British Equestrian Trade Association

NATURALLY OCCURRING PROHIBITED SUBSTANCES (NOPS) CODE ~~TERMS and CONDITIONS V~~

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[1] "NOPS" is a registered word mark of BETA and the use of this "word" by third parties is subject to BETA's permission. All mentions of NOPS assumes the presence of the registered trademark sign® whether present or not.

A. Introduction

A 1 BETA NOPS CODE

A 1.1 Naturally occurring prohibited substances (NOPS™) are those defined on the BETA NOPS list as detailed within the BETA code. These are either naturally present within certain feed ingredients or occur as a result of inadvertent cross-contamination during processing.

A 1.2 The International FEI rules for competition and the British Horseracing Authority's Rules of Racing regarding Naturally Occurring Prohibited Substances (NOPS) in feed state a no threshold policy for substances that could affect performance with the exception of theobromine, thus implying that all feed fed must be free from such substances.

Such NOPS, however, pose a real problem to the sport regulatory bodies (who obviously wish to prevent the illegal use of substances that could affect performance), feed manufacturers (who need to be able to commercially provide their clients with products that are suitable for purpose) and horse owners and trainers alike.

A 1.3 The approach taken by Racing and the FEI to prohibited substances differs.
In racing the British Horseracing Authority takes a zero tolerance stance and defines a prohibited substance as "any substance capable at any time of acting on one or more of the following mammalian body systems" and lists examples such as the musculo skeletal system.
The International Equestrian Federation (FEI) on the other hand lists three categories of substances within its Equine Anti-Doping and Controlled Medication Regulations:

- Banned Substances – deemed by the FEI to have no legitimate use in equine medicine and/or have a high potential for abuse.
- Controlled medication substances – an exhaustive list of medication that is generally prohibited in competition but permissible in training but with the potential to enhance performance depending on the timing and size of dose.
- Specified Substances – the purpose of this list is to recognise that it is possible for a substance to enter a horse's system inadvertently, and the Specified Substances approach would allow the FEI and/or the FEI Tribunal more flexibility when prosecuting a case or when deciding on sanctions.
  Specified Substances are not necessarily less serious agents than other Prohibited Substances, and nor do they relieve the Personal Responsible (PR) of the strict liability rule that makes them responsible for all substances that enter a Horse's system. However, there is a greater likelihood that these substances could be susceptible to a credible non-doping explanation.
  The BETA list of NOPS have been included in the list of specified substances, which is reviewed annually.

A 1.4 BETA, through the work of the Feed Committee, has considered the issues surrounding the control of such occurrences (Wynne 2006) and whilst recognizing that it is impossible to be absolutely certain that a feed or feed ingredient is completely free from such substances, it has established that good purchasing and manufacturing practice together with adoption of suitable risk analysis and management throughout all stages of the supply chain from field to feeding can go a long way towards precluding such contaminants and substantially reducing the risk of their presence in the horse.

A 1.5 Whilst recognizing that analytical screening for prohibited substances should form an integral part of the process it should not be the sole methodology for monitoring the absence of such

substances in feed. Furthermore, the occurrence of naturally occurring prohibited substances within feeds and feed materials tends not to be homogeneous but rather in random and discrete pockets such as occurs with the presence of mycotoxins and salmonella. By their sporadic presence therefore such substances are less likely to be detected through routine sampling methods. Prevention by good practice at source / during feed preparation is needed. This applies to both feed manufacturing and the preparation and feeding of the horse in the yard.

However diligent feed manufacturers are, due to the fact that such substances may be naturally occurring in feed materials, there will always be a risk of their presence in ingredients destined for horse feed manufacture.

A 1.6 This Code is for use by all those companies who wish to demonstrate and confirm that they conform to current best practice in minimising the risk of contamination by NOPS in equine feeds, raw materials, ingredients which they produce or NOPS products which they pack, in conformance with the requirements of the BETA NOPS Code. **The code applies across a company rather than being product related.**

A 1.7 The BETA NOPS Code is a voluntary scheme owned by the British Equestrian Trade Association.
A list of certified participants is available from the BETA website.

This is a standard to which trainers and riders can refer and have some confidence that the manufacturer/producer is taking all possible steps to ensure the risk of NOPS being present in feed is minimised.

A 1.8 A fee is charged on an annual basis for registration to the BETA NOPS Code. These fees are detailed on the application form referenced in section C1.1.

A 1.9 A prerequisite of joining the Code is evidence of current certification to a BETA recognised HACCP based accreditation scheme. A list of these can be found at Appendix A.

To become NOPS certified the company must be assessed by the auditing and certification body (henceforth referred to as the auditing body) and demonstrate full compliance with the current version of the Code. The auditing body is appointed by the Code owners, the British Equestrian Trade Association. Details of the appointed auditing body are given in Appendix D.

The auditing body administers the programme and will perform the on-site audit. This audit must be undertaken annually, within 3 months of the anniversary of the original audit.

All costs of certification are included in the annual fees charged by the auditing body with the exception of costs relating to extra/immediate assessments and any expenses which are incurred in order to conduct the audit. Fees relating to certification can be obtained from the auditing body.

A 1.10 BETA reserves the right to alter or amend the terms and conditions and the contents of the NOPS Code requirements at any time and without consultation. A period of notice will be given to all those certified to the code where changes are required.

B BETA NOPS SCOPE

B 1 Scope

This Code is for use by all those companies who wish to demonstrate and confirm that they conform to current best practice in minimising the risk of contamination by NOPS in equine feeds, raw materials, ingredients which they produce or NOPS products which they pack, in conformance with the requirements of the BETA NOPS Code.

In order to be eligible to apply for BETA NOPS Accreditation, the company must evidence certification to a BETA recognised HACCP based accreditation scheme as detailed in Appendix A

The code covers the following business groups:

- Manufacturers of compound and complementary equine feeds (M)
- Marketers of feed under their own brand when made by third party manufacturers, with or without a role in formulation or specification of raw materials, packed either by the marketing company or the manufacturer.(BH)
- Packer of product manufactured in a separate NOPS approved premises (P)(NOPS code compliance optional under the code)
- Producers and suppliers of feed materials and ingredients (including additives and premixtures) used in the production of equine feed. (I) (NOPS Code compliance optional) Producers and suppliers of straights fed alone or incorporated into equine feed eg. hay,

All companies wishing to be certified to the NOPS Code must fulfil the necessary requirements as outlined below and following and agree to follow the Terms and Conditions of the Code as outlined in this document.

