

## Annex E

### Equine Anti-Doping and Controlled Medication

The FEI Equine Anti-Doping and Controlled Medication Regulations can be found on the FEI Clean Sport website at [www.feicleansport.org](http://www.feicleansport.org).

The FEI Regulations apply to all Participants and Events over which the FEI has jurisdiction.

The BEF Equine Anti-Doping and Controlled Medication Rules which follow apply to all athletes who compete at affiliated level under the auspices of a *Sporting Discipline* and their *Support Personnel* from the date that those Rules are incorporated into the Rule Book of the relevant *Sporting Discipline*.

**Annex E – 1****EQUINE PROHIBITED SUBSTANCES LIST**

The current Equine Prohibited Substances List which applies both at international and national level can be found on the FEI Clean Sport website at <https://inside.fei.org/fei/cleansport/ad-h/prohibited-list>

## Annex E – 2

### BEF EQUINE ANTI-DOPING AND CONTROLLED MEDICATION RULES

19th edition, effective 1 January 2020

#### INTRODUCTION

The BEF Equine Anti-Doping and Controlled Medication Rules (“*BEFAR*”) were introduced as from 1 January 2011 and are adopted and implemented in conformity with the obligations of the *BEF* set out in the FEI Equine Anti-Doping and Controlled Medication Regulations (the “*FEI Regulations*”) and in respect of doping of animals in sport implemented in accordance with the requirements of the World Anti-Doping Code.

They are designed to deal with two separate issues:

- The doping of horses.

Doping, i.e. the use of artificial enhancements to gain an advantage over others in competition, is cheating and is fundamentally contrary to the spirit of any sport. The presence of doping in sport not only undermines the fairness and credibility of each competitive event but in the long term can have a serious effect on the credibility and viability of the sport in question. Doping of animals involved in sport is contrary to the principles of the World Anti-Doping Code (“*WADC*”) and accordingly is brought within its ambit by Article 16 *WADC*.

- Inappropriate medication during competition.

It is clearly essential for the welfare of the horse that it is given appropriate veterinary treatment if and when required and that this should include appropriate medication. Medication however may mask an underlying health problem and may adversely affect the long term health of the horse. Horses should not compete when taking medication where such medication may have a detrimental effect on the horse’s welfare.

In line with the *FEI Regulations* and the move to make a clear distinction between doping and medication control *BEFAR* are divided into two separate chapters:

#### CHAPTER 1 Equine Anti-Doping

#### CHAPTER 2 Equine Controlled Medication

The following terminology is used:

“*Banned Substance*”: a substance (including its *Metabolites and Markers*) that is classified in the *Equine Prohibited Substances List* as a banned substance. *Banned Substances* have been deemed by the FEI List Group to have: a) no legitimate use in the competition *Horse* and/or b) have a high potential for abuse. *Banned Substances* are prohibited at all times.

“*Controlled Medication Substance*”: a substance, or its *Metabolites* or *Markers*, that is classified in the *Equine Prohibited Substances List* as a controlled medication substance. *Controlled Medication Substances* are considered therapeutic and/or are commonly used in equine medicine, and are considered to have: a) the potential to affect performance, and/or b) a potential welfare risk to the *Horse*. *Controlled Medication Substances* are prohibited in-competition.

“*Prohibited Substance*”: a substance classified in the *Equine Prohibited Substances List* as a *Banned Substance* or a *Controlled Medication Substance*. *Prohibited Substances* are not permitted in the competition *Horse* either a) during competition (*Controlled Medication Substances*) or b) at any time (*Banned Substances*).

*BEFAR* are sport rules governing the conditions under which sport is performed. All athletes who compete at affiliated level under the auspices of a *Sporting Discipline*, the owner of the *Horse* on which they compete and their *Support Personnel*, including but not limited to veterinarians and grooms, accept these rules as a condition of participation and involvement in their *Sporting Discipline* activities and shall therefore be bound by them.

However, it is a fundamental principle of *BEFAR* that the inclusion of the owner of the *Horse*, *Support Personnel*, veterinarians and grooms in these rules 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 a *BEFAR* violation. Where appropriate, and only when the specific factual circumstances so warrant, *Persons*, which may include the owner of the *Horse*, support personnel, veterinarians and grooms will be held additionally responsible.

*BEFAR* 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 out in *BEFAR* 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.

## **SCOPE**

*BEFAR* are effective as of 1 January 2011 and apply to members of *Sporting Disciplines*. They must be read in conjunction with the rules of the relevant *Sporting Discipline*, the *BEF Veterinary Manual*, the procedural rules of the *Hearing Body* and any other applicable rules or regulations.

*BEFAR* shall apply to the *BEF*, its *Sporting Disciplines*, organisers and each *Participant* in the activities of a *Sporting Discipline* by virtue of their *membership*, affiliation or participation in the *Sporting Discipline* or its activities or *Events*.

To be eligible for participation in a *Sporting Discipline* or its activities or *Events*, an athlete must be registered with a *Sporting Discipline* and/or be a registered member of a *National Federation* with permission to compete.

Each *Sporting Discipline* shall guarantee that all affiliated *Athletes* and other persons under its jurisdiction accept *BEFAR* and any other applicable rules or regulations and consent to the sharing of their data with the *BEF* and *Anti-Doping Organisations* and the processing of that data for the purposes of the administration, application and enforcement of *BEFAR* and the notification of violations to the other *Sporting Disciplines*.

Each *Sporting Discipline* agrees to ensure that all *Testing* at *Events* complies with *BEFAR*.

*BEFAR* shall apply to all *Doping Control* and *Medication Control* at *Sporting Discipline Events* and to all *Doping Control* and *Medication Control* over which the *BEF* or the *Sporting Discipline* have jurisdiction or have been delegated jurisdiction. However, there may be modified versions of these rules for *Events* where *Minors* are competing on borrowed *Horses*, if the circumstances so warrant and the *BEF Testing Committee* has approved such rules.

*BEFAR*, particularly as they apply to *Banned Substances* (Chapter 1), have intentionally been modelled after the WADC for human athletes. Conversely Chapter 2 has been developed with special consideration for the need to ensure horse welfare and the highest levels of professionalism.

Given the clear distinction between *Doping* and *Controlled Medication* established by the two separate chapters of *BEFAR*, a *National Equine Therapeutic Use Exemption* shall only be available in connection with a *Controlled Medication Substance* processed under Chapter 2 of *BEFAR* and not in connection with a *Banned Substance* processed under Chapter 1 of *BEFAR*.

**Note:** The masculine gender used in relation to any physical person (for example names such as *Person Responsible/Owner/Testing Vet*) shall, unless there is a specific provision to the contrary, be understood as including the feminine gender.

## Chapter 1 Equine Anti-Doping Rules

### ARTICLE 1 DEFINITION OF DOPING/DOPING VIOLATION

A **Doping Violation** is defined as the occurrence of one or more of the *BEFAR* violations set out in Article 2.1 to 2.9 of Chapter 1 of *BEFAR and Doping* shall be construed accordingly.

### ARTICLE 2 DOPING VIOLATIONS

The purpose of Article 2 is to specify the circumstances and conduct which constitute *Doping Violations*. Hearings in *Doping* cases under Chapter 1 will proceed based on the assertion that one or more of these specific rules have been violated.

*Persons Responsible* shall be responsible for knowing what constitutes a *Doping Violation* and the substances which have been included on the *Equine Prohibited Substances List* and identified as *Banned Substances*.

Where *Banned Substances* are involved, the following constitute *Doping Violations*:

#### 2.1 The Presence of a **Banned Substance** 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*. It is not necessary that intent, *Fault*, negligence or knowing *Use* be demonstrated in order to establish a *Doping Violation* under Article 2.1.

2.1.2 Sufficient proof of a *Doping Violation* under Article 2.1 is established by any of the following:

- (i) presence of a *Banned Substance* and/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* and/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*.

2.1.3 Excepting those *Banned Substances* for which a quantitative threshold is specifically identified in the *Equine Prohibited Substances List*, the presence of any quantity of a *Banned Substance* and/or its *Metabolites* or *Markers* in a *Horse's Sample* shall constitute a *Doping Violation*.

2.1.4 As an exception to the general rule of Article 2.1, the *Equine Prohibited Substances List* or the *Standard for Laboratories* may establish special criteria for the evaluation of *Banned Substances* that can also be produced endogenously.

## **2.2 Use or Attempted Use of a Banned Substance**

**2.2.1** It is each *Person Responsible's* personal duty 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* be demonstrated in order to establish a *Doping Violation* for *Use* of a *Banned Substance*. However, in accordance with the definition of *Attempt*, it is necessary to show intent in order to establish a *Doping Violation* for *Attempted Use* of a *Banned Substance*.

**2.2.2** The success or failure of the *Use* or *Attempted Use* of a *Banned Substance* is not material. It is sufficient that the *Banned Substance* was *Used* or *Attempted* to be *Used* for a *Doping Violation* to be committed.

## **2.3 Evading, Refusing or Failing to Submit to Sample Collection**

**2.3.1** Evading *Sample* collection, or, without compelling justification, refusing or failing to submit to *Sample* collection after *Notification*, or to comply with all *Sampling* procedure requirements including signing the sampling form, or otherwise evading *Sample* collection.

**2.3.2** It is each *Person Responsible's* personal duty to ensure that if the *Horse* with/on which they competed or will compete is selected for *Sampling* and notification of *Sampling* in accordance with the *BEF Veterinary Manual* has taken place, such *Horse* is submitted to *Sample* collection and that all *Sampling* procedure requirements are met.

**2.3.3** Accordingly, although it is permissible for the *Person Responsible* to delegate the submission and supervision of the *Horse* to a third party, the *Person Responsible* remains responsible for the *Horse* throughout the *Sample* collection process and for:

- (i) any evasion of *Sample* collection; and/or
- (ii) any refusal, or failure, without compelling justification, to submit the *Horse* to *Sample* collection; and/or
- (iii) any failure to comply with any or all of the *Sampling* procedure requirements including signing the *Sampling* form.

**2.3.4** It is not necessary to demonstrate intent, *Fault*, negligence or knowledge in relation to any delegation relating to the *Sampling* process or to the acts of a relevant third party in order to establish a *Doping Violation* under this Article 2.3.

## **2.4 Tampering, or Attempted Tampering, with any part of Doping Control**

## **2.5 Administration or Attempted Administration of a Banned Substance**

## **2.6 Possession of a Banned Substance(s)**

This prohibits a *Person Responsible* from *Possessing Banned Substances*, unless he demonstrates compelling justification for the *Possession*. (This section should be read in conjunction with the definition of *Possession* set out in Appendix 1).

## **2.7 Trafficking or Attempted Trafficking in any Banned Substance**

### **2.8 Complicity**

Assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving a *Doping Violation* or any *Attempted Doping Violation*.

### **2.9 Prohibited Association**

Association by a *Person Responsible* subject to the authority of the *BEF* or the *Sporting Discipline* in a professional or sport-related capacity with any *Support Person* who:

**2.9.1** If subject to the authority of the *FEI*, *BEF* or *Sporting Discipline*, is serving a period of *Ineligibility*; or

**2.9.2** If not subject to the authority of the *BEF* or *Sporting Discipline*, and where *Ineligibility* has not been addressed in a results management process pursuant to the WADC, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if WADC-compliant rules had been applicable to such *Person*. The disqualifying status of such *Person* shall be in force for the longer of six (6) years from the criminal, disciplinary or professional sanction imposed or the duration of the criminal, disciplinary or professional sanction imposed; or

**2.9.3** Is serving as a front or intermediary for an individual described in Article 2.9.1 or 2.9.2.

In order for this provision to apply, it is necessary that the *Person Responsible* has previously been advised in writing by the *BEF* of the *Support Person's* disqualifying status and the potential consequence of prohibited association and that the *Person Responsible* can reasonably avoid the association. The *BEF* shall also use reasonable efforts to advise the *Support Person* who is the subject of the notice to the *Person Responsible*, that the *Support Person* may, within fifteen (15) days come forward to the *BEF* to explain that the criteria described in Articles 2.9.1 and 2.9.2 do not apply to him or her. (Notwithstanding Article 16, this Article applies even when the *Person's* disqualifying conduct occurred prior to the effective date provided in Article 16).

The burden shall be on the *Person Responsible* to establish that any association with the *Support Person* described in Article 2.9.1 and 2.9.2 is not in a professional or sport-related capacity.

## **ARTICLE 3 PROOF OF DOPING VIOLATION**

### **3.1 Burdens and Standards of Proof**

The *BEF* shall have the burden of establishing that a *Doping Violation* has occurred. The standard of proof shall be whether the *BEF* has established a *Doping Violation* to the comfortable satisfaction of the *Hearing Body* 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 *BEFAR* place the burden of proof upon the *Person Responsible* 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 *Doping Violations* may be established by any reliable means, including admissions. The following rules of proof shall be applicable in *Doping Violation* cases brought under *BEFAR*:

**3.2.1** The *Testing Laboratory* is presumed to have conducted *Sample* analysis and custodial procedures in accordance with the *Standard for Laboratories*. The *Person Responsible* who is alleged to have committed the *Doping Violation* may rebut this presumption by establishing by a balance of probability that a departure from the *Standard for Laboratories* occurred which could reasonably have caused the *Adverse Analytical Finding*.

If the preceding presumption is rebutted by showing that a departure from the *Standard for Laboratories* occurred which could reasonably have caused the *Adverse Analytical Finding* then the *BEF* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.

**3.2.2** Departures from another *BEF* standard, or other *BEFAR* Rule, *BEF Manual* or policy which did not by a balance of probability cause an *Adverse Analytical Finding* or other *Doping Violation* shall not invalidate such results. If the *Person Responsible* establishes, by a balance of probability, that a departure from another *BEF* standard or *BEFAR* Rule, *BEF Manual* or policy could reasonably have caused the *Doping Violation* based on the *Adverse Analytical Finding* or other *Doping Violation*, then the *BEF* must prove that the departure did not cause the *Adverse Analytical Finding* or the factual basis for the *Doping 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 irrebuttable evidence against the *Person Responsible* to whom the *Decision* pertained with regard to the factual findings unless it can be established that the *Decision* violated principles of natural justice.

**3.2.4** The *Hearing Body* presiding over a case alleging a *Doping Violation* may draw an inference adverse to the *Person Responsible* who is asserted to have committed a *Doping 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 *Hearing Body*) in order to answer questions from the *Hearing Body* or the *BEF*.

## **ARTICLE 4 THE EQUINE PROHIBITED SUBSTANCES LIST**

### **4.1 Incorporation of the *Equine Prohibited Substances List***

*BEFAR* incorporate the *Equine Prohibited Substances List* which is published by the *FEI* from time to time. The *BEF* will publish a link to the current *Equine Prohibited Substances List* in such a manner that it is available to the *Sporting Disciplines* and their members and constituents, including, but not limited to, publication of the link on the *BEF* website.

### **4.2 Review and Publication of *Banned Substances Identified on the Equine Prohibited Substances List***

The *Equine Prohibited Substances List*, as may be revised from time to time, shall come into effect at whichever is the earlier of a date published by the *BEF* or the publication of a link to the revised *Equine Prohibited Substances List* on the *BEF* website, but in any event no sooner than 90 days following publication of the revised *Equine Prohibited Substances List* on the *FEI* website.

All *Persons Responsible* shall be bound by the *Equine Prohibited Substances List*, and any revisions thereto, from the date they go into effect, without further formality. It is the responsibility of all *Persons Responsible* to familiarise themselves with the most up-to-date version of the *Equine Prohibited Substances List* and all revisions thereto.

