



# BEFAR

## ATHLETE'S GUIDE

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

Please be advised that this general information is provided for the benefit and ease of the athlete, but does not purport to give legal or veterinary advice in the event a BEFAR case is brought against you. In such situations, you should consult with your representatives regarding the best way forward in your particular case. Further, this information is subject to change at any time and in the case of any discrepancy between this information and BEFAR, or any other rules or regulations of the BEF, those regulations or rules prevail over this information.

#### Why this guide?

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

#### What's in a name?

The name of the system of regulations governing national equine anti-doping and medication control is the "BEF Equine Anti-Doping and Controlled Medication Rules". We know it is long and perhaps hard to remember, but we are really not trying to make it confusing. The long name is necessary to accurately explain what is in the rules, since they include both the rules on doping control and the rules on medication control. On a day to day basis, we refer to the rules as "BEFAR".

Under BEFAR, **anything** prohibited in competition is called a "Prohibited Substance". Prohibited substances are divided into two distinct categories:

Doping substances, which have no place in equestrian sport and/or have a high potential for abuse, are referred to as "**Banned Substances**," while medication substances that are commonly used in equine medicine but are still prohibited in competition, are called "**Controlled Medication Substances**". The majority of positive cases under BEFAR are Controlled Medication Substances.

## To recap:

<b>BEFAR</b>	The entire regulation system, covering both doping and medication control.
<b>Prohibited Substance</b>	Any substance that is not allowed in a horse's system during competition.
<b>Banned Substance</b>	Doping substances; substances that have a high potential for abuse and/or that have no place in equine medicine
<b>Controlled Medication</b>	Medications that are legitimately used in equine medicine but still should not be in the horse's system at the time of competition

## What are my responsibilities?

As an Athlete you have a responsibility to know, understand and comply with BEFAR but you don't have to be a legal expert to have a basic understanding. **If you are the rider, vaulter or driver of the horse, then you are the Person Responsible for the horse and will be held accountable for any BEFAR violation that may occur.** This is true even if you are riding, vaulting on or driving a borrowed horse. Therefore, you need to be very careful about who you trust to care for your horses and, even more so, who you trust to treat your horses if they are ill or injured. In the case of a borrowed horse, you should make sure you are comfortable with the horse's treatment history before competing with it. You will need to seriously consider your responsibilities when deciding whether or not to take a "catch ride". In the case of a rider, vaulter or driver who is under 18, their parent or legal guardian as registered with the relevant Member Body becomes the Person Responsible on their behalf. The competitor will still be eliminated from the relevant competition if a Prohibited Substance is found in their horse's system.

## What is the "Strict Liability" principle?

Under BEFAR, as the Person Responsible, you are strictly liable whenever a Prohibited Substance is found in your horse's sample. This means that a violation has been committed whether or not you intentionally or unintentionally, knowingly or unknowingly, used a Prohibited Substance, or were negligent or otherwise at fault. A violation has also been committed whether or not the Prohibited Substance actually had a performance-enhancing effect. It is therefore very important that you understand not only what is prohibited, but also what might potentially cause an inadvertent violation. Even though this strict liability principle exists, as the Person Responsible you will always have the opportunity to explain why you are not at fault and the circumstances surrounding what happened will always be taken into consideration when determining sanctions (suspension and/or fine). The strict liability principle means automatic disqualification of the horse/athlete combination from the competition in which the horse tested positive, even if you can prove, and everyone agrees, that you were not at fault.

## What is the Equine Prohibited Substances List?

Most medicines and drugs are prohibited if detected in a horse at the time of competition. This concept is based on the BEF's philosophy that a horse should compete on its own merits without any unfair advantage that might follow the use of drugs. Therefore, the Equine Prohibited Substances List (the "List") identifies all of the substances that are not allowed in competition and indicates whether they will be treated as a Banned Substance or a Controlled Medication Substance. You should know that any substances that have the same biological or chemical effect as those Prohibited Substances on the List are also prohibited, even if they are not named. New substances can be added to the List at any time, but will not lead to a BEFAR violation until they have been on the List for at least ninety (90) days. It is your responsibility as an Athlete to check the List regularly.

