

AUSTRALIAN ENDURANCE RIDERS ASSOCIATION INC.
RULEBOOK

SECTION FIVE

**EQUINE ANTI-DOPING &
CONTROLLED
MEDICATION RULES**



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Chapter 1: INTRODUCTION

1. INTRODUCTION AND DEFINITIONS

- 1.1 This document, AERA Inc. Rulebook Section 5 Equine Anti-Doping & Controlled Medication Rules, constitutes a part of the Australian Endurance Riders Association Incorporated Rulebook.
- 1.2 This document will be amended from time to time in a manner determined by the Constitution of the Australian Endurance Riders Association Incorporated (hereinafter 'AERA').
- 1.3 This Section 5 document shall take precedence over other clauses in the AERA Rulebook should there be a conflict or contradiction. If this Section 5 document is silent on a particular matter, then other relevant clauses in the AERA Rulebook relating to that matter shall prevail subject however, to the application of the legal principle of *lex specialis derogat legi generali* which provides that a specific provision should govern over a general provision.
- 1.4 The headings used for the various parts and Clauses of these Rules are for convenience only and shall not be deemed part of the substance of these Rules or to affect in any way the language of the provisions to which they refer.
- 1.5 Unless the contrary intention appears in this document:
 - a) words importing a gender include every other gender and
 - b) words in the singular include the plural and words in the plural include the singular and
 - c) words appearing words appearing in *italics* in this document require the *italicised* word to be interpreted for that sentence with reference to the definition for the *italicised* word as provided in Table 1 of this document.

BACKGROUND

- 1.6 The AERA has adopted (in part) the concepts and principles of the FEI Rules and Regulations pertaining to Prohibited Substances. This Section 5 – Equine Anti-Doping and Controlled Medications Rules (hereinafter “EADCM Rules”) is modelled on the FEI Equine Anti-Doping and Controlled Medication Regulations.

Chapter 2 of these EADCM Rules shall apply to any violation alleged under the EADCM Rules that involves a *banned substance* or *banned method* and are known as the Equine Anti-Doping Rules (hereinafter “EAD Rule” or “EAD Rules”).

Chapter 3 of these EADCM Rules shall apply to any violation alleged under the EADCM Rules that involves a *controlled medication substance* or a *controlled medication method* and are known as the Equine Controlled Medication Rules (hereinafter “ECM Rule” or “ECM Rules”).

Any substance prohibited by these EADCM Rules are generically referred to as a *Prohibited Substance* which is meant to be an umbrella term. Substances classified as Doping under the EAD Rules are referred to as *banned substances* while substances classified as Controlled Medication under the ECM Rules are referred to as *controlled medication substances*.

Given the clear distinction between Doping and Medication established by the two separate chapters of these EADCM Rules – the EAD Rules (Chapter 2) and the ECM Rules (Chapter 3), the AERA Form 6 and AERA Form 7 shall only be available in connection with a *controlled medication substance* under the ECM Rules and not in connection with a *banned substance* under the EAD Rules.

Persons Responsible and their *support personnel* accept these Rules as a condition of participation and involvement in AERA affiliated rides and shall therefore be bound by them. It is fundamental, that the inclusion of *support personnel* is in no way intended to lessen or shift the responsibility of the *persons responsible*. The *persons responsible* remains ultimately responsible, and thereby ultimately liable, for EADCM violations. Where appropriate, and only when the specific factual circumstances so warrant, *support personnel* will be held additionally responsible. EADCM Rules are not intended to be subject to or limited by the requirements and legal standards applicable to criminal proceedings or employment matters. The policies and minimum standards set forth in these Rules 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.

- 1.7 Table 1 Definitions, the FEI *equine prohibited substances list*, and the FEI List of Approved Laboratories, shall be considered integral parts of these Rules.

- 1.8 These EADCM Rules shall apply to all Doping and Medication Controls over which the AERA and/or DA has jurisdiction.
- 1.9 The time limits fixed under these Rules shall begin from the day after which Notification by the AERA and/or a DA is received. Official holidays and non-working days are included in the calculation of time limits. The time limits fixed under these Rules are respected if the communications by the parties are sent before midnight on the last day on which such time limits expire. If the last day of the time limit is an official holiday or a non-business day in the country where the *notification* has been made, the time limit shall expire at the end of the first subsequent business day.

Table 1 Definitions specific to this Section 5 EADCM Rules

A Sample	At the time of testing, the sample of bodily fluids is split into two portions: an <i>A Sample</i> , which is tested first, and the <i>B Sample</i> , which may be tested if the <i>A Sample</i> requires confirmatory analysis or confirmatory analysis is requested.
Administrative Procedure	The procedural mechanism available to a rider alleged to have committed an ECM Rule violation as set forth in Clause 25.3 of the ECM Rules.
Adverse Analytical Finding	A report from a <i>laboratory</i> or other approved entity that, consistent with the <i>FEI standard for laboratories</i> , identifies in a <i>horse's sample</i> the presence of one or more Prohibited Substances or its <i>metabolites</i> or <i>markers</i> (including elevated quantities of endogenous substances) or evidence of the <i>Use</i> of a Prohibited Method.
AERA Form 6 and 7	The authorisation to compete when a <i>controlled medication substance</i> and/or a <i>controlled medication method</i> has been administered or used for legitimate therapeutic purposes in a <i>horse</i> , through the use of an applicable AERA Form 6 or 7 as herein specified. For the avoidance of doubt, AERA Forms 6 or 7 are not available for <i>banned substances</i> or <i>banned methods</i> .
AERA Review Panel	A panel comprising a minimum of 2 competent persons appointed by the AERA and authorised to <i>decide</i> particular cases as provided for in these EADCM Rules.
Anti-Doping Organisation	An organisation that is responsible for initiating, implementing or enforcing any part of the Doping or Medication Control process, including, for example, the AERA, the <i>FEI</i> , or <i>EA</i> .
Attempt	Purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of an EADCM Rule violation. Provided, however, there shall be no Rule violation based solely on an Attempt to commit a violation if the Attempt is renounced prior to it being discovered by a third party not involved in the Attempt.
Atypical Finding	A report from a <i>laboratory</i> or other approved entity which requires further investigation as provided by the <i>FEI standard for laboratories</i> or related technical documents prior to the determination of an Adverse Analytical Finding.
Banned Method	Any method so described on the <i>FEI equine prohibited substances list</i> .
Banned Substance	Any substance so described on the <i>FEI equine prohibited substances list</i> including its <i>metabolites</i> and <i>markers</i> .
B Sample	At the time of testing, the sample of bodily fluids is split into two portions: an <i>A Sample</i> , which is tested first, and the <i>B Sample</i> , which may be tested if the <i>A Sample</i> requires confirmatory analysis or confirmatory analysis is requested.
Competition	Any ride as defined in Table 2 of the AERA General Rules.
Confirmatory analysis	An analysis of a <i>B Sample</i> to confirm an <i>A Sample</i> Adverse Analytical Finding. Persons Responsible as well as the AERA can request a confirmatory analysis if an Adverse Analytical Finding results from the <i>A Sample</i> during testing.
Confirmatory Analysis Request Form	The written form sent to the <i>person responsible/the owner</i> of the <i>horse</i> (if applicable) by the AERA that must be completed and returned if the <i>person</i> wants a confirmatory analysis of the <i>B Sample</i> to be undertaken following an Adverse Analytical Finding resulting from the <i>A Sample</i> .

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Controlled Medication Method	Any method so described in the FEI <i>equine prohibited substances list</i> .
Controlled Medication Substance	Any substance, or its <i>metabolites</i> or <i>markers</i> , so described in the FEI <i>equine prohibited substances list</i> . <i>Controlled medication substances</i> 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 <i>horse</i> . <i>Controlled medication substances</i> are prohibited <i>in-competition</i> , but may be exceptionally permitted <i>in-competition</i> when their use has been authorised by the appropriate AERA Form 6 or 7.
DA	A Division Association affiliated with the AERA.
DA Hearing Panel	A panel comprising a minimum of 2 competent persons appointed by a DA and authorised to <i>decide</i> particular cases as provided for in these AERA EADCM Rules.
Decision (or “Decide”)	An authoritative determination reached or pronounced after consideration of facts and/or law.
Disqualification, Disqualify, or Disqualified	A consequence of an EADCM Rule violation whereby results in a particular ride are invalidated, with all resulting consequences including forfeiture of any prizes and points.
Doping Control	All steps and processes from test distribution planning through to ultimate disposition under the EAD Rules of any appeal including all steps and processes in between such as Sample collection and handling, Laboratory analysis, Results Management, hearings and appeals.
EA	Equestrian Australia
EADCM Rules	The entire Rule system involving <i>doping control</i> and <i>medication control</i> , incorporating both the EAD Rules and the ECM Rules.
Endogenous Substances	Substances that originate from within an organism, tissue, or cell. An example of an endogenous substance is testosterone in the gelded <i>horse</i> .
Equine Prohibited Substances List	The list identifying the <i>banned substances/controlled medication substances</i> and <i>banned methods/controlled medication methods</i> as published from time to time under the direction of the FEI Secretary General. Substances with the same biological or chemical effect as a Prohibited Substance are also included on the List as a legal matter, even if they are not specifically listed by name on the List. This is to prevent anyone using substances that are almost identical to a specifically listed <i>prohibited substance</i> in either their chemical composition or biological effect.
Event	As defined in Table 2 of the AERA General Rules.
FEI	The Fédération Equestre Internationale.
FEI Standard for Laboratories	A standard setting out the criteria for Laboratories to apply in respect of analyses, custodial procedures and reports thereon adopted by the FEI from time to time.
Fine	A consequence of an EADCM violation whereby a <i>person responsible</i> and/or member of the <i>support personnel</i> receives a financial penalty.
Horse	A <i>horse</i> or other member of the genus <i>Equus</i> competing in an AERA affiliated ride.
In-Competition	Means whilst a <i>horse</i> is under ‘Veterinary Control’ as defined in in Table 2 of the AERA General Rules.
Ineligibility	A consequence of an EADCM Rule violation whereby the <i>person responsible</i> , <i>horse</i> and/or member of the <i>support personnel</i> is barred for a specified period of time from participating in any AERA affiliated ride.
Infraction Notice	A written notice issued to the <i>person responsible</i> and the <i>owner</i> (if applicable) detailing the requirements as provided in Clauses 8.1.3 and 24.1.3 respectively. Such notice may be delivered electronically or by registered mail.
Laboratory	A <i>laboratory</i> approved by the FEI to analyse Samples.

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Laboratory Documentation Package	The material produced by the <i>laboratory</i> to support an analytical result such as for example an Adverse Analytical Finding.
Marker	A compound, group of compounds or biological parameter(s) that indicates the <i>use</i> of a <i>Prohibited Substance</i> or a Prohibited Method.
Medication Control	All steps and processes from test distribution planning through to ultimate disposition of any appeal involving an ECM Rule violation, including all steps and processes in between such as, Sample collection and handling, <i>laboratory</i> analysis, Equine Therapeutic Use Exemption, Results Management, hearings and appeals.
Metabolite	Any substance produced by a biotransformation process.
No Fault or Negligence	The <i>person responsible</i> and/or member of the <i>support personnel</i> establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had administered to the <i>horse</i> , or the <i>horse's</i> system otherwise contained, a <i>banned</i> or <i>controlled medication substance</i> or he or she had <i>used</i> on the <i>horse</i> , a <i>banned</i> or <i>controlled medication method</i> .
No Significant Fault or Negligence	The <i>person responsible</i> and/or member of the <i>support personnel</i> establishing that his fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for <i>no fault or negligence</i> , was not significant in relationship to the EADCM Rule violation.
Notice (or "Notify" or "Notification")	Notice to a <i>person responsible</i> and/or member of <i>support personnel</i> who was a member of a DA at the time the alleged Rule violation was committed will be sent to the <i>person responsible</i> and/or member of the <i>support personnel</i> (where applicable) directly. In a case where a <i>horse</i> is Ineligible or subject to any type of Ineligibility, Notice shall be to the <i>horse owner</i> , so long as such <i>owner</i> is properly registered with the AERA. Notice of anything of relevance to the EADCM Rules will be deemed to have occurred upon <i>receipt</i> by the relevant <i>person</i> .
Owner	<i>Person</i> or entity having a property interest in whole or in part of one or more <i>horses</i> .
Person	A natural person.
Person Responsible	As defined for the ' <i>Persons Responsible for the horse</i> ' in Table 2 of the General Rules.
Possession or Possessing	The actual, physical possession, or the constructive possession (which shall be found only if the person responsible has exclusive control over the banned substance/method or the premises in which a banned substance/method exists); provided, however, that if the person responsible does not have exclusive control over the banned substance/method or the premises in which a banned substance/method exists, constructive possession shall only be found if the person responsible knew about the presence of the banned substance/method and intended to exercise control over it. Provided, however, that there shall be no EAD Rule violation based solely on possession if, prior to receiving Notification of any kind that the person responsible has committed an EAD Rule violation, the person responsible has taken concrete action demonstrating that the person responsible never intended to have possession and has renounced possession by explicitly declaring it to an anti-doping organisation. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a banned substance or banned method constitutes possession by the person responsible who makes the purchase.
Preliminary Hearing	An expedited abbreviated hearing occurring prior to a hearing under Clause 9 (Right to a Fair Hearing) of the EAD Rules and the ECM Rules that provides the <i>person</i> alleged to have committed the violation with Notice and an opportunity to be heard in either written or oral form.
Prohibited Substances	Substances that are not permitted for <i>use</i> in a <i>horse</i> , either a) during competition (<i>controlled medication substances</i>) or b) at any time (<i>banned substances</i>). Prohibited Substances fall into two categories, <i>banned substances</i> and <i>controlled medication substances</i> .