Business Group	Type of business	Relevant clauses (in part or full as appropriate)
M	Manufacturers carrying out all functions, to include contract manufacturers	All clauses
BH 1	Brand holder sourcing raw material, formulating and packing finished product (no own manufacturing).	All clauses
BH 2	Brand holder sourcing raw material and formulating (no product handling)	A,B,D,E,F
BH3	Brand holder delegating sourcing, formulation, manufacturing and packing.	A,B2,B3,D,E,F
P *	Packer of finished product and	A,C,D,F,G

	straights	
I 1 *	Producers and suppliers of feed ingredients including additives	All clauses
I 2 *	Producers and suppliers of premixtures	All clauses
S *	Producers and suppliers of straights	All clauses

*NOPS certification is optional for these categories of business group.

Any company not able to identify into which business group it fits should consult the British Equestrian Trade Association before application.
In order to claim compliance with the BETA NOPS Code, companies must agree to the full conditions of the Code as outlined in this document.~~e Terms and Conditions, available from BETA.~~ In the case of both BETA and non-BETA members a license fee will be incurred.

B 2 Confidentiality

All information about applicants and certified participants will be treated in confidence. Specific information will not be divulged to any third party without the written agreement of the applicant or member.
In joining the scheme and completing the application form, all applicants agree to the auditing body sharing information relating to a company's audit with the British Equestrian Trade association, including non-conformances, date or expiry of audit and scope of the certification.
Details relating to audits will not be shared by BETA with any other person or body.
BETA will publish details of audited companies on the BETA website. Should any participant fail their annual audit or fail to address non-conformances within the given time frame then their details will be removed from the BETA website or any list of NOPS Code members.
If a participant fails to renew their registration by paying the relevant fees then their details will be removed from the BETA website.

In the event of a participant being involved or implicated in a NOPS Positive incident through testing of racing or competition horses then details may be discussed in confidence between representatives of BETA and ruling bodies such as the British Equestrian Federation (BEF), International Equestrian Federation (FEI) or the British Horseracing Authority (BHA). In the case of a positive being confirmed the auditing body will also be notified.

C Requirements for certification to the BETA NOPS CODE for Applicants and certified participants

C 1 Becoming certified:

In order for a company to become certified to the BETA NOPS Code applicants must complete the following:

C 1.1 An application form should be completed by all companies wishing to join the BETA NOPS Code which will also be an agreement to comply with the terms and conditions outlined in this document. This form should be returned to BETA, East Wing, Stockeld Park, Wetherby, LS22 4AW. There is an initial registration fee ~~of £400 + VAT~~ that is due from all companies~~BETA members~~

participating in the scheme followed by an annual fee thereafter. This should be paid at the time of making application. In the case of non-membership of BETA a higher license fee must be paid on an annual basis. This fee is reviewed annually.

C 1.2 The applicant must evidence certification to a BETA recognised HACCP based certification scheme as detailed in Appendix A. It is permissible to undergo audit to the HACCP based certification scheme at the same time as undergoing the NOPS audit providing that the auditor is fully approved for the NOPS Scheme by BETA's appointed Auditing Body.

C 1.3 If the pre-requisite certification is already met, the inspection body issuing the certification to the prerequisite accreditation scheme need not be the same as the NOPS Auditing body, but it must be one that has appropriately qualified assessors and is recognised by both BETA and its Auditing Body.
If at any point a participant's certification to the prerequisite accreditation scheme lapses, then the NOPS certification will lapse and be withdrawn. It is the participant's responsibility to inform BETA and the auditing body should their certification lapse.

C 1.4 BETA will confirm receipt of the application to the applicant and advise the auditing body of the application so that an audit application form can be provided and agreement met with the auditing body's terms and conditions. After this is completed an audit appointment can be made.

C 1.5 An applicant shall liaise with the auditing body over the quotation for audit and certification.

C 1.6 The Applicant shall confirm that they agree to comply with the Code's Terms and Conditions and Code requirements detailed herewith, and the auditingbody's Terms and
Conditions by signing the Certification Agreement contained in the quotation and returning to the auditing body. The quotation will indicate the duration of the initial and subsequent routine assessments. The duration of the Initial Assessment is dictated by the time required to fully assess the systems and procedures of the participant.

C 1.7 When the Applicant has been audited the auditing body will issue a summary Audit report to BETA including any non-conformances noted. Following correction of any non-conformances that may have been identified, the auditing body will issue a Certificate of Conformity and copy to BETA.

C 1.8 On receipt of the Certificate of Conformity BETA will enter the company into the scheme and place appropriate details of the participant on the BETA website. The details shown will include company or brand name and website link.

C 1.9 Where the participant is a brand holder using a contracted manufacturer, both the manufacturer and the brand holder need to be certified members of the NOPS Code.

C 2 Maintaining Certification Status

C 2.1 NOPS Certificates of conformity will be valid for 15 months from the date of the first audit against the code.

C 2.2 At all times the applicant must hold a valid certificate of conformity to the prerequisite accreditation scheme. If at any point a participant's certification to the prerequisite accreditation scheme lapses, then the NOPS certification will lapse and be withdrawn.

C 2.3 Certificates are issued subject to payment of all relevant fees to the auditing body and must be re-assessed annually. Annual visits are due on or around the anniversary of the initial assessment.

C 2.4 Participants will be contacted by a representative of the certification body prior to the anniversary of their initial assessment to arrange the annual re-assessment. The date must be within 30 days of the anniversary unless otherwise agreed with either BETA or the Certification Body NOPS Scheme Manager.

C 2.5 Participants shall comply with the Code requirements at all times as defined in these Terms and Conditions and the BETA NOPS Code.

C 2.6 On the annual renewal date of membership of the NOPS scheme all members are required to complete an update form and send a current NOPS audit certificate with a validity of more than 6 months. If the audit does not coincide with the anniversary date of joining the scheme proof of successful audit must be provided during the year. If a successful audit is not completed in any one year, all mention of NOPS and certification to the NOPS code must be removed from literature, packaging, labels, websites and any other marketing material including point of sale within 3 months. BETA will publish a list of those companies that lapse from the scheme.