### **4.3 Substances on the *Equine Prohibited Substances List***

The *FEI*'s categorisation of a substance on the *Equine Prohibited Substances List* as a *Banned Substance* (in particular as opposed to a *Controlled Medication Substance*) including any establishment of a threshold for a *Banned Substance* and/or the quantitative amount of such threshold, shall be final and binding on all parties and shall not be subject to challenge by a *Person Responsible*, or any other person, on any basis.

### **4.4 Specified Substances**

For the purposes of the application of Article 10 *Specified Substances* shall be taken as meaning only those *Prohibited Substances* identified as such on the *Equine Prohibited Substances List*.

## **ARTICLE 5 TESTING**

### **5.1 Authority to Test**

All *Horses* registered with a *Sporting Discipline* or otherwise present or competing at an *Event* and/or *Competition* shall be subject to *Testing* by the *BEF* or its assignees or agents. The *BEF* shall be exclusively responsible for *Testing* at national *Events* and/or *Competitions* and no other body may conduct *Testing* at national *Events* and/or *Competitions* without the *BEF*'s express written permission. The *BEF* is

obligated to promptly report any positive findings to the *FEI* that have been notified as *Doping Violations* unless doing so would contravene national law.

## **5.2 Responsibility for BEF Testing**

The *Testing Committee* shall be responsible for overseeing all *Testing* conducted by the *BEF*. *Testing* shall be conducted by the *Testing Veterinarians* or by any other qualified and authorised persons at a given *Event* and/or *Competition* as authorised by *BEFAR* or in writing by the *BEF* Chief Executive or his designee.

## **5.3 Testing Standards**

*Testing* conducted by or on behalf of the *BEF* shall be in substantial conformity with the *Testing* procedures in the *BEF Veterinary Manual* in effect at the time of *Testing*.

## **5.4 Selection of Horses to be tested**

**5.4.1** The *Testing Committee* shall determine the number of *Tests* to be performed and the procedure for selecting the *Horses* for *Testing*.

**5.4.2** In addition to the selection procedures set forth in Article 5.4.1 above, *Horses* may also be selected for *Target Testing*.

**5.4.3** Nothing in these *BEFAR* shall be construed to limit where the *BEF* is authorised to conduct *Testing* on *Horses* in competition.

## **ARTICLE 6 ANALYSIS OF SAMPLES**

*Samples* collected under *BEFAR* and arising from *BEF Testing* are the property of the *BEF*. They shall be analysed in accordance with the following principles:

### **6.1 Use of Approved Laboratory**

The *BEF* shall send *Samples* for analysis only to the *Testing Laboratory* (which is subject to the *Standard for Laboratories*). However the *Person Responsible* may elect to have the *B Sample* analysed at a different laboratory than the one which performed the *A Sample* analysis. If such an election is made the *BEF* shall select the *B Sample* laboratory from the *FEI List of Approved Laboratories* and shall inform the *Person Responsible* accordingly.

### **6.2 Purpose of Collection and Analysis of Samples**

*Samples* shall be analysed to detect *Banned Substances* identified on the *Equine Prohibited Substances List*. The *BEF* may also seek to detect other substances for research and monitoring purposes, as publicly announced by the *BEF* from time to time pursuant to a defined monitoring programme. *Samples* may be collected and stored for future analysis.

### **6.3 Research on *Samples***

No *Sample* may be used for any purpose other than as described in Article 6.2 Chapter 1 and Chapter 2 *BEFAR*, without the *Person Responsible's* written consent. Those *Samples* used for purposes other than as set forth in Article 6.2 (for example research) following written consent from the *Person Responsible* shall have all means of identification removed from the *Sample* so that it cannot be traced back to a particular *Horse* or *Person Responsible*.

All *Samples* shall be destroyed pursuant to the guidelines set out in the *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**

The *Testing Laboratory* shall analyse *Samples* and report results in conformity with the *Standard for Laboratories*.

## **ARTICLE 7 RESULTS MANAGEMENT**

### **7.1 Results Management for *Tests* arising out of *BEF Testing* or other *Doping Violations***

Results management for *Tests* arising out of *BEF Testing* or other *Doping Violations* shall proceed as follows:

**7.1.1** The results of all *Sample* analyses must be sent exclusively to the *BEF* 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 *Adverse Analytical Finding*, the *BEF*, in consultation with the *Technical Committee*, shall conduct a review to determine whether there is any apparent departure from the *Testing* procedures of the *BEF Veterinary Manual* or the *Standard for Laboratories* that caused the *Adverse Analytical Finding*.

**7.1.3** If (i) the review under Article 7.1.2 reveals an apparent departure from the *Testing* procedures of the *BEF Veterinary Manual* or from the *Standard for Laboratories* that caused the *Adverse Analytical Finding*, the entire test shall be considered negative, and/or (ii) upon the review, the *BEF* Decides not to bring forward the *Adverse Analytical Finding* as a *Doping Violation*, the *BEF* shall promptly *Notify* the *Person Responsible* and the *Person Responsible's Sporting Discipline*.

**7.1.4** If the review of an *Adverse Analytical Finding* under Article 7.1.2 does not reveal an apparent departure from the *Testing* procedures of the *BEF Veterinary Manual* or from the *Standard for Laboratories* that caused the *Adverse Analytical Finding*, the *BEF* shall promptly *Notify* the *Person Responsible* and the *Person Responsible's Sporting Discipline* of:

(a) the *Adverse Analytical Finding*;

(b) the *BEFAR* Rule allegedly violated;

(c) the *Person Responsible's* right within sixteen (16) days to 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 which performed the *A Sample* analysis, such laboratory to be chosen by the *BEF*, and the opportunity to send a representative (witness) to be present for the *B Sample* analysis within the time period specified in the *Standard for Laboratories*, unless allowing such representative or witness to be present at the *B Sample* analysis presents a threat to the integrity of the analysis process. Where both the *Person Responsible* and any additional *Person Responsible* have elected to have the *B Sample* analysed but one of them has elected to have the *B Sample* analysed at a different laboratory than the one which performed the *A Sample* analysis and the other one has elected to have the *B Sample* analysed at the same laboratory as the one which performed the *A Sample* analysis, it shall be for the *BEF* to decide the question taking into account all relevant circumstances;

(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 *Standard for Laboratories*;

(f) the right of the *Person Responsible* and/or the *BEF* to request to the *Hearing Body* that Article 9 (Automatic Disqualification) be promptly applied where the *B Sample Analysis* confirms the *A Sample Analysis* or where the right to request the *B Sample Analysis* is waived;

(g) the *Person Responsible's* right to request a hearing or, failing such request within the deadline specified in the notification, that a hearing may be deemed waived;

(h) the opportunity to provide a written explanation about the overall circumstances of the case or to dispute (within a specific deadline indicated in the *Notification*) the assertion that a *Doping Violation* has occurred;

(j) the opportunity to promptly admit the *Doping Violation* and consequently request the early commencement of the period of *Ineligibility* in accordance with Article 10.10.3;

(n) the opportunity to cooperate and provide *Substantial Assistance* in discovering or establishing a *Doping Violation*.

**7.1.5** Pursuant to Article 7.1.4(d) above, within seven (7) days of receipt of the *Confirmatory Analysis Request Form (B Sample)* the *BEF* 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. The *BEF* 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 right to a *B Sample* analysis if he does not submit the *Confirmatory Analysis Report Form* within the time-limit stipulated in the *Notification*.

**7.1.6** In addition to the *Person Responsible* and his representative (witness), a representative of the *Person Responsible's Sporting Discipline* as well as a representative of the *BEF* shall also be allowed to be present for the *B Sample Analysis*.

**7.1.7** If the *B Sample* proves negative, then the entire test shall be considered negative. The *BEF* shall be informed of the results confidentially and shall *Notify* the *Person Responsible* and his *Sporting Discipline*.

**7.1.8** If the *B Sample* analysis confirms the *A Sample* analysis, the *BEF* shall be informed of the results confidentially and shall *Notify* the *Person Responsible* and the *Person Responsible* shall be required to pay the costs of the *B Sample* analysis.

**7.1.9** The *BEF* may conduct any necessary follow-up investigation as may be required. Upon completion of such follow-up investigation, if any, the *BEF* shall promptly notify the *Person Responsible's Sporting Discipline* of the results of the follow-up investigation.

**7.1.10** 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). In addition, and also for the avoidance of doubt, where the *A Sample* is positive for a *Threshold Banned Substance*, as it is quantitatively above the threshold level set for the *Banned Substance*, the *B Sample* shall be deemed to confirm the *A Sample* so long as the level of the *B Sample* is also quantitatively above the threshold, even if the *B Sample* varies quantitatively from the *A Sample* level.

**7.1.11** Where appropriate, additional *Persons Responsible* shall receive *Notification* of the *Doping Violation* and all relevant corresponding documents.

## **7.2 Review of Atypical Findings**

**7.2.1** 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*, the *BEF* shall conduct a review to determine whether there is any apparent departure from the *Testing* procedures, the *Standard for Laboratories* or another *BEF* standard, *BEF Manual* or policy that caused the *Atypical Finding*. If that review does not reveal any departure that caused the *Atypical Finding* the *BEF* shall conduct the required investigation. After that investigation is completed the *Person Responsible* and his *Sporting Discipline*, shall be *Notified* whether or not the *Atypical*

*Finding* will be brought forward as an *Adverse Analytical Finding*. The *Person Responsible's Sporting Discipline* shall be *Notified* as provided in Article 7.1.

**7.2.2** The *BEF* will not provide *Notice* of an *Atypical Finding* until it has completed its investigation and it has decided whether it will bring the *Atypical Finding* forward as an *Adverse Analytical Finding*. However if the *BEF* determines that the *B Sample* should be analysed prior to the conclusion of the investigation under Article 7.2 the *BEF* 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 7.1.4 (b)-(e).

### **7.3 Review of Other *Doping Violations***

For apparent *Doping Violations* that do not involve *Adverse Analytical Findings*, the *BEF* may conduct any necessary follow-up investigation and at such time as it is satisfied that a *Doping Violation* has occurred, it shall then promptly *Notify* the *Person Responsible* and the *Person Responsible's Sporting Discipline* of the *BEFAR* rule which appears to have been violated and the basis of the violation.

### **7.4 Retirement from Sport**

If a *Person Responsible* retires while a results management process is underway, the *BEF* retains jurisdiction to complete its results management process. If a *Person Responsible* retires before any results management process has begun, the *BEF* similarly has jurisdiction to conduct results management.

### **7.6 Resolution Without a Hearing**

#### **7.6.1 Waiver of Hearing**

A *Person Responsible* may waive a hearing expressly.

A *Person Responsible* will be deemed to have waived a hearing if he fails to request a hearing within the deadline set out in the *Notification* of the alleged violation required to request a hearing.

In that event the *Hearing Body* shall, unless it rules that a hearing is required, consider the case on a written basis in accordance with the *Hearing Body Rules*.

#### **7.6.2 Admission**

At any time during the results management process the *Person Responsible* against whom a *BEFAR* violation is asserted may admit that violation.

#### **7.6.3 Deemed admission and waiver**

If the *Person Responsible* against whom a *Doping Violation* is asserted fails to dispute that assertion within sixteen (16) days of *Notification* (or within any other deadline as may be imposed in a specific case) that such a *Doping Violation* is alleged, then he shall be deemed to have admitted the *Doping Violation*, to have waived a hearing, and

to have accepted the consequences that are mandated by *BEFAR* or (where some discretion as to consequences exists under *BEFAR*) that have been offered by the *BEF* provided that *Hearing Body* approval has been provided.

**7.6.4** In cases where Article 7.6.2 or 7.6.3 applies, a hearing before a *Hearing Body* shall not be required. Instead the *Hearing Body* shall promptly issue a written decision confirming the commission of the *Doping Violation* and the consequences imposed as a result, and setting out the full reasons for any period of *Ineligibility* imposed, including (if applicable) a justification for why the maximum potential period of *Ineligibility* was not imposed. The *BEF* shall send copies of that *Decision* to other *Anti-Doping Organisations* with a right to appeal under Article 12.2.2, and shall *Publicly Disclose* that decision in accordance with Article 13.3.

## **ARTICLE 8 RIGHT TO A FAIR HEARING**

### **8.1 Hearings before the *Hearing Body***

**8.1.1** The *Hearing Body* shall *Decide* all cases involving violations of *BEFAR*.

**8.1.2** When the *BEF* sends a *Notice* to a *Person Responsible* and/or additional *Person Responsible* asserting a violation of *BEFAR*, and the *Person Responsible* and/or the additional *Person Responsible* does not expressly or impliedly admit the violation under 7.6.2 or 7.6.3 then the case shall be assigned to the *Hearing Body* for adjudication. The *Hearing Body* shall conduct a hearing unless the *Person Responsible* has either expressly waived, or has been deemed under 7.6.1 to have waived, such hearing or it has determined that the case should proceed by hearing. In the event that a hearing is not conducted the *Hearing Body* shall *Decide* the case on the basis of written submissions in accordance with the *Hearing Body Rules*.

**8.1.3** The *BEF* Chief Executive shall at his sole discretion appoint a *Hearing Body* from among the *BEF Anti-Doping Panel* to decide each case. The *Hearing Body* shall consist of three (3) members, one of whom will be a legally qualified person and shall act as Chair of the *Hearing Body*. The appointed members shall be independent of the *Person Responsible* alleged to have violated *BEFAR*, the *Horse* involved and the *Person Responsible's Sporting Discipline*.

**8.1.4** 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* alleged to have violated *BEFAR* shall cooperate promptly in the submission of such evidence and pleadings and in attendance at a hearing if requested by the *Hearing Body*.

**8.1.5** A *Person Responsible* alleged to have violated *BEFAR* may attend the hearing under all circumstances.

**8.1.6** The *Sporting Discipline* of the *Person Responsible* alleged to have violated *BEFAR* and/or a representative of UK Anti-Doping may attend the hearing as an observer.



**8.1.7** A *Person Responsible* may acknowledge the *Doping Violation* and accept consequences consistent with Articles 9 and 10 as proposed by the *BEF*.

**8.1.8** *Decisions* of the *Hearing Body* may be appealed to the *National Anti-Doping Panel* as provided in Article 12 below.

## **8.2 Principles for a Fair Hearing**

All *Decisions* and hearings under *BEFAR* shall respect the following principles:

- (a) A fair and impartial *Hearing Body*;
- (b) The right to be represented by counsel (separately or together) at the *Person(s) Responsible's(s')* own expense;
- (c) The right to be fairly and timely informed of the asserted *Doping Violation*;
- (d) The right to respond to the asserted *Doping Violation* and resulting consequences;
- (e) The right of each party to present evidence;
- (f) The right of each party to call and question witnesses (subject to the *Hearing Body's* discretion to accept testimony by telephone or written submission);
- (g) A timely hearing, subject to prompt and complete submissions by the parties; and
- (h) A timely, written, reasoned *Decision* specifically including an explanation for any period of *Ineligibility*.

## **8.3 Decisions**

**8.3.1** At the end of the hearing or adjudication on the basis of written submissions, or on a timely basis thereafter, the *Hearing Body* shall issue a written *Decision* that includes the full reasons for the *Decision* and for any period of *Ineligibility* imposed, including (if applicable) a justification for why the greatest potential consequences were not imposed. The *Hearing Body* may decide to communicate the operative part of the *Decision* to the parties, prior to the reasons. The *Decision* shall be enforceable from such notification of the operative part by courier, facsimile and/or electronic mail.

**8.3.2** If no appeal is brought against the decision, then (a) if the *Decision* is that a *Doping Violation* was committed, the decision shall be *Publicly Disclosed* as provided in Article 13.3; but (b) if the decision is that no *Doping Violation* was committed, then the decision shall only be *Publicly Disclosed* with the consent of the *Person Responsible* and/or additional *Person Responsible*. The *BEF* 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 the *Person Responsible* and/or additional *Person Responsible* may approve.