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Provisional Suspension	A consequence of an EADCM Rule violation or admission whereby the <i>person responsible</i> and/or member of the <i>support personnel</i> and/or a <i>horse</i> is barred temporarily from participating in any capacity in an AERA affiliated ride or being present at an AERA affiliated ride (other than as a spectator) prior to the final <i>decision</i> at a hearing conducted under Clause 9 and Clause 25 (Right to a Fair Hearing) respectively.
Publicly Disclose or Publicly Report	To disseminate or distribute information to the general public or <i>persons</i> beyond those <i>persons</i> entitled to earlier Notification in accordance with Clause 14 of the EAD Rules and Clause 30 of the ECM Rules.
Random Testing	Testing may be performed randomly under these Rules, i.e. without any specific pattern, purpose or objective.
Receipt	When a <i>person</i> receives something of relevance to the EADCM Rules. For the avoidance of doubt, in the event there is no specific confirmation of <i>receipt</i> , <i>receipt</i> 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 or Controlled Medication.
Substantial Assistance	For purposes of Clause 11.3.3 of the EAD Rules and Clause 27.4.3 of the ECM Rules, a <i>person</i> providing Substantial Assistance must: a) fully disclose in a signed written statement all information he or she possesses in relation to EADCM Rule violation(s); and b) fully cooperate with the investigation and adjudication of any case related to that information, including, for example, presenting testimony at a hearing if requested to do so by an <i>anti-doping organisation</i> or a <i>DA Hearing Panel</i> . 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	As defined for the ' <i>support personnel</i> ' in Table 2 of the AERA Rulebook General Rules.
Tampering	Altering for an improper purpose or in an improper way; bringing improper influence to bear; interfering improperly; obstructing, misleading or engaging in any fraudulent conduct to alter results or prevent normal procedures from occurring; or providing fraudulent information to the FEI or another <i>anti-doping organisation</i> .
Targeted Sampling	Selection of <i>horses</i> for <i>testing</i> where specific <i>horses</i> or groups of <i>horses</i> are selected on a non-random basis for <i>testing</i> at a specified time.
Testing or Test	The parts of the Doping Control and Controlled Medication process involving test distribution planning, Sample collection, Sample handling, and Sample transport to the <i>laboratory</i> .
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 <i>equine prohibited substances list</i> .
Trafficking	Selling, giving, transporting, sending, delivering or distributing a <i>banned substance</i> or a <i>banned method</i> (either physically or by any electronic or other means) by a <i>person responsible</i> and/or member of his <i>support personnel</i> subject to the jurisdiction of an <i>anti-doping organisation</i> to any third party.
Use	The utilization, application, ingestion, injection or consumption by any means whatsoever of any <i>banned or controlled medication substance</i> or a <i>banned or controlled medication method</i> .

Chapter 2: EQUINE ANTI-DOPING RULES

2. DEFINITION OF DOPING

2.1 Doping is defined as the occurrence of one or more of the EAD Rule violations set forth in Clause 3.1 to Clause 3.8 inclusive of these EAD Rules.

3. EAD RULE VIOLATIONS

Persons Responsible and their *support personnel* shall be responsible for knowing what constitutes an EAD Rule violation and the substances and methods which have been included on the *equine prohibited substances list* and identified as *banned substances* and *banned methods*. Where *banned substances* or *banned methods* are involved, the following constitute EAD Rule violations:

3.1 The presence of a *banned substance* and/or its *metabolites* or *markers* in a *horse's sample*.

3.1.1 It is each *person responsible's* personal duty to ensure that no *banned substance* is present in the *horse's* body. *Persons Responsible* are responsible for any *banned substance* found to be present in their *horse's samples*, even though their *support personnel* may be considered additionally responsible under Clauses 3.2 - 3.8 inclusive below where the circumstances so warrant. It is not necessary that intent, fault, negligence or knowing *use* be demonstrated in order to establish an EAD Rule violation under Clause 3.1.

3.1.2 Sufficient proof of an EAD Rule violation under Clause 3.1 is established by either 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*.

3.1.3 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 an EAD Rule violation.

3.1.4 As an exception to the general rule of Clause 3.1, the *equine prohibited substances list* or the *FEI standard for laboratories* may establish special criteria for the evaluation of *banned substances* that can also be produced *endogenously*.

3.2 Use or attempted use of a *banned substance* or a *banned method*.

3.2.1 It is each *person responsible's* personal duty, along with members of their *support personnel*, to ensure that no *banned substance* enters into the *horse's* body. Accordingly, it is not necessary that intent, fault, negligence or knowing *use* on the part of the *person responsible*, or member of his *support personnel* (where applicable), be demonstrated in order to establish an EAD rule violation for *use* of a *banned substance* or a *banned method*. However, in accordance with the definition of *attempt*, it is necessary to show intent in order to establish an EAD rule violation for attempted *use* of a *banned substance* or a *banned method*.

3.2.2 The success or failure of the *use* or *attempted use* of a *banned substance* or a *banned method* is not material. It is sufficient that the *banned substance* or *banned method* was used or attempted to be used for an EAD Rule violation to be committed.

3.3 Refusing or failing without compelling justification to submit to sample collection after notification (in accordance with these rules) or to comply with all sampling procedure requirements including signing the sampling form or otherwise evading *sample* collection.

3.4 Tampering, or attempted tampering with any part of *doping control*.

3.5 Administration or attempted administration of a *banned substance*.

3.6 Possession of a *banned substance(s)* or a *banned method(s)*.

This bans the *persons responsible* and members of their *support personnel* from *possessing banned substances* or *banned methods*, unless he demonstrates compelling justification for the *possession*.

3.7 Trafficking or attempted trafficking in any *banned substance* or *banned method*.

3.8 Assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an EAD rule violation or any attempted EAD rule violation.

4 PROOF OF EAD RULE VIOLATIONS

4.1 Burdens and Standards of Proof

The AERA and/or the DA shall have the burden of establishing that an EAD Rule violation has occurred. The standard of proof shall be whether the AERA and/or the DA has established an EAD Rule violation to the comfortable satisfaction of the *AERA review panel* or the *DA Hearing Panel* bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where these EAD Rules place the burden of proof upon the *persons responsible* and/or member of their *support personnel* to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability, except where a different standard of proof is specifically identified.

4.2 Methods of Establishing Facts and Presumptions

Facts related to EAD Rule violations may be established by any reliable means, including admissions. The following rules of proof shall be applicable in Doping cases brought under these EAD Rules:

- 4.2.1 FEI-approved Laboratories are presumed to have conducted *sample* analysis and custodial procedures in accordance with the *FEI standard for laboratories*. The *person responsible* and/or member of the *support personnel* who is alleged to have committed the EAD Rule violation may rebut this presumption by establishing by a balance of probability that a departure from the *FEI 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 *FEI standard for laboratories* occurred which could reasonably have caused the *Adverse Analytical Finding*, then the AERA and/or the DA shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.
- 4.2.2 Departures from another AERA Rule which did not by a balance of probability cause an *Adverse Analytical Finding* or other EAD Rule violation shall not invalidate such results. If the *person responsible* and/or member of the *support personnel* (where applicable) establishes, by a balance of probability, that a departure from another AERA Rule could reasonably have caused the *Adverse Analytical Finding* or other EAD Rule violation, then the AERA and/or the DA must prove that the departure did not cause the *Adverse Analytical Finding* or the factual basis for the EAD Rule violation.
- 4.2.3 The facts established by a *decision* of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrefutable evidence against the *person responsible* and/or member of the *support personnel* to whom the *decision* pertained with regards to the factual findings unless it can be established that the *decision* violated principles of natural justice.
- 4.2.4 The *DA Hearing Panel* presiding over a case alleging an EAD Rule violation may draw an inference adverse to the *person responsible* and/or member of the *support personnel* (where applicable) who is asserted to have committed an EAD Rule violation based on the refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or telephonically as directed by the applicable hearing panel) in order to answer questions from the *DA Hearing Panel*.

5 THE FEI EQUINE PROHIBITED SUBSTANCES LIST

5.1 Incorporation of the FEI *equine prohibited substances list*

These EAD Rules incorporate the FEI *equine prohibited substances list* (the "List") which is published and revised by the FEI from time to time. The FEI publishes the current List on the FEI website at <http://www.fei.org/fei/cleansport/ad-h/prohibited-list>.

5.2 Review and Publication of *banned substances* and *banned methods* Identified on the List

The FEI revises the List from time to time and at least once annually. Each updated List does not go into effect any sooner than ninety (90) days following its publication on the FEI website.

5.3 Substances and Methods included on the List

The FEI's categorization of a substance or method on the List as a *banned substance* or *banned method* (in particular, as opposed to a *controlled medication substance* or *method*) 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*, member of the *support personnel* or any other *person* on any basis.

6 TESTING

6.1 Authority to Test

Any *horse* entered in any AERA affiliated ride, shall be subject to *in-competition testing* by the AERA and/or a DA and the AERA and/or the DA shall be responsible for the Results Management arising from such Testing. An exception being that *EA* is exclusively responsible for the Testing and the Results Management arising from *in-competition testing* at FEI affiliated rides in Australia.

6.2 Responsibility & Standard for Testing

The chief steward shall be responsible to ensure that all Testing conducted by the AERA and/or a DA is undertaken by appropriately accredited personnel and in substantial conformity with these Rules.

6.3 Selection of Horses to be Tested

6.3.1 The DA shall determine the number of rides to be sampled, and the number of samples to be taken during a calendar year within their jurisdiction. A separate, confidential process within the DA shall determine the individual rides to be sampled and the quantity of samples to be taken at each of those individual rides.

6.3.2 The selection of individual *horses* to be sampled at a ride shall be made by the chief steward in consultation with head veterinarian and shall utilise one or more of the 3 available methods:

a) *Random Sampling*

This requires a random selection based on “positions” recorded in writing and signed by the chief steward and head veterinarian prior to the *horses* beginning leg 1 of the ride. Such random selection may include but are not limited to, such selections as the 1st *horse* in each division, and/or the 4th Middleweight *horse* and/or the 15th *horse* off leg 1. The random selection shall remain confidential between the chief steward, head veterinarian and the MCP steward and shall not be revealed unless all the random samples have been taken.

b) *Targeted Sampling*

May be used when a specific reason or circumstances warrants that a particular *horse* be selected for sampling. The chief steward is not required to provide justification for the selection of any particular *horse*.

c) *Obligatory Sampling*

- i. For Division Championships, as a minimum, the first placed *horse* in each riding division shall be sampled. Any additional samples shall be selected using the Random sampling method and (if appropriate) *targeted sampling*.
- ii. For the Tom Quilty Gold Cup, as a minimum, the first placed *horse* in each riding division shall be sampled plus an additional 6 samples using the Random sampling method and (if appropriate) *targeted sampling*.

6.3.3 Nothing in these EAD Rules shall be construed to limit where the AERA and/or a DA is authorised to conduct Testing on *horse's in-competition*.

6.3.4 A departure (either intended or unintended) in the selection process in Clause 6.3.2 shall not be construed to invalidate a sample duly taken in accordance with these rules.

7 ANALYSIS OF SAMPLES

Samples collected under these EAD Rules and arising from AERA and/or DA Testing are the property of the AERA and/or the DA as the case may be. They shall be analysed in accordance with the following principles:

7.1 Use of Approved Laboratories

These EAD Rules incorporate the FEI List of Approved Laboratories which is published and revised by the FEI from time to time. The AERA and/or DA shall send *samples* for analysis only to these approved Laboratories, which are subject to the *FEI standard for laboratories*. The choice of *laboratory* used for the *sample* analysis of either or both the *A* and *B Sample* shall be determined exclusively by *EA*. However, the *person responsible* may elect to have the *B Sample* analysed at a different *laboratory* than the one which performed the *A*

Sample analysis. If such an election is made, *EA* shall select the *B Sample laboratory* from the FEI List of Approved Laboratories and inform the *person responsible* accordingly.

7.2 Purpose of Collection and Analysis of *samples*

Samples shall be analysed to detect *banned substances* and *banned methods*, all as set forth in the List.

7.3 Research on Samples

No *sample* may be used for any purpose other than as described in Clause 7.2 above, without the *person responsible's* written consent. Those *samples* used for purposes other than as set forth in Clause 7.2 (for example research) following written consent from the *person responsible* shall have all means of identification removed from the *sample* so it cannot be traced back to a particular *horse* or *person responsible*. All *samples* shall be destroyed pursuant to the guidelines set forth in the *FEI standard for laboratories* and in no event later than the lapse of the Statute Of Limitations in Clause 15 below.