C 2.7 NOPS is a registered trademark of BETA and may only be used by NOPS certified members in line with branding guidelines issued to participants from time to time by BETA.

C 2.8 Participants shall advise BETA and the auditing body of any changes to the business, typically but not limited to:
Company ownership or structure
Scope of operations
Key Management

C 2.9 Participants and applicants shall advise BETA in the event of being subject to legal action that related to their NOPS certificated activities.

C 2.10 All participants may use the BETA NOPS Terms and Conditions for the limitation of liability relating to NOPS on relevant documents. This is voluntary and applies primarily to the supply of feed to professional end users such as race horse trainers. Participants must notify BETA should they wish to opt **in** to using these Terms and Conditions. In the case of existing customers, these Terms & Conditions should be sent to all customers advising them of your adoption of these conditions. A copy of these can be found in Appendix C.

C 2.11 The BETA NOPS Terms and Conditions for the limitation of liability refer to a pre-estimate of lost winnings set by BETA in respect of any prize money. These are provided to BETA on an annual basis by the British Horseracing Authority and are an average of each Class/Group of races in the UK of the most recent year available, normally being the year previous.

C 2.12 Participating companies must agree to participate in the early warning system for NOPS. This early warning system will ensure that all members of the Code are advised of potential contamination risks. In the case of a positive arising from a company's own QA procedures or advice of detections from the BHA, or other regulatory bodies whether in the UK or abroad, members of the code must notify BETA for them then to transmit details further to other members. This applies to detections of all NOPS. If required, the identity of the company testing positive will remain confidential.
It is in the spirit of the code that information received through the early warning system is not misused to the detriment of any individual company but treated in the strictest confidence.

C 2.13 Members are expected to behave in a professional and responsible manner. Any activity that could bring disrepute to the NOPS scheme, BETA or other members could result in suspension or expulsion from the Scheme.
Should a member discover that any product contains prohibited substances they must, in consultation with BETA ensure that customers are informed as appropriate as part of the early warning process. Knowingly supplying product or raw material that is contaminated with a NOPS substance without informing the customer will result in immediate suspension from the scheme and may result in expulsion from the scheme and from membership.

C 2.14 If a statement of quality is required, participants to the code are advised to use the following statement on packaging and / or literature which will identify them as a member of the BETA NOPS code.

QUALITY COMMITMENT
XXXCompanyXXXX manufactures to a strict code of feed safety. This product has been manufactured in licensed premises using quality assured ingredients under strictly controlled production conditions and conforms to the requirements of the relevant legislation governing the manufacture of animal feeding stuffs. XXXXXXXXXX monitors for the presence of specified naturally occurring prohibited substances (NOPS) as required under the rules of racing and other affiliated competitions which are in line with BETA NOPS guidelines. Adherence to these guidelines ensures that the risk of occurrence of such substances is minimised.

In joining the scheme, companies agree that should the quality statement as detailed above be used on bag or literature in part, the extract thereof and the surrounding text will be sent to BETA for approval to ensure the spirit of the Code is being adhered to.

C 2.15 No guarantees (implied or direct) shall be given nor declarations made as to the NOPS or prohibited substance free status of feeds nor shall any other such wording that implies similar be used. This also applies to the use of wording implying or stating that products are “tested” for prohibited substances. Testing of samples does not preclude positives occurring outside of the tested samples.
Should companies be found flouting this condition then a warning will be given. Should this action continue then BETA reserves the right to suspend them from the NOPS Code and will require the member to cease use of the NOPS logo or any reference thereto.

C 2.16 A BETA NOPS code logo will be available to members to use as wished, on bag, packaging or literature on completion of a successful audit. If used on packaging, then it should be positioned on the reverse or back except for single label packaging
The logo featuring UFAS and FEMAS may not be used after 1 June 2016. The auditing body will monitor use of the correct logo.
Please note that companies joining BETA after 1 January 2015 may not use the BETA trade member logo used on packaging or literature. Those companies that joined BETA prior to this date should ideally **not** use the BETA trade member logo on packaging or literature in order to avoid confusion and it must not be used to imply, in any way, compliance with any BETA product related scheme. It may be used on letterhead however.

C 2.17 On joining the scheme and then every year thereafter the member companies must also provide production figures as to volume and sales as part of their annual declaration.

C 2.18 BETA promote the membership of companies to the NOPS code to relevant professionals, professional bodies and consumers. BETA also produces leaflets and yard guides in digital and hard copy form which are available to members of the scheme.

C 3 Assessment of participant compliance with the Code

C 3.1 The auditing body will conduct assessments of a participant's conformance with the Code. The auditing body shall be given access to all relevant information needed to confirm conformance with the Code and the right to inspect third parties subcontracted to perform work covered by the code, at the participant's cost.

There are a number of types of assessment with the NOPS Code

- Initial Assessment – a formal assessment for new applicants to the NOPS Code on a date agreed with the applicant business during the application process.
- Routine Assessment – a formal annual assessment for certified participants of the NOPS Code
- Extra/ Immediate Assessment – The auditing body will carry out extra/immediate assessments at their discretion. Circumstances where they may be required include, but are not limited to:
    - In response to reports or intelligence suggesting a significant NOPS contamination or breach of the NOPS Code Terms and Conditions.
    - Signing off action points following an assessment, particularly if the action points related to Major or Critical non-conformances.

C 3.2 The auditing body will produce a report for its own assessment purposes and identify any non-conformances to the Participant at the end of the assessment. Any non-conformances will be classified as per C3.3 below and acted upon as per C3.4. When a participant has rectified their non-conformances, the auditing body will notify the client of their continuing certification and issue a BETA NOPS Certificate of Conformance. The date of expiry of the certificate will be 15 months from the **original audit anniversary month** to allow for **delays in completing post audit compliance and** shifts in audit schedules. In all cases however the audit must be scheduled on an annual basis linked to the original anniversary date and **have taken place within 1 month thereof.**

C 3.3 **Classification of Non-conformances**

Classification	Cause
Critical	A gross or deliberate NOPS contamination, breach or violation, or; Knowingly circulating contaminated feed , or; A loss of traceability such that recall of contaminated goods would be impossible, or; A recurrence of a major non-conformance raised at the preceding assessment, or; A complete unwillingness to cooperate in the assessment
Major	A complete failure to implement a requirement of the BETA NOPS Code or a failure that may result in contaminated or unsafe feed, or; A recurrence of a minor non-conformance raised at the preceding assessment.
Minor	A partial failure to implement a requirement of the BETA NOPS Code or poor evidence to demonstrate implementation.

