

Industry Wide Policy on Prohibited Substances/Doping Control

1. The Irish horse racing and thoroughbred breeding industries will continue to operate to the highest international standards in regard to the prevention of the use of prohibited substances and in relation to doping control generally.
2. Ireland is a full signatory to all aspects of Articles 6 to 6E of the International Federation of Horseracing Authorities' (IFHA) International Agreement on Racing, Breeding and Wagering which deals with the biological integrity of the horse including prohibited substances, prohibited practices, medication in training and out of competition testing.
3. Ireland will implement a lifetime ban from racing for any horse found to have been tested positive in any country for any 'Substance Prohibited at all Times' (i.e. substances which are listed in the category of being prohibited from being administered to a horse at any time in a horse's career). The following are 'Substances Prohibited at all Times' under the Rules of Racing: anabolic steroids, oxygen carriers/modifiers and substances which manipulate gene expression.¹

Provided however that, where a horse has tested negative to a test approved by the Irish Horseracing Regulatory Board (IHRB) on importation into Ireland from overseas, or to such a test at a sale in Ireland approved by the IHRB, it will not (for both legal certainty and legitimate expectation reasons) be banned for anything subsequently detected and attributable to actions or exposure before the pre-importation or pre-sale exposure in question, assuming the bona fide involvement of the importer/owner in question.

4. This will be reflected by the IHRB in the Rules of Racing and by Horse Racing Ireland in their Directives.
5. An appeal process will be put in place by the IHRB (as outlined in paragraph 21). If successful the penalty imposed on the horse may be varied subject to a minimum ban period of 14 months with appropriate on-going testing during the ban period.
6. There shall be no therapeutic use exemption permitted for any 'Substance Prohibited at all Times'.
7. Through organisations such as the European and Mediterranean Horseracing Federation (EMHF), the European Horserace Scientific Liaison Committee (EHSLC) and the IFHA, Ireland will seek reciprocation of this unequivocal policy (lifetime bans and no therapeutic use exemptions) in all major racing nations.

¹ See IHRB, "Rules of Racing and Irish National Hunt Steeplechase Rules" Regulation 14. The list of prohibited substances may, in respect of those licenced by IHRB, be amended from time to time. The position in respect of thoroughbred breeders is covered in the Protocol annexed to this agreement.

8. Horse Racing Ireland, together with Weatherbys Ireland and the IHRB, will pursue with the Department of Agriculture, Food and the Marine the introduction of a database which can provide full traceability of thoroughbreds from their time of notification as foals. As well as facilitating testing, this will assist from a welfare, disease control and record keeping perspective.
9. To ensure traceability of thoroughbreds throughout life, it will become a requirement for a breeder to notify a foal's birth to Weatherbys Ireland within 30 days of birth. The notification will be automatically triggered by submission of DNA (blood sample). Any subsequent transfer of ownership prior to entering training must also be notified to Weatherbys Ireland.
10. In future, all thoroughbreds in Ireland will be liable for testing from the time of their notification as a foal until they are permanently retired from racing, regardless of their whereabouts. They will include horses prior to being sold or returned in training.
11. This will require adaptation of the Weatherbys foal registration form and transfer of ownership form to include a declaration by the breeder/keeper regarding 'Substances Prohibited at all Times', granting permission for the IHRB to test for same and acknowledging that a horse found positive for a 'Substance Prohibited at all Times' will be subject to a lifetime ban, with an appeal mechanism to the IHRB. This declaration will be required from all subsequent owners/keepers of the horse.
12. The intention is that following the implementation of the new doping control policy the annual number of samples analysed by the IHRB will increase from the current level of circa 4,000 to a higher level to be determined by the IHRB as deemed to be appropriate for the Irish horse population.
13. This will include an increased level of out of competition testing for racehorses in training. To facilitate this, trainers will be required to notify Horse Racing Ireland of the whereabouts of any horse when it is being returned out of training.
14. Out of competition testing will apply to horses with point to point handlers in the same manner as applies to racehorse trainers.
15. For the purposes of testing in the case of thoroughbred breeders, pre-training yards, pinhookers' yards and breeze-up consignors who are not licenced by the IHRB, and over whom the IHRB does not therefore have disciplinary powers under the Rules of Racing, the IHRB will seek to enter into a service level agreement² (SLA) with the Department of Agriculture, Food and the Marine (DAFM) so as to enable some or all of the IHRB's veterinary officers be appointed authorised officers for the purposes of

² While referred to here as a Service Level Agreement, this may take the form of a Memorandum of Understanding, or any other form of agreement between DAFM and IHRB for the purpose of authorising officers of the IHRB to be Authorised Officers under the Animal Remedies Act.

section 10 of the Animal Remedies Act 1993.³ This SLA will be specific to the above and separate from any more general agreement which the IHRB will conclude with DAFM in relation to persons licenced by the IHRB. The SLA will, to the greatest extent possible, reflect the annexed “Thoroughbred Breeders Testing Protocol”.