7.4 Standards for Sample Analysis and Reporting

Laboratories shall analyse *samples* and report results in conformity with the *FEI standard for laboratories*.

8 RESULTS MANAGEMENT

8.1 Results Management for Tests arising out of AERA and/or DA Testing or other EAD Rule violations.

Results management for *tests* arising out of AERA and/or DA Testing or other EAD Rule violations shall proceed as set forth below:

'A SAMPLE' ADVERSE ANALYTICAL FINDING

- 8.1.1 The results of all *sample* analyses are sent exclusively to *EA*, in a report signed by an authorised representative of the *laboratory*. *EA* shall communicate the results to the AERA. All communications must be conducted in such a way that the results of the *sample* analyses are confidential.
- 8.1.2 Upon receipt of an *A Sample Adverse Analytical Finding*, the *AERA review panel* shall conduct a review to determine whether there is any apparent departure from *testing* procedures, the *FEI standard for laboratories* or AERA Rules that caused the *Adverse Analytical Finding*.
- 8.1.3 If the initial review under Clause 8.1.2 does not reveal an apparent departure from the *testing* procedures, the *FEI standard for laboratories* or AERA Rules that caused the *Adverse Analytical Finding*, the *AERA review panel* shall promptly issue an *infraction notice* to the *person responsible*, the *owner* of the *horse* (if applicable) and the relevant DA of,
- a) the *Adverse Analytical Finding*;
 - b) the EAD Rule violated;
 - c) the right of the *person responsible* and the *owner* of the *horse's* (if applicable) to promptly request the analysis of the *B Sample*, or, failing such request, that the *B Sample* analysis may be deemed waived;
 - d) the opportunity for the *person responsible* and the *owner* of the *horse* (if applicable) 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 *EA*, and the opportunity to send a representative (witness) to be present for the *B Sample* analysis within the time period specified in the *FEI standard for laboratories* unless allowing such representative or witness presents a threat to the integrity of the analysis process; and
 - e) the right of the *person responsible* and the *owner* of the *horse* (if applicable) to request copies of the *A* and *B Sample* (if applicable) *laboratory* Documentation Package which includes information as specified in the *FEI standard for laboratories*.

'B SAMPLE' ANALYSIS

- 8.1.4 The *person responsible* and the *owner* of the *horse* (if applicable) may accept the *A Sample* analytical results by waiving the right to a *B Sample* analysis. The *AERA review panel* 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*.

Confirmatory Analysis Request Form

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- 8.1.5 The *person responsible* and the *owner* of the *horse* (if applicable) is deemed to have waived his right to a *B Sample* analysis if he does not submit the Confirmatory Analysis Request Form within the stipulated time-limit in the Notification.
- 8.1.6 Pursuant to Clause 8.1.3 (d) above, within seven (7) days of *receipt* of the duly executed Confirmatory Analysis Request Form (*B Sample*), *EA* shall propose possible dates for such analysis. In addition to the *person responsible* and the *owner* of the *horse* (if applicable) and his/their representative (witness), a representative of the AERA and/or DA may also be allowed to be present for the *B Sample* analysis.

‘B SAMPLE’ RESULT

- 8.1.7 If the *B Sample* proves negative, then the entire test shall be considered negative. The *AERA review panel* shall be informed of the results confidentially and shall *notify* the *person responsible*, the *owner* of the *horse* (if applicable) and the relevant DA.
- 8.1.8 If a *banned substance* or the *use of a banned method* is identified in the *B Sample*, the *AERA review panel* shall be informed of the results confidentially and shall *notify* the *person responsible*, the *owner* of the *horse* (if applicable) and the relevant DA.
- 8.1.9 For the avoidance of doubt, an *Adverse Analytical Finding* confirmed by the *B Sample* analysis may result from blood or urine Samples, or any combination thereof (for example, a confirmatory *B Sample* analysis is valid if performed on a blood sample, even if the *A Sample Adverse Analytical Finding* arose from a urine Test, and vice-versa). 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* level varies quantitatively from the *A Sample* level.
- 8.1.10 Where appropriate, the members of the *support personnel*, including the *owner*, shall receive Notification of the EAD Rule violation and all relevant corresponding documents.

‘A SAMPLE’ ATYPICAL FINDING

8.2 Review of *Atypical Findings*

- 8.2.1 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 *AERA review panel* shall conduct a review to determine whether there is any apparent departure from the Testing procedures, the *FEI standard for laboratories* or another AERA Rule that caused the *Atypical Finding*.
- 8.2.2 If that review does not reveal any departure that caused the *Atypical Finding*, the *AERA review panel* shall conduct further investigations. The *AERA review panel* will not provide Notice of an *Atypical Finding* until the investigation is completed and then the *AERA review panel* shall promptly *notify* the *person responsible*, the *owner* of the *horse* (if applicable) and the relevant DA, whether or not the *Atypical Finding* will be brought forward as an *Adverse Analytical Finding*.

‘B SAMPLE’ ATYPICAL FINDING

- 8.2.3 If the *AERA review panel* determines that the *B Sample* should be analysed prior to the conclusion of the investigation under Clause 8.2, the *AERA review panel* may conduct the *B Sample* analysis after supplying the *person responsible* and the *owner* of the *horse* (if applicable) with such Notice including a description of the *Atypical Finding* and the information described in Clause 8.1.3 (b) to (e) inclusive.

OTHER EAD RULE VIOLATIONS

8.3 Review of Other EAD Rule Violations

For apparent EAD Rule violations that do not involve *Adverse Analytical Findings*, the *AERA review panel* may conduct any necessary follow-up investigation and at such time as the *AERA review panel* is satisfied that an EAD Rule violation has occurred, it shall then promptly Notify the *person responsible*, the *owner* of the *horse* (if applicable), and/or member of the *support personnel* (where applicable), and the applicable DA of the EAD Rule which appears to have been violated and the basis of the violation.

PROVISIONAL SUSPENSIONS

8.4 *Provisional Suspensions*

8.4.1 Upon *receipt* of the notification from the *AERA review panel*, the relevant DA shall provisionally suspend the *person responsible*, members of the *support personnel* (where appropriate), and/or the *person responsible's horse* prior to the opportunity for a full hearing based on:

- a) an admission that an EAD Rule violation has taken place (for the avoidance of doubt, an admission by any *person* can only be used to provisionally suspend that person); or
- b) all of the following elements:
 - i. an *Adverse Analytical Finding* from the *A Sample* or the *A and B Samples*;
 - ii. the review described in Clause 8.1.2 above; and
 - iii. the Notification described in Clause 8.1.3 above.

Where the *person responsible* was a minor at the time of the *Event* and to whom Clause 9.4 (Special Procedure for Minors) applies, the relevant DA will not provisionally suspend the minor but shall provisionally suspend the relevant *horse*.

Where the *person responsible* was a minor at the time of the event and Clause 9.4 does not apply, the DA may provisionally suspend the minor but shall provisionally suspend the *horse*.

8.4.2 The DA may also provisionally suspend a *person responsible*, member of the *support personnel*, and/or the *person responsible's horse* prior to the opportunity for a full hearing based on evidence that a violation of these EAD Rules is highly likely to have been committed by the respective *person*.

Where the *person responsible* was a minor at the time of the *Event* and to whom Clause 9.4 (Special Procedure for Minors) applies, the relevant DA will not provisionally suspend the minor but shall provisionally suspend the relevant *horse*.

Where the *person responsible* was a minor at the time of the event and Clause 9.4 does not apply, the DA may provisionally suspend the minor but shall provisionally suspend the *horse*.

8.4.3 If a *provisional suspension* is imposed by the DA, either;

- a) the hearing in accordance with Clause 9 below shall be advanced to a date which avoids substantial prejudice to the *person* alleged to have committed the EAD Rule violation, or
- b) such *person* shall be given an opportunity for a *Preliminary Hearing* either on a timely basis after imposition of the *provisional suspension* or before imposition of the *provisional suspension* in order to show cause why the *provisional suspension* should not be imposed (or should be lifted). Where a *horse* is provisionally suspended, the *owner* shall also have the right to request a *Preliminary Hearing*.

8.4.4 The *provisional suspension* shall be maintained unless the *person* requesting the lifting of the *provisional suspension* establishes to the comfortable satisfaction of the *DA Hearing Panel* that:

- a) the allegation that an EAD Rule violation has been committed has no reasonable prospect of being upheld, e.g., because of a material defect in the evidence on which the allegation is based; or
- b) the *person* can demonstrate that the evidence will show that he bears No Fault or No Negligence for the EAD Rule violation that is alleged to have been committed, so that any period of Ineligibility that might otherwise be imposed for such offence is likely to be completely eliminated by application of Clause 11.3.1 below or that 11.3.2 applies and the *person* can demonstrate that the evidence will show that he bears No Significant Fault or Negligence and that he has already been provisionally suspended for a period of time that warrants the lifting of the *provisional suspension* pending a final *decision* of the *DA Hearing Panel*; or
- c) exceptional circumstances exist that make it clearly unfair, taking into account all of the circumstances of the case, to impose a *provisional suspension* prior to the final hearing of the *DA Hearing Panel*. This ground is to be construed narrowly, and applied only in truly exceptional circumstances. For example, the fact that the *provisional suspension* would prevent the *person* or *horse* competing in a particular ride shall not qualify as exceptional circumstances for these purposes.

8.4.5 If a *provisional suspension* is imposed based on an *A Sample Adverse Analytical Finding* and a subsequent *B Sample* analysis (if requested) does not confirm the *A Sample* analysis, then the *person(s)* alleged to have committed the EAD Rule violation and his member of the *support personnel*, and/or *horse* shall not be

subject to any further *provisional suspension* on account of a violation of Clause 3.1 above (Presence of a *banned substance* or its *metabolites* or *markers*).

- 8.4.6 After the imposition of a *provisional suspension* and following a Preliminary Hearing but prior to a final hearing, the *person responsible* and/or member of the *support personnel* (including the *owner*) can petition the *DA Hearing Panel* for another Preliminary Hearing provided that new evidence exists that, if known at the time of the earlier Preliminary Hearing, may have satisfied the requirements of Clause 8.4.4 above and may have led to the lifting of the *provisional suspension*. Such petition must be made in writing to the *DA Hearing Panel* and must clearly establish the existence of such new evidence meeting this criterion. If the request for another Preliminary Hearing is granted by the *DA Hearing Panel*, the same *DA Hearing Panel* member who presided over the prior Preliminary Hearing will decide the new Preliminary Hearing request, unless exceptional circumstances prevent him from doing so, in which case another *DA Hearing Panel* member will be appointed to conduct the new Preliminary Hearing. If another Preliminary Hearing is granted after the *DA Hearing Panel* has been constituted, any member of the *DA Hearing Panel* may conduct the Preliminary Hearing. Preliminary Hearing *decisions* may be issued by the *DA Hearing Panel* without reasons.
- 8.4.7 During a period of *provisional suspension*, no *person responsible* and/or member of the *support personnel* who themselves are provisionally suspended, or a *horse* that is provisionally suspended, may participate in any capacity at an Event, or be present at an Event (other than as a spectator) that is affiliated with the AERA.

8.5 Retirement from Sport

If a *person responsible* and/or member of the *support personnel* retires while a Results Management process is underway, the AERA and/or the DA retains jurisdiction to complete its Results Management process. If a *person responsible* and/or member of the *support personnel* retires before any Results Management process has begun, the AERA and/or the DA similarly has jurisdiction to conduct Results Management.

9 RIGHT TO A FAIR HEARING

9.1 Hearings before a DA Hearing Panel

- 9.1.1 A *DA Hearing Panel* shall decide all cases involving violations of these EAD Rules.
- 9.1.2 When it appears, following the Results Management Process described in Clause 8 above, that these EAD Rules have been violated, then the case shall be submitted to a Hearing Panel of the relevant DA for adjudication.
- 9.1.3 Hearings pursuant to this Clause shall be completed expeditiously following the completion of the Results Management or investigation process described in Clause 8 above and the submission of all relevant evidence and pleadings by the parties. The *person responsible* and/or member of the *support personnel* (where applicable) alleged to have violated the EAD Rules shall cooperate promptly in the submission of such evidence and pleadings and in attendance at a hearing if requested by the *DA Hearing Panel*.
- 9.1.4 The *person responsible* and/or member of the *support personnel* (including the *owner*) alleged to have violated the EAD Rules may attend the hearing under all circumstances.
- 9.1.5 A *person responsible* and/or member of the *support personnel* (where applicable) may acknowledge the EAD Rule violation and accept consequences consistent with Clauses 10 and 11 below as proposed by these Rules.

9.2 Principles for a Fair Hearing

All *decisions* and hearings under these EAD Rules shall respect the following principles:

- a) a timely hearing, subject to prompt and complete submissions by the parties;
- b) a fair and impartial Hearing Panel;
- c) the right to be represented at the persons own expense;
- d) the right to be fairly and timely informed of the asserted EAD Rule violation;
- e) the right to respond to the asserted EAD Rule violation and resulting consequences;
- f) the right of each party to present evidence;
- g) the right of each party to call and question witnesses (subject to the Hearing Panel's discretion to accept testimony by telephone or written submission);
- h) a timely, written, reasoned *decision*, specifically including an explanation for any period of Ineligibility.