The principles contained in Article 13.3.5 shall be applied in cases involving a *Minor*.

## **ARTICLE 9 AUTOMATIC *DISQUALIFICATION* OF INDIVIDUAL RESULTS**

**9.1** A violation of *BEFAR* in connection with a test in a given *Competition* automatically leads to *Disqualification* of all results of the competitor (whether that is the *Person Responsible* and/or the *Minor* in respect of whom the *Person Responsible* has accepted primary responsibility) who competed the *Horse* and the *Horse* combination obtained in that *Competition* with all resulting consequences, including forfeiture of any related medals, points, prizes and prize money.

Even if a *Sanction* is reduced or eliminated under Article 10 below, such reduction or elimination shall in no circumstances reverse the automatic *Disqualification* of individual results mandated by this Article 9. Where applicable, consequences to teams are detailed in Article 11 below.

**9.2** For the avoidance of doubt where the competitor is a *Minor* at the time of the *Competition* the consequences to the *Minor* shall be limited to *Disqualification* from the *Competition* and forfeiture of all medals, points, prizes and prize money won at the *Competition*.

## **ARTICLE 10 *SANCTIONS***

### **10.1 *Disqualification of Results in the Event during which a Doping Violation Occurs***

**10.1.1** A *Doping Violation* occurring during or in connection with an *Event* may lead to *Disqualification* of all of the *Person Responsible's* individual results obtained in that *Event*, with any and all *Horses* with which the *Person Responsible* competed, with all consequences, including forfeiture of all medals, points, prizes and prize moneys, except as provided in Article 10.1.1. Where applicable, consequences to teams will take place as provided in Article 11.

Generally, and subject to Article 10.1.3 and 10.1.4 below, all results from *Competitions* in which the *Person Responsible* or the *Horse* participated prior to *Sample* collection shall be *Disqualified* unless it can be demonstrated that such results were not likely to have been affected by the *Doping Violation*.

**10.1.2** Notwithstanding the above for all *Events* exceptional circumstances may be considered.

**10.1.3** If the *Person Responsible* establishes that he or she bears *No Fault or Negligence* for the *Doping Violation*, the *Person Responsible's* individual results in the other *Competitions* shall not be *Disqualified* unless the *Person Responsible's* results in *Competitions* other than the *Competition* in which the *Doping Violation* occurred were likely to have been affected by the *Person Responsible's Doping Violation*.

**10.1.4** In addition, the *Person Responsible's Horse* may also be disqualified from the entire *Event* with all consequences, including forfeiture of all medals, points, prizes

and prize money even if earned while being ridden by someone other than the *Person Responsible* (including a *Minor* in respect of whom the *Person Responsible* has accepted primary responsibility), if the *Horse's* results in *Competitions* other than the *Competition* in which the *Doping Violation* occurred were likely to have been affected by the *Doping Violation*.

## **10.2 Ineligibility and Fine for Presence, Use or Attempted Use or Possession of Banned Substances**

The period of *Ineligibility* imposed for a violation of Article 2.1, 2.2 or 2.6 shall be two (2) years subject to potential reduction or suspension pursuant to Articles 10.4, 10.5 or 10.6;

A *Fine* of up to £4,000 shall also be imposed and appropriate legal costs.

## **10.3 Ineligibility for Other Doping Violations**

The *Sanction* for *Doping Violations* other than as provided in Articles 9, 10.1 and 10.2 shall be:

**10.3.1** For violations of Articles 2.3, 2.4 or 2.5, the period of *Ineligibility* shall be two (2) years. A *Fine* of up to £4,000 shall also be imposed along with appropriate legal costs unless Articles 10.4, 10.5 or 10.6 are applicable.

**10.3.2** For violations of Article 2.7 the period of *Ineligibility* shall be a minimum of four (4) years up to lifetime *Ineligibility* depending on the seriousness of the violation. An Article 2.5 or Article 2.7 violation involving a *Minor* shall be considered a particularly serious violation and, if committed by the *Person Responsible* who has accepted primary responsibility for the *Horse* competed by the *Minor*, shall result in lifetime *Ineligibility* for the *Person Responsible*. For violations of Article 2.7, a fine of £5,000 shall also be imposed, along with appropriate legal costs. In addition, significant violations of Articles 2.5 or 2.7 which may also violate non-sporting laws and regulations shall be reported to the competent administrative, professional or judicial authorities.

**10.3.3** For violations of Article 2.8, the period of *Ineligibility* imposed shall be up to two (2) years depending on the seriousness of the violation. A *Fine* of up to £4000 shall also be imposed along with appropriate legal costs.

**10.3.4** For violations of Article 2.9, the period of *Ineligibility* shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on the *Person Responsible's* and/or additional *Person Responsible's* degree of *Fault* and other circumstances of the case.

## **10.4 Elimination of the Period of Ineligibility where there is No Fault or Negligence**

If the *Person Responsible* establishes in an individual case that he bears *No Fault or Negligence* for the *Doping Violation*, the otherwise applicable period of *Ineligibility* and other *Sanctions* (apart from Article 9) shall be eliminated in regard to such

*Person*. When a *Banned Substance* and/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* 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 is eliminated, the *Doping Violation* shall not be considered a violation for the limited purpose of determining the period of *Ineligibility* for multiple violations under Article 10.8 below.

Except in the case where the violation relates to a *Banned Substance* which is a *Specified Substance* Article 10.4 shall only apply in exceptional circumstances.

*No Fault or Negligence* does not apply in the following circumstances:

(a) Where the presence of the *Banned Substance* in a *Sample* came from a mislabelled or contaminated supplement. *Persons Responsible* are responsible for what their *Horses* ingest and have been warned about the possibility of supplement contamination.

(b) The Administration of a *Banned Substance* by the *Person Responsible's* veterinary personnel or member of the *Support Personnel* without disclosure to the *Person Responsible*. *Persons Responsible* are responsible for their choice of veterinary personnel and *Support Personnel* and for advising veterinary personnel and *Support Personnel* that *Horses* cannot be given any *Banned Substance* at any time.

## **10.5 Reduction of the Period of *Ineligibility* based on *No Significant Fault or Negligence***

### **10.5.1 Reduction of *Sanctions* for *Specified Substances* and *Contaminated Products***

#### **10.5.1.1 *Specified Substances***

Where the *Doping Violation* involves a *Banned Substance* that is a *Specified Substance* and the *Person Responsible* can establish *No Significant Fault or Negligence*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and, at a maximum, two years of *Ineligibility*, depending on the *Person Responsible's* degree of *Fault*. Where the *Person Responsible* intends to establish that he bears *No Fault or Negligence*, Article 10.4 shall apply.

#### **10.5.1.2 *Contaminated Products***

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

### **10.5.2 Application of *No Significant Fault or Negligence* beyond the Application of Article 10.5.1**

If a *Person Responsible* establishes in an individual case that he bears *No Significant Fault or Negligence*, then the otherwise applicable period of *Ineligibility* and other *Sanctions* (apart from Article 9) 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* and/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 *Doping 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* reduced.

### **10.6 Elimination, Reduction or Suspension of Period of *Ineligibility* or Other Consequences for Reasons Other than *Fault***

#### **10.6.1 *Substantial Assistance* in Discovering or Establishing *Doping Violations***

The *Hearing Body* 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 *Person Responsible* has provided *Substantial Assistance* to the *BEF*, *Sporting Discipline*, criminal authority or professional disciplinary body which results in (i) the *BEF* discovering or bringing forward a *Doping 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 *BEF*. 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 *Doping Violation*. The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the seriousness of the *Doping 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* 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 *Hearing Body* shall reinstate the original period of *Ineligibility*. If the *Hearing Body* 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 pursuant to Article 12.

#### **10.6.2 Admission of a *Doping Violation* in the Absence of Other Evidence**

Where a *Person Responsible* voluntarily admits the commission of a *Doping Violation* before having received *Notice* of a *Sample* collection which could establish a *Doping Violation* (or in the case of a *Doping Violation* other than Article 2.1, before

receiving first *Notice* of the alleged 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.

### **10.6.3 Prompt Admission of an Anti-Doping Rule Violation after being Confronted with a Violation Sanctionable under Article 10.2.1 or Article 10.3.1**

A *Person Responsible* potentially subject to a two (2) year period of *Ineligibility* under Article 10.2.1 or 10.3.1 (for Evading or Refusing *Sample Collection* or *Tampering with Sample Collection*), by promptly admitting the asserted *Doping Violation* after being confronted by the *BEF*, and also upon the approval and at the discretion of the *BEF*, may receive a reduction in the period of *Ineligibility* down to a minimum of one half of the otherwise applicable period of *Ineligibility*, depending on the seriousness of the violation and the *Person Responsible's* degree of *Fault*.

### **10.6.4 Where a *Person Responsible* Establishes Entitlement to a Reduction in Sanction Under More Than One Provision of this Article**

If the *Person Responsible* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under two (2) or more of Articles 10.4, 10.5 or 10.6, then the period of *Ineligibility* may be reduced or suspended but not below one-quarter of the otherwise applicable period of *Ineligibility*.

## **10.7 Aggravating Circumstances Which May Increase the Period of *Ineligibility***

If the *BEF* establishes in an individual case involving a *Doping Violation* other than violations under Article 2.7 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* can prove to the comfortable satisfaction of the *Hearing Body* that he did not knowingly commit the *Doping Violation*. The occurrence of multiple substances or methods may be considered as a factor in determining aggravating circumstances under this Article 10.7. The *Person Responsible* can avoid the application of this Article by admitting the *Doping Violation* as asserted promptly after being confronted by the *BEF* with the *Doping Violation*.

## **10.8 Multiple Violations**

**10.8.1** For a *Person Responsible* and additional *Person Responsible's* second *Doping Violation* the period of *Ineligibility* shall be the greater of:

- (a) Six (6) months;
- (b) One half of the period of *Ineligibility* imposed for the first *Doping Violation* without taking into account any reduction under Article 10.6; or

(c) Twice the period of *Ineligibility* otherwise applicable to the second *Doping Violation* treated as if it were a first violation, without taking into account any reduction under Article 10.6.

The period of *Ineligibility* established above may then be further reduced by the application of Article 10.6.

**10.8.2** A third *Doping Violation* will always result in a lifetime period of *Ineligibility*, except if the third violation fulfils the condition for elimination or reduction of the period of *Ineligibility* under Article 10.4 or 10.5, or involves a violation under Article 2.4. In these particular cases, the period of *Ineligibility* shall be from eight (8) years to lifetime *Ineligibility*.

**10.8.3** A *Doping Violation* for which a *Person Responsible* has established *No Fault or Negligence* shall not be considered a prior violation for the purposes of this Article.

#### **10.8.4 Additional Rules for Certain Potential Multiple Violations**

**10.8.4.1** For purposes of imposing *Sanctions* under Article 10.8, a *Doping Violation* will only be considered a second *Doping Violation* if the *BEF* can establish that the *Person Responsible* or other *Person* committed the second *Doping Violation* after the *Person Responsible* or other *Person* received *Notice* pursuant to Article 7 or after *BEF* made reasonable efforts to give *Notice* of the first *Doping Violation*.

If the *BEF* 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*.

**10.8.4.2** If, after the imposition of a *Sanction* for a first *Doping Violation*, the *BEF* discovers facts involving a *Doping Violation* by the *Person Responsible* which occurred prior to *Notification* regarding the first violation, then the *Hearing Body* shall impose an additional *Sanction* based on the *Sanction* that could have been imposed if the two violations had been adjudicated at the same time. Results in all *Competitions* dating back to the earlier *Doping Violation* will be *Disqualified* as provided in Article 10.9.

#### **10.8.5 Multiple *Doping Violations* During a Ten Year Period**

For purposes of Article 10.8, each *Doping Violation* must take place within the same ten (10) year period in order to be considered multiple violations.

#### **10.8.6 Violations involving both a *Controlled Medication Substance* and a *Banned Substance***

Where a *Person Responsible* based on the same factual circumstances is found to have committed a violation involving both a *Controlled Medication Substance* and a *Banned Substance* under *BEFAR* the *Person Responsible* shall be considered to have committed one (1) *BEFAR Violation* and the *Sanction* imposed shall be based on the *Banned Substance* that carries the most severe *Sanction*.

## **10.9 Disqualification of Results in Competitions Subsequent to Sample Collection or Commission of a Doping Violation**

**10.9.1** 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 *Doping Violation* occurred shall, unless fairness requires otherwise, be *Disqualified* with all of the resulting consequences including forfeiture of any medals, points, prizes and prize money.

**10.9.2** As a condition of regaining eligibility after being found to have committed a *Doping Violation*, the *Person Responsible* must first repay all prize money forfeited under this Article and/or Article 9 and any other fines and/or costs attributed to the violation which have been ordered by the *Hearing Body* or otherwise accepted by the *Person Responsible*.

## **10.10 Commencement of Ineligibility Period**

**10.10.1** Except as provided below, the period of *Ineligibility* imposed on any *Person* or *Horse* shall start on the date of the *Decision* providing for *Ineligibility*, or if the hearing is waived or there is no hearing, on the date *Ineligibility* is accepted or otherwise imposed or any other date specified by the *Hearing Body* in its *Decision*.

### **10.10.2 Delays Not Attributable to the Person Responsible**

Where there have been substantial delays in the hearing process or other aspects of *Doping Control* not attributable to the *Person Responsible* alleged to have committed the *Doping Violation*, the *Hearing Body* may start the period of *Ineligibility* at an earlier date commencing as early as the date of the *Sample* collection or the date on which another *Doping Violation* last occurred. All competitive results achieved during the period of *Ineligibility* including retroactive *Ineligibility* shall be *Disqualified*.

### **10.10.3 Timely Admission**

Where the *Person Responsible* promptly (which, in all circumstances, means before the *Person Responsible* competes again) admits the *Doping Violation* after being confronted with the *Doping Violation* by the *BEF*, the period of *Ineligibility* may start as early as the date of *Sample* collection or the date on which another *Doping Violation* last occurred. In each case, however, where this Article is applied, the *Person* who committed the *Doping Violation* shall serve at least one half of the period of *Ineligibility* going forward from the date *Ineligibility* is imposed or accepted. This shall not apply where the period of *Ineligibility* has already been reduced under Article 10.6.3.

## **10.11 Status During Ineligibility**

### **10.11.1 Prohibition Against Participation During Ineligibility**

No *Horse*, and/or *Person Responsible* who has been declared *Ineligible* may, during the period of *Ineligibility*, participate in any capacity at an *Event* or in a *Competition*



or activity that is authorised or organised by the *BEF*, a *Sporting Discipline* or the *FEI* or any *National Federation* or be present at an *Event* (other than as a spectator) or participate in any capacity at an *Event* or in a *Competition* authorised or organised by any international or national-level *Event* organisation, or any elite or national-level sporting activity funded by a government agency. In addition, for any *Doping Violation*, some of or all sport-related financial support or other sport-related benefits received by such *Person Responsible* may be withheld by the *BEF* or *Sporting Discipline* as the case may be. In addition any *Person Responsible* or *Horse* subject to *Ineligibility* under Article 10 may also be banned from any venues where a *Sporting Discipline's* competitions take place, whether or not the *Person Responsible* is a member of or registered with the *Sporting Discipline*.

### **10.11.2 Return to Training**

As an exception to Article 10.11.1, a *Person Responsible* may return to train with a team or to use the facilities of a club or other member organisation of the *Sporting Discipline's* organisation during the shorter of: (1) the last two (2) months of the *Person Responsible's* period of *Ineligibility*, or (2) the last one-quarter of the period of *Ineligibility* imposed.

