

**PROPOSALS FOR 2019 MODIFICATIONS TO THE EQUINE ANTI
DOPING AND CONTROLLED MEDICATION REGULATIONS**

8 July 2019

Dear Member Federations,

Please find below a summary of the proposed changes to the FEI Equine Anti-Doping and Controlled Medication Regulations together with the corresponding explanations.

Only minor changes to the EADCMRs are proposed for 2020 due to the fact that the WADA Code is currently undergoing a full revision, with the changes to take effect in 2021. The EADCMRs will be updated for 2021 to align with the new WADA Code.

We would appreciate any comments you may have on these proposed rule changes by 30 August 2018. Thank you for sending your comments to mikael.rentsch@fei.org directly.

Sincerely,



Mikael Rentsch

FEI Legal Director

Article 2.1 EAD and ECM Rules - The Presence of a Banned Substance and/or its Metabolites or Markers in a Horse's Sample

Explanation for Proposed Change

Clarification that, in certain circumstances, where a Sample tests positive, Support Personnel can be charged under Article 2.1 of the EAD / ECM Rules based on the Presence of a Banned Substance / Controlled Medication Substance in the Horse's Sample.

Proposed Wording

2.1 The Presence of a *Banned Substance* and/or its *Metabolites* or *Markers* in a *Horse's Sample*

2.1.1 It is each *Person Responsible's* personal duty 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~~ may be considered additionally responsible under this Article and Articles 2.2 - 2.8 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.

Article 5.1 EAD and ECM Rules – Authority to Test

Explanation for Proposed Change

Under the new Pony Measurement System (see proposed changes to the FEI Veterinary Regulations), after the transition period (for all ponies) and as of 2020 for newly registered ponies, pony measurement will no longer take place at FEI Events.

A clarification is needed in the EAD and ECM Rules to confirm the FEI's authority to conduct testing at FEI Pony Measurement

Proposed Wording

5.1 Authority to Test

All Horses registered with the FEI or a National Federation, or otherwise present or competing at an International Event, National Event or Competition, or a FEI Pony Measurement, shall be subject to In-Competition Testing (a) by the FEI or by any other Anti-Doping Organisation responsible for Testing at a Competition or Event in the case of International Events and FEI Pony Measurements and (b) in the case of National Events, by the National Federation through which the Horse is registered, or by any other Anti-Doping Organisation responsible for Testing at a Competition or Event."

The FEI or its assignees or agents shall be exclusively responsible for Testing at International Events and FEI Pony Measurements and no other body may conduct Testing at International Events or FEI Pony Measurements without the FEI's express written permission. Each National Federation or its assignees or agents, shall be exclusively responsible for Testing at its National Events, and no other body may conduct Testing at National Events without the National Federation's express written permission. National Federations are responsible for Results Management arising from Testing at National Events but are obligated to promptly report any positive findings to the FEI that have been notified as anti-doping rule violations unless doing so would contravene national law.

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

Article 10.6.1 EAD and ECM Rules – Substantial Assistance

Explanation for Proposed Change

“Substantial Assistance” is information provided by an Athlete that was not otherwise known by the FEI and which leads to the FEI discovering or establishing other EADCMR violation.

Where an Athlete provides Substantial Assistance – entitled to a reduction in the sanction.

Currently the FEI Tribunal decides whether the information provided meets the test to qualify as Substantial Assistance.

Under the proposed change, the FEI Tribunal may only give a reduction for Substantial Assistance if the FEI agrees. The FEI is in a better position to decide how helpful (or unhelpful) the information provided by an Athlete is in relation to discovering or establishing other violations. Under the current system the FEI Tribunal can decide the information constitutes “Substantial Assistance” even if the FEI, having evaluated the information, does not agree.

Proposed Wording

10.6.1

The FEI Tribunal may, prior to a final appellate Decision under Article 12 below or the expiration of the time to appeal, suspend a part or all of the period of Ineligibility imposed in an individual case where the FEI confirms that the Person Responsible and/or member of the Support Personnel has provided Substantial Assistance to the FEI, the Equestrian Community Integrity Unit, criminal authority or professional disciplinary body which results in (i) the FEI discovering or bringing forward an EAD Rule violation by another Person or (ii) which results in a criminal or disciplinary body discovering or bringing forward a criminal offence or the breach of professional rules by another Person and the information provided by such Person providing Substantial Assistance is made available to the FEI. 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 Person Responsible and/or member of the Support Personnel fails to continue to cooperate and to provide the complete and credible Substantial Assistance upon which a suspension of the period of Ineligibility was based, the FEI Tribunal shall reinstate the original period of Ineligibility. If the FEI Tribunal decides to reinstate a suspended period of Ineligibility or decides not to reinstate a suspended period of Ineligibility, that decision may be appealed by any Person entitled to appeal under Article 12.

Definitions

Explanation for Proposed Change

Under the new Pony Measurement System (see proposed changes to the FEI Veterinary Regulations), after the transition period (for all ponies) and as of 2020 for newly registered ponies, pony measurement will no longer take place at FEI Events.

As EADCMP testing will be carried out at pony measurements, a clarification is needed to confirm that when pony measurement is taking place, ponies are considered as being "In Competition". They, therefore, cannot have any Prohibited Substances in their system.

The FEI Veterinary Regulations will be updated accordingly to confirm that ponies are considered as being "In Competition" during the whole period of the pony measurement (i.e. from arrival at the pony measurement station to their departure from it).

In-Competition. Unless stated otherwise in the relevant Sports Rules, tThe period commencing one (1) hour before the beginning of the first Horse inspection and terminating half an hour after the announcement of the final results of the last Competition at the Event. This period may vary for the Olympic and Paralympic Games, as determined by the applicable rules.