9.3 Waiver of Hearing

The right to a hearing may be waived either expressly or by the *person responsible's* and/or member of the *support personnel's* (where applicable) failure to request a hearing within ten (10) days of Notification that such a violation is alleged. Where no hearing occurs, the *DA Hearing Panel* shall issue a reasoned *decision*.

9.4 Special Procedure for Minors

9.4.1 For Adverse Analytical Findings involving one or more Banned Substances, where the Person Responsible is a Minor, the Minor may elect to have their case processed under the "Special Procedure for Minors" provided that:

- a) The Minor and the Horse are first-time offenders (namely, no record of any EAD or ECM Rule violations, or violations of any predecessor rules) without any pending or concluded cases within the last four (4) years preceding the Sample which caused the Adverse Analytical Finding; and
- b) The Special Procedure form for Minors has been submitted as per Clause 9.4.4.

9.4.2. Where the Special Procedure for Minors is applied by the AERA, the following consequences shall be imposed and no other consequences, including those set forth elsewhere in these EAD Rules, shall be applicable to any Minor who has elected to avail of this Special Procedure for Minors:

- a) Disqualification of the Minor and the Horse from the whole Event and forfeiture of all prizes won at the Event;
- b) Two-month period of Ineligibility for the Minor, such period of Ineligibility to commence on the date that the Acceptance Form referred to in Clause 9.4.4 below is received by the AERA;
- c) Two-month period of suspension for the Horse, such period of suspension to commence as of the date of Notification (i.e. the date the provisional suspension of the Horse commenced);
- d) A Fine of \$1,500 and costs of \$1,000. However, if a B Sample analysis is requested and the Special Procedure for Minors is accepted after the B Sample Analysis, the costs payable shall be increased to \$2,000.

9.4.3 In order to apply this Special Procedure for Minors, the Minor and their legal guardian must execute an Acceptance Form within fourteen (14) calendar days following the date of the Notice in which the AERA offers this Special Procedure for Minors to the Minor alleged to have committed the EAD Rule violation. The AERA may reasonably extend such deadline provided the file has not yet been circulated to the DA Hearing Panel or any of its members.

9.4.4 If the Minor does not elect to avail of the Special Procedure for Minors within the fixed time limit, the Special Procedure for Minors shall be considered declined, and the case shall be submitted to the DA Hearing Panel for final Decision. The relevant Division Association may impose Sanctions and costs which may be more or less severe than the ones provided under Clause 9.4.3 above.

10 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS

10.1 A violation of these EAD Rules in connection with a test at a given ride automatically leads to the *disqualification* of the result of the *person responsible* and *horse* combination obtained in that competition with all resulting consequences, including forfeiture of any related prizes. Where applicable, consequences to teams are detailed in Clause 12 below. Even if a Sanction is reduced or eliminated under Clause 11 below, such reduction or elimination shall under no circumstances reverse the automatic *disqualification* of Individual Results mandated by this Clause 10.

11 SANCTIONS

11.1 Ineligibility and *fine* for *presence, use or attempted use or possession of banned substances and banned methods*

11.1.1 The Sanction imposed for a violation of:

- a) Clause 3.1 (Presence of a *banned substance* or its *metabolites* or *markers*) or
- b) Clause 3.2 (*Use* or attempted *use* of a *banned substance* or a *banned method*) or

- c) Clause 3.3 (Refusing or failing without compelling justification to submit to *sample* collection or to comply with all sampling procedure requirements including signing the sampling form or otherwise evading *sample* collection) or
- d) Clause 3.4 (Tampering or attempted tampering with any part of doping control) or
- e) Clause 3.5 (Administration or attempted administration of a *banned substance*) or
- f) Clause 3.6 (*Possession of a banned substance or a banned method*) or
- g) Clause 3.8 (Assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an EAD rule violation or any attempted EAD rule violation.)

Shall be as follows unless the conditions for eliminating, reducing, or increasing the sanction provided in 11.3 or 11.4 are met.

First Violation:

Minimum of two (2) years ineligibility, a minimum *fine* of AU\$2,500 and appropriate legal costs, unless fairness dictates otherwise.

Second and subsequent violations:

Minimum of eight (8) years to lifetime period of ineligibility, a minimum *fine* of AU\$5,000 and appropriate legal costs, unless fairness dictates otherwise.

11.2 Ineligibility and *fine* for other rule violations

11.2.1 The Sanction imposed for a violation of;

- a) Clause 3.7 (*Trafficking or attempted trafficking*)

Shall be as follows unless the conditions provided in Clause 11.3 are met. In addition, a significant violation of Clause 3.7 which may also violate non-sporting laws and regulations shall be reported to the competent administrative, professional or judicial authorities.

First Violation:

Minimum of five (5) years ineligibility, a minimum *fine* of AU\$5,000 and appropriate legal costs, unless fairness dictates otherwise.

Second and subsequent violations:

Minimum of fifteen (15) years to lifetime period of ineligibility, a minimum *fine* of AU\$10,000 and appropriate legal costs, unless fairness dictates otherwise.

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

11.3.1 No Fault or Negligence

If the *person responsible* and/or member of the *support personnel* (where applicable) establishes in an individual case that he bears *no fault or negligence* for the EAD rule violation, the otherwise applicable period of ineligibility and other sanctions (apart from Clause 10) may be eliminated in regard to such *person*. When a *banned substance* or its *metabolites* or *markers* is detected in a *horse's sample* in violation of Clause 3.1 (presence of a *banned substance*), the *person responsible* and/or member of the *support personnel* (where applicable) must also establish how the *banned substance* entered the *horse's* system in order to have the period of ineligibility and other sanctions eliminated.

11.3.2 No Significant Fault or Negligence

If a *person responsible* and/or member of the *support personnel* (where applicable) establishes in an individual case that he bears *no significant fault or negligence*, then the otherwise applicable period of ineligibility and other sanctions (apart from Clause 10) 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 Clause may be no less than eight (8) years. When a *banned substance* or its *metabolites* or *markers* is detected in a *horse's sample* in violation of Clause 3.1 (presence of a *banned substance* or its *metabolites* or *markers*), the *person* alleged to have committed the EAD Rule violation must also establish how the *banned substance* or its *metabolites* or *markers* entered the *horse's* system in order to have the period of Ineligibility reduced.

11.3.3 Substantial Assistance in Discovering or Establishing EAD Rule Violations

The *DA Hearing Panel* may, prior to a final appellate *decision* under Clause 13 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* and/or member of the *support personnel* has provided *substantial assistance* to the AERA, DA, criminal authority or professional disciplinary body which results in the AERA and/or the DA discovering or establishing an EAD Rule violation by another *person* or which results in a criminal or disciplinary body discovering or establishing a criminal offence or the breach of professional rules by another *person*.

Such Substantial Assistance must be independently corroborated in order to reduce the period of Ineligibility and under no circumstance should it amount only to blaming another *person* or entity for the alleged EAD Rule violation. The extent to which the otherwise applicable period of Ineligibility may be suspended shall be based on the seriousness of the EAD Rule violation committed and the significance of the Substantial Assistance provided in an effort to promote drug-free equestrian sport. In any event, no more than three-quarters of the otherwise applicable period of Ineligibility may be suspended. If the otherwise applicable period of Ineligibility is a lifetime, the non-suspended period under this section must be no less than eight (8) years.

If a *DA Hearing Panel* subsequently reinstates any part of the suspended period of ineligibility because the *person responsible* and/or member of the *support personnel* has failed to provide the *substantial assistance* which was anticipated, the *person responsible* and/or member of the *support personnel* may appeal the reinstatement pursuant to Clause 13.2.

11.3.4 Admission of an EAD Rule Violation in the Absence of Other Evidence

Where a *person responsible* and/or member of the *support personnel* voluntarily admits the commission of an EAD rule violation before having received the Notice of a Sample collection which could establish an EAD Rule violation (or, in the case of an EAD Rule violation other than Clause 3.1, before receiving first Notice of the admitted violation pursuant to Clause 8) 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.

11.3.5 Where a *person responsible* and/or member of the *support personnel* establishes entitlement to a reduction in sanction under more than one provision of this Clause

If the *person responsible* and/or member of the *support personnel* establishes entitlement to a reduction or suspension of the period of Ineligibility under two (2) or more of Clauses 11.3.2, 11.3.3 and 11.3.4, then the period of Ineligibility may be reduced or suspended, but not below one quarter of the otherwise applicable period of Ineligibility.

11.4 Aggravating Circumstances Which May Increase the Period of Ineligibility

If the AERA and/or the *DA Hearing Panel* establishes in an individual case involving an EAD Rule violation other than violations under Clause 3.7 (*Trafficking* or *Attempted Trafficking*) that aggravating circumstances are present which justify the imposition of a period of Ineligibility greater than the standard sanction, then the period of Ineligibility otherwise applicable shall be increased up to a maximum of four (4) years unless the *person responsible* and/or member of the *support personnel* can prove to the comfortable satisfaction of the *DA Hearing Panel* that he did not knowingly commit the EAD Rule violation. The *person responsible* and/or member of the *support personnel* can avoid the application of this Clause by admitting the EAD Rule violation as asserted promptly after being confronted by the AERA with the EAD Rule violation.

11.5 Multiple Violations involving both a *controlled substance or method* and a *banned substance or method*.

Where a *person responsible* and/or member of the *support personnel* based on the same factual circumstances is found to have committed a violation involving both a *controlled medication substance(s)* or a *controlled medication method(s)* under the ECM Rules and a *banned substance(s)* or a *banned method(s)* under these EAD Rules, the *person responsible* and/or member of the *support personnel* shall be considered to have committed one EAD Rule violation and the sanction imposed shall be based on the *banned substance* or *banned method* that carries the most severe sanction. The occurrence of multiple substances or methods may be considered as a factor in determining aggravating circumstances under Clause 11.4 above.

11.6 Disqualification of Results in Rides Subsequent to Sample Collection or Commission of an EAD Rule Violation

In addition to the automatic disqualification of the results in the ride which produced the positive sample under Clause 10 (*Automatic Disqualification of Results*), all other ride results obtained from the date a positive sample was collected, or other EAD Rule violation occurred, through the commencement of any *provisional suspension* or ineligibility period, shall, unless fairness requires otherwise, be disqualified with all of the resulting consequences including forfeiture of any prizes.

11.7 Commencement of Ineligibility Period

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 any other date specified by the *DA Hearing Panel* in its *decision*.

11.7.1 Delays Not Attributable to the *person responsible* or member of the *support personnel*

Where there have been substantial delays in the hearing process or other aspects of Doping Control not attributable to the *person responsible* and/or member of the *support personnel* alleged to have committed the EAD Rule violation, the *DA Hearing Panel* may start the period of ineligibility at an earlier date commencing as early as the date of sample collection or the date on which another EAD Rule violation last occurred.

11.7.2 Timely Admission

Where the *person responsible* and/or member of the *support personnel* (where applicable) promptly (which, for the *person responsible*, in all circumstances, means before the *person responsible* competes again) admits the EAD Rule violation after being confronted with the EAD Rule violation by the AERA, the period of ineligibility may start as early as the date of sample collection or the date on which another EAD Rule violation last occurred. In each case however where this Clause is applied, the *person* who committed the EAD Rule violation shall serve at least one-half of the period of ineligibility going forward from the date ineligibility is imposed or accepted.

11.7.3 If a *provisional suspension* is imposed and respected by the *person responsible* and/or member of the *support personnel*, or *horse*, then a credit shall be received for such period of *provisional suspension* against any period of ineligibility which may ultimately be imposed as determined by the *DA Hearing Panel*.

11.7.4 If a *person responsible* and/or member of the *support personnel* voluntarily accepts a *provisional suspension* in writing for himself or the *horse*, and thereafter refrains from participating in rides, such *person* or *horse* shall receive a credit for such period of voluntary *provisional suspension* against any period of ineligibility which may ultimately be imposed. A copy of the voluntary *provisional suspension* shall be provided promptly to each party entitled to receive Notice of a potential EAD Rule violation. If a *provisional suspension* is voluntarily accepted, it can only be lifted by the *decision* of the *DA Hearing Panel*.

11.7.5 No credit against a period of ineligibility shall be given for any time period before the effective date of the *provisional suspension* or voluntary *provisional suspension* regardless of whether the *person* alleged to have committed the EAD Rule violation elected not to compete.

11.8 Status During Ineligibility

11.8.1 Prohibition Against Participation during Ineligibility

No *horse*, *person responsible* and/or member of the *support personnel* who has been declared ineligible may, during the period of ineligibility, participate in any capacity (other than as a spectator) at an Event that is affiliated with the AERA. In addition, any *person responsible* and/or member of the *support personnel* or *horse* subject to ineligibility under Clause 11 may also be *banned* from any venues where AERA affiliated events are taking place, whether or not the *person responsible* or member of the *support personnel* are members of the AERA or a DA.

