

7. Results Management

7.1 All results management procedures arising out of Testing or other equine anti-doping rule violations shall be conducted by the Authority as provided below.

7.2 **Review of Adverse Analytical Findings:** Upon receipt of an Adverse Analytical Finding, the Authority shall promptly appoint an Approved Person to visit the Responsible Person at his registered premises in order to conduct a first interview.

7.3 Prior to conducting the first interview, the Authority shall notify the Responsible Person in writing of

7.3.1 the Adverse Analytical Finding;

7.3.2 the equine anti-doping rule violated;

7.3.3 the Responsible Person's right to request the analysis of the B Sample within three clear working days or, failing such request, that the B Sample analysis shall be deemed to have been waived and the A Sample results accepted;

7.3.4 the opportunity for the Responsible Person to elect to have the B Sample analysed at Laboratoire Des Courses Hippiques (LCH) or if it is unable to carry out the analysis at Deutsche Sporthochschule Koln Institut für Biochemie - Germany (DSKIB), in which case the Responsible Person will be responsible for all costs associated with the transportation of the Sample to that Laboratory and the subsequent B Sample analysis; and

7.3.5 the opportunity for the Responsible Person to request at his own expense that a witness be present to represent him at the B Sample analysis. To assist the Responsible Person, the Authority will provide him with a list of persons who have the required expertise to act as scientific witnesses and have agreed to act in such capacity, but the Responsible Person will not be bound by the list and may select a witness of his own choice. Whichever witness is chosen by the Responsible Person, he must be available to attend on the designated date for the B Sample analysis.

7.4 In conducting the first interview with the Responsible Person, the Approved Person shall have the powers set out in Rules (A)48 and 49 and the failure or refusal of a Responsible Person to co-operate with the Authority without good cause may result in separate Disciplinary Action being taken under the Rules. For the avoidance of doubt, a request by the Responsible Person for a reasonable delay in conducting the interview with the Approved Person whilst he seeks legal advice and/or representation shall not be considered as a failure or refusal to co-operate with the Authority.

7.5 If the Responsible Person does not accept the A Sample result at the time of the first interview, he shall be required to confirm to the Authority in writing within three clear working days of being notified of the Adverse Analytical Finding whether or not he wishes for the B Sample to be analysed and, if so, at which B Sample Laboratory. Confirmation by the Responsible Person for this purpose may be made by electronic transmission. If the Responsible Person requests for the B Sample to be analysed, the Authority shall instruct the relevant B Sample Laboratory to carry out the B Sample analysis within a maximum of ten days.

7.6 If the Responsible Person accepts the A Sample result or fails to confirm that he wishes to have the B Sample analysed within the stipulated time, the Authority may nonetheless elect at its discretion to have the B Sample analysed promptly. In such case, the B Sample analysis shall only be used to confirm the Adverse Analytical Finding. The Responsible Person is deemed to have waived his right to a B Sample analysis if he does not request the B Sample analysis within the stipulated time-limit.

7.7 Where the B Sample analysis confirms the presence of the Prohibited Substance in the Adverse Analytical Finding, the B Sample Laboratory will issue a Certificate of Analysis together with supporting analytical data. The Certificate of Analysis relating to the A Sample and, where applicable, the B Sample, together with supporting analytical data, will be made available to the Responsible Person at his cost.

7.8 Where the B Sample analysis does not confirm the presence of the Prohibited Substance in the Adverse Analytical Finding, the analysis will be reported as being negative and no Disciplinary Action will be taken unless there are reasonable grounds to believe that the integrity of the B Sample may have been deliberately violated or other evidence of a non-forensic nature is available, in which case the Authority may proceed on the basis of the A Sample alone.

7.9 **Review of Adverse Analytical Findings involving endogenous substances:** Where the Adverse Analytical Finding involves a substance that may be produced endogenously, the Authority may at its discretion decide to conduct any follow-up investigation it deems to be necessary, including but not limited to that provided in 7.10 and 7.11.

7.10 Where the Prohibited Substance is capable of being produced endogenously but may have originated

externally to the Horse

7.10.1 the Authority may direct that the Horse be further examined by an Approved Person appointed by the Authority (including where necessary the collection of a further Sample or Samples) in order to establish whether the quantity of the substance found could have been produced naturally by the Horse; and

7.10.2 if the Authority does not direct such further examination, the Responsible Person for the Horse may request it.

7.11 In exercise of its powers under Part (A)5, the Authority may further decide to enquire into the matter by authorising the removal of samples of any food or other substances found at the Responsible Person's yard or premises and, in such a case

7.11.1 the Responsible Person must, on request, provide samples of any food or substances requested, and

7.11.2 the Authority may retain the samples until the conclusion of the enquiry process and may subject them to such testing as it considers appropriate.

7.12 The Responsible Person

7.12.1 may appoint a witness to observe any analysis of samples obtained under Rules 7.10 or 7.11 which is carried out by staff at a BHA-approved Laboratory, or

7.12.2 on the release to the Responsible Person of samples obtained under Rule 7.11, may arrange for testing to be carried out at a laboratory nominated by him.

7.13 Unless the Authority directs otherwise, the costs of any analysis referred to in Rule 7.10.1 will be divided equally between the Authority and the Responsible Person.

7.14 For the purposes of Rule 7.12.2

7.14.1 the Responsible Person must make a written request to the Authority for the samples to be released,

7.14.2 any laboratory nominated by the Responsible Person must be approved by the Authority, and

7.14.3 if the Authority appoints an analyst to review the laboratory's processes, the analyst must be given the option of witnessing the analysis of the samples.

7.15 Where the Authority decides to investigate an Adverse Analytical Finding involving an endogenous substance, it will not normally provide notice of the Adverse Analytical Finding to the Responsible Person until it has completed its investigation. The Authority may decide however that the B Sample should be analysed prior to the conclusion of the investigation in which case it shall notify the Responsible Person of the Adverse Analytical Finding and of the information set out in Rules 7.3.4 and 7.3.5.

7.16 Review of Whereabouts Failures: The results management in respect of an apparent Filing Failure or Missed Test shall be conducted by the Authority in accordance with the provisions of Schedule 2.

7.17 Review of Other Equine Anti-doping Rule violations: For apparent equine anti-doping rule violations that do not involve Adverse Analytical Findings or Whereabouts Failures, the Authority shall appoint an Approved Person to conduct any necessary follow up investigation and at such time as the Authority is satisfied that an equine anti-doping rule violation has occurred, it shall promptly notify the Responsible Person of the equine anti-doping rule which appears to have been violated and the basis of the violation. Where appropriate, members of Support Personnel or other Persons who may have committed equine anti-doping rule violations under these Rules shall receive notification of the equine anti-doping rule violation and all relevant corresponding documents.