### **10.11.3 Violation of the Prohibition of Participation During *Ineligibility***

Where a *Person Responsible* who has been declared *Ineligible* or whose *Horse* has been declared *Ineligible* violates the prohibition against participation or attendance during *Ineligibility* described in Article 10.11.1 above, the results of any such participation shall be *Disqualified* and a new period of *Ineligibility* equal in length to the original period of *Ineligibility* shall be added to the end of the original period of *Ineligibility*. The new period of *Ineligibility* may be adjusted based on the *Person Responsible's* degree of *Fault* or other circumstances of the case. In addition, further *Sanctions* may be imposed if appropriate. The determination of whether any *Person* has violated the prohibition against participation or attendance, and whether an adjustment is appropriate, shall be made by the *Hearing Body*. This *Decision* may be appealed under Article 12.

### **10.11.4 Return of Prizes/Prize Money**

Where the *Sanction* imposed on a *Person* includes the forfeiture of any related medals and/or prizes such medals and/or prizes and/or prize money must be returned to the relevant *Sporting Discipline* within fourteen (14) days of the imposition of the *Sanction*.

## **ARTICLE 11 CONSEQUENCES TO TEAMS**

**11.1** If a member of a team, is found to have committed a violation of *BEFAR* during an *Event* where a team ranking is based on the addition of individual results, the results of the *Person Responsible* may be *Disqualified* in all *Competitions* and will be subtracted from the team result, to be replaced with the results of the next applicable team member. If, by removing the *Person Responsible's* results from the team results, the number of *Persons counting* for the team is less than the required number, the team shall be eliminated from the ranking.

11.2 Notwithstanding the above, for all *Events*, exceptional circumstances may be considered.

## ARTICLE 12 APPEALS

### 12.1 *Decisions* Subject to Appeal

*Decisions* made under *BEFAR* may be appealed as set out below in Article 12.2 and 12.3. Such *Decisions* shall remain in effect while under appeal unless the appellate body orders otherwise.

### 12.2 Appeals from *Decisions* Regarding *Doping Violations* and Consequences

12.2.1 The following *Decisions* may be appealed exclusively as provided in this Article 12.2:

- (a) a *Decision* that a *Doping Violation* was committed;
- (b) a *Decision* imposing consequences for a *Doping Violation*;
- (c) a *Decision* that no *Doping Violation* was committed;
- (d) a *Decision* that a *Doping Violation* proceeding cannot go forward for procedural reasons (including, for example, exceeding the Statute of Limitations);
- (e) a *Decision* under Article 10.11.3 (Violation of the Prohibition of Participation during *Ineligibility*);
- (f) a *Decision* that the *BEF* lacks jurisdiction to rule on any alleged *Doping Violation* or its consequences; and
- (g) a *Decision* not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as a *Doping Violation*, or a *Decision* not to go forward with a *Doping Violation*.

12.2.2 In cases under Article 12.2.1, the following parties shall have the right to appeal:

- (a) the *Person Responsible* who is the subject of the *Decision* being appealed, or the *Horse* owner, where its *Horse* is subject to *Ineligibility*;
- (b) the other party to the case in which the *Decision* was rendered;
- (c) the *BEF*;
- (d) the *Sporting Discipline* of the *Person* who is the subject of the *Decision* being appealed; and
- (e) UK Anti-Doping.

**12.2.3** Cross appeals and other subsequent appeals by any respondent named in cases brought to an *NADP* appeal tribunal are specifically permitted. Any party with a right to appeal under this Article 12 must file a cross appeal or subsequent appeal at the latest with the party's answer.

**12.2.4** An appeal pursuant to Article 12.2.1 shall be made to an *NADP* appeal tribunal following the procedures set out in the *NADP Rules*.

**12.2.5** Decisions of an *NADP* appeal tribunal may be challenged by appeal to the Court of Arbitration for Sport, following the procedures set out in the Court of Arbitration for Sport's Code of Sports-related Arbitration and Article 12.3 of these rules. Such decisions shall be the full and final disposition of the appeal and will be binding on all the persons identified in Article 12.2.2.

### **12.3 Time for Filing Appeals**

The time to file an appeal to the *NADP* shall be twenty one (21) days from the date of *Receipt* of the *Hearing Body 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/ies shall have the right to request from the *Hearing Body* a copy of the file on which it relied; a failure to make such a request shall however not preclude such party from appealing to the *NADP* 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 twenty one (21) days from receipt of the file to appeal to the *NADP*.

## **ARTICLE 13 APPLICATION, REPORTING AND RECOGNITION**

### **13.1 Application of *BEFAR***

*BEFAR* shall either be incorporated directly into each *Sporting Discipline's* rules or be incorporated by reference. In the latter case, *Sporting Disciplines* shall include in their regulations the procedural provisions necessary to effectively implement *BEFAR*.

### **13.2 Statistical Reporting**

The *BEF* may periodically publish anonymous *Testing* data received from *Testing* under the *BEF's* jurisdiction.

### **13.3 Public Disclosure**

**13.3.1** Neither the *BEF* nor the *Sporting Disciplines* shall publicly identify *Horses* or *Persons Responsible* whose *Horses' Samples* have resulted in *Adverse Analytical Findings*, or *Persons Responsible* who were alleged to have otherwise violated

*BEFAR* until the completion of the administrative review and *Notification* described in Articles 7.1.2 and 7.1.4. Once a *Doping Violation* has been established, it shall be publicly reported in an expeditious manner via the *BEFAR Case Status Table* and also on the *Sporting Discipline* website and in other publications as the *Sporting Discipline* shall consider appropriate. If the *Person Responsible* makes information concerning a *Doping Violation* public prior to release of this information on the *BEFAR Case Status Table*, the *BEF* 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* did not commit a *Doping Violation*, the *Decision* may be *Publicly Disclosed* only with the consent of the *Person* who is the subject of the *Decision* or in response to public comments attributed to the *Person Responsible* or their representative. The *BEF* 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 the *BEF* may jointly approve.

**13.3.3** Publication shall be accomplished at a minimum by placing the required information on the website or publishing it through other means.

**13.3.4** Neither the *BEF*, any *Sporting Discipline*, any *Approved Laboratory* or any official or employee 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* or their representatives.

**13.3.5** The mandatory *Public Reporting* required in Article 13.3.1 shall not be required where the *Person Responsible* who has been found to have committed a *Doping Violation* is a *Minor*. Any optional *Public Reporting* in a case involving a *Minor* shall be proportionate to the facts and circumstances of the case.

#### **13.4 Recognition of *Decisions* by *BEF* and *Sporting Disciplines***

Any *Decision* of the *Hearing Body* regarding a violation of these *BEFAR* shall be recognised and enforced by all *Sporting Disciplines* and *Sporting Disciplines* shall take all necessary action to implement any and all ramifications relating to such *Decisions*.

### **ARTICLE 14 STATUTE OF LIMITATIONS**

No action may be commenced under *BEFAR* against a *Person Responsible* for a *Doping Violation* unless he or she has been notified of the *Doping Violation* as provided in Article 7, or *Notification* has been reasonably attempted twelve (12) months from the date the *Doping Violation* is asserted to have occurred.

### **ARTICLE 15 AMENDMENT AND INTERPRETATION OF *BEFAR***

**15.1** *BEFAR* may be amended from time to time by the *BEF* in accordance with the *BEF* Rules.

**15.2** Except as provided in Article 15.5, *BEFAR* shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.

**15.3** The headings used for the various parts and Articles of *BEFAR* are for convenience only and shall not be deemed part of the substance of *BEFAR* or to affect in any way the language of the provisions to which they refer.

**15.4** The Introduction, Appendix 1 Definitions and the *Equine Prohibited Substances List* shall all be considered integral parts of *BEFAR*.

**15.5** *BEFAR* have been adopted pursuant to the *BEF* Rules and shall be interpreted, where applicable, in a manner that is consistent with applicable provisions of the *BEF* Rules as well as other *BEF* rules and regulations including but not limited to the *BEF Veterinary Manual*, the National Equine Anti-Doping and Controlled Medication Hearing Body Rules, the *Standard for Laboratories* and the rules of the *Sporting Disciplines*. In the event of conflict with the *BEF* Rules, the *BEF* Rules shall apply. In the event of conflict with the *BEF Veterinary Manual*, *Standard for Laboratories*, and/or the rules of the *Sporting Disciplines*, *BEFAR* shall apply.

**15.6** The time limits fixed under *BEFAR* shall begin from the day after *Notification* by the *BEF* is received. Official holidays and non-working days are included in the calculation of time limits. The time limits fixed under *BEFAR* 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 UK, the time limit shall expire at the end of the first subsequent business day.

## **Article 16 TRANSITIONAL PROVISIONS**

### **16.1 Application to *Decisions* Rendered Prior to *BEFAR* 2011**

*BEFAR* shall have no application to equine anti-doping or controlled medication cases where a final *Decision* finding a violation has been rendered and the period of *Ineligibility* has expired.

They shall not apply retroactively to matters pending before 1 January 2011 (the "Effective Date"); provided, however, that:

**16.1.1** *BEFAR* violations taking place prior to the Effective Date count as "first violations" or "second violations" for purposes of determining sanctions under Article 10 for violations taking place after the Effective Date.

**16.1.2** The retrospective periods in which prior violations can be considered for purposes of multiple violations under Article 10.8.5 and the statute of limitations set forth in Article 14 are procedural rules and should be applied retroactively; provided, however, that Article 14 shall only be applied retroactively if the statute of limitations period has not already expired by the Effective Date. Otherwise, with respect to any *BEFAR* violation case which is pending as of the Effective Date and any anti-doping rule violation case brought after the Effective Date based on an anti-doping rule violation which occurred prior to the Effective Date, the case shall be governed by

the substantive anti-doping rules in effect at the time the alleged anti-doping rule violation occurred unless the *Hearing Body* or *NADP Panel* deciding the case determines the principle of “lex mitior” appropriately applies under the circumstances of the case.

**16.1.3** For purposes of assessing the period of *Ineligibility* for a second violation under Article 10.8.1, where the sanction for the first violation was determined based on rules in force prior to the Effective Date, the period of *Ineligibility* which would have been assessed for that first violation had these *BEFAR* Rules been applicable, shall be applied.

## Chapter 2 Equine Controlled Medication Rules

### The *BEF* Medication Code and Rationale for the Controlled Medication Rules

#### 1. These Controlled Medication Rules have been adopted in recognition of the following fundamental imperatives of equestrian sport:

- A central and distinctive feature of equestrian sport is that it involves a partnership between two types of athlete, one human and one equine. One of these partners, the *Horse*, is unable to speak for itself. It is the *BEF's* and the *Sporting Disciplines'* responsibility to speak on behalf of and for the *Horse*, and to ensure that, at every stage of the governance, regulation, administration and practice of the sport the welfare of the *Horse* is paramount.
- This includes regulating the administration of *Controlled Medication Substances* to *Horses* involved in the sport to ensure *Horse* welfare and the highest levels of professionalism.
- In particular, all treatments must be given in the best health and welfare interests of the *Horse* and not for any other reasons.
- Every treatment must be fully justifiable based on 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 and rest (or recovery period). *Persons Responsible* must obtain advice from their treating veterinarian or team veterinarian and only administer treatments prescribed based on the objective clinical opinion of the veterinarian.
- It is advisable that a complete and accurate record of the administration of all *Controlled Medication Substances* and other treatments is maintained for each *Horse* competing in *Competitions* or *Events* run under the auspices of a *Sporting Discipline* in the form of a Medication Logbook.

**2. These Controlled Medication Rules are to be interpreted and applied (including where an issue arises that is not expressly provided for in these Controlled Medication Rules) by reference to the need to follow the *BEF* Medication Code and to protect and advance the fundamental imperatives described above. This purposive interpretation and application will take precedence over any strict legal or technical interpretations that may otherwise be proposed.**

#### **ARTICLE 1 DEFINITION OF A CONTROLLED MEDICATION VIOLATION**

A ***Controlled Medication Violation*** is defined as the occurrence of one or more of the *BEFAR* violations set out in Article 2.1 to 2.5 of Chapter 2 of *BEFAR*.

## **ARTICLE 2 CONTROLLED MEDICATION VIOLATIONS**

The purpose of Article 2 is to specify the circumstances and conduct which constitute *Controlled Medication Violations*. *Controlled Medication* cases under Chapter 2 will proceed based on the assertion that one or more of these specific rules have been violated.

*Persons Responsible* shall be responsible for knowing what constitutes a *Controlled Medication Violation* and the substances which have been included on the *Equine Prohibited Substances List* and identified as *Controlled Medication Substances*.

Where *Controlled Medication Substances* are involved, the following shall constitute *Controlled Medication 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 each *Person Responsible's* personal duty to ensure that no *Controlled Medication Substance* is present in the *Horse's* body during an *Event* and/or a *Competition*. *Persons Responsible* are responsible for any *Controlled Medication Substance* found to be present in their *Horse's Samples*. It is not necessary that intent, *Fault*, negligence or knowing *Use* be demonstrated in order to establish a *Controlled Medication Violation* under Article 2.1.

**2.1.2** Sufficient proof of a *Controlled Medication Violation* under Article 2.1 is established by any of the following:

- (i) presence of a *Controlled Medication Substance* and/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* and/or its *Metabolites* or *Markers* found in the *Horse's A Sample* during an *Event* and/or a *Competition*.

An *Adverse Analytical Finding* may be established by a positive blood or urine *Sample*.

**2.1.3** Excepting those *Controlled Medication Substances* for which a quantitative threshold is specifically identified in the *Equine Prohibited Substances List*, or where a *National Equine Therapeutic Use Exemption* has been granted, the presence of any quantity of a *Controlled Medication Substance* and/or its *Metabolites* or *Markers* in a *Horse's Sample* during an *Event* and/or a *Competition* shall constitute a *Controlled Medication Violation*.

**2.1.4** As an exception to the general rule of Article 2.1, the *Equine Prohibited Substances List* or the *Standard for Laboratories* may establish special criteria for the evaluation of *Controlled Medication Substances* that can also be produced endogenously.



## **2.2 Use or Attempted Use of a Controlled Medication Substance**

**2.2.1** It is each *Person Responsible's* personal duty to ensure that no *Controlled Medication Substance* enters into the *Horse's* body during an *Event* and/or a *Competition*. Accordingly it is not necessary that intent, *Fault*, negligence or knowing *Use* on the part of the *Person Responsible* be demonstrated in order to establish a *Controlled Medication Violation* for *Use* of a *Controlled Medication Substance*. However in accordance with the definition of *Attempt*, it is necessary to show intent in order to establish a *Controlled Medication Violation* for *Attempted Use* of a *Controlled Medication Substance*.

**2.2.2** The success or failure of the *Use* or *Attempted Use* of a *Controlled Medication Substance* is not material. It is sufficient that the *Controlled Medication Substance* was *Used* or *Attempted* to be *Used* during an *Event* and/or a *Competition* for a *Controlled Medication Violation* to be committed.

## **2.3 Tampering, or Attempted Tampering, with any part of Medication Control, that is not otherwise a violation of the Controlled Medication Rules**

### **2.4 Complicity**

Assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving a *Controlled Medication Violation* or any *Attempted Controlled Medication Violation*.

## **2.5 Administration or Attempted Administration of a Controlled Medication Substance**

## **ARTICLE 3 PROOF OF CONTROLLED MEDICATION VIOLATION**

### **3.1 Burdens and Standards of Proof**

The *BEF* shall have the burden of establishing that a *Controlled Medication Violation* has occurred. The standard of proof shall be whether the *BEF* has established a *Controlled Medication Violation* on the balance of probabilities. Where *BEFAR* place the burden of proof upon the *Person Responsible* to rebut a presumption or establish specified facts or circumstances, the standard of proof shall also 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 *Controlled Medication Violations* may be established by any reliable means, including admissions. The following rules of proof shall be applicable in *Controlled Medication Violation* cases brought under *BEFAR*:

**3.2.1** The *Testing Laboratory* is presumed to have conducted *Sample* analysis and custodial procedures in accordance with the *Standard for Laboratories*. The *Person Responsible* who is alleged to have committed the *Controlled Medication Violation* may rebut this presumption by establishing by a balance of probability that a

departure from the *Standard for Laboratories* occurred which could reasonably have caused the *Adverse Analytical Finding*.