11.8.2 Violation of the Prohibition of Participation During Ineligibility

Where a *person responsible* and/or member of the *support personnel* who has been declared Ineligible or whose *horse* has been declared Ineligible violates the prohibition against participation or attendance during Ineligibility described in Clause 11.8.1 above, the results of any such participation shall be Disqualified and the period of Ineligibility which was originally imposed shall start over so that the entire period of Ineligibility must be served again from the beginning as of the date of the last violation committed. The new period of Ineligibility may be reduced under Clause 11.3.2 above if the *person responsible* and/or member of the *support personnel* establish that he bears No Significant Fault or Negligence for violating the prohibition

against participation or attendance. 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 a reduction under Clause 11.3.2 above or any other sanctions are appropriate, shall be made by the relevant DA.

- 11.8.3 As a condition of regaining eligibility after being found to have committed an EAD Rule violation, the *person responsible* and/or member of the *support personnel* must first return all prizes or pay their equivalent replacement cost and any other *fines* and/or costs attributed to the violation which have been ordered by the *DA Hearing Panel* or otherwise accepted by the *person responsible*.

12 CONSEQUENCES TO TEAMS

12.1 Unless otherwise provided in the AERA Rules, the consequences to teams is that, if a member of a team is found to have committed a violation of these EAD Rules during an ride where a team ranking is based on the addition of individual results, the results of the *person responsible* may be eliminated from the ride 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 riders counting for the team is less than the required number, the team shall be eliminated from the ranking.

12.2 Notwithstanding Clause 12.1 above, for all rides, exceptional circumstances may be considered.

13 APPEALS

13.1 Decisions Subject to Appeal

Decisions made under these EAD Rules may be appealed as set forth below in Clause 13.2 and 13.3. Such *decisions* shall remain in effect while under appeal unless the appellate body orders otherwise.

13.2 Disqualification

Disqualification from events and forfeiture of prizes under rule 10 shall not be entitled to appeal unless the adverse analytical finding is disproven.

13.3 Appeals from *decisions* regarding EAD Rule Violations, Consequences, and *Provisional Suspensions*

The following *decisions* may be appealed within fourteen (14) days from Notice of the *decision* exclusively as provided in this Clause 13.3:

- a) a *decision* that an EAD Rule violation was committed;
- b) a *decision* imposing consequences for an EAD Rule violation;
- c) a *decision* that no EAD Rule violation was committed;
- d) a *decision* that an EAD Rule violation proceeding cannot go forward for procedural reasons (including, for example, exceeding the Statute of Limitations);
- e) a *decision* under Clause 11.8.2 (Violation of the Prohibition of Participation during Ineligibility);
- f) a *decision* that the DA lacks jurisdiction to rule on an alleged EAD Rule violation or its consequences;
- g) a *decision* by the AERA not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping violation, or a *decision* not to go forward with an anti-doping violation; and
- h) a *decision* to impose a *provisional suspension* as a result of a Preliminary Hearing or otherwise, in violation of Clause 8.4; the only *person* that may appeal from a *provisional suspension* is the AERA or the *person* upon whom or upon whose *horse* the *provisional suspension* is imposed.

13.4 Appellant Body

A decision listed in Rule 13.3 may be appealed to the relevant DA which shall appoint an Appeals Committee of a minimum of 2 persons pursuant to the relevant DA Constitution to hear the appeal.

14 REPORTING & RECOGNITION

14.1 Statistical Reporting

The AERA shall report at the end of every calendar year aggregated and anonymous results of all Doping Controls within its jurisdiction.

14.2 Public Disclosure

- 14.2.1** Neither the AERA or its Affiliates shall publicly identify *horses* or *persons responsible* whose *horses' samples* have resulted in *Adverse Analytical Findings*, or *persons responsible* and/or members of the *support personnel* who were alleged to have otherwise violated these Rules, until the earlier of completion of the administrative review and Notification described in Clauses 8.1.2 and 8.1.3 above or the start of the *provisional suspension* of the *person* alleged to have violated the EAD Rule. Once a violation of these EAD Rules has been established, it shall be *publicly reported* in an expeditious manner on the AERA website unless another mechanism for *publicly reporting* the information is warranted at the discretion of the AERA. Public reporting shall be for a period of 12 months from the date of notification. If the *person responsible* and/or member of the *support personnel* or the AERA makes information concerning an EAD Rule violation or alleged EAD Rule violation public prior to release of this information on the AERA website, the AERA may comment on such public information or otherwise *publicly report* the matter.
- 14.2.2** In any case where it is determined, after a hearing or appeal, that the *person responsible* and/or member of the *support personnel* did not commit an EAD Rule violation, the *decision* may be disclosed publicly only with the consent of the *person* who is the subject of the *decision*. The AERA 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 AERA Affiliate may jointly approve.
- 14.2.3** Neither the AERA, EA, any FEI approved *laboratory*, or any official of any of the above, shall publicly comment on the specific facts of a pending case (as opposed to a general description of process and science), except in response to public comments attributed to the *person responsible* and/or member of the *support personnel* or their representatives.
- 14.2.4** Recognition of *decisions* by AERA Affiliates
Any decision of the AERA and/or a DA regarding a violation of these EAD Rules shall be recognised and enforced by all Division Associations affiliated with the AERA who shall take all necessary action to implement any and all ramifications relating to such *decisions*. Failure to do so may be considered a violation of these EAD Rules and the AERA Division Association Affiliation Agreement.
- 14.2.5** The mandatory Public Reporting required in Clause 14.2.1 shall not be required where the Person Responsible and/or member of the Support Personnel and/or other Person who has been found to have committed an antidoping rule 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.

15 STATUTE OF LIMITATIONS

- 15.1** No action may be commenced under these EAD Rules against a *person responsible* and/or member of the *support personnel* for an EAD Rule violation unless such action is commenced within eight (8) years from the date the violation is asserted to have occurred.

16 TRANSITIONAL PROVISIONS

16.1 General Application of these AERA EAD Rules

These EAD Rules shall apply in full force and effect on 1 January 2016 (the "Effective Date"). Any modifications or updates to these EAD Rules shall become effective as confirmed by the AERA.

16.2 Application to *Decisions* Rendered Prior to these AERA EAD Rules

These EAD Rules shall have no application to any anti-doping rule violation case where a final *decision* finding an anti-doping rule violation has been rendered and the period of Ineligibility has expired.

Chapter 3: EQUINE CONTROLLED MEDICATION RULES**17 AERA MEDICATION CODE & RATIONALE FOR THE ECM RULES**

- 17.1 These ECM 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 those partners is unable to speak for itself. It is therefore the AERA's responsibility to speak on its behalf, 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. No *controlled medication substance* shall be given to any *horse* during or close to an Event unless the appropriate AERA guidelines for medication authorisation have been followed.

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).

A complete and accurate record of all treatments of controlled medications administered in the 28 days prior to a ride must be completed on AERA Form 6 and handed to the Head Veterinarian at the pre-ride veterinary inspection for the *horse*. *Horses* that have been treated with Altrenogest, Cyclosporine Implants or Cyclosporine Ophthalmic preparations are required to complete AERA Form 7 and be handed to the Head Veterinarian at the pre-ride veterinary inspection for the *horse*. The Head veterinarian upon reviewing the AERA Forms 6 and/or 7 may recommend to the person responsible that the *horse* be withdrawn due to the possibility that if the *horse* were selected for sampling, it may return an *Adverse Analytical Finding* greater than permitted levels of concentration. Such a recommendation shall also be communicated by the Head Veterinarian to the Chief Steward.

- 17.2 These ECM Rules are to be interpreted and applied (including where an issue arises that is not expressly provided for in these ECM Rules) by reference to the need to follow the AERA Medication Code and 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.

18 DEFINITION OF A CONTROLLED MEDICATION VIOLATION

A Controlled Medication violation is defined as the occurrence of one or more of the ECM Rule violations set forth in Clauses 19.1 through Clause 19.5 of these ECM Rules.

19 CONTROLLED MEDICATION RULE VIOLATIONS

Persons responsible and/or their *support personnel* shall be responsible for knowing what constitutes an ECM Rule violation and the substances and methods which have been included on the *equine prohibited substances list* and identified as *controlled medication substances* and *controlled medication methods*. Where *controlled medication substances* or *controlled medication methods* are involved, the following shall constitute ECM Rule violations:

19.1 The presence of a *controlled medication substance* and/or its *metabolites* or *markers* in a *horse's sample*.

- 19.1.1 It is each *person responsible's* personal duty to ensure that no *controlled medication substance* is present in the *horse's* body while under veterinary control at an Event without a valid appropriate AERA Form 6 and/or 7. *Persons responsible* are responsible for any *controlled medication substance* found to be present in their *horse's samples*, even though their *support personnel* will be considered additionally responsible under Clause 19.2 – 19.5 ECM Rules where the circumstances so warrant. It is not necessary that intent, fault, negligence or knowing *Use* be demonstrated in order to establish a Rule violation under Clause 19.1.
- 19.1.2 Sufficient proof of a Rule violation under Clause 19.1 is established by either of the following where there is no valid AERA Form 6 and/or 7:

- a) 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
- b) 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* while under veterinary control at an Event. An *adverse analytical finding* may be established by a positive blood or urine *Sample*.

19.1.3 Excepting those *controlled medication substances* for which a quantitative threshold is specifically identified in the *equine prohibited substances list* or where a valid AERA Form 6 or 7 has been submitted, the presence of any quantity of a *controlled medication substance* and/or its *metabolites* or *markers* in a horse's *sample* while under veterinary control at an Event shall constitute an ECM Rule violation.

19.1.4 As an exception to the general rule of Clause 19.1, the *equine prohibited substances list* or the *FEI standard for laboratories* may establish special criteria for the evaluation of *controlled medication substances* that can also be produced endogenously.

19.2 Use or attempted use of a controlled medication substance or a controlled medication method.

19.2.1 It is each *person responsible's* personal duty, along with members of their *support personnel*, to ensure that no *controlled medication substance* enters into the horse's body while under veterinary control at an Event without a valid AERA Form 6 and/or 7. Accordingly, it is not necessary that intent, fault, negligence or knowing *Use* on the part of the *person responsible*, and/or member of his *support personnel* (where applicable), be demonstrated in order to establish a Rule violation for *Use* of a *controlled medication substance* or a *controlled medication method*. However, in accordance with the definition of Attempt, it is necessary to show intent in order to establish an ECM Rule violation for Attempted *Use* of a *controlled medication substance* or a *controlled medication method*.

19.2.2 The success or failure of the *Use* or Attempted *Use* of a *controlled medication substance* or a *controlled medication method* is not material. It is sufficient that the *controlled medication substance* or *controlled medication method* was used or attempted to be used while under veterinary control at an Event without a valid AERA Form 6 and/or 7 for an ECM Rule violation to be committed.

19.3 Tampering, or Attempted Tampering with any part of Medication Control that is not otherwise a violation of the ECM Rules.

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

19.5 Administration or Attempted Administration of a controlled medication substance.

20 PROOF OF ECM RULE VIOLATIONS

20.1 Burdens and Standards of Proof

The AERA and/or the DA shall have the burden of establishing that an ECM Rule violation has occurred. The standard of proof shall be whether the AERA and/or the DA has established an ECM Rule violation on the balance of probabilities. Where these ECM Rules place the burden of proof upon the *person responsible* and/or member of his *support personnel* 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.

20.2 Methods of Establishing Facts and Presumptions

Facts related to ECM Rule violations may be established by any reliable means, including admissions. The following rules of proof shall be applicable in Controlled Medication cases brought under these ECM Rules:

20.2.1 FEI-approved Laboratories are presumed to have conducted Sample analysis and custodial procedures in accordance with the *FEI standard for laboratories*. The *person responsible* and/or member of the *support personnel* who is alleged to have committed the ECM Rule violation may rebut this presumption by establishing by a balance of probability that a departure from the *FEI 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 *FEI standard for laboratories* occurred which could reasonably have caused the *Adverse Analytical Finding*, then the AERA and/or the DA shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.

- 20.2.2 Departures from another AERA Rule which did not by a balance of probability cause an *Adverse Analytical Finding* or other Rule violation shall not invalidate such results. If the *person responsible* and/or member of the *support personnel* (where applicable) establishes, by a balance of probability, that a departure from another AERA Rule could reasonably have caused the *Adverse Analytical Finding* or other ECM Rule violation, then the AERA and/or the DA must prove that the departure did not cause the *Adverse Analytical Finding* or the factual basis for the ECM Rule violation.
- 20.2.3 The facts established by a *decision* of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrefutable evidence against the *person responsible* and/or member of the *support personnel* to whom the *decision* pertained with regards to the factual findings unless it can be established that the *decision* violated principles of natural justice.
- 20.2.4 The *AERA review panel* and/or the *DA Hearing Panel* presiding over a case alleging an ECM Rule violation may draw an inference adverse to the *person responsible* and/or member of the *support personnel* (where applicable) who is asserted to have committed an ECM Rule violation based on the refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or telephonically as directed by the Hearing Panel) in order to answer questions from the *AERA review panel* or the *DA Hearing Panel*.

21 THE EQUINE PROHIBITED SUBSTANCE LIST

21.1 Incorporation of the *equine prohibited substances list*

These AERA ECM Rules incorporate the FEI *equine prohibited substances list* (the "List") which is published and revised by the FEI from time to time. The FEI publishes the current List on the FEI website at <http://www.fei.org/fei/cleansport/ad-h/prohibited-list>.