## Is the BEF Prohibited Substances List different from the List used for international competitions?

No. The same List applies for national and international competitions so that it's clear to Athletes what is prohibited, irrespective of the level at which, or discipline in which, they compete.

## What if I need to give my horse a Controlled Medication but I still want to compete?

If your horse needs medication in the lead up to a competition, you should discuss the options with your treating vet as it may be that he/she can prescribe something that is not prohibited. If it is necessary to prescribe a Controlled Medication, discuss the detection time of that substance with the vet and decide whether your horse's system will be clear of the Controlled Medication by the time of the competition. Different substances take different lengths of time to clear from a horse's system and, if several drugs are used together, the detection periods can often be unpredictable and longer. Your horse **must** be "clean" at the time of competition to avoid violating BEFAR. You must also consider the welfare implications for your horse when making the decision about whether or not to compete. If you decide to go ahead and compete, you should apply for a National Equine Therapeutic Use Exemption (NETUE).

## What is an NETUE?

An NETUE is an exemption which **may** be granted on the basis that the substance was: (i) legitimately administered for a documented, therapeutic purpose (ii) would not have had a performance enhancing effect and (iii) would not have compromised the welfare of the horse. In order to apply for an NETUE your vet must complete a **BEFAR Medication Form at the time of treatment**. If your horse is selected for testing at the competition, your completed BEFAR Medication Form must be handed to the Testing Vet at the time of

the test. You must then apply to the BEF for a **full NETUE within 10 days** of the test. You should know that NETUEs are not guaranteed to be granted and are only available for Controlled Medication Substances and not for Banned Substances. More information on NETUEs is available on the BEF website ([www.bef.co.uk](http://www.bef.co.uk)) and in a separate advisory leaflet.

## When can my horse be tested?

Your horse can be tested at any time in competition, from arrival at the show or event venue to half an hour after the announcement of the final results of the last competition/class at the show or event. Usually you would be notified on leaving the competition area that your horse has been selected for testing but that does not have to be the case. It is within the parameters of the rules that you can be notified at any time.

## Why was my horse selected for testing?

Some winning horses are tested routinely and others are selected at random. A horse may also be chosen if an official is concerned about the horse's performance. If your horse is selected for testing, a steward or the Testing Technician will inform you. Once you have been notified that your horse has been selected, you must promptly comply and follow the instructions of the Testing Technician. He or she will accompany you and your horse to the doping control area and will remain with your horse until the sample has been collected. You must also stay with your horse or arrange for a groom or other appropriate representative to be present throughout the whole procedure. You or your representative will be required to sign as a witness to the procedure so you should ensure that anyone that accompanies the horse is familiar with the procedure and is someone that can be trusted. Minors **must** be accompanied by a representative, who must be over 18 years of age.

## **What are my rights during testing?**

You have a right to observe the process and to make any complaints or objections if they are warranted. You or your representative will need to sign the paperwork after the Testing Veterinarian completes the process. If you have any complaints or concerns, you should record them on the form. The Testing Veterinarian will give you a copy of the form to keep. If the sample from your horse later tests positive for a Prohibited Substance, that form, with your concerns recorded, may become an important part of the case. Many Athletes delegate the duty of accompanying the horse to doping control to their grooms or other representatives. Please be aware that the collection of the sample is an important part of the anti-doping and medication control procedure; only the person who is there to witness the sample collection will be able to testify later about the procedure and whether the sample collection was conducted according to the rules. So if you send your groom or another representative, you will be relying entirely on that groom or representative to explain what transpired if your horse tests positive for a Prohibited Substance. Doping control is an important part of your obligation as an Athlete and a positive test can have serious consequences. You are therefore encouraged to be present yourself for the collection of the sample whenever possible.