If the preceding presumption is rebutted by showing that a departure from the *Standard for Laboratories* occurred which could reasonably have caused the *Adverse Analytical Finding*, then the *BEF* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.

**3.2.2** Departures from another *BEF* standard or other *BEFAR* Rule, *BEF Manual* or policy which did not by a balance of probability cause an *Adverse Analytical Finding* or other *Controlled Medication Violation* shall not invalidate such results. If the *Person Responsible* establishes by a balance of probability, that a departure from another *BEF* standard or *BEFAR* Rule, *BEF Manual* or policy could reasonably have caused the *Controlled Medication Violation* based on the *Adverse Analytical Finding* or other *Controlled Medication Violation*, then the *BEF* must prove that the departure did not cause the *Adverse Analytical Finding* or the factual basis for the *Controlled Medication 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 irrebuttable evidence against the *Person Responsible* 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 Body* presiding over a case alleging a *Controlled Medication Violation* may draw an inference adverse to the *Person Responsible* who is asserted to have committed a *Controlled Medication 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 *Hearing Body*) in order to answer questions from the *Hearing Body* or the *BEF*.

## **ARTICLE 4 THE EQUINE PROHIBITED SUBSTANCES LIST**

### **4.1 Incorporation of the *Equine Prohibited Substances List***

*BEFAR* incorporate the *Equine Prohibited Substances List* which is published by the *FEI* from time to time. The *BEF* will publish a link to the current *Equine Prohibited Substances List* in such a manner that it is available to the *Sporting Disciplines* and their members and constituents, including, but not limited to, publication of the link on the *BEF* website.

### **4.2 Review and Publication of *Controlled Medication Substances* identified on the *Equine Prohibited Substances List***

The *Equine Prohibited Substances List*, as may be revised from time to time, shall come into effect at whichever is the earlier of a date published by the *BEF* or the publication of a link to the revised *Equine Prohibited Substances List* on the *BEF* website, but in any event no sooner than 90 days following publication of the link to the revised *Equine Prohibited Substances List* on the *FEI* website. All *Persons Responsible* shall be bound by the *Equine Prohibited Substances List*, and any

revisions thereto, from the date they go into effect, without further formality. It is the responsibility of all *Persons Responsible* to familiarise themselves with the most up-to-date version of the *Equine Prohibited Substances List* and all revisions thereto.

### **4.3 Substances on the *Equine Prohibited Substances List***

The *FEI's* categorisation of a substance on the *Equine Prohibited Substances List* as a *Controlled Medication Substance* including any establishment of a threshold for a *Controlled Medication Substance* and/or the quantitative amount of such threshold shall be final and binding on all parties and shall not be subject to challenge by a *Person Responsible*, or any other *Person*, on any basis.

### **4.4 National Equine Therapeutic Use Exemption (NETUE)**

**4.4.1** Where a *Horse* is tested by the *BEF* under *BEFAR* and that horse has experienced a recent veterinary emergency requiring the *Use* of a *Controlled Medication Substance*, the *Person Responsible* may, provided always that he submitted a *Medication Form* signed by his treating veterinarian and naming the *Controlled Medication Substance* and the clinical reason for its use to the *Testing Veterinarian* at the time of *Testing*, submit a retrospective application for a *National Equine Therapeutic Use Exemption (NETUE)* to the *Technical Committee* no later than ten (10) working days after the date on which the *Horse's Sample* was taken.

**4.4.2** The *BEF* may at its sole discretion extend the time limit for submission of the retrospective application set out in Article 4.4.1 provided always that the *Person Responsible* has shown good cause for such extension and any such *NETUE* application shall be resolved before any *Adverse Analytical Finding* or *Atypical Finding* relating to that *Horse's Sample* is processed under Article 7.

**4.4.3** The *Technical Committee* shall determine the *NETUE* application in strict accordance with the criteria set out in the *Standard for NETUEs*. The *BEF* will notify the *Person Responsible* in writing of the *Technical Committee's* grant or denial of the *Person Responsible's* application for the *NETUE*. It may also be granted subject to such conditions or restrictions as the *Technical Committee* sees fit.

**4.4.4** The submission of false or misleadingly incomplete information in support of an *NETUE* application may result in a charge of *Tampering* or *Attempted Tampering* under Article 2.3.

### **4.5 Specified Substances**

For the purposes of the application of Article 10 *Specified Substances* shall be taken as meaning only those *Prohibited Substances* identified as such on the *Equine Prohibited Substances List*.

## **ARTICLE 5 TESTING**

### **5.1 Authority to Test**

All *Horses* registered with a *Sporting Discipline* or otherwise present or competing at an *Event* and/or a *Competition* shall be subject to *Testing* by the *BEF* or its assignees or agents. The *BEF* shall be exclusively responsible for *Testing* at national *Events* and *Competitions* and no other body may conduct *Testing* at national *Events* and/or *Competitions* without the *BEF*'s express written permission.

### **5.2 Responsibility for *BEF* Testing**

The *Testing Committee* shall be responsible for overseeing all *Testing* conducted by the *BEF*. *Testing* shall be conducted by the *Testing Veterinarians* or by any other qualified and authorised persons at a given *Event* or *Competition* as authorised by the *Testing Committee* or in writing by the *BEF* Chief Executive or his designee.

### **5.3 Testing Standards**

*Testing* conducted by or on behalf of the *BEF* shall be in substantial conformity with the *Testing* procedures in the *BEF Veterinary Manual* in effect at the time of *Testing*.

### **5.4 Selection of *Horses* to be Tested**

**5.4.1** The *Testing Committee* shall determine the number of *Tests* to be performed and the procedures for selecting the *Horses* for *Testing*.

**5.4.2** In addition to the selection procedures set forth in Article 5.4.1 above, *Horses* may also be selected for *Target Testing*.

**5.4.3** Nothing in these *BEFAR* shall be construed to limit where the *BEF* is authorised to conduct *Testing* on *Horses* in competition.

## **ARTICLE 6 ANALYSIS OF SAMPLES**

*Samples* collected under *BEFAR* and arising from *BEF Testing* are the property of the *BEF*. They shall be analysed in accordance with the following principles:

### **6.1 Use of *Approved Laboratory***

The *BEF* shall send *Samples* for analysis only to the *Testing Laboratory* (which is subject to the *Standard for Laboratories*). However the *Person Responsible* may elect to have the *B Sample* analysed at a different laboratory than the one which performed the *A Sample* analysis. If such an election is made the *BEF* shall select the *B Sample* laboratory from the *FEI List of Approved Laboratories* and the *BEF* shall inform the *Person Responsible* accordingly.

## **6.2 Purpose of Collection and Analysis of Samples**

*Samples* shall be analysed to detect *Controlled Medication Substances* identified on the *Equine Prohibited Substances List*. The *BEF* may also seek to detect other substances for research and monitoring purposes, as publicly announced by the *BEF* from time to time, pursuant to a defined monitoring programme. *Samples* may be collected and stored for future analysis.

## **6.3 Research on Samples**

No *Sample* may be used for any purpose other than as described in Article 6.2 Chapter 1 and Chapter 2 *BEFAR* without the *Person Responsible's* written consent. Those *Samples* used for purposes other than as set forth in Article 6.2 (for example research) following written consent from the *Person Responsible* shall have all means of identification removed from the *Sample* so that it cannot be traced back to a particular *Horse* or *Person Responsible*.

All *Samples* shall be destroyed pursuant to the guidelines set out in the *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**

The *Testing Laboratory* shall analyse *Samples* and report results in conformity with the *Standard for Laboratories*.

## **ARTICLE 7 RESULTS MANAGEMENT**

### **7.1 Results Management for Tests arising out of BEF Testing or other Controlled Medication Violations**

7.1 Results management for *Tests* arising out of *BEF Testing* or other *Controlled Medication Violations* shall proceed as follows:

7.1.1 The results of all *Sample* analyses must be sent exclusively to the *BEF* 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 *Adverse Analytical Finding*, the *BEF* in consultation with the *Technical Committee* shall conduct a review to determine whether:

(a) the *Adverse Analytical Finding* is consistent with an applicable *NETUE* that has been granted; or

(b) there is any apparent departure from the *Testing* procedures of the *BEF Veterinary Manual* or the *Standard for Laboratories* that caused the *Adverse Analytical Finding*.

**7.1.3** If (i) the initial review under Article 7.1.2 reveals an applicable *NETUE* or apparent departure from the *Testing* procedures in the *BEF Veterinary Manual* or from the *Standard for Laboratories* that caused the *Adverse Analytical Finding*, the entire test shall be considered negative, and/or (ii) upon the review, the *BEF* *Decides* not to bring forward the *Adverse Analytical Finding*, the *BEF* shall promptly *Notify* the *Person Responsible* and the *Person Responsible's Sporting Discipline*.

**7.1.4** If the review of an *Adverse Analytical Finding* under Article 7.1 does not reveal an apparent departure from the *Testing* procedures of the *BEF Veterinary Manual* or the *Standard for Laboratories* that caused the *Adverse Analytical Finding*, the *BEF* shall promptly *Notify* the *Person Responsible* and the *Person Responsible's Sporting Discipline* of:

(a) the *Adverse Analytical Finding*;

(b) the *BEFAR* Rule allegedly violated;

(c) the *Person Responsible's* right within sixteen (16) days to 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 which performed the *A Sample* analysis, such laboratory to be chosen by the *BEF*, and the opportunity to send a representative (witness) to be present for the *B Sample* analysis within the time period specified in the *Standard for Laboratories* unless allowing such representative or witness to be present at the *B Sample* analysis is a threat to the integrity of the analysis process. Where both the *Person Responsible* and any additional *Person Responsible* have elected to have the *B Sample* analysed but one of them has elected to have the *B Sample* analysed at a different laboratory than the one which performed the *A Sample* analysis and the other one has elected to have the *B Sample* analysed at the same laboratory as the one which performed the *A Sample* analysis, it shall be for the *BEF* to decide the question taking into account all relevant circumstances;

(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 *Standard for Laboratories*;

(f) the right of the *Person Responsible* and/or the *BEF* to request to the *Hearing Body* that Article 9 (Automatic Disqualification) be promptly applied where the *B Sample Analysis* confirms the *A Sample Analysis* or where the right to request the *B Sample Analysis* is waived;

(g) the *Person Responsible's* right to request a hearing or, failing such request within the deadline specified in the notification, that a hearing may be deemed waived;

(h) where applicable, the availability of the *Administrative Procedure* described in Article 8.3,

(i) the opportunity to provide a written explanation about the overall circumstances of the case or to dispute (within a specific deadline indicated in the *Notification*) the assertion that a *Controlled Medication Violation* has occurred;

(j) the opportunity to promptly admit the *Controlled Medication Violation* and consequently request the early commencement of the period of *Ineligibility* in accordance with Article 10.10.3; and

(k) the opportunity to cooperate and provide *Substantial Assistance* in discovering or establishing a *Controlled Medication Violation*.

**7.1.5** Pursuant to Article 7.1.4(d), within seven (7) days of receipt of the duly executed *Confirmatory Analysis Request Form (B Sample)* the *BEF* 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. The *BEF* 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 right to a *B Sample* analysis if he does not submit the *Confirmatory Analysis Request Form* within the time limit stipulated in the *Notification*.

**7.1.6** In addition to the *Person Responsible* and his representative (witness) a representative of the *Person Responsible's Sporting Discipline* as well as a representative of the *BEF* shall also be allowed to be present for the *B Sample Analysis*.

**7.1.7** If the *B Sample* proves negative, then the entire test shall be considered negative. The *BEF* shall be informed of the results confidentially and shall *Notify* the *Person Responsible* and his *Sporting Discipline*.

**7.1.8** If the *B Sample* analysis confirms the *A Sample* analysis the *BEF* shall be informed of the results confidentially and shall *Notify* the *Person Responsible* and the *Person Responsible* shall be required to pay the costs of the *B Sample* analysis.

**7.1.9** The *BEF* may conduct any necessary follow-up investigation as may be required. Upon completion of such follow-up investigation, if any, the *BEF* shall promptly *Notify* the *Person Responsible's Sporting Discipline* of the results of the follow up investigation.

**7.1.10** 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). In addition, and also for the avoidance of doubt, where the *A Sample* is positive for a *Threshold Controlled Medication Substance* as it is quantitatively above the threshold level set for the *Controlled Medication Substance*, the *B Sample* shall be deemed to confirm the *A Sample* so long as the level of the *B Sample* is also quantitatively above the threshold, even if the *B Sample* varies quantitatively from the *A Sample* level.

**7.1.11** Where appropriate, additional *Persons Responsible* shall receive *Notification* of the *Controlled Medication Violation* and all relevant corresponding documents.

## **7.2 Review of Atypical Findings**

**7.2.1** 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*, the *BEF* shall conduct a review to determine whether there is any apparent departure from the *Testing* procedures, the *Standard for Laboratories* or another *BEF* standard, *BEF Manual* or policy that caused the *Atypical Finding*. If that review does not reveal any departure that caused the *Atypical Finding* the *BEF* shall conduct the required investigation. After that investigation is completed, the *Person Responsible* and his *Sporting Discipline*, shall be *Notified* whether or not the *Atypical Finding* will be brought forward as an *Adverse Analytical Finding*. The *Person Responsible's Sporting Discipline* shall be *Notified* as provided in Article 7.1.

**7.2.2** The *BEF* will not provide *Notice* of an *Atypical Finding* until it has completed its investigation and it has decided whether it will bring the *Atypical Finding* forward as an *Adverse Analytical Finding*. However if the *BEF* determines that the *B Sample* should be analysed prior to the conclusion of the investigation under Article 7.2 the *BEF* 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 7.1.4 (b)-(e).

## **7.3 Review of Other Controlled Medication Violations**

For apparent *Controlled Medication Violations* that do not involve *Adverse Analytical Findings*, the *BEF* may conduct any necessary follow-up investigation and at such time as it is satisfied that a *Controlled Medication Violation* has occurred, it shall then promptly *Notify* the *Person Responsible* and the *Person Responsible's Sporting Discipline* of the *BEFAR* which appears to have been violated and the basis of the violation.

## **7.4 Retirement from Sport**

If a *Person Responsible* retires while a results management process is underway, the *BEF* retains jurisdiction to complete its results management process. If a *Person Responsible* retires before any results management process has begun, the *BEF* similarly has jurisdiction to conduct results management.

## **7.6 Resolution without a Hearing**

### **7.6.1 Waiver of Hearing**

A *Person Responsible* may waive a hearing expressly.

A *Person Responsible* will be deemed to have waived a hearing if he fails to request a hearing within the deadline set out in the notification of the alleged violation required to request a hearing.



In that event the *Hearing Body* shall, unless it rules that a hearing is required, consider the case on a written basis in accordance with the *Hearing Body Rules*.

### **7.6.2 Admission**

At any time during the results management process the *Person Responsible* against whom a *BEFAR* violation is asserted may admit that violation.

### **7.6.3 Deemed Admission and Waiver**

If the *Person Responsible* against whom a *Controlled Medication Violation* is asserted fails to dispute that assertion within sixteen (16) days of *Notification* (or within any other deadline as may be imposed in a specific case) that such a violation is alleged, then he shall be deemed to have admitted the *Controlled Medication Violation*, to have waived a hearing, and to have accepted the consequences that are mandated by *BEFAR* or (where some discretion as to consequences exists under *BEFAR*) that have been offered by the *BEF* provided that *Hearing Body* approval has been provided.