21.2 Review and Publication of *controlled medication substances and controlled medication methods* Identified on the List

The FEI revises the List from time to time and at least once annually. Each updated List does not go into effect any sooner than ninety (90) days following its publication on the FEI website.

21.3 Substances and Methods included on the List

The FEI's categorization of a substance or method on the List as a *controlled medication substance* or *controlled medication method* 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*, member of the *support personnel*, and/or any other *person* on any basis.

21.4 AERA Forms 6 and 7

Horses with documented medical conditions requiring the use of a *controlled medication substance* or a *controlled medication method* prior to a ride must complete and lodge the appropriate AERA Form with the Head Veterinarian at the pre-ride veterinary inspection for the *horse*. The Head veterinarian upon reviewing the AERA Form may recommend to the person responsible that the *horse* be withdrawn due to the possibility that if the *horse* were selected for sampling, it may return an *Adverse Analytical Finding* greater than permitted levels of concentration. Such a recommendation shall also be communicated by the Head Veterinarian to the Chief Steward.

22 TESTING

22.1 Authority to Test

Any *horse* entered in any AERA affiliated ride, shall be subject to *in-competition testing* by the AERA and/or a DA and the AERA and/or the DA shall be responsible for the Results Management arising from such Testing. An exception being that *EA* is exclusively responsible for the Testing and the Results Management arising from *in-competition testing* at FEI affiliated rides in Australia.

22.2 Responsibility for AERA Testing

The Chief Seward shall be responsible to ensure that all *testing* conducted by the AERA and/or a DA is undertaken by appropriately accredited personnel and in substantial conformity with these Rules.

22.3 Selection of *Horses* to be Tested

- 22.3.1 The DA shall determine the number of rides to be sampled, and the number of samples to be taken during a calendar year within their jurisdiction. A separate, confidential process within the appropriate DA portfolio shall determine the individual rides to be sampled and the quantity of samples to be taken at each of those individual rides.
- 22.3.2 The selection of individual *horses* to be sampled at a ride shall be made by the chief steward in consultation with head veterinarian and shall utilise one or more of 3 available methods;
- a) **Random Sampling**
This requires a random selection based on “positions” recorded in writing and signed by the chief steward and head veterinarian prior to the *horses* beginning leg 1 of the ride. Such random selection may include (but are not limited to), for example, the 1st *horse* in each division, and/or or the 4th Middleweight *horse* and/or the 15th *horse* off leg 1. The written random selection shall remain confidential between the chief steward, head veterinarian and the MCP steward and shall not be revealed unless all the random samples have been taken.
 - b) **Targeted Sampling**
May be used when a specific reason or circumstances warrants that a particular *horse* be selected for sampling. The chief steward is not required to provide justification for the selection of any particular *horse*.
 - c) **Obligatory Sampling**
 - i. For Division Championships, as a minimum, the first placed *horse* in each riding division shall be sampled. Any additional samples shall be selected using the Random sampling method and (if appropriate) *targeted sampling*.
 - ii. For the Tom Quilty Gold Cup, as a minimum, the first placed *horse* in each riding division shall be sampled plus an additional 6 samples using the Random sampling method and (if appropriate) *targeted sampling*.
- 22.3.3 Nothing in these EAD Rules shall be construed to limit where the AERA and/or a DA is authorised to conduct Testing on *horse's in-competition*.
- 22.3.4 A departure (either intended or unintended) in the selection process in Clause 23.3.2 shall not be construed to invalidate a sample duly taken in accordance with these rules.

23 ANALYSIS OF SAMPLES

Samples collected under these Rules and arising from AERA and/or DA testing are the property of the AERA and/or the DA as the case may be. They shall be analysed in accordance with the following principles:

23.1 Use of approved Laboratories

These ECM Rules incorporate the FEI List of approved Laboratories which is published and revised by the FEI from time to time. The AERA and/or DA shall send Samples for analysis only to these approved Laboratories, which are subject to the *FEI standard for laboratories*. The choice of *laboratory* used for the Sample analysis of either or both the *A* and *B Sample* shall be determined exclusively by EA. However, the *person responsible* may elect to have the *B Sample* analysed at a different *laboratory* than the one which performed the *A Sample* analysis. If such an election is made, EA shall select the *B Sample laboratory* from the FEI List of approved Laboratories and inform the *person responsible* accordingly.

23.2 Purpose of Collection and Analysis of Samples

Samples shall be analysed to detect *controlled medication substances* and *controlled medication methods*, all as set forth in the List.

23.3 Research on Samples

No Sample may be used for any purpose other than as described in Clause 23.2, without the *person responsible's* written consent. Those Samples used for purposes other than as set forth in Clause 23.2 (for example research) following written consent from the *person responsible* shall have all means of identification removed from the Sample so it cannot be traced back to a particular *horse* or *person responsible*. All Samples shall be destroyed pursuant to the guidelines set forth in the *FEI standard for laboratories* and in no event later than the lapse of the Statute Of Limitations in Clause 31.

23.4 Standards for Sample Analysis and Reporting

Laboratories shall analyse Samples and report results in conformity with the *FEI standard for laboratories*.

24 RESULTS MANAGEMENT

24.1 Results Management for Tests arising out of AERA Testing or other ECM Rule violations.

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

‘A SAMPLE’ ADVERSE ANALYTICAL FINDING

- 24.1.1 The results of all Sample analyses are sent exclusively to EA, in a report signed by an authorised representative of the *laboratory*. EA communicates the results to the AERA. All communications must be conducted in such a way that the results of the Sample analyses are confidential.
- 24.1.2 Upon receipt of an A Sample Adverse Analytical Finding, the AERA review panel shall conduct a review to determine whether there is any apparent departure from Testing procedures, the FEI standard for laboratories or AERA Rules that caused the Adverse Analytical Finding.
- 24.1.3 If the initial review under Clause 24.1.2 does not reveal a valid AERA Form 6 and/or 7, nor a departure from Testing procedures, the FEI standard for laboratories or AERA Rules that caused the Adverse Analytical Finding, the AERA shall promptly issue an *Infraction Notice* to the *person responsible* and the *owner* of the horse (if applicable) of:
 - a) the *Adverse Analytical Finding*;
 - b) the ECM Rule violated;
 - c) the right of the *person responsible* and the *owner* of the horse's (if applicable) to promptly request the analysis of the B Sample, or, failing such request, that the B Sample analysis may be deemed waived;
 - d) the opportunity for the *person responsible* and the *owner* of the horse (if applicable) 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 EA, and the opportunity to send a representative (witness) to be present for the B Sample analysis within the time period specified in the FEI standard for laboratories unless allowing such representative or witness presents a threat to the integrity of the analysis process; and
 - e) the right of the *person responsible* and the *owner* of the horse (if applicable) to request copies of the A and B Sample (if applicable) *laboratory* Documentation Package which includes information as specified in the FEI standard for laboratories.

‘B SAMPLE’ ANALYSIS

- 24.1.4 The *person responsible* and the *owner* of the horse (if applicable) may accept the A Sample analytical results by waiving the right to a B Sample analysis. The AERA review panel 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.

Confirmatory Analysis Request Form

- 24.1.5 The *person responsible* and the *owner* of the horse (if applicable) is deemed to have waived his right to a B Sample analysis if he does not submit the Confirmatory Analysis Request Form within the stipulated time-limit in the Notification.
- 24.1.6 Pursuant to Clause 24.1.3 (d) above, within seven (7) days of receipt of the duly executed Confirmatory Analysis Request Form (B Sample), EA shall propose possible dates for such analysis. In addition to the *person responsible* and the *owner* of the horse (if applicable) and his/their representative (witness), a representative of the AERA and/or DA may also be allowed to be present for the B Sample analysis.

‘B SAMPLE’ RESULT

- 24.1.7 If the B Sample proves negative, then the entire test shall be considered negative. The AERA review panel shall be informed of the results confidentially and shall notify the *person responsible*, the *owner* of the horse (if applicable) and the relevant DA.
- 24.1.8 If a *controlled medication substance* or the use of a *controlled medication method* is identified in the B Sample, the AERA review panel shall be informed of the results confidentially and shall notify the *person responsible*, the *owner* of the horse (if applicable) and the relevant DA.
- 24.1.9 For the avoidance of doubt, an *Adverse Analytical Finding* confirmed by the B Sample analysis may result from blood or urine Samples, or any combination thereof (for example, a confirmatory B Sample analysis is valid if performed on a blood sample, even if the A Sample Adverse Analytical Finding arose from a urine Test, and vice-versa). 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 level varies quantitatively from the A Sample level.

24.1.10 Where appropriate, the members of the *support personnel*, including the *owner*, shall receive Notification of the ECM Rule violation and all relevant corresponding documents.

'A SAMPLE' ATYPICAL FINDING

24.2 Review of Atypical Findings

24.2.1 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 *AERA review panel* shall conduct a review to determine whether there is any apparent departure from the Testing procedures, the *FEI standard for laboratories* or another AERA Rule that caused the *Atypical Finding*.

24.2.2 If that review does not reveal any departure that caused the *Atypical Finding*, the *AERA review panel* shall conduct further investigations. The *AERA review panel* will not provide Notice of an *Atypical Finding* until the investigation is completed and then the *AERA review panel* shall promptly *notify* the *person responsible*, the *owner* of the *horse* (if applicable) and the relevant DA, whether or not the *Atypical Finding* will be brought forward as an *Adverse Analytical Finding*.

'B SAMPLE' ATYPICAL FINDING

24.2.3 If the *AERA review panel* determines that the *B Sample* should be analysed prior to the conclusion of the investigation under Clause 24.2 the *AERA review panel* may conduct the *B Sample* analysis after supplying the *person responsible* and the *owner* of the *horse* (if applicable) with such Notice including a description of the *Atypical Finding* and the information described in Clause 24.1.3 (b) to (e) inclusive.

24.3 Review of Other ECM Rule Violations

For apparent ECM Rule violations that do not involve Adverse Analytical Findings, the *AERA review panel* may conduct any necessary follow-up investigation and at such time as it is satisfied that an ECM Rule violation has occurred, it shall then promptly notify the *person responsible*, the *owner* of the *horse* (if applicable) and/or member of the *support personnel* (where applicable) and the applicable DA of the ECM Rule which appears to have been violated and the basis of the violation.

24.4 Provisional Suspensions

24.4.1 Upon receipt of the notification from the *AERA review panel*, the relevant DA shall provisionally suspend a *person responsible*, member of the *support personnel*, and/or the *person responsible's horse* prior to the opportunity for a full hearing based on:

- a) an admission that an ECM Rule violation has taken place (for the avoidance of doubt, an admission by any *person* can only be used to provisionally suspend that person); or
- b) all of the following elements:
 - (i) an Adverse Analytical Finding for two *controlled medication substances* from the *A Sample* or *A* and *B Samples*;
 - (ii) the review described in Clause 24.1.2; and
 - (iii) the Notification described in Clause 24.1.3 above.

24.4.2 If a *provisional suspension* is imposed by the DA, either;

- a) the hearing in accordance with Clause 25 below shall be advanced to a date which avoids substantial prejudice to the *person* alleged to have committed the ECM Rule violation, or
- b) such *person* shall be given an opportunity for a *Preliminary Hearing* either on a timely basis after imposition of the *provisional suspension* or before imposition of the *provisional suspension* in order to show cause why the *provisional suspension* should not be imposed (or should be lifted). Where a *horse* is provisionally suspended, the *owner* shall also have the right to request a *Preliminary Hearing*.

24.4.3 The *DA Hearing Panel* may provisionally suspend a *person responsible*, member of the *support personnel*, and/or the *person responsible's horse* prior to the opportunity for a full hearing if the *person responsible*, member of the *support personnel* or *horse* has a pending EAD or ECM Rule violation or previously violated the EAD Rules in the last eight (8) years or the ECM Rules in the last four (4) years.

24.4.4 The *DA Hearing Panel* may provisionally suspend a *person responsible*, member of the *support personnel*, and/or the *person responsible's horse* prior to the opportunity for a full hearing based on evidence that a violation of these ECM Rules is highly likely to have been committed by the respective *person*.

24.4.5 The *provisional suspension* shall be maintained unless the *person* requesting the lifting of the *provisional suspension* establishes to the comfortable satisfaction of the *DA Hearing Panel* that:

- a) The allegation that an ECM Rule violation has been committed has no reasonable prospect of being upheld, e.g., because of a material defect in the evidence on which the allegation is based; or
- b) the *person* can demonstrate that the evidence will show that he bears No Fault or No Negligence for the ECM Rule violation that is alleged to have been committed, so that any period of Ineligibility that might otherwise be imposed for such offence is likely to be completely eliminated by application of Clause 27.4.1 below or that 27.4.2 below applies and the *person* can demonstrate that the evidence will show that he bears No Significant Fault or Negligence and that he has already been provisionally suspended for a period of time that warrants the lifting of the *provisional suspension* pending the final *decision* of the *DA Hearing Panel*; or
- c) Exceptional circumstances exist that make it clearly unfair, in all of the circumstances of the case, to impose a *provisional suspension* prior to final hearing of the *DA Hearing Panel*. This ground is to be construed narrowly, and applied only in truly exceptional circumstances. For example, the fact that the *provisional suspension* would prevent the person or *horse* competing in a particular Competition or Event shall not qualify as exceptional circumstances for these.