Observation	These may be left by the assessor if it is felt that a certain area is not currently an action point but that if ignored may have the potential to become an action in the future. No requirement to send in corrective evidence

C 3.4 **Response to Non-conformances**

Classification	Initial Assessment	Routine Assessment
Critical	Certification refused. Repeat Initial assessment required	Certification suspended with immediate effect. Certification will only be reinstated following the verification that the critical non-conformances have been resolved. Extra assessments, at the cost of the participant, may be required by the certification body in order to verify conformance with the BETA NOPS Code.
Major	Certificate not granted until non-conformances resolved. Plan of corrective actions to be submitted within 15 working days of assessment and timescales to resolve Non-conformances to be agreed with the Certification Body. Supporting evidence must be submitted within this time scale. Failure to resolve Non-conformances within agreed timescales will lead to a repeat Initial Assessment or the application being archived by the Certification Body.	Certification not reissued. Plan of corrective actions to be submitted within 15 working days of assessment and timescales for closure to be agreed with the Certification Body typically no more than 60 working days from assessment. Supporting evidence must be submitted within this time scale. Failure to resolve Non-conformances within agreed timescales will lead to suspension.
Minor	Certificate not granted until non-conformances rectified. Plan of corrective actions to be submitted within 30 working days of assessment and timescales to be agreed with Certification Body. Supporting evidence must be submitted within this time scale. Failure to resolve Non-conformances within agreed timescales will lead to a repeat Initial Assessment or the application being archived by the Certification Body.	Certification not reissued. Plan of corrective actions to be submitted within 30 working days of assessment and timescales to be agreed with the Certification Body typically no more than 60 working days from assessment. Supporting evidence must be submitted within this time scale. Failure to resolve non-conformances within agreed timescales will lead to suspension.

C 4 Suspension and withdrawal from the scheme

C 4.1 The auditing body, in consultation with BETA, may suspend a Participant's Certificate of Conformity and/or BETA may withdraw the business from the code when the participant has:

- C 4.1.1 Non-conformances against the NOPS Code or Code Terms and Conditions which are not resolved within the required time limits;
- C 4.1.2 Critical or Major Non-conformances that have, or are likely to have, an adverse effect on the integrity of the NOPS Code for other members or could lead to a NOPS contamination incident.
- C 4.1.3 Refused access for an Extra/ Immediate Assessment
- C 4.1.4 Knowingly and or intentionally placed NOPS contaminated feed or feed material on the market without informing customers or users. (reference Part 2, B1.2)
- C 4.1.5 Once aware of a NOPS contamination, refused to take appropriate action or inform customers or users, if in consultation with BETA, it is decided that this is the most appropriate course of action.
- C 4.1.6 Not paid the relevant fees to BETA or the auditing body.
- C 4.1.7 Not got a valid Certificate of Conformity. This may be due to the company failing to arrange for an annual audit to take place in a timely manner leading to the current Certificate of Conformity expiring.

C 4.2 NOPS certificates have a defined expiry date. If a new certificate has not been issued to a Participant for reasons C4.1.1, C 4.1.2, C 4.1.3, C 4.1.6 or 4.1.7 and the certificate expires then this means that the business can no longer claim to be certificated nor can they sell products as BETA NOPS assured.

C 4.3 Participants suspended for reasons of C4.1.1 and C 4.1.2 above must correct the Critical or Major non-conformances and have a follow-up assessment by the Certification Body to confirm that all the non-conformances have been fully resolved.

- C 4.3.1 Participants suspended for non-payment of fees, non-arrangement of audits or non-conformance issues will be reinstated provided all matters are resolved within 1 month of suspension or withdrawal date.
- C4.3.2 In the case of Participants suspended for reasons of C4.1.4 and C 4.1.5 any decision as to reinstatement (or length of suspension) will be pending results of enquiries as to the nature of the audit non-conformance or professional misconduct against the NOPS code terms and conditions of suspension. If necessary this will be referred to the BETA Board for a final decision.

Either BETA or the auditing body will write to the participant confirming the reason for suspension.

C 4.4 Participants that do not demonstrate to the auditing body or BETA that Non-conformances have been resolved within 1 month of suspension will have their Certificate of Conformity withdrawn.

C 4.5 Participants that have their Certificate of Conformity withdrawn will be required to undergo the complete assessment process and will be considered as new Applicants.

C 4.6 Participants that no longer require BETA NOPS Certification must inform both BETA and the auditing body in writing.

C 4.7 The auditing body will pass all necessary information to BETA to allow them to update their website and certification records with details of a participant's changing status.

C 4.8 BETA and NOPS is a registered trademark. Suspended and withdrawn Participants may not claim to be NOPS certified.

C4.9 BETA reserve the right to publish names of suspended and withdrawn participants.

C 5 Complaints

C 5.1 Complaints about a BETA NOPS Code Participant should be directed to BETA for them to acknowledge, review and take action to resolve the cause of any problems.

C 5.2 Complaints about the auditing body should be directed to the auditing body where they will be acknowledged, reviewed and actions taken to resolve the cause of any problems.

C 6 Appeals

C 6.1 A participant has the right of appeal against decisions made by the auditing body.

C 6.2 Appeals shall be made in writing to the auditing body within 14 days of being advised of the decision that is the subject of the appeal.

C 6.3 The auditing body will acknowledge the appeal and nominate a manager independent of the decision to carry out an initial investigation to check the merits of the appeal.

C 6.4 If the nominated Manager concurs with the appeal then the auditing body will correct the erroneous decision.

C 6.5 If the nominated Manager does not concur with the appeal then an independent panel will be convened within 30 days to handle the appeal.

C 6.6 The auditing body, including the Scheme Manager, BETA and the Participant are entitled to attend the Appeals Panel and present information to the Panel.

C6.7 The independent Appeals Panel will make a ruling based on the information supplied during the hearing.

C 6.8 The ruling of the Appeals Panel is binding and final on the auditing body and the Participant.