## **What samples are collected from the horse?**

Usually urine and blood are collected under the direct supervision of the Testing Veterinarian. He/she will wait for **up to** one (1) hour for the horse to urinate and, if a urine sample is not produced in that timeframe, only a blood sample will be taken. It is not compulsory for the Testing Veterinarian to wait for one (1) hour for urine. Whether or not the horse produces a urine sample, a blood sample is always collected. Each sample is split into two parts, to be known as the A and B Samples. All samples will be carefully collected, labelled and packed in front of you or your representative, and you or your

representative will be asked to sign the Medication Control Form to confirm that you have witnessed the procedure and have no complaints or concerns about the process. Any complaints or concerns that you do have should be noted in the Remarks section on the Medication Control Form and you should retain your copy for future reference. The section of the form that includes the Remarks section is sent to the Laboratory with your horse's samples so it should not be used for listing your horse's medication history. The samples will be sealed and the package sent to the laboratory along with the part of the paperwork that contains a unique reference number for the samples and only basic information about your horse: sex and year of birth. The remaining paperwork, which includes the full information about you and your horse plus the unique reference number, is returned to the BEFAR office.

## **What happens if my horse tests positive for a Prohibited Substance?**

If your horse's sample returns what is known as an Adverse Analytical Finding (or a "positive") for a Prohibited Substance, the BEFAR office will be notified by the laboratory and will commence an investigation to ensure the integrity of the test. Specifically, the BEFAR office will look into whether any application for an NETUE has been made and can be granted, as well as whether the Veterinary Regulations and laboratory procedures were properly followed. If an investigation concludes that there was no deviation from the standard procedure and that no NETUE has been applied for or granted, the Person Responsible will be notified of the Adverse Analytical Finding and a case brought against them.

Should the BEFAR office discover any deviation, they will investigate further to establish whether or not that deviation could have caused the Adverse Analytical Finding. If the investigation concludes that it did not, and the sample would have tested positive anyway, the BEFAR office may still proceed with the case.

### **What is an “Administrative Procedure” case?**

If your horse’s sample returns an Adverse Analytical Finding for a single Controlled Medication substance and this is the first BEFAR violation for both you and your horse, you will be offered the opportunity to accept the Administrative Procedure (sometimes referred to as the “Fast Track”). This means that you accept that you have committed a violation and agree to pay a fine of £500 plus costs of £750 and, at the same time, you waive your right to a Hearing before the BEF Hearing Body. Both you and your horse will be disqualified from the Event at which the sample was taken, which includes forfeiting any prize money, points, prizes and qualifications, but you will not face any ineligibility period (i.e. suspension). You should be aware that the Administrative Procedure is only offered in the case of first-time, minor offences. There is no obligation to accept the Administrative Procedure and you may always insist that your case be heard by the BEF Hearing Body. If you do not choose the Administrative Procedure, the matter will be referred to the BEF Hearing Body, which will apply the sanctions provided for in BEFAR (this means that you may be suspended and/or fined and be liable for costs).

The Administrative Procedure is available only in cases where the Prohibited Substance is a Controlled Medication and not a Banned Substance, and is governed by strict time limits.

### **What is a B Sample analysis?**

On receipt of your horse’s samples, the laboratory will run an analysis on the A samples only in the first instance. The B sample is stored by the laboratory for future analysis in case the A sample shows a Prohibited Substance. A “B sample” analysis is the laboratory analysis of that second part of the sample (urine and/or blood) taken from your horse, and is performed at your request as the Person Responsible, once you have been notified of an Adverse Analytical

Finding. The B sample is analysed to confirm that the Prohibited Substance detected in the A sample is unquestionably present. If the B sample is negative, the case is dropped and no further action taken. Under BEFAR, as the Person Responsible you may request to have the B sample tested at a different laboratory than the A sample. The BEF will select the second laboratory from the list of FEI approved laboratories and will inform you of that selection. You also have the opportunity to be present, or to send a representative, to witness the entire B sample analysis. If you request a B sample analysis, and you are found to have committed a BEFAR violation by the BEF Hearing Body, you will be responsible for the costs of the B sample analysis as well as the costs of the A sample.