24.4.6 If a *provisional suspension* is imposed based on an *A Sample* Adverse Analytical Finding and a subsequent *B Sample* analysis (if requested) does not confirm the *A Sample* analysis, then the *person(s)* alleged to have committed the Rule violation and his member of the *support personnel*, and/or *horse* shall not be subject to any further *provisional suspension* on account of a violation of Clause 19.1 (Presence of a *controlled medication substance* or its *metabolites* or *markers*).

24.4.7 After the imposition of a *provisional suspension* and following a Preliminary Hearing but prior to a final hearing, the *person responsible* and/or member of the *support personnel* (including the *owner*) can petition the *DA Hearing Panel* for another Preliminary Hearing provided that new evidence exists that, if known at the time of the earlier Preliminary Hearing, may have satisfied the requirements of Clause 24.4.4 above and may have led to the lifting of the *provisional suspension*. Such petition must be made in writing to the *DA Hearing Panel* and must clearly establish the existence of such new evidence meeting this criterion. If the request for another Preliminary Hearing is granted by the *DA Hearing Panel*, the same *DA Hearing Panel* member who presided over the prior Preliminary Hearing will decide the new Preliminary Hearing request, unless exceptional circumstances prevent it from doing so, in which case another *DA Hearing Panel* member will be appointed and will conduct the new Preliminary Hearing. If another Preliminary Hearing is granted after the Hearing Panel has been constituted, any member of the Hearing Panel may conduct the Preliminary Hearing. Preliminary Hearing *decisions* may be issued by the *DA Hearing Panel* without reasons.

24.4.8 During a period of *provisional suspension*, no *person responsible* and/or member of the *support personnel* who themselves are provisionally suspended, or a *horse* that is provisionally suspended, may participate in any capacity at an Event, or be present at an Event (other than as a spectator) that is affiliated with the AERA.

24.5 Retirement from Sport

If a *person responsible* and/or member of the *support personnel* retires while a Results Management process is underway, the AERA and the DA retain jurisdiction to complete its Results Management process. If a *person responsible* and/or member of the *support personnel* retires before any Results Management process has begun, the AERA and the DA similarly has jurisdiction to conduct Results Management.

25 RIGHT TO A FAIR HEARING

25.1 Hearings before the *DA Hearing Panel*

25.1.1 The *DA Hearing Panel* shall decide all cases involving violations of these ECM Rules.

25.1.2 When it appears, following the Results Management Process described in Clause 24 above, that these ECM Rules have been violated, then the case shall be submitted to a *Hearing Panel* of the relevant DA for adjudication.

25.1.3 Hearings pursuant to this Clause shall be completed expeditiously following the completion of the Results Management or investigation process described in Clause 24 and the submission of all relevant evidence and pleadings by the parties. The *person responsible* and/or member of the *support personnel* (where applicable) alleged to have violated the ECM Rules shall cooperate promptly in the submission of such evidence and pleadings and in attendance at a hearing if requested by the *DA Hearing Panel*.

25.1.4 The *person responsible* and/or member of the *support personnel* (including the *owner*) alleged to have violated the ECM Rules may attend the hearing under all circumstances.

25.1.5 A *person responsible* and/or member of the *support personnel* (where applicable) may acknowledge the ECM Rule violation and accept consequences consistent with Clauses 25.3.2 and 25.3.3 of the ECM Rules (if the Administrative Procedure is elected) or accept consequences consistent with Clauses 26 and 27 below as proposed by these Rules.

25.2 Principles for a Fair Hearing

All *decisions* and Hearings under these ECM Rules shall respect the following principles:

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

25.3 Administrative Procedure

25.3.1 For *Adverse Analytical Findings* involving *controlled medication substances*, the *person responsible* and/or member of the *support personnel* (where applicable) may elect to have their case processed under the *Administrative Procedure* provided that:

- a) No more than one (1) *controlled medication substance* (including its metabolites) is detected in the Sample; and
- b) The *person responsible* and/or member of the *support personnel* (where applicable) and the *horse* are first-time offenders (namely, no record of any EAD or ECM Rule violations, or violations of any predecessor rules) without any pending or concluded cases within the last four (4) years preceding the Sample which caused the *Adverse Analytical Finding*.

25.3.2 In order to apply this Administrative Procedure, the *person responsible* and/or member of the *support personnel* (where applicable) must execute an Acceptance Form within fourteen (14) calendar days following the date of the Notice in which the AERA offers this Administrative Procedure to the *person* alleged to have committed the ECM Rule violation. The AERA may reasonably extend such deadline provided the file has not yet been circulated to the *DA Hearing Panel* or any of its members.

25.3.3 Where the Administrative Procedure is requested and applied by the *AERA review panel*, the following consequences shall be imposed and no other consequences, including those set forth in Clause 27 below or elsewhere in these ECM Rules, shall be applicable to any *person* who has elected this Administrative Procedure:

- a) *disqualification* of the *person responsible* and/or member of the *support personnel* (where applicable) and the *horse* from the ride and forfeiture of all prizes;
- b) a *fine* of AU\$1,500; and
- c) costs of AU\$1,000. However, if a *B Sample* analysis is requested and the Administrative Sanction accepted after the *B Sample* Analysis, the costs shall be increased to AU\$2,000.

25.3.4 Where the *person responsible* is a junior at the time of the Event, the consequences shall be limited to *disqualification* from the Event and forfeiture of all prizes, in addition to payment of any costs associated with the Administrative Procedure.

25.3.5 If the *person responsible* and/or member of the *support personnel* (where applicable) does not elect the Administrative Procedure within the fixed time limit, the Administrative Sanctions shall be considered declined and the case shall be submitted to the *DA Hearing Panel* for a *decision*. The *DA Hearing Panel* may impose Sanctions and costs which may be more or less severe than the ones provided for in the Administrative Procedure.

25.3.6 A record of Administrative Procedure Sanctions will be published annually on the AERA website.

25.4 Waiver of Hearing

The right to a hearing may be waived either expressly or by the *person responsible's* and/or member of the *support personnel's* (where applicable) failure to request a hearing within ten (10) days of Notification that such a violation is alleged. Where no hearing occurs, the *DA Hearing Panel* shall issue a reasoned *decision*.

26 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS

- 26.1 For cases other than those prosecuted under the Administrative Procedure, a violation of these ECM Rules in connection with a Test in a given Competition automatically leads to the *disqualification* of the result of the *person responsible* and *horse* combination obtained in that Competition with all resulting consequences, including forfeiture of any related prizes. Where applicable, consequences to teams are detailed in Clause 28. Even if a Sanction is reduced or eliminated under Clause 27 below, such reduction or eliminated shall under no circumstances eliminate the automatic *disqualification* of Individual Results mandated by this Clause.

27 SANCTIONS**27.1 Disqualification of Results in the Event during which an ECM Rule Violation Occurs**

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

- 27.1.1 An ECM Rule 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 and prizes, except as provided in Clause 27.1.2.
- 27.1.2 If the *person responsible* establishes that he bears No Fault or Negligence for the ECM Rule 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 ECM Rule violation occurred were likely to have been affected by the *person responsible's* ECM Rule violation.
- 27.1.3 In addition, the *person responsible's horse* may also be Disqualified from the entire Event with all consequences, including forfeiture of all prizes even if earned while being ridden by someone other than the *person responsible*, if the *horse's* results in Competitions other than the Competition in which the ECM Rule violation occurred were likely to have been affected by the ECM Rule violation.

27.2 Ineligibility and Fine for Presence, Use or Attempted Use of controlled medication substances or controlled medication methods

For *controlled medication substances* or *controlled medication methods*, the period of Ineligibility imposed for a violation of Clause 19.1 (presence of a *controlled medication substance* or its *metabolites* or *markers*) or Clause 19.2 (*Use* or Attempted *Use* of a *controlled medication substance* or a *controlled medication method*) shall be commensurate with the seriousness of the offence, taking into account the underlying objectives and rationale of the AERA Rules and the AERA Medication Code, as well as principles of fair play.

The sanction imposed for a violation shall be as follows, unless the conditions for eliminating, reducing or increasing the sanction provided in Clause 27.4 or Clause 27.5 are met.

First violation:

Minimum of six (6) months Ineligibility, a minimum *fine* of AU\$2,500 and appropriate legal costs, unless fairness dictates otherwise.

Second and Subsequent violations:

Refer to Clause 27.6

27.3 Ineligibility for Other Rule Violations

The period of Ineligibility for violations of these ECM Rules other than as provided in Clause 27.2 shall be for violations of Clause 19.3 (Tampering or Attempted Tampering with Controlled Medication), Clause 19.4 (Assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an ECM Rule violation or any Attempted ECM Rule violation) or Clause 19.5 (Administration or Attempted Administration of a *controlled medication substance* without valid Veterinary Form), the Sanctions set forth in Clause 27.2 shall apply unless the conditions for eliminating, reducing or increasing the Sanction provided in Clause 27.4, or 27.5 are met. A *fine* of up to AU\$4,000 and appropriate legal costs shall also be imposed.

27.4 Elimination or Reduction of Period of Ineligibility Based on Exceptional Circumstances**27.4.1 No Fault or Negligence**

If the *person responsible* and/or member of the *support personnel* (where applicable) establishes in an individual case that he bears No Fault or Negligence for the ECM Rule violation, the otherwise applicable period of Ineligibility and other Sanctions (apart from Clause 26) may be eliminated in regard to such

person. When a *controlled medication substance* or its *metabolites* or *markers* is detected in a *horse's* Sample in violation of Clause 19.1 (presence of a *controlled medication substance*), the *person responsible* and/or member of the *support personnel* (where applicable) must also establish how the *controlled medication substance* entered the *horse's* system in order to have the period of Ineligibility and other Sanctions eliminated. In the event this Clause is applied and the period of Ineligibility otherwise applicable is eliminated, the ECM Rule violation shall not be considered a violation for the limited purpose of determining the period of Ineligibility for Multiple Violations under Clause 27.6 below.

27.4.2 No Significant Fault or Negligence

If a *person responsible* and/or member of the *support personnel* (where applicable) establishes in an individual case that he bears No Significant Fault or Negligence, then the otherwise applicable period of Ineligibility and other Sanctions (apart from Clause 26) may be reduced in regard to such *person*. When a *controlled medication substance* or its *metabolites* or *markers* is detected in a *horse's* Sample in violation of Clause 19.1 (presence of a *controlled medication substance* or its *metabolites* or *markers*), the *person* alleged to have committed the ECM Rule violation must also establish how the *controlled medication substance* or its *metabolites* or *markers* entered the *horse's* system in order to have the period of Ineligibility and other Sanctions reduced.

27.4.3 Substantial Assistance in Discovering or Establishing ECM Rule Violations

The *DA Hearing Panel* may, prior to a final appellate *decision* under Clause 29 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* and/or member of the *support personnel* has provided Substantial Assistance to the AERA, a DA, criminal authority or professional disciplinary body which results in the AERA and/or a DA discovering or establishing an EAD Rule violation by another *person* or which results in a criminal or disciplinary body discovering or establishing a criminal offence or the breach of professional rules by another *person*.

Such Substantial Assistance must be independently corroborated in order to reduce the period of Ineligibility and under no circumstance should it amount only to blaming another *person* or entity for the alleged ECM Rule violation. The extent to which the otherwise applicable period of Ineligibility may be suspended shall be based on the seriousness of the ECM Rule violation committed and the significance of the Substantial Assistance provided in an effort to promote medication-free Competition. If the *DA Hearing Panel* subsequently reinstates any part of the suspended period of negligibility because the *person responsible* and/or member of the *support personnel* has failed to provide the Substantial Assistance which was anticipated, the *person responsible* and/or member of the *support personnel* may appeal the reinstatement pursuant to Clause 29.2 below.

27.4.4 Admission of an ECM Rule Violation in the Absence of Other Evidence

Where a *person responsible* and/or member of the *support personnel* voluntarily admits the commission of an ECM Rule violation before having received Notice of a Sample collection which could establish an ECM Rule violation (or, in the case of a ECM Rule violation other than Clause 19.1, before receiving first Notice of the admitted violation pursuant to Clause 24) and that admission is the only reliable evidence of the violation at the time of admission, then the period of Ineligibility may be reduced subject to the discretion of the Hearing Panel.

27.4.5 Where a *person responsible* and/or member of the *support personnel* Establishes Entitlement to a Reduction in Sanction under More than One Provision of this Clause.

27.4.6 If the *person responsible* and/or member of the *support personnel* establishes entitlement to a reduction or suspension of the period of Ineligibility under two (2) or more of Clauses 27.4.2, 27.4.3 and 27.4.4, then the period of Ineligibility may be reduced or suspended further subject to the discretion of the Hearing Panel.

