AND EASE OF THE ATHLETE, BUT DOES NOT PURPORT TO GIVE LEGAL OR VETERINARY ADVICE IN THE EVENT AN EADCM REGULATION CASE IS BROUGHT AGAINST YOU. IN SUCH SITUATIONS, YOU SHOULD CONSULT WITH YOUR REPRESENTATIVES REGARDING THE BEST WAY FORWARD IN YOUR PARTICULAR CASE. FURTHER, THIS INFORMATION IS SUBJECT TO CHANGE AT ANY TIME AND IN THE CASE OF ANY DISCREPANCY BETWEEN THIS INFORMATION AND THE EADCM REGULATIONS OR ANY OTHER RULES OR REGULATIONS OF THE FEI, THOSE REGULATIONS OR RULES PREVAIL OVER THIS INFORMATION.**