### **If both the A and B samples are positive, what happens next?**

If the B sample confirms the findings from the A sample, as the Person Responsible you will be offered either the Administrative Procedure if the case fulfils the criteria under which the Administrative Procedure may be offered, or the opportunity to submit explanations, witness statements, and expert opinions, in your defence. As the Person Responsible you will also be given the opportunity for an Oral Hearing before the BEF Hearing Body. If you do not want an Oral Hearing, you may simply submit all of the documents in the case to the BEF Hearing Body to render a decision. The BEF will also have the opportunity to submit documents, witness statements, and other evidence in support of the prosecution of the case.

## **As Athletes, we mostly hear about cases that result from positive A and B samples: are there other violations that can lead to a BEFAR case before the BEF Hearing Body?**

Yes. While the vast majority of anti-doping and controlled medication violations arise from laboratory testing on a horse's sample, there are other actions that are prohibited and could lead to a case against you.

Those additional potential violations are:

### **1) Use or attempted use of a Prohibited Substance**

This means that if you are caught using or trying to use something prohibited, a case may be brought against you even if your horse is not tested or your horse is tested and the sample is negative for any Prohibited Substances.

### **2) Refusing to submit to Sample Collection after Notification or otherwise Evading Sample Collection**

If you refuse to have your horse sampled, do not present your horse for testing after notification, or you hide from the testing representatives, a case will be brought against you.

### **3) Tampering**

If you tamper with your horse's bodily sample or any part of the doping control process, such as trying to replace your horse's sample with another horse's sample or interfering with clean collection, then a case may be brought against you.

### **4) Administration or Attempted Administration of a Prohibited Substance**

### **5) Possession**

If you have Banned Substances in your possession at a competition, a case may be brought against you. There is no Possession violation for Controlled Medications.

### **6) Trafficking or attempted trafficking in any Banned Substance**

If you are found to be trading in Banned Substances a case may be brought against you.

### **7) Complicity**

Assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving a Doping or Controlled Medication violation or attempted Doping or Controlled Medication violation could result in a case being brought against you.

### **8) Prohibited Association**

If you are found to be associated with a person who is serving a period of ineligibility in relation to a Banned Substance violation, or who has been convicted of a criminal or disciplinary offence that would have been prosecuted under BEFAR as a Banned Substance violation, or their representative, a case may be brought against you.

## **What is the BEF Hearing Body?**

The BEF Hearing Body considers evidence presented to it in cases brought under BEFAR (and other types of cases as well) and renders decisions. The BEF Hearing Body consists of three (3) members from different backgrounds who are selected from a Panel by the BEF Chief Executive to perform this important decision-making function. One of the members will be a legally qualified person who will act as the Chair. All Hearing Body members will be independent of you as the Person Responsible, the horse involved and your sporting discipline.

## **Will I need a lawyer if my case goes before the BEF Hearing Body?**

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

## What is a Hearing?

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

## What are my Rights at a Hearing?

At a Hearing, you have the right to:

- 1) a fair and impartial Hearing Body;
- 2) be represented by counsel of your choosing (at your expense);
- 3) be fairly and timely informed of the alleged violation;
- 4) respond as you wish to the violation;
- 5) present evidence as you wish, including calling and questioning witnesses;
- 6) have a timely hearing, subject to prompt and complete submissions by the parties; and
- 7) a timely, written, reasoned decision specifically including an explanation for any period of ineligibility.