**7.6.4** In cases where Article 7.6.2 or 7.6.3 applies, a hearing before a *Hearing Body* shall not be required. Instead, the *Hearing Body* shall promptly issue a written *Decision* confirming the commission of the *Controlled Medication Violation* and the consequences imposed as a result, and setting out the full reasons for any period of *Ineligibility* imposed, including (if applicable) a justification for why the maximum potential period of *Ineligibility* was not imposed. The *BEF* shall send copies of that *Decision* to other *Anti-Doping Organisations* with a right to appeal under Article 12.2.2, and shall *Publicly Disclose* that decision in accordance with Article 13.3.

## **ARTICLE 8 RIGHT TO A FAIR HEARING**

### **8.1 Hearings before the *Hearing Body***

**8.1.1** The *Hearing Body* shall *Decide* all cases involving a violation of *BEFAR*.

**8.1.2** When the *BEF* sends a *Notice* to a *Person Responsible* and/or additional *Person Responsible* asserting a violation of *BEFAR*, and the *Person Responsible* and/or the additional *Person Responsible* does not expressly or impliedly admit the violation under 7.6.2 or 7.6.3 then the case shall be assigned to the *Hearing Body* for adjudication. The *Hearing Body* shall conduct a hearing unless the *Person Responsible* has either expressly waived or has been deemed under 7.6.1 to have waived such hearing or it has determined that the case should proceed by hearing. In the event that a hearing is not conducted the *Hearing Body* shall *Decide* the case on the basis of written submissions in accordance with the *Hearing Body Rules*.

**8.1.3** The *BEF* Chief Executive shall at his sole discretion appoint a *Hearing Body* from among the *BEF Anti-Doping Panel* to decide each case. The *Hearing Body* shall consist of three (3) members, one of whom will be a legally qualified person and shall act as Chair of the *Hearing Body*. The appointed members shall be independent of the *Person Responsible* alleged to have violated *BEFAR*, the *Horse* involved and the *Person Responsible's Sporting Discipline*.

**8.1.4** 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* alleged to have violated *BEFAR* shall cooperate promptly in the submission of such evidence and pleadings and in attendance at a hearing if requested by the *Hearing Body*.

**8.1.5** The *Person Responsible* alleged to have violated *BEFAR* may attend the hearing under all circumstances.

**8.1.6** The *Sporting Discipline* of the *Person Responsible* alleged to have violated *BEFAR* and/or a representative of UK Anti-Doping may attend the hearing as an observer.

**8.1.7** A *Person Responsible* may acknowledge the *Controlled Medication Violation* and accept consequences consistent with Articles 8.3 (if the *Administrative Procedure* is elected) or Articles 9 and 10 as proposed by the *BEF*.

**8.1.8** *Decisions* of the *Hearing Body* may be appealed to the *NADP* as provided in Article 12.

## **8.2 Principles for a Fair Hearing**

All decisions and hearings under *BEFAR* shall respect the following principles:

- (a) Fair and impartial *Hearing Body*;
- (b) The right to be represented by counsel (separately or together) at the *Person(s) Responsible's(s')* own expense;
- (c) The right to be fairly and timely informed of the asserted *Controlled Medication Violation*;
- (d) The right to respond to the asserted *Controlled Medication Violation* and resulting consequences;
- (e) The right of each party to present evidence;
- (f) The right of each party to call and question witnesses (subject to the *Hearing Body's* discretion to accept testimony by telephone or written submission);
- (g) A timely hearing, subject to prompt and complete submissions by the parties; and
- (h) 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* may elect to have their case proceed under the *Administrative Procedure* provided that:

(a) No more than one (1) *Controlled Medication Substance* (including its *Metabolites* or *Markers*) is detected in the *Sample*; and

(b) The *Person Responsible* and the *Horse* are first-time offenders (namely no record of any *Doping Violation* or *Controlled Medication Violation* or violations of any predecessor rule) without any pending or concluded cases within the last four (4) years preceding the *Sample* which caused the *Adverse Analytical Finding*.

**8.3.2** If the *Person Responsible* requests a hearing before the *Hearing Body*, Article 10 below shall apply at the discretion of the *Hearing Body*.

**8.3.3** Where the *Administrative Procedure* is applied by the *BEF*, the following consequences shall be imposed and no other consequences, including those set out in Article 10 below or elsewhere in Chapter 2 *BEFAR* shall be applicable to any *Person* who has elected this *Administrative Procedure*:

(a) *Disqualification* of the competitor (whether that is the *Person Responsible* and/or the *Minor* in respect of whom the *Person Responsible* has accepted primary responsibility) who competed the *Horse* and *Horse* combination from the whole *Event* and forfeiture of all prizes and prize money won at the *Event*;

(b) A *Fine* of £500; and

(c) Costs of the analysis of the *A Sample*. However, if a *B Sample* analysis is requested and the *Administrative Procedure* accepted after the *B Sample* analysis, the costs shall be increased to cover the costs of the *B Sample* analysis.

**8.3.4** In order to apply this *Administrative Procedure*, the *Person Responsible* must execute an acceptance form within sixteen (16) days following the date of the *Notice* in which the *BEF* offers the *Administrative Procedure* to the *Person* alleged to have committed the *Controlled Medication Violation*. The *BEF* may reasonably extend such deadline provided the file has not yet been circulated to the *Hearing Body* or its members.

**8.3.5** If the *Person Responsible* does not elect the *Administrative Procedure* within the fixed time limit, the *Administrative Procedure* shall be considered declined and the case submitted to the *Hearing Body* for final decision. The *Hearing Body* may impose *Sanctions* and costs which may be more or less severe than the ones provided for in the *Administrative Procedure*.

### **8.4 Decisions**

**8.4.1** At the end of the hearing, or adjudication on the basis of written submissions, or on a timely basis thereafter, the *Hearing Body* shall issue a written *Decision* that

includes the full reasons for the *Decision* and for any period of *Ineligibility* imposed, including (if applicable) a justification for why the greatest potential consequences were not imposed. The *Hearing Body* may decide to communicate the operative part of the *Decision* to the parties, prior to the reasons. The *Decision* shall be enforceable from such notification of the operative part by courier, facsimile and/or electronic mail.

**8.4.2** If no appeal is brought against the *Decision*, then (a) if the *Decision* is that a *Controlled Medication Violation* was committed, the *Decision* shall be *Publicly Disclosed* as provided in Article 13.3; but (b) if the *Decision* is that no *Controlled Medication Violation* was committed, then the *Decision* shall only be *Publicly Disclosed* with the consent of the *Person Responsible*. The *BEF* 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 the *Person Responsible* may approve.

The principles contained in Article 13.3.5 shall be applied in cases involving a *Minor*.

## **ARTICLE 9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS**

**9.1** For cases other than those prosecuted under the *Administrative Procedure*, a violation of *BEFAR* in connection with a test in a given *Competition* automatically leads to the *Disqualification* of all results of the competitor (whether that is the *Person Responsible* and/or the *Minor* in respect of whom the *Person Responsible* has accepted primary responsibility) who competed the *Horse* and the *Horse* combination obtained in that *Competition* with all resulting consequences, including forfeiture of any related medals, points, prizes and prize money. Even if a *Sanction* is reduced or eliminated under Article 10 below, such reduction or elimination shall under no circumstances eliminate the automatic *Disqualification* of individual results mandated by this Article 9. Where applicable, consequences to teams are detailed in Article 11 below.

**9.2** For the avoidance of doubt where the competitor is a *Minor* at the time of the *Competition*, the consequences to the *Minor* shall be limited to *Disqualification* from the *Competition* and forfeiture of all medals, points, prizes and prize money won at the *Competition*.

## **ARTICLE 10 SANCTIONS**

The following rules relating to the *Disqualification* of results will apply to cases other than those prosecuted under the *Administrative Procedure*.

### **10.1 *Disqualification of Results in the Event during which a Controlled Medication Violation occurs***

**10.1.1** A *Controlled Medication Violation* occurring during or in connection with an *Event* may lead to *Disqualification* of all of the *Person Responsible's* individual results obtained in that *Event*, with any and all *Horses* with which the *Person Responsible* competed, with all consequences, including forfeiture of all medals, points, prizes, and prize money except as provided in Article 10.1.4.

**10.1.2** Notwithstanding the above for all *Events* exceptional circumstances may be considered. Generally, and subject to Articles 10.1.3 and 10.1.4 below, all results from *Competitions* in which the *Person Responsible* or *Horse* participated prior to *Sample* collection shall be *Disqualified* unless it can be demonstrated that such results were not likely to have been affected by the *Controlled Medication Violation*.

**10.1.3** If the *Person Responsible* establishes that he or she bears *No Fault or Negligence* for the *Controlled Medication Violation*, the *Person Responsible's* individual results in the other *Competitions* shall not be *Disqualified* unless the *Person Responsible's* results in *Competitions* other than the *Competition* in which the *Controlled Medication Violation* occurred were likely to have been affected by the *Person Responsible's Controlled Medication Violation*.

**10.1.4** In addition, the *Person Responsible's Horse* may also be *Disqualified* from the entire *Event* with all consequences, including forfeiture of all medals, points, prizes and prize money even if earned while being ridden by someone other than the *Person Responsible* (including a *Minor* in respect of whom the *Person Responsible* has accepted primary responsibility), if the *Horse's* results in *Competitions* other than the *Competition* in which the *BEFAR* violation occurred were likely to have been affected by the *Controlled Medication Violation*.

## **10.2 *Ineligibility* and *Fine* for Presence, Use or Attempted Use or Administration or Attempted Administration of Controlled Medication Substances**

The period of *Ineligibility* for a violation of Articles 2.1, 2.2 or 2.5 shall be six (6) months, subject to potential reduction or suspension pursuant to Articles 10.4, 10.5 or 10.6.

A *Fine* of up to £4,000 shall also be imposed and appropriate legal costs.

## **10.3 *Ineligibility* for Other Controlled Medication Violations**

The *Sanctions* for *Controlled Medication Violations* other than as provided in Articles 9, 10.1 and 10.2 shall be:

**10.3.1** For violations of Article 2.3 or Article 2.4, the period of *Ineligibility* shall be two (2) years 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 £4,000 and appropriate legal costs shall also be imposed.

## **10.4 Elimination of the Period of *Ineligibility* where there is *No Fault or Negligence***

If the *Person Responsible* establishes in an individual case that he bears *No Fault or Negligence* for the *Controlled Medication Violation*, the otherwise applicable period of *Ineligibility* and other *Sanctions* (apart from Article 9) shall be eliminated in regard to such *Person*. When a *Controlled Medication Substance* and/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* 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 this Article is applied and the period of *Ineligibility* otherwise applicable is eliminated, the *Controlled Medication Violation* shall not be considered a violation for the limited purpose of determining the period of *Ineligibility* for multiple violations under Article 10.8 below.

Except in the case where the violation relates to a *Controlled Medication Substance* which is a *Specified Substance* Article 10.4 shall only apply in exceptional circumstances.

*No Fault or Negligence* does not apply in the following circumstances:

(a) Where the presence of a *Controlled Medication Substance* in a *Sample* came from a mislabelled or contaminated supplement. *Persons Responsible* are responsible for what their *Horses* ingest and have been warned about the possibility of supplement contamination.

(b) The *Administration* of a *Controlled Medication Substance* by the *Person Responsible's* veterinary personnel or member of the *Support Personnel* without disclosure to the *Person Responsible*. *Persons Responsible* are responsible for their choice of veterinary personnel and *Support Personnel* and for advising veterinary personnel and *Support Personnel* that the presence of a *Controlled Medication Substance* in a *Horse's* system is forbidden during an *Event* or *Competition*.

## **10.5 Reduction of the Period of *Ineligibility* based on *No Significant Fault or Negligence***

### **10.5.1 Reduction of *Sanctions* for *Specified Substances* and *Contaminated Products***

#### **10.5.1.1 *Specified Substances***

Where the *Controlled Medication Violation* involves a *Controlled Medication Substance* that is a *Specified Substance* and the *Person Responsible* can establish *No Significant Fault or Negligence*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, six months of *Ineligibility*, depending on the *Person Responsible's* degree of *Fault*. Where the *Person Responsible* intends to establish that he bears *No Fault or Negligence*, Article 10.4 shall apply.

#### **10.5.1.2 *Contaminated Products***

In cases where the *Person Responsible* can establish *No Significant Fault or Negligence* and that the detected *Controlled Medication Substance* came from a *Contaminated Product*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, six (6) months *Ineligibility*, depending on such *Person's* degree of *Fault*.

### **10.5.2 Application of *No Significant Fault or Negligence* beyond the Application of Article 10.5.1**

If a *Person Responsible* establishes in an individual case that he bears *No Significant Fault or Negligence*, then the otherwise applicable period of *Ineligibility* and other *Sanctions* (apart from Article 9) may be reduced in regard to such *Person*. When a *Controlled Medication Substance* and/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 *Controlled Medication 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.

### **10.6 Elimination, Reduction or Suspension of Period of *Ineligibility* or other Consequences for Reasons Other than *Fault***

#### **10.6.1 *Substantial Assistance* in Discovering or Establishing *Controlled Medication Violations***

The *Hearing Body* 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 *Person Responsible* has provided *Substantial Assistance* to the *BEF*, *Sporting Discipline*, criminal authority or professional disciplinary body which results in (i) the *BEF* discovering or bringing forward a *Controlled Medication 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 *BEF*. 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 *Controlled Medication Violation*. The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the seriousness of the *Controlled Medication Violation* committed and the significance of the *Substantial Assistance* provided in an effort to promote medication-free equestrian sport. If the *Person Responsible* fails to cooperate and to provide the complete and credible *Substantial Assistance* upon which a suspension of the period of *Ineligibility* was based, the *Hearing Body* shall reinstate the original period of *Ineligibility*. If the *Hearing Body* decides to reinstate a suspended period of *Ineligibility* that *Decision* may be appealed by any *Person* entitled to appeal under Article 12.

#### **10.6.2 Admission of a *Controlled Medication Violation* in the Absence of Other Evidence**

Where a *Person Responsible* voluntarily admits the commission of a *Controlled Medication Violation* before having received *Notice* of a *Sample* collection which could establish a *Controlled Medication Violation* (or in the case of a *Controlled Medication Violation* other than Article 2.1, before receiving first *Notice* of the alleged 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 Body*.

### **10.6.3 Prompt Admission of a *Controlled Medication Violation* after being Confronted with a Violation Sanctionable under Article 10.3.1**

A *Person Responsible* potentially subject to a one (1) year sanction under 10.3.1 (for *Tampering with Sample Collection*), by promptly admitting the alleged *Controlled Medication Violation* after being confronted by the *BEF*, and also upon the approval and at the discretion of the *Hearing Body*, may receive a reduction in the period of *Ineligibility* down to a minimum of one half of the otherwise applicable period of *Ineligibility*, depending on the seriousness of the violation and the *Person Responsible's* degree of *Fault*.

### **10.6.4 Where a *Person Responsible* Establishes Entitlement to a Reduction in Sanction Under More than One Provision of this Article**

If a *Person Responsible* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under two (2) or more of Articles 10.4, 10.5 or 10.6, then the period of *Ineligibility* may be reduced or suspended further subject to the discretion of the *Hearing Body*.

## **10.7 Aggravating Circumstances Which May Increase the Period of *Ineligibility***

If the *BEF* establishes in an individual case involving a *Controlled Medication Violation* other than violations under Article 2.4 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* can prove to the comfortable satisfaction of the *Hearing Body* that he or she did not knowingly commit the *Controlled Medication Violation*. The occurrence of multiple *Controlled Medication Substances* may be considered as a factor in determining aggravating circumstances under this Article 10.7. The *Person Responsible* can avoid the application of this Article by admitting the *Controlled Medication Violation* as asserted promptly after being confronted with the *Controlled Medication Violation* by the *BEF*.