C 6.9 A participant has the right of appeal against a decision made by BETA to withdraw it from the scheme under 4.1.4 or 4.1.5 above.

C 6.10 Appeals shall be made in writing to BETA within 14 days of being advised of the decision that is the subject of the appeal.

C 6.11 BETA will acknowledge the appeal and nominate a member of the BETA Council independent of the decision to carry out an initial investigation to check the merits of the appeal.

C 6.12 If the nominated Council member concurs with the appeal then BETA will correct the erroneous decision.

C 6.13 If the nominated Council member does not concur with the appeal then the matter will be raised at the next scheduled meeting of BETA Council to handle the appeal. Meetings of Council are held in March, May, July, September and December of every year.

C 6.14 BETA and the Participant are entitled to attend the Appeals meeting and present information to the Board.

C6.15 The Council Panel will make a ruling based on the information supplied during the hearing.

C 6.16 The ruling of the Council is binding and final on BETA and the Participant.

D NOPS Assessor qualifications and requirements

D 1 Minimum requirements for NOPS Assessors

D 1.1 Experience
Relevant experience with the equine feed industry

D 1.2 Qualifications
D 1.2.1 Level 3 HACCP Qualification
D 1.2.2 Appropriate auditor qualification
D 1.2.3 Attendance at appropriate BETA NOPS training courses

D1.3 Competence
Auditors should demonstrate an up to date knowledge of industry issues and legislation and be able to communicate effectively.

D1.4 BETA should be consulted prior to the appointment of any new NOPS assessors to confirm their suitability and that there is no conflict of interest.

D 2 Confidentiality and Conflicts of Interest

Assessors are required to sign any confidentiality agreement provided by the auditing body. They must not discuss other participants with a company being assessed nor should they offer advice on external consultants who may be in a position to assist with non-conformances post audit.

Assessors should maintain an up to date register of business interests and supply this to the auditing body on a regular basis (at least every 3 months). Assessors must also make the auditing body aware of any potential conflicts of interest relating to companies they have been assigned to assess.

PART 2

DEFINITION OF NOPS

For the purpose of this Code, the following substances (and their sources) are defined as Naturally Occurring Prohibited Substances (NOPS): and are divided into 3 categories: High priority, low priority and herbal, which is further divided into high and low priority. This priority has been agreed after consultation with competition and racing Governing Bodies.

1. High Priority

Substance	Typical Source	NOPS Status
Caffeine	Cacao, tea, coffee	Excluded
Theobromine	Cacao	Excluded
Theophylline (metabolite of theobromine)	Tea products	Excluded
Morphine and other derivatives from the source e.g. Oripavine, Codeine and Thebaine.	Opium Poppy (*Papaver somniferum)*	Excluded
Atropine/ Hyoscyamine	Deadly Nightshade *(Atropa belladonna* Jimson weed (*Datura spp.*)	Excluded
Hyoscine / Scopolamine	Deadly Nightshade *(Atropa belladonna)* Jimsonweed (*Datura spp.*)	Excluded
Cannabinoids including CBD, CBDA and THC	Hemp	Excluded

2. Low Priority

Substance	Typical Source	Status
Lupanine/ Sparteine	Lupin, Scotch (common) broom	Sensitive A No logo on packaging
Bufotenine	Canary grass (*Phalaris sp),* toads and toadstools	Sensitive A No logo on packaging

3. Herbal NOPS

These are substances either naturally present in certain herbs that could lead to a positive test in competition, or are substances that originate from weed seeds contaminating herbal supplies. This list has been introduced based on analytical results over the period of the NOPS code. Testing for these substances should be done on risk assessed basis and for many companies will be of little or no concern.

High Priority

Substance	Typical Source	FEI Prohibited Status	NOPS Status
Cathinone / Cathine	Khat	Banned	Excluded
Digitoxin	Foxglove (*Digitalis sp)*	Banned	Excluded
Ephedrine/Pseudoephedrine	*Ephedra* sp.	Banned	Excluded
Reserpine	Indian snakeroot, Devil's pepper;	Banned	Excluded

Synephrine	*(Rauvolfia sp.)* "Bitter" orange cultivars *(Citrus sp.)*	Banned	Excluded

Low Priority Substance	**Typical Source**	**FEI Prohibited status**	**Status**
Harpagosides	Devil's Claw	Controlled Medication	Sensitive A No logo on packaging, not for use during competition, withdrawal advice required
Salicylic Acid	Willow bark, Meadow Sweet	Controlled Medication	Sensitive A No logo on packaging, not for use during competition, withdrawal advice required
Valerenic acid	Valerian (*Valeriana officinalis)*	Controlled Medication	Sensitive A No logo on packaging, not for use during competition, withdrawal advice required
Yohimbine	Yohimbe tree *(Rauvolfia sp.)*	Controlled Medication	Sensitive A No logo on packaging, not for use during competition, withdrawal advice required

There is no testing regime laid down within the NOPS Code or in BETA guidance notes accompanying the scheme.
For a company to establish the presence or absence of the above substances a testing regime has to be considered based on a HACCP based risk assessment procedure.
For further detailed information please also refer to the separate BETA NOPS Guidance on risk assessment for NOPS registered members.

AT RISK MATERIALS

NOPS At Risk materials are divided into two categories – "Excluded" and "Sensitive".

1. Excluded at risk materials must be excluded from feed due to the material being at high risk of containing a high priority or high priority herbal NOPS contaminant

2. Sensitive at risk materials may be used after appropriate risk assessment as detailed in part B of the code.

This category is in turn divided into two groups.

Sensitive A: Material being at high risk of containing a low priority NOPS or low priority Herbal NOPS contaminant.

Sensitive B: Material being at low risk of containing a high priority NOPS contaminant

These lists are not exhaustive and will be revised as necessary.

Excluded list:

Bakery and biscuit products and by-products, including biscuit meal.
Confectionery waste
Traded grain screenings [Grain screenings are a by-product of cleaning rice, wheat, barley or oats for seed. It may include light, broken kernels, weed seeds and chaff etc.]
Coffee and tea products and by-products
Chocolate products and by-products
Herbal raw materials appearing on the high priority herbal list and/or known to contain a banned analyte e.g. Indian Snakeroot or heads, and straw (which may be pelleted) from opium poppies (Papaver somniferum)
Hemp fibre and plant material (not including hemp seed oil or Hemp seeds)

Sensitive A List:

Lupins
Canary reed grass
Herbs: Devil's Claw
Willow Bark
Meadow Sweet
Valerian

Where sensitive A list materials are intentionally used in a feed, the company should ensure the requirements detailed in clause B 1.3.1 are followed.