27.5 Aggravating Circumstances Which May Increase the Period of Ineligibility

If the AERA establishes in an individual case involving an ECM Rule violation other than violations under Clause 19.4 above (Assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an ECM Rule violation or any Attempted Rule violation) that aggravating circumstances are present which justify the imposition of a period of Ineligibility greater than the standard Sanction, then the period of Ineligibility otherwise applicable shall be increased up to a maximum of two (2) years unless the *person responsible* and/or member of the *support personnel* (where applicable) can prove to the comfortable satisfaction of the Hearing Panel that he or she did not knowingly commit the ECM Rule violation. The *person responsible* and/or member of the *support personnel* can avoid the application of this Clause by

admitting the ECM Rule violation as asserted promptly after being confronted with the Rule violation by the AERA.

27.6 Multiple Violations

27.6.1 Second ECM Rule Violation or EAD Rule Violation Following an EAD Rule Violation

For the *person responsible* and/or member of the *support personnel's* first ECM Rule violation, the period of Ineligibility is set forth in Clauses 27.2 and 27.3 (subject to elimination, reduction, or suspension under Clause 28.4 or to an increase under Clause 28.5). For a second ECM Rule violation within the previous four (4) years, the period of Ineligibility shall be at the discretion of the Hearing Panel, who shall in every case render increased penalties for multiple violations up to and including three (3) years of Ineligibility, if so warranted.

For a third ECM Rule violation within the previous four (4) years, the Hearing Panel shall have the discretion to increase the Sanction to up to four (4) years of Ineligibility. For a fourth or more violations within the previous four (4) years, the Hearing Panel 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 same shall apply in case one or more of the rule violations previously committed were EAD Rule violations. However, this Clause shall also be applicable if the EAD Rule violation preceding the current ECM Rule violation occurred in the previous eight (8) years.

27.6.2 Additional ECM Rules for certain Potential Multiple Violations

For purposes of imposing Sanctions under Clause 27.6, an ECM Rule violation will only be considered a further violation if the AERA and/or the DA can establish that the *person responsible* and/or member of the *support personnel* (where applicable) committed the prior violation after he received Notice pursuant to Clause 24 (Results Management), or after the AERA made reasonable efforts to give Notice of the earlier violation. If the AERA cannot establish this, the violations shall be considered together as one single first violation, and the Sanction imposed shall be based on the violation that carries the more severe Sanction. However, the occurrence of multiple violations may be considered as a factor in determining aggravating circumstances under Clause 27.5 above. If, after the resolution of a first ECM Rule violation, the AERA discovers facts involving a Rule violation by the *person responsible* and/or member of the *support personnel* which occurred prior to Notification regarding the first violation, then the *DA Hearing Panel* shall impose an additional Sanction based on the Sanction that could have been imposed if the further violations would have been adjudicated at the same time. Results in all Competitions dating back to the earlier ECM Rule violation will be disqualified as provided in Clauses 26 and 27.1. To avoid the possibility of a finding of Aggravating Circumstances (Clause 28.5) on account of the earlier-in-time but later discovered violation, the *person responsible* and/or member of the *support personnel*, must voluntarily admit the earlier ECM Rule violation on a timely basis after Notice of the violation for which he or she is first charged. The same rule shall also apply when the AERA discovers facts involving another prior violation after the resolution of a second ECM Rule violation.

27.6.3 Multiple ECM Rule Violations during a Four-Year Period or Multiple ECM Rule Violations following an EAD Rule Violation during an Eight-Year Period

For purposes of Clause 27.6, each ECM Rule violation must take place within the same four (4) year period in order to be considered multiple violations or to be considered as aggravating circumstance. For an EAD Rule violation to trigger a second ECM Rule violation, the EAD Rule violation must have taken place in the last eight (8) years.

27.6.4 Violations involving both a *controlled medication substance or method* and a *banned substance or method*

Where a *person responsible* and/or member of the *support personnel* based on the same factual circumstances is found to have committed an ECM Rule violation involving either a *controlled medication substance(s)* or a *controlled medication method(s)* under these ECM Rules and a *banned substance(s)* or *banned method(s)* under the EAD Rules, the *person responsible* and/or member of the *support personnel* shall be considered to have committed one rule violation, but the Sanction imposed shall be based on the *banned substance* or *banned method* that carries the most severe Sanction. The occurrence of multiple substances or methods may be considered as a factor in determining aggravating circumstances under Clause 27.5 above.

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

In addition to the automatic *disqualification* of the results in the Competition/the Event which produced the positive Sample under Clause 26 (Automatic *Disqualification* of Results), all other competitive results obtained from the date a positive Sample was collected, or other ECM Rule violation occurred, through the commencement of any *provisional suspension* or Ineligibility period, shall, unless fairness requires otherwise, be Disqualified with all of the resulting consequences including forfeiture of any medals, points and prizes.

- 27.7.1 As a condition of regaining eligibility after being found to have committed an ECM Rule violation, the *person responsible* and/or member of the *support personnel* must first return all prizes (or their equivalent value) forfeited under this Clause and any other *fines* and/or costs attributed to the violation which have been ordered by the *DA Hearing Panel* or otherwise accepted by the *person responsible*.

27.8 Commencement of Ineligibility Period

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 any other date specified by the *DA Hearing Panel* in its *decision*.

- 27.8.1 Delays Not Attributable to the *person responsible* and/or member of the *support personnel*

Where there have been substantial delays in the hearing process or other aspects of *Medication Control* not attributable to the *person responsible* and/or member of the *support personnel* alleged to have committed the Rule violation, the Hearing Panel may start the period of Ineligibility at an earlier date commencing as early as the date of Sample collection or the date on which another ECM Rule violation last occurred.

- 27.8.2 Timely Admission

Where the *person responsible* and/or member of the *support personnel* (where applicable) promptly (which, for the *person responsible*, in all circumstances, means before the *person responsible* competes again) admits the ECM Rule violation after being confronted with the Rule violation by the AERA, the period of Ineligibility may start as early as the date of Sample collection or the date on which another ECM Rule violation last occurred. In each case, however, where this Clause is applied, the *person* who committed the ECM Rule violation shall serve at least one-half of the period of Ineligibility going forward from the date ineligibility is imposed or accepted.

- 27.8.3 If a *provisional suspension* is imposed (or voluntarily accepted) and respected by the *person responsible*, member of the *support personnel*, and/or *horse*, then a credit shall be received for such period of *provisional suspension* against any period of Ineligibility which may ultimately be imposed as determined by the *DA Hearing Panel*.
- 27.8.4 If a *person responsible* and/or member of the *support personnel* voluntarily accepts a *provisional suspension* in writing for himself, herself or the *horse*, and thereafter refrains from participating in equestrian activities, such *person* or *horse* shall receive a credit for such period of voluntary *provisional suspension* against any period of Ineligibility which may ultimately be imposed. A copy of the voluntary *provisional suspension* shall be provided promptly to each party entitled to receive Notice of a potential ECM Rule violation. If a *provisional suspension* is voluntarily accepted, it can only be lifted by *decision* of the *DA Hearing Panel*.
- 27.8.5 No credit against a period of Ineligibility shall be given for any time period before the effective date of the *provisional suspension* or voluntary *provisional suspension* regardless of whether the *person* alleged to have committed the ECM Rule violation elected not to compete or was suspended by his team.

27.9 Status During Ineligibility

- 27.9.1 Prohibition against Participation during Ineligibility

No *horse*, *person responsible* and/or member of the *support personnel* who has been declared Ineligible may, during the period of Ineligibility, participate in any capacity (other than as a spectator) at an Event that is affiliated with the AERA. In addition, any *person responsible* or member of the *support personnel* or *horse* subject to Ineligibility under Clause 27 may also be banned from any venues where AERA competitions are taking place, whether or not the *person responsible* or member of the *support personnel* is registered with the AERA.

- 27.9.2 Violation of the Prohibition of Participation During Ineligibility

Where a *person responsible* or member of the *support personnel* who has been declared Ineligible or whose *horse* has been declared Ineligible violates the prohibition against participation or attendance during

Ineligibility described in Clause 27.9.1 above, the results of any such participation shall be Disqualified and the period of Ineligibility which was originally imposed shall start over so that the entire period of Ineligibility must be served again from the beginning as of the date of the last violation committed. The new period of Ineligibility may be reduced under Clause 27.4.2 above if the *person responsible* and/or member of the *support personnel* establish that he bears No Significant Fault or Negligence for violating the prohibition against participation or attendance. 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 a reduction under Clause 27.4.2 above or any other sanctions are appropriate, shall be made by the *DA Hearing Panel*.

28 CONSEQUENCES TO TEAMS

28.1 If a member of a team is found to have committed a violation of these ECM Rules during an Event where a team ranking is based on the addition of individual results, the results of the *person responsible* 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 Athletes counting for the team is less than the required number, the team shall be eliminated from the ranking.

28.2 For all Events, exceptional circumstances may be considered.

29 APPEALS

29.1 Decisions Subject to Appeal

Decisions made under these ECM Rules may be appealed as set forth below in Clause 29.2 through 29.3. Such *decisions* shall remain in effect while under appeal unless the appellate body orders otherwise.

29.2 Disqualification

29.2.1 Disqualification from events and forfeiture of prizes under rule 26 shall not be entitled to appeal unless the adverse analytical finding is disproven.

29.2.2 Disqualification from events and forfeiture of prizes under Rule 25.3.3 shall not be entitled to an appeal once an Administrative Procedure is applied.

29.3 Appeals from Decisions Regarding ECM Rule Violations Consequences, and Provisional Suspensions

The following *decisions* may be appealed (within ten (10) days of the Notice of the *decision*) exclusively as provided in this Clause 29.3:

- a) a *decision* that an ECM Rule violation was committed;
- b) a *decision* imposing consequences for an ECM Rule violation;
- c) a *decision* that no ECM Rule violation was committed;
- d) a *decision* that an ECM Rule violation proceeding cannot go forward for procedural reasons (including, for example, exceeding the Statute of Limitations);
- e) a *decision* under Clause 27.9.2 (Violation of the Prohibition of Participation during Ineligibility);
- f) a *decision* that the AERA lacks jurisdiction to rule on an alleged ECM Rule violation or its consequences;
- g) a *decision* by the AERA not to bring forward an Adverse Analytical Finding or an *Atypical Finding* as a Controlled Medication violation, or a *decision* not to go forward with a Controlled Medication violation; and
- h) a *decision* to impose a *provisional suspension* as a result of a Preliminary Hearing or otherwise, in violation of Clause 24.4; the only *person* that may appeal from a *provisional suspension* is the AERA or the *person* upon whom or upon whose *horse* the *provisional suspension* is imposed.

29.4 Appellant Body

A decision listed in Rule 29.3 may be appealed to the relevant DA which shall appoint an Appeals Committee of a minimum of 2 persons pursuant to the relevant DA Constitution to hear the appeal.

30 REPORTING & RECOGNITION

30.1 Statistical Reporting

The AERA shall report at the end of every calendar year aggregated and anonymous results of all *Medication Control* within its jurisdiction.

30.2 Public Disclosure

- 30.2.1 Neither the AERA or its Affiliates shall publicly identify *horses* or *persons responsible* whose *horses'* Samples have resulted in Adverse Analytical Findings, or *persons responsible* and/or members of the *support personnel* who were alleged to have otherwise violated these Rules, until the earlier of completion of the administrative review and Notification described in Clauses 24.1.2 and 24.1.3 or the start of the *provisional suspension* of the *person* alleged to have violated the ECM Rule. Once a violation of these ECM Rules has been established, it shall be *publicly reported* in an expeditious manner on the AERA website unless another mechanism for *publicly reporting* the information is warranted at the discretion of the AERA. Public reporting shall be for a period of 12 months from the date of notification. With regards to the Administrative Procedure set forth in Clause 25.3 above, publication shall occur on the acceptance of the Administrative Sanction. If the *person responsible* and/or member of the *support personnel* or an AERA affiliate or any such *person* makes information concerning a Rule violation or alleged ECM Rule violation public prior to release of this information on the AERA website, the AERA may comment on such public information or otherwise *publicly report* the matter.
- 30.2.2 In any case where it is determined, after a hearing or appeal, that the *person responsible* and/or member of the *support personnel* did not commit an ECM Rule violation, the *decision* may be disclosed publicly only with the consent of the *person* who is the subject of the *decision*. The AERA 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 AERA may jointly approve.
- 30.2.3 Neither the AERA, EA, any *laboratory*, nor any official of any of the above, shall publicly comment on the specific facts of a pending case (as opposed to a general description of process and science), except in response to public comments attributed to the *person responsible* and/or member of the *support personnel* or their representatives.

31 STATUTE OF LIMITATIONS

No action may be commenced under these ECM Rules against a *person responsible* and/or member of the *support personnel* for an ECM Rule violation unless such action is commenced within four (4) years from the date the violation is asserted to have occurred.

32 TRANSITIONAL PROVISIONS

- 32.1 General Application of these AERA ECM Rules
The AERA Rules shall apply in full force and effect on 1 January 2016 (the "Effective Date"). Any modifications or updates to these EAD Rules shall become effective as confirmed by the AERA.
- 32.2 Application to *decisions* Rendered Prior to these AERA ECM Rules
These ECM Rules shall have no application to any Controlled Medication Rule violation case where a final *decision* finding a Controlled Medication Rule violation has been rendered and the period of Ineligibility has expired.