## **10.8 Multiple Violations**

**10.8.1** For a *Person Responsible's* and additional *Person Responsible's* second *Controlled Medication Violation*, within a period of four (4) years, the period of *Ineligibility* shall be the greater of:

- (a) three months;
- (b) one half of the period of *Ineligibility* imposed for the first *Controlled Medication Violation* without taking into account any reduction under Article 10.6; or
- (c) twice the period of *Ineligibility* otherwise applicable to the second *Controlled Medication Violation* treated as if it were a first violation, without taking into account



any reduction under Article 10.6.

The period of *Ineligibility* established above may then be further reduced by the application of Article 10.6.

**10.8.2** For a third *Controlled Medication Violation*, within a period of four (4) years, the *Hearing Body* shall have the discretion to increase the *Sanction* to up to four (4) years' *Ineligibility*. For a fourth or more *Controlled Medication Violation*, within a period of four (4) years, the *Hearing Body* shall have the discretion to impose a lifetime period of *Ineligibility* and shall in no circumstances render a *Sanction* of less than four (4) years' *Ineligibility*.

The conditions set out in Articles 10.8.1 and 10.8.2 shall apply in cases where one or more of the rule violations previously committed were *Doping Violations*. However this Article shall also be applicable if the *Doping Violation* preceding the current *Controlled Medication Violation* occurred in the previous eight (8) years.

**10.8.3** A *Controlled Medication Violation* for which a *Person Responsible* has established *No Fault or Negligence* shall not be considered a prior violation for the purposes of this Article.

#### **10.8.4 Additional Rules for Certain Potential Multiple Violations**

**10.8.4.1** For purposes of imposing sanctions under Article 10.8, a *Controlled Medication Violation* will only be considered a second *Controlled Medication Violation* if the *BEF* can establish that *the Person Responsible* committed the second violation after *the Person Responsible* received *Notice* pursuant to Article 7 or after the *BEF* made reasonable efforts to give *Notice* of the first *Controlled Medication Violation*. If the *BEF* cannot establish this, the violations shall be considered as one single first violation, and the *Sanction* imposed shall be based on the violation that carries the more severe *Sanction*.

**10.8.4.2** If, after the imposition of a *Sanction* for a first *Controlled Medication Violation*, the *BEF* discovers facts involving a *Controlled Medication Violation* by the *Person Responsible* which occurred prior to *Notification* regarding the first violation, then the *Hearing Body* shall impose an additional *Sanction* based on the *Sanction* that could have been imposed if the two violations had been adjudicated at the same time. Results in all *Competitions* dating back to the earlier *Controlled Medication Violation* will be *Disqualified* as provided in Article 10.9.

#### **10.8.5 Violations involving both a *Controlled Medication Substance* and a *Banned Substance***

Where a *Person Responsible* based on the same factual circumstances is found to have committed a *BEFAR Violation* involving both a *Controlled Medication Substance* and a *Banned Substance*, the *Person Responsible* shall be considered to have committed one (1) *BEFAR* violation, and the *Sanction* imposed shall be based on the *Banned Substance* that carries the most severe *Sanction*.

## **10.9 Disqualification of Results in Competitions Subsequent to Sample Collection or Commission of a Controlled Medication Violation**

**10.9.1** In addition to the automatic *Disqualification* of the results in the *Event* or *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 *Controlled Medication Violation* occurred shall, unless fairness requires otherwise, be *Disqualified* with all of the resulting consequences including forfeiture of any medals, points, prizes and prize money.

**10.9.2** As a condition of regaining eligibility after being found to have committed a *Controlled Medication Violation*, the *Person Responsible* must first repay all prize money forfeited under this Article, and any other fines and/or costs attributed to the violation which have been ordered by the *Hearing Body* or otherwise accepted by the *Person Responsible*.

## **10.10 Commencement of Ineligibility Period**

**10.10.1** Except as provided below, the period of *Ineligibility* imposed on any *Person* or *Horse* shall start on the date of the *Decision* providing for *Ineligibility* or if the hearing is waived or there is no hearing, on the date *Ineligibility* is accepted or otherwise imposed or any other date specified by the *Hearing Body* in its *Decision*.

### **10.10.2 Delays Not Attributable to the Person Responsible**

Where there have been substantial delays in the hearing process or other aspects of *Medication Control* not attributable to the *Person Responsible* alleged to have committed the *Controlled Medication Violation*, the *Hearing Body* may start the period of *Ineligibility* at an earlier date commencing as early as the date of the *Sample* collection or the date on which another *Controlled Medication Violation* last occurred. All competitive results achieved during the period of *Ineligibility* including retroactive *Ineligibility* shall be *Disqualified*.

### **10.10.3 Timely Admission**

Where the *Person Responsible* promptly (which, in all circumstances, means before the *Person Responsible* competes again) admits the *Controlled Medication Violation* after being confronted with the *Controlled Medication Violation* by the *BEF*, the period of *Ineligibility* may start as early as the date of *Sample* collection or the date on which another *Controlled Medication Violation* last occurred. In each case, however, where this Article is applied, the *Person* who committed the *Controlled Medication Violation* shall serve at least one half of the period of *Ineligibility* going forward from the date *Ineligibility* is imposed or accepted.

This Article shall not apply where the period of *Ineligibility* has already been reduced under Article 10.6.3.

## **10.11 Status During *Ineligibility***

### **10.11.1 Prohibition Against Participation During *Ineligibility***

No *Horse* or *Person Responsible* who has been declared *Ineligible* may, during the period of *Ineligibility*, participate in any capacity at an *Event* or in a *Competition* or activity that is authorised or organised by the *BEF*, a *Sporting Discipline*, the *FEI* or any *National Federation* or be present at an *Event* (other than as a spectator) that is authorised or organised by any international or national-level *Event* organisation or any elite or national-level sporting activity funded by a governmental agency. In addition, for any *Controlled Medication Violation*, some of or all sport-related financial support or other sport-related benefits received by such *Person Responsible* may be withheld by the *BEF* or *Sporting Discipline* as the case may be. In addition a *Person Responsible* or *Horse* subject to *Ineligibility* under Article 10 may also be banned from any venues where a *Sporting Discipline's* competitions take place whether or not the *Person Responsible* is a member of or registered with the *Sporting Discipline*.

### **10.11.2 Violation of the Prohibition of Participation During *Ineligibility***

Where a *Person Responsible* who has been declared *Ineligible* or whose *Horse* has been declared *Ineligible* violates the prohibition against participation or attendance during *Ineligibility* described in Article 10.11.1 above, the results of any such participation shall be *Disqualified* and a new period of *Ineligibility* equal in length to the original period of *Ineligibility* shall be added to the end of the original period of *Ineligibility*. The new period of *Ineligibility* may be adjusted based on the *Person Responsible's* *degree of Fault* or other circumstances of the case. In addition, further *Sanctions* may be imposed if appropriate. The determination of whether any *Person* has violated the prohibition against participation or attendance, and whether an adjustment is appropriate shall be made by the *Hearing Body*. This *Decision* may be appealed under Article 12.

### **10.11.3 Return of Prizes/Prize Money**

Where the *Sanction* imposed on a *Person* includes the forfeiture of any related medals and/or prizes and/or prize money such medals/and or prizes and/or prize money must be returned to the relevant *Sporting Discipline* within fourteen (14) days of the imposition of the *Sanction*.

## **ARTICLE 11 CONSEQUENCES TO TEAMS**

**11.1** If a member of a team is found to have committed a violation of these *BEFAR* during an *Event* where a team ranking is based on the addition of individual results, the results of the *Person Responsible* may be *Disqualified* in all *Competitions* and will be subtracted from the team result to be replaced with the results of the next applicable team member. If, by removing the *Person Responsible's* results from the team results, the number of *Persons* counting for the team is less than the required number, the team shall be eliminated from the ranking.

11.2 Notwithstanding the above, for all *Events*, exceptional circumstances may be considered.

## ARTICLE 12 APPEALS

### 12.1 *Decisions Subject to Appeal*

*Decisions* made under *BEFAR* may be appealed as set out below in Article 12.2 and 12.3. Such *Decisions* shall remain in effect while under appeal unless the appellate body orders otherwise.

### 12.2 Appeals from Decisions Regarding *Controlled Medication Violations* and Consequences

12.2.1 The following *Decisions* may be appealed exclusively as provided in this Article 12.2:

- (a) a *Decision* that a *Controlled Medication Violation* was committed;
- (b) a *Decision* imposing consequences for a *Controlled Medication Violation*;
- (c) a *Decision* that no *Controlled Medication Violation* was committed;
- (d) a *Decision* that a *Controlled Medication Violation* proceeding cannot go forward for procedural reasons (including, for example, exceeding the Statute of Limitations);
- (e) a *Decision* under Article 10.11.2 (Violation of the Prohibition of Participation during *Ineligibility*);
- (f) a *Decision* that the *BEF* lacks jurisdiction to rule on any alleged *Controlled Medication Violation* or its consequences;
- (g) a *Decision* 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*.

12.2.2 In cases under Article 12.2.1, the following parties shall have the right to appeal:

- (a) the *Person Responsible* who is the subject of the *Decision* being appealed, or the *Horse* owner, where its *Horse* is subject to *Ineligibility*;
- (b) the other party to the case in which the *Decision* was rendered;
- (c) the *BEF*;
- (d) the *Sporting Discipline* of the *Person* who is the subject of the *Decision* being appealed.

**12.2.3** Cross appeals and other subsequent appeals by any respondent named in cases brought to an *NADP* appeal tribunal are specifically permitted. Any party with a right to appeal under this Article 12 must file a cross appeal or subsequent appeal at the latest with the party's answer.

**12.2.4** An appeal pursuant to Article 12.2.1 shall be made to an *NADP* appeal tribunal following the procedures set out in the *NADP Rules*.

**12.2.5** Decisions of an *NADP* appeal tribunal may be challenged by appeal to the Court of Arbitration for Sport, following the procedures set out in the Court of Arbitration for Sport's Code of Sports-related Arbitration and Article 12.3 of these rules. Such decisions shall be the full and final disposition of the appeal and will be binding on all the persons identified in Article 12.2.2

### **12.3 Time for Filing Appeals**

The time to file an appeal to the *NADP* shall be twenty one (21) days from the date of *Receipt* of the *Hearing Body 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/ies shall have the right to request from the *Hearing Body* having issued the *Decision* a copy of the file on which it relied; a failure to make such request shall however not preclude such party from appealing to the *NADP* 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 twenty one (21) days from receipt of the file to file an appeal to the *NADP*.

## **ARTICLE 13 APPLICATION, REPORTING AND RECOGNITION**

### **13.1 Application of *BEFAR***

*BEFAR* shall either be incorporated directly into each *Sporting Discipline's* rules or be incorporated by reference. In the latter case, *Sporting Disciplines* shall include in their regulations the procedural provisions necessary to effectively implement *BEFAR*.

### **13.2 Statistical Reporting**

The BEF may periodically publish anonymous *Testing* data received from *Testing* under the BEF's jurisdiction.

### **13.3 Public Disclosure**

**13.3.1** Neither the *BEF* nor the *Sporting Disciplines* shall publicly identify *Horses* or *Persons Responsible* whose *Horses' Samples* have resulted in *Adverse Analytical Findings*, or *Persons Responsible* who were alleged to have otherwise violated these

*BEFAR*, until the earlier of completion of the administrative review and *Notification* described in Articles 7.1.2 and 7.1.4. above. Once a *Controlled Medication Violation* has been established, it shall be publicly reported in an expeditious manner via the *BEFAR Case Status Table* and also on the *Sporting Discipline* website and in other publications as the *Sporting Discipline* shall consider appropriate. With regards to the *Administrative Procedure* set out in Article 8.3 above, publication shall occur on the acceptance of the *Administrative Procedure*. If the *Person Responsible* makes information concerning a *Controlled Medication Violation* or alleged *Controlled Medication Violation* public prior to release of this information on the *BEFAR Case Status Table*, the *BEF* 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* did not commit a *Controlled Medication Violation*, the *Decision* may be *Publicly Disclosed* only with the consent of the *Person* who is the subject of the *Decision* or in response to public comments attributed to the *Person Responsible* or their representatives. The *BEF* 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 the *BEF* may jointly approve.

**13.3.3** Publication shall be accomplished at a minimum by placing the required information on the *BEF's* web site or publishing it through other means.

**13.3.4** Neither the *BEF*, any *Sporting Discipline*, any *Approved Laboratory* or any official or employee 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* or his representatives.

**13.3.5** The mandatory *Public Reporting* required in article 13.3.1 shall not be required where the *Person Responsible* who has been found to have committed a *Controlled Medication Violation* is a *Minor*. Any optional *Public Reporting* in a case involving a *Minor* shall be proportionate to the facts and circumstances of the case.

#### **13.4 Recognition of Decisions by the *BEF* and *Sporting Disciplines***

Any *Decision* of the *Hearing Body* regarding a violation of these *BEFAR* shall be recognised and enforced by all *Sporting Disciplines* and *Sporting Disciplines* shall take all necessary action to implement any and all ramifications relating to such *Decisions*.

### **ARTICLE 14 STATUTE OF LIMITATIONS**

No action may be commenced under *BEFAR* against a *Person Responsible* for a *Controlled Medication Violation* unless he or she has been *Notified* of the *Controlled Medication Violation* as provided in Article 7, or *Notification* has been reasonably attempted within twelve (12) months from the date the *Controlled Medication Violation* is asserted to have occurred.

## **ARTICLE 15 AMENDMENT AND INTERPRETATION OF BEFAR**

**15.1** *BEFAR* may be amended from time to time by the *BEF* in accordance with the *BEF* Rules.

**15.2** Except as provided in Article 15.5, *BEFAR* shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.

**15.3** The headings used for the various parts and Articles of *BEFAR* are for convenience only and shall not be deemed part of the substance of *BEFAR* or to affect in any way the language of the provisions to which they refer.

**15.4** The Introduction, Appendix 1 Definitions, and the *Equine Prohibited Substances List* shall all be considered integral parts of *BEFAR*.

**15.5** *BEFAR* have been adopted pursuant to the *BEF* Rules and shall be interpreted, where applicable, in a manner that is consistent with applicable provisions of the *BEF* Rules as well as other *BEF* rules and regulations including but not limited to the *BEF Veterinary Manual*, the National Equine Anti-Doping and Controlled Medication Hearing Body Rules, the *Standard for Laboratories* and the rules of the *Sporting Disciplines*. In the event of conflict with the *BEF* Rules, the *BEF* Rules shall apply. In the event of conflict with the *BEF Veterinary Manual*, the *Standard for Laboratories* and/or the rules of the *Sporting Disciplines*, *BEFAR* shall apply.

**15.6** The time limits fixed under *BEFAR* shall begin from the day after that on which *Notification* by the *BEF* is received. Official holidays and non-working days are included in the calculation of time limits. The time limits fixed under *BEFAR* 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 UK, the time limit shall expire at the end of the first subsequent business day.

## **ARTICLE 16 TRANSITIONAL PROVISIONS**

### **16.1 Application to *Decisions* Rendered Prior to *BEFAR* 2011**

*BEFAR* shall have no application to equine anti-doping or controlled medication violation cases where a final *Decision* finding a violation has been rendered and the period of *Ineligibility* has expired.

They shall not apply retroactively to matters pending before 1 January 2011 ( the "Effective Date"); provided, however, that:

**16.1.1** Controlled Medication Violations taking place prior to the Effective Date count as "first violations" or "second violations" for purposes of determining sanctions under Article 10 for violations taking place after the Effective Date.