Sensitive B List:

Cereals
Cereal by-products
Forage products
Linseed

PART 3

CODE

A Introductory Requirements

Clause	Requirement	Guidance
A 1	**Code Requirements**	
	- Any company wishing to enter the NOPS Code must be certified to a recognised HACCP based assurance scheme. - All equine feeds produced by a company audited to this Code must comply with its requirements. - All site addresses within a business trading under that name for equine feed must be certificated to the NOPS scheme	Refer to Appendix A of the BETA NOPS Code Terms & Conditions for a list of recognised assurance schemes. The NOPS® Code is a company not product scheme. Everything bearing a NOPS® registered company name or brand name associated with the NOPS accreditation, whether made in or packed in its own or a contracted plant must be compliant with the NOPS® code. Absence of the NOPS logo does not mean that the product is not covered by the NOPS Code unless specifically stated- refer clauses A3.3 and B 3.
A 2	**Legislative and Other Requirements**	
A 2.1	All relevant current feed and feed safety legislation must be complied with.	Consideration must be given to legislation in country of manufacture as well as countries to which product may be exported. Attention should be paid to ensuring that only materials authorised for use in the countries being marketed into are used. Thus in Europe, only EU equine authorised feed materials and additives may be used.
A 2.2	Companies should be aware of the rules applied by relevant sporting regulators in terms of prohibited substances.	Different rules apply to horses participating in racing and FEI competition. Refer to the BETA Guidance note "Keeping it Legal" for links to the governing bodies. Available to BETA members on request.
A 3	**Information Claims, Labelling**	
A 3.1	Labelling and claims must comply with EC No 767/2009 (Marketing and Use of Feed Regulation)	Refer to the BETA Guidance note "Keeping it Legal" for information on claims and labelling. Available to BETA members on request

A 3.2	No guarantees (implied or direct) shall be given nor declarations made as to the NOPS or prohibited substance free status of feeds nor shall any other such wording that implies similar be used.	- This also applies to the use of wording implying or stating that products are "tested" for prohibited substances. Testing of samples does not preclude positives occurring outside of the tested samples. - Ensure that if a product contains substances which are not on the NOPS list, but may yield a positive test in competition, no NOPS logo is shown and that there is appropriate advice on packaging.
A 3.3	Companies intentionally adding certain raw materials that may, if used in competition cause a positive test for controlled substances need to differentiate these products from the rest of their range.	• Companies who place product on the market that includes ingredients that may be viewed as ~~either banned or~~ suitable only for use in training i.e. "controlled" under FEI rules MUST NOT place the NOPS logo on packaging. Examples of such ingredients include devils claw. • On websites or company literature it must be made clear that these products are NOT suitable for use during competition • A withdrawal period must be clearly stated on product packaging. • Consideration must be given to the line the product is manufactured on if containing such raw materials.
A 3.4	Companies wishing to make a general statement of quality relating to their NOPS certified products are advised to use the "Quality Commitment" statement quoted in Part 1, C2.14 of this code.	Should the quality statement as detailed be used on bag or literature in part, the extract thereof and the surrounding text will be sent to BETA for approval to ensure the spirit of the Code is being adhered to.
A 3.5	If used, the correct version of the BETA NOPS Logo must be utilised.	The logo featuring UFAS and or FEMAS must not be used.
A 4	**Hazard Analysis and Risk Assessment (HACCP)**	
	The risk assessment, based on HACCP principles, must consider the presence of NOPS as a hazard.	Refer to the separate BETA NOPS Guidance on risk assessment for NOPS registered members

A 5	**Maintenance of Supply**	
A 5.1	Alternative supplies of finished equine feed products must be sourced from a manufacturer who is certified to this Code.	There should be a plan for supply of feed products to be sourced in the event of plant breakdown or emergency.
A 5.2	In the case of NOPS certified raw material suppliers (categories S, I1 and I2) experiencing an interruption in supply, alternative supplies of NOPS approved raw materials must be sourced and a risk assessment conducted of each raw material in line with the requirements of this Code.	There should be a plan for supply of feed materials to be sourced in the event of plant breakdown, interruption of supply or emergency.
A 6	**NOPS Standard Terms and Conditions to limit liability**	
	Companies must notify BETA should they wish to opt in to the NOPS Standard Terms and Conditions as detailed in Part 1, C2.10.	The NOPS Standard T&C's enable companies to limit their liability against racing cases. BETA must be aware so that the annual averages for prize money can be sent. Adoption can be indicated on the annual letter of declaration received from BETA by every certified company.

B Approval of Feed Ingredients and Suppliers (including contract manufacturers and packagers)

B 1	**Selection and Approval of Feed Ingredients**	
B 1.1	The use of excluded at risk materials as shown in the Definitions is prohibited in equine feeds.	
B 1.2	All feed ingredients used in the factory must be assessed and documented to ascertain the risk of NOPS being present.	Possible contamination from feed ingredients or other materials at risk of containing NOPS must be considered and appropriately controlled. Knowingly supplying or using raw materials for compound feed ingredients (eg. concentrate pellet) that is contaminated with a high priority NOPS substance (at levels likely to result in disqualification) without informing the customer in writing will result in immediate suspension from the Code and may result in expulsion from the Code and from membership. Refer to the separate BETA NOPS Guidance on risk assessment for NOPS registered members
B 1.3	The ingredient specification must also include reference to the list of NOPS as defined at the beginning of this Code document.	See Definitions