## What are the possible consequences if I violate BEFAR?

Depending on the exact violation, there are four (4) consequences:

### 1) Disqualification

The combination of horse and athlete will be automatically disqualified from the competition concerned and must forfeit any medals, prizes, money, qualifications etc. that were

obtained. The Sporting Discipline will deduct prize money or points from the horse's record as appropriate. Further, the BEF Hearing Body will have the discretion to disqualify the Person Responsible and/or horse from other competitions separately entered into at the same Event (i.e. that the Athlete or horse participated in, even with a different horse or Athlete) or from Events following the one in which the sample was taken. This discretionary disqualification will be determined by the BEF Hearing Body based on the facts presented during the case.

### 2) Ineligibility

For presence of a Banned Substance, the ineligibility period (more generally known as suspension) shall be two (2) years. This is consistent with the World Anti-Doping Agency's Code for human athletes. This two (2) year suspension can be reduced only if the Person Responsible can show that he was not at fault or did not demonstrate significant fault or negligence. For presence of a Controlled Medication Substance, the ineligibility period is six (6) months, based on the facts of the case and the Person Responsible's explanation(s).

### 3) Fine

For Banned Substance violations, the fine is £4,000, unless fairness dictates otherwise. For Controlled Medication violations, the fine is **up to** £4,000.

### 4) Costs

The BEF Hearing Body may also require the Person Responsible to assume some of the legal costs for the case.

## If I am disqualified with my horse because of a violation, are there any consequences to my teammates if I participated with the horse in a team competition?

Yes. If you are disqualified from an event after participating in a team competition, your score will be subtracted from the team total and

replaced with the score of the next applicable team member. Your team's ranking will be based on this re-calculated team total. If, by removing you, the number of Athletes counting for the team is too low, then the team will be eliminated altogether from the ranking. Otherwise, the team shall bear the consequences of a reduced ranking. You should be aware that if your team collected a medal or prize money and its ranking is reduced because of your disqualification, your teammates will be required to return their medals and/or prize money too.

### **If I am unhappy with the BEF Hearing Body's decision, can I appeal it?**

Yes, as the Person Responsible you can appeal the BEF Hearing Body's decision to Sport Resolutions UK within 21 days of receipt of the Hearing Body's decision.

### **What is Sport Resolutions?**

Sport Resolutions UK is the independent provider of the National Anti-Doping Panel and Tribunal Service for sport in the United Kingdom.

### **WARNINGS**

Be mindful of the possible contamination of feed by Naturally Occurring Prohibited Substances (NOPS). Buy your feed from reputable companies and preferably those that have signed up to the BETA UFAS NOPS Code (see more about the Code at [www.beta-uk.org/pages/feed-safety/beta-nops-scheme](http://www.beta-uk.org/pages/feed-safety/beta-nops-scheme)). Herbal products or supplements and feed additives can also be contaminated with prohibited substances. Assess the risk – do you need to feed your horse supplements? If the answer is yes, be sure to purchase your supplements from reputable companies that have a carefully regulated and monitored manufacturing process.

The BEF and its Member Bodies never approve or endorse feeds or supplements. You will still be ultimately responsible for a positive case, even if it arises from a contaminated feed or supplement, but using reputable suppliers minimises your risk.

It is recommended that you keep a Medication Log Book to record all Controlled Medications given to your horse. It may be a useful back-up if BEFAR brings a case against you. Download the BEF Log Book from the anti-doping section of the BEF website ([www.bef.co.uk](http://www.bef.co.uk)).

The utmost care must be taken when horses in a yard are being treated with Controlled Medications. Ensure that medications are administered using separate buckets and utensils that are clearly labelled, and that all equipment that comes into contact with any Controlled Medications is cleaned thoroughly after each use. Be extra vigilant to ensure that buckets are not mixed up and the wrong feed given to the wrong horse.

Do not allow horses that are receiving medication to share stables with those that are not. Ensure that stables are disinfected thoroughly when a course of medication finishes and/or when the occupant changes.