**16.1.2** The retrospective periods in which prior violations can be considered for purposes of multiple violations under Article 10.8.4 and the statute of limitations set forth in Article 14 are procedural rules and should be applied retroactively; provided,

however, that Article 14 shall only be applied retroactively if the statute of limitations period has not already expired by the Effective Date. Otherwise, with respect to any *Controlled Medication Violation* case which is pending as of the Effective Date and any *Controlled Medication Violation* case brought after the Effective Date based on a *Controlled Medication Violation* which occurred prior to the Effective Date, the case shall be governed by the substantive rules in effect at the time the alleged *Controlled Medication Violation* occurred unless the *Hearing Body* or *NADP* deciding the case determines the principle of “lex mitior” appropriately applies under the circumstances of the case.

**16.1.3** For purposes of assessing the period of *Ineligibility* for a second violation under Article 10.8.1, where the sanction for the first violation was determined based on rules in force prior to the Effective Date, the period of *Ineligibility* which would have been assessed for that first violation had these BEFAR been applicable, shall be applied.



## APPENDIX 1 – DEFINITIONS AND INTERPRETATION

Except where the context otherwise requires references in *BEFAR* to a numbered Article are to the relevant numbered Article in the Chapter of *BEFAR* in which the reference appears

*A Sample* At the time of testing, the sample of bodily fluids is split into two: an *A Sample*, which is tested first, and the *B Sample*, which may be tested if the *A Sample* requires confirmatory analysis or confirmatory analysis is requested.

*Active Substance* Any chemical or compound that affects the function of the body of a human or animal. These substances can be artificial or natural, ie. those created by the body in response to stimulation or injury. Active substances are often not the same as a product's trade name and it is therefore necessary to check for the list of active substance within a product before use.

*Administration* Providing, supplying, supervising, facilitating, or otherwise participating in the *Use* or *Attempted Use* by another *Person* of a *Prohibited Substance*. However, this definition shall not include the actions of bona fide veterinary personnel involving a *Controlled Medication Substance* used for genuine and legal therapeutic purposes or other acceptable justification.

*Administrative Procedure* The procedural mechanism available to a *Person Responsible* alleged to have committed a *Controlled Medication Violation* as set out in Article 8.3 of Chapter 2 *BEFAR*.

*Adverse Analytical Finding* A report from an *Approved Laboratory* or other approved *Testing* entity that, consistent with the *Standard for Laboratories*, identifies in a *Sample* the presence of one or more *Prohibited Substances* or its *Metabolites* or *Markers* (including elevated quantities of *Endogenous Substances*).

*Anti-Doping Organisation* The *FEI* and *UK Anti-Doping*.

*Approved Laboratory* A laboratory approved by the *FEI* to analyse *Samples*.

*Athlete* Any *Person* that takes part in an *Event* or *Competition* run by or under the auspices of a *Sporting Discipline*. Such *Person* may be, including but not limited to, a rider, a driver, a lungger, or a vaulter.

*Attempt/Attempting* Purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of a *BEFAR* violation. Provided, however, there shall be no *BEFAR* violation based solely on an *Attempt* to commit a violation if the *Person* renounces the attempt prior to it being discovered by a third party not involved in the *Attempt*.

*Atypical Finding* A report from an *Approved Laboratory* which requires further investigation as provided by the *Standard for Laboratories*, or related technical documents prior to the determination of an *Adverse Analytical Finding*.

*Banned Substance* A substance (including its *Metabolites* or *Markers*) that is classified in the *Equine Prohibited Substances List* as a Banned Substance. *Banned Substances* have been deemed by the FEI List Group to have:(a) no legitimate use in the competition Horse and/or (b) have a high potential for abuse. *Banned Substances* are prohibited at all times.

*B Sample* At the time of testing, the sample of bodily fluids is split into two portions: An *A Sample*, which is tested first, and the *B Sample*, which may be tested if the *A Sample* requires confirmatory analysis or confirmatory analysis is requested.

*BEF* The British Equestrian Federation.

*BEFAR* The *BEF* Equine Anti-Doping and Controlled Medication Rules.

*BEFAR Case Status Table* The table provided on the *BEF* website which sets out the status of *Doping* and *Controlled Medication* violations.

*BEF Anti-Doping Panel* A panel of representatives nominated by the *Sporting Disciplines* or the *BEF* Chief Executive to hear *Doping Violation* and *Controlled Medication Violation* cases.

*BEF Manual* Any manual approved and distributed by the *BEF* such as but not limited to the *BEF Testing Manual*.

*BEF Veterinary Manual* The veterinary manual of the *BEF* as approved by the *Technical Committee* from time to time.

*Competition* An individual class in which competitors are placed in an order of merit and for which prizes may be awarded run under the auspices of a *Sporting Discipline*.

*Confirmatory Analysis* An analysis of a *B Sample* to confirm an *A Sample Adverse Analytical Finding*. *Persons Responsible* as well as the *BEF* can request a confirmatory analysis if an *Adverse Analytical Finding* results from the *A Sample* during testing.

*Confirmatory Analysis Request Form* The written form sent to the *Person Responsible* by the *BEF* 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*.

*Contaminated Product* A product that contains a *Prohibited Substance* that is not disclosed on the product label or in information available in a reasonable internet search.

*Controlled Medication Substance* A substance, or its *Metabolites* or *Markers* that is classified in the *Equine Prohibited Substances List* as a Controlled Medication Substance. *Controlled Medication Substances* are considered therapeutic and/or commonly used in equine medicine substances, and considered to have:

- (a) the potential to affect performance, and/or
- (b) a potential welfare risk to the *Horse*.

*Controlled Medication Substances* are prohibited in *Competition* and must not be present in a *Horse's* body during an *Event* and/or a *Competition*.

*Controlled Medication Violation* The occurrence of one or more of the *BEFAR* violations set out in Articles 2.1 to 2.5 of Chapter 2 of *BEFAR* (see Chapter 2 Article 1).

*Decision/Decide* An authoritative determination reached or pronounced after consideration of facts and/or law.

*Disqualification/Disqualify/Disqualified* A consequence of a *Doping* or *Controlled Medication Violation* whereby the *Person Responsible's* results in a particular *Competition* or *Event* are invalidated, with all resulting consequences including forfeiture of any medals, points, prizes and prize money.

*Doping* See Chapter 1 Article 1.

*Doping Control* All steps and processes from test distribution planning, through to ultimate disposition under Chapter 1 *BEFAR* of any appeal including all steps and processes in between such as *Sample* collection and handling, laboratory analysis, results management, hearings and appeals.

*Doping Violation* The occurrence of one or more of the *BEFAR* violations set out in Article 2.1 to 2.9 of Chapter 1 of *BEFAR*: see Chapter 1 Article 1.

*Endogenous Substances* Substances that originate from within an organism, tissues or cell. An example of an endogenous substance is testosterone in the gelded *Horse*.

*Equine Prohibited Substances List* The list identifying the *Prohibited Substances* as published by the *FEI* from time to time.

*Event* An *Event* refers to a complete meeting, event, show, championship or games run in whole or in part under the auspices of a *Sporting Discipline*.

*Fault* Any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing a *Person Responsible's* degree of *Fault* include, for example, the *Person Responsible's* experience, whether the *Person Responsible* is a *Minor*, special considerations such as impairment, the degree of risk that should have been perceived by the *Person Responsible* and the level of care and investigation exercised by the *Person Responsible* in relation to what should have been the perceived level of risk. In assessing the *Person Responsible's* degree of *Fault*, the circumstances considered must be specific and relevant to explain the *Person Responsible's* departure from the expected standard of behaviour. Thus, for example, the fact that the *Person Responsible* would lose the opportunity to earn large sums of money during a period of *Ineligibility*, or the fact

that the *Person Responsible* only has a short time left in his or her career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of *Ineligibility* under Article 10.4.1 or 10.4.2 of Chapter 1 or Chapter 2 *BEFAR*.

*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 Regulations* The *FEI* Equine Anti-Doping and Controlled Medication Regulations.

*Fine* A consequence of a *Doping* or *Controlled Medication Violation* whereby the *Person Responsible* receives a financial penalty.

*Hearing Body* A body comprising three members of the *BEF Anti-Doping Panel* appointed by the *BEF* Chief Executive in accordance with Article 8.1.3 of either Chapter 1 or Chapter 2 *BEFAR* to hear a case.

*Hearing Body Rules* The rules of the *Hearing Body* published on the *BEF* website as amended from time to time.

*Horse* A horse, pony or other member of the genus *Equus* competing in a *Sporting Discipline Competition*. A *Horse* shall be born from a mare.

*Ineligibility* A consequence of a *BEFAR* whereby the *Person Responsible*, *Horse* or other *Person* is barred for a specified period of time from participating in any *Competition* or *Event* or other activity or funding.

*Laboratory Documentation Package* The material produced by an *Approved Laboratory* to support an analytical result such as, for example, an *Adverse Analytical Finding*.

*Marker* A compound, group of compounds or biological parameters that indicates the *Use* of a *Prohibited Substance*.

*Medication Control* All steps and processes from test distribution planning, through to ultimate disposition under Chapter 2 *BEFAR* of any appeal including all steps and processes in between such as test distribution planning, *Sample* collection and handling, laboratory analysis, results management, *NETUEs*, hearings and appeals.

*Member Body* A Member Body of the *BEF*.

*Metabolite* Any substance produced by a biotransformation process.

*Minor* A natural *Person* who has not reached the age of 18 years.

*National Anti-Doping Panel/NADP* The panel of arbitrators administered by Sport Resolutions or its successors to whom matters may be referred for appeal under *BEFAR*.

*National Equine Therapeutic Use Exemption (NETUE)* An authorisation to compete granted by the *Technical Committee* when a *Controlled Medication Substance* has been administered or used for legitimate therapeutic purposes in a *Horse*.

*NADP Rules* The rules issued by the *NADP*, as amended from time to time, setting out the procedures to be followed by *NADP* arbitral tribunals and *NADP* appeal tribunals in matters referred to them under *BEFAR*.

*National Federation* The one national governing body from any country approved and recognised as such by the *FEI*.

*No Fault or Negligence* The *Person Responsible* establishing that he did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he had administered to the *Horse*, or the *Horse's* system otherwise contained, a *Prohibited Substance* or he had *Used a Prohibited Substance* on the *Horse* or otherwise violated *BEFAR*. Except in the case of a *Minor*, for any violation of Article 2.1, the *Person Responsible* must also establish how the *Prohibited Substance* entered the *Horse's* system.

*No Significant Fault or Negligence* The *Person Responsible* establishing that his 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 *BEFAR* violation. Except in the case of a *Minor*, for any violation of Article 2.1 of the *Anti-Doping Rules* and Article 2.1 of the *Controlled Medication Rules*, the *Person Responsible* must also establish how the *Prohibited Substance* entered the *Horse's* system.

*Notice/Notify/Notification* Notice to a *Person Responsible* who was a member of a *Sporting Discipline* or *National Federation* at the time the alleged *BEFAR* violation was committed may be accomplished by delivery of the *Notice* to the *Sporting Discipline* or *National Federation* as the case may be but, where possible, will also be sent to the *Person Responsible* directly. *Notice* of anything relevant to *BEFAR* will be deemed to have occurred upon *Receipt* by the relevant *Person*.

*Participant* Any *Person Responsible*, *Minor* or *Horse*.

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

*Person Responsible* The competitor who rides, drives or vaults the *Horse* during an *Event* except in the case that such competitor is a *Minor* in which case the *Person Responsible* shall be the person who takes primary responsibility for the *Minor* and/or the *Horse* and is named as such on application for membership/renewal of membership of a *Sporting Discipline*. The owner of the *Horse* and support personnel, including but not limited to grooms and veterinarians, may be regarded as additional *Persons Responsible* if they are present at the *Competition* and/or *Event* and have made a relevant decision about the *Horse*. In vaulting the *lunger* shall always be an additional *Person Responsible*.

*Possession* The actual, physical *Possession*, or the constructive *Possession* (which shall be found only if the *Person* has exclusive control or intends to exercise

exclusive control over the *Banned Substance* or the premises in which a *Banned Substance* exists); provided, however, that if the *Person Responsible* does not have exclusive control over the *Banned Substance* or the premises in which a *Banned Substance* exists, constructive *Possession* shall only be found if the *Person Responsible* knew about the presence of the *Banned Substance* and intended to exercise control over it. Provided, however, there shall be no *Doping Violation* based solely on *Possession* if, prior to receiving *Notification* of any kind that the *Person Responsible* has committed a *Doping Violation*, the *Person Responsible* has taken concrete action demonstrating that the *Person* never intended to have *Possession* and has renounced *Possession* by explicitly declaring it to the *BEF* or the *FEI*. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a *Banned Substance* constitutes *Possession* by the *Person* who makes the purchase.

*Prohibited Substance* Any substance classified in the *Equine Prohibited Substances List* as a *Banned Substance* or a *Controlled Medication Substance*.

*Publicly Disclose/Publicly Report* To disseminate or distribute information to the public or to *Persons* beyond those *Persons* entitled to earlier *Notification* in accordance with Article 13 Chapters 1 and 2 *BEFAR*.

*Receipt* When a *Person* receives something of relevance to *BEFAR*. 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 *Doping Control* or *Medication Control*.

*Sanction* A sanction provided in Article 10 of Chapter 1 and Article 10 of Chapter 2 *BEFAR* and *Sanctions* shall be construed accordingly.

*Specified Substances* Those *Prohibited Substances* identified as *Specified Substances* in the *Equine Prohibited Substances List*.

*Sporting Discipline* A *Member Body* of the *BEF* which is recognised by the *BEF* as the entity governing an *FEI* sport at national level.

*Sport Resolutions* Sport Resolutions (UK).

*Standard for Laboratories* The standards setting out the criteria to apply in respect of analyses, custodial procedures and reports thereon as determined by the *Testing Committee* from time to time. 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.

*Standard for NETUEs* The standards set by the *Technical Committee* from time to time setting out the criteria for the determination of *NETUE* applications.

*Substantial Assistance* For the purposes of Article 10.6.1 Chapter 1 *BEFAR* and Article 10.6.1 Chapter 2 *BEFAR*, a *Person* providing *Substantial Assistance* must (1) fully disclose in a signed written statement all information he or she possesses in relation to *BEFAR* violations 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 the *BEF* or the *Hearing Body*. 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'equipe, 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 a *BEFAR* rule 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 proceedings from occurring.

*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.

*Technical Committee* A committee comprised of experts to include at a minimum a veterinary expert, pharmacological expert and the *BEF* General Counsel appointed from time to time to provide technical advice in relation to *BEFAR*.

*Testing* The parts of the *Doping Control* or *Medication Control* process involving test distribution planning, *Sample* collection, *Sample* handling, and *Sample* transport to the laboratory.

*Testing Committee* A committee comprised of representatives of each *Sporting Discipline* and the *BEF* appointed from time to time to determine *Testing* to be carried out under *BEFAR*.

*Testing Laboratory* The laboratory designated from time to time to carry out all analysis of *Samples* obtained under *BEFAR*.

*Testing Veterinarians* Qualified veterinarians appointed from time to time to carry out equine testing under *BEFAR* and a single such veterinarian shall be referred to as a *Testing Vet*.

*Threshold Banned or Controlled Medication Substance Prohibited Substances* for which there is an established quantitative threshold or ratio which must be exceeded in order to be declared an *Adverse Analytical Finding* as described in the *Equine Prohibited Substances List*.

*Trafficking* Selling, giving, transporting, sending, delivering or distributing or *Possessing* for any such purpose a *Banned Substance* (either physically or by electronic or other means).

*Use* The application, ingestion, injection or consumption by any means whatsoever of any *Prohibited Substance*.

*WADA* The World Anti-Doping Agency.

*WADC* The World Anti-Doping Code.