B 1.3.1	Companies intentionally adding certain herbal feed materials that may, if used in competition cause a positive test for controlled substances need to differentiate these products from the rest of their range.	Products formulated to contain herbs that are either listed in the Sensitive A List or contain substances defined as a Low Priority NOPS must be differentiated as follows: • The NOPS logo MUST NOT be placed on packaging of such products. Examples of such herbal ingredients include devil's claw and valerian. • On websites or company literature it must be made clear that these products are NOT suitable for use during competition. • An indicative withdrawal period should be clearly stated on product packaging.
B 1.4	The person responsible for selection and approval of feed ingredients must have training regarding NOPS and their likely sources.	The training record should show that the person has knowledge of sources of NOPS, the At Risk materials and possible routes of contamination.
B 2	**Customer requests for incorporation of own supplied ingredients or products**	
	Incorporation of customers' own ingredients is not permitted in equine feeds, and must not enter the equine feed production line, unless the ingredient has been assessed for NOPS.	Where there are multiple production lines, the requirements for the production line used for equine feeds extend from intake via storage to packaging or outloading.
B 3	**Contract manufacturing and trading for NOPS members**	
B 3.1	If a NOPS member is contract manufacturing for another Code member the manufacturer must confirm that they are a current, audited member to the Code.	The contractor can ascertain the status of their customer by asking for a current audit document and should also confirm with BETA that the registration is current and ongoing.
B 3.2	If a NOPS member is contracting the manufacturing of its products to a third party then it must confirm that the company being used is a current, audited member of the code.	The contractor can ascertain the status of their customer by asking for a current audit document and should also confirm with BETA that the registration is current and ongoing.
B 3.3	Only NOPS certified feed materials, additives, premixes and compounds can be traded within the scope of a NOPS Certificate.	NOPS certification must be held by the manufacture of the products.
B 4	**Supplier Approval**	
	NOPS Sourcing Requirements for Processing	

B 4.1	Feed materials, additives, straights and pre mixes do not need to be sourced from a NOPS certified supplier though a full risk assessment of the supplier and raw material must be conducted. Suppliers of raw materials must be made aware that they are to be used as an ingredient in equine feed certified to the NOPS Code. There must be written evidence to demonstrate this.	
B 4.2	All equine compound feeds, including those used as "concentrate" pellets in another product, manufactured by or on behalf of companies which conform to NOPS must be sourced from a NOPS certified manufacturer.	This applies to all equine compound feeds including those which are contract manufactured. *The only exceptions are blends of two or more feed materials (including liquids) bought from a single company as an ingredient blend and not intended for direct feeding or to be marketed as a branded compound in their own right* These should be considered and risk assessed under B4.1.
B 4.3	Unless suppliers of ingredients used or supplied for the use in equine feeds are also NOPS certified, the company must carry out an additional supplier assurance programme for NOPS.	Current feed ingredient and compound feed assurance schemes do not cover NOPS specifically but do confirm traceability. A supplier assurance programme is a supplier audit at a defined frequency based on risk assessment. Raw materials that do not originate from a NOPS assured source must be risk assessed. Refer to the separate BETA NOPS Guidance on risk assessment for NOPS registered members.
B 4.3.1	Where ingredients are used on the same line as equine feeds but are not intended for equine diets then the requirement for NOPS sourcing remains the same	Non-equine diets may be made on a NOPS accredited equine line providing all ingredients have undergone appropriate risk assessments and are non-medicated.
B 4.4	Where a feed material supplier packages straights for branded use by a Code member then the Code member must initially visit, audit and risk assess the plant with respect to NOPS and then risk assess as appropriate on an annual basis thereafter.	The feed material supplier should be audited to the same criteria as those that apply to companies conforming to NOPS.
B 4.5	Where a third party packages equine products in custom packaging for a Code member then, unless the packer is certified to NOPS, the member must ensure they have a HACCP based accreditation and must visit, audit and risk assess the plant initially with respect to NOPS and then risk assess as appropriate on an annual basis thereafter.	Equine products in this context could include treats, promotional samples, sachets all of which must be manufactured by a NOPS approved manufacturer. The packaging company should be risk assessed to the same criteria as those that apply to companies conforming to NOPS. See Appendix A for a list of the HACCP based accreditation schemes. The certification body may wish to include a visit to the contract packing as part of their inspection schedule.

B 4.6	When communicating assurance requirements to feed ingredient suppliers reference must be made to the additional requirements of NOPS.	A robust, supplier assurance program is required to help reduce the risk of contamination/NOPS being present within a feed/feedstuff. The aim of communication with suppliers should be to gain sufficient information to assess the risk of NOPS contamination, and encourage dialogue to identify solutions to any issues.
B 5 Transport		
B 5.1	Hauliers/couriers used to deliver or collect bulk equine feeds and feed materials must be made aware of the requirements of the BETA NOPS Code.	All transporters used to deliver or collect equine feeds and feed materials should be informed of the list of At Risk materials.
B 6 Bulk Contracted Stores Approval		
B 6.1	Assessments of offsite stores used by the company must ascertain whether Excluded or Sensitive List A "At Risk" materials have been handled or stored within the past three years, and ensure appropriate control measures are implemented.	Stores should be informed of the list of At Risk materials. Site visits by audit staff should be carried out as indicated by a risk assessment of the store. Audit staff should have relevant NOPS knowledge. If Excluded or Sensitive List A "At Risk" materials have been stored in the previous three years, there must be evidence that cleaning has taken place subsequently.
B 6.2	A risk assessment must be carried out with respect to NOPS for all third party stores used. Any stores where a significant risk is identified must be inspected.	Initial assessment may be carried out by a questionnaire, the results of which are then assessed by the NOPS Code certified member.

C Operations

C 1 Intake		
C 1.1	Acceptance procedures for all raw materials (bulk, packaged etc.) must include reference to NOPS.	Training of intake operatives should include visual recognition of At Risk Materials and of weed seeds.
C 2 Transport & Intake of Bulk Raw Materials		
	Vehicles that have previously (in the last three loads) carried NOPS Excluded materials as listed in this document must be rejected. Vehicles that have carried NOPS Sensitive A list materials must show evidence of appropriate cleaning.	This additional requirement should be communicated to all suppliers and hauliers as part of purchaser terms and conditions or contract. Reference cleaning procedures in the current TASCC Code of Practice

C 3	**Storage Operations**	
	All returned or rejected feed or feed ingredients identified as a potential NOPS risk following unsatisfactory ELISA or other NOPS screening tests or for any other reason must be identified and must be quarantined until release/ disposal is approved by the appointed responsible person(s).	Returned bags that are damaged or been opened should be considered a high risk in terms of NOPS and quarantined and disposed of appropriately.
C 4	**Contract Simple Processing of Cereals**	
	Mobile contractors must not be used for equine feeds.	
C 5	**Operating Procedures**	
C 5.1	Excluded At Risk materials as listed in the Definitions are prohibited from equine feed production lines.	Where there are multiple production lines, the requirements for the production line used for equine feeds extend from intake via storage to packaging or outloading.
C 5.2	There must be a documented procedure which details any products or raw materials of concern, the production areas/lines they are permitted on and any systems used to manage the risk.	
C 6	**Rework Rules**	
C 6.1	Rules for reworking any materials must consider the risk of NOPS and/or medicinal product contamination. Reworks or non-conforming material may only be used after risk assessment and after approval by the appointed responsible person(s).	Broken bags originating in-plant must be segregated and assessed for contamination risk before reworking is permitted.
C 6.2	Reworks originating from feeds for species other than equines must not be used in equine feeds, unless it is manufactured on a NOPS line within the same mill.	
C 7	**Despatch of bulk finished product**	
	Vehicles that have previously (in the last three loads) carried NOPS Excluded materials as listed in this document must be rejected. Vehicles that have carried NOPS Sensitive A list materials must show evidence of appropriate cleaning.	This additional requirement should be communicated to all suppliers and hauliers as part of purchaser terms and conditions or contract. Reference cleaning procedures in the current TASCC Code of Practice

D Feed Quality Controls

D 1.1	The appointed responsible person(s) must be familiar with NOPS.	The training record should show that the person has knowledge of sources of NOPS, the At Risk materials and their implications for equines.
D 1.2	The quality system must incorporate the measures necessary to implement the requirements of this Code	Evidence must be given that any changes to the **NOPS®** code have been noted and implemented if appropriate.

D 2	**Incident Reporting**	
	The detection of all NOPS whether in raw material or finished product, should be reported to BETA for monitoring purposes. In the case of a NOPS positive being notified to a company by a regulatory body or customer, the company must inform BETA immediately, who will in turn inform the relevant bodies.	BETA will be operating an early warning system to alert other companies signed up to the NOPS appendix of any possible contamination issues. Participation in this system is compulsory for all NOPS members.
D 3	**Analytical Schedule**	
D 3.1	The hazards associated with NOPS must be considered in arriving at the analytical schedule	
D 3.2	The analytical schedule must include sampling and analytical procedures based upon a NOPS risk assessment, along with methodology and details as to frequency of internal and external analysis carried out on both incoming feed ingredients and finished feed.	The degree of sampling and analysis of feed ingredients and finished feed should be derived from the companies own individual risk assessment for NOPS.
D 4	**Samples**	
	Sampling methods must be appropriate for NOPS and arrived at by applying the HACCP technique.	Where NOPS distribution within a feed is general/ homogeneous in nature, an appropriate robust, practical, cost effective, sampling program can be devised which will help identify its presence. Where NOPS distribution within a feed is pocket or non-homogeneous in nature there is no practical, robust, sampling program that can be devised to effectively identify its presence. For both types of NOPS distribution, a robust, supplier assurance program is required to help reduce the risk of contamination/ NOPS being present within a feed. The schedule of assurance activity may therefore differ depending on the individual NOPS and/ or the feed concerned.
D 5	**Testing Facilities**	
	When selecting a laboratory, the competence of the laboratory with regards to testing for NOPS must be considered.	An accredited laboratory or a validated analytical method for the substance being tested should be used.

D 6	Assessment	
D 6.1	Failures against NOPS criteria must be investigated and appropriate action taken.	Risk assessment will form the basis of the action taken. Knowingly supplying finished products that are contaminated with a high priority NOPS substance at levels likely to result in disqualification or disciplinary actions, without informing the customer in writing will result in immediate suspension from the Code and may result in expulsion from the Code and ultimately BETA membership. Product containing low priority or herbal NOPS should be fully risk assessed and documented before disposal. Dispose of feed to an alternative species or a risk assessed non-sensitive non-competition/racing equine customer.

E Market Recall and incident management of NOPS Positives

E 1	Market Recall as a result of NOPS contamination	
E 1.1	There must be a written recall procedure, which is capable of being put into operation at any time, inside or outside normal working hours	The decision to recall product should be based on a company's own risk assessment and should be communicated to BETA. Any procedures should include contact details of relevant bodies such as BETA and the auditing body.
E 1.2	In the event of a recall regarding NOPS, a person must be designated to inform BETA and the auditing body	It is recommended that a deputy also be appointed.
E 1.3	Recalled or returned products	If not destroyed, ensure the product is disposed of to a non-NOPS critical customer, with full traceability maintained.

F Personnel

F 1	Training & Competency	
	Staff training must include an understanding of NOPS ingredients as listed in this appendix and of their significance and potential risk to the finished feed.	Training records should confirm training relevant to the responsibilities of the individual.

G Medicated Feeds and Feeds containing Specified Feed Additives

G 1	Companies conforming to this Code must not produce or handle medicated feeds or specified additives on the same production line as equine feeds.	Where there are multiple production lines, the requirements for the production line used for equine feeds extend from intake via storage to packaging or outloading.

APPENDIX A

Companies wishing to join the BETA NOPS Code must locate their Business Group and show compliance with at least one of the appropriate BETA NOPS recognised HACCP based certification schemes listed against the relevant Business Group.

NOPS Business Group Classification	Feed Type	UFAS (relevant clauses)	GMP+ (relevant clauses)	Ovocom (relevant clauses)	QS	FAMI QS	FEMAS Standard	Coceral GTP	BRC (British Retail Consortium)	Red Tractor	SALSA
M Manufacturers	Compounds	✓	✓	✓	✓	N/A	N/A	N/A	N/A	N/A	N/A
BH1 Brand Holders	Compounds	✓	✓	✓	✓	N/A	N/A	N/A	N/A	N/A	N/A
BH2 Brand Holders	Compounds	✓	✓	✓	✓	N/A	N/A	N/A	N/A	N/A	N/A
BH3 Brand Holders	Compounds	✓	✓	✓	✓	N/A	N/A	N/A	N/A	N/A	N/A
P (Packers)	Compounds	✓	✓	✓	✓	N/A	N/A	N/A	N/A	N/A	N/A
P (Packers)	Feed materials	N/A	✓	✓	✓	N/