16. Elective testing by purchasers of horses sold at public auction will continue at their expense. All horses entered for sale at public auction in Ireland will be eligible for such testing post sale, which will include testing for anabolic steroids. This will be a condition of sale.
17. Working with the sales companies and through organisations such as the IFHA, the Society of International Thoroughbred Auctioneers (SITA) and the European Federation of Thoroughbred Breeders’ Associations (EFTBA), Horse Racing Ireland, the IHRB and the ITBA will seek the introduction of harmonised testing policies, protocols and screening sensitivities/thresholds for testing at sales worldwide.
18. All samples (which could include hair, blood or urine and which will differ depending upon the type of horse to be tested) taken from horses in Ireland by the IHRB shall be tested to IFHA Article 6 standards.
19. Horse Racing Ireland confirms its continued support for the development of a state of the art laboratory in Ireland at which all samples taken from thoroughbred horses at stud, at sales, in training and at out of competition in Ireland will be tested.
20. Without prejudice to the annexed “Thoroughbred Breeders Testing Protocol”, all sampling will involve an ‘A’ sample and a ‘B’ sample being taken. In the event of a positive test for a ‘Substance Prohibited at all Times’, the ‘B’ sample will be analysed at a European IFHA reference laboratory, with the person responsible for the horse having the option of choosing the laboratory.
21. Subject to paragraph 22, all prohibited substance cases will be subject to a hearing by the IHRB Referrals Committee and, if necessary, an appeal to the Appeals Body of the IHRB, with all disciplinary decisions to be published. There will be one independent (non-IHRB) member on the panels for any doping control hearings arising from samples taken under the Thoroughbred Breeders Testing Protocol.
22. It is accepted that, as thoroughbred breeders are not licensed by the IHRB, they are not subject to the Rules of Racing. Without prejudice to the IHRB’s existing powers, it is acknowledged that this agreement does not and cannot extend in any new way the jurisdiction of the IHRB to thoroughbred breeders. It is however accepted that the normal procedures of the Animal Remedies Act and Regulations will apply in relation to findings of ‘Substances Prohibited at all Times’ taken by authorised officers of the IHRB under a service level agreement.

³ See in particular section 17 of the Horse Racing Ireland Act 2016 (No. of 2016).

DAFM will be notified following the adverse analytical finding in the “A” sample and may choose to commence its own investigation at that point (given that the administration of a ‘Substance Prohibited at all Times’ may be an illegal act).

Following the receipt of a positive “A” & “B” sample, the horse will be banned for life from racing in Ireland and the breeder/keeper will have the option to appeal this decision to the IHRB to seek a reduction of the sanction imposed on the horse (for the avoidance of doubt this will not involve any sanction being imposed on the breeder/keeper).

In such circumstances, statutory investigations under the Animal Remedies Act and Regulations will be allowed to proceed to completion (including any required determinations by a Court of Law) without action by the IHRB against the breeder/keeper. Following completion of such investigations, the findings of authorised officers, the findings of DAFM and any action taken by DAFM on foot of such findings may be considered by the IHRB and may be subject where appropriate to a hearing by the IHRB Referrals Committee, as is currently the situation.

As is also now the case, the penalties to be considered by the IHRB in relation to a ‘Substance Prohibited at all Times’ involving unlicensed parties will include those set out in legislation under Section 62 of the 1994 Irish Horseracing Industry Act (i.e. exclusion from racecourses) and possible disqualification (as can be applied to unlicensed parties under IHRB Rules).

23. If powers beyond those held by the IHRB are required in any particular case, the assistance of the relevant authorities such as An Garda Síochána or the Department of Agriculture Food and the Marine will be sought.
24. The IHRB will publish an annual report outlining the details of their testing activities, including numbers of samples analysed, any positive tests found and the details of any disciplinary actions.
25. Without prejudice to the application of the Rules of Racing to licensees of the IHRB, in the particular case of thoroughbred breeders no change will take place in the above measures without further prior agreement taking place between the parties to this policy.

Horse Racing Ireland

IHRB

Weatherbys Ireland

Irish Thoroughbred Breeders Association

Irish Racehorse Trainers Association

Association of Irish Racehorse Owners

Goffs Bloodstock Sales

Tattersalls Ireland

Goresbridge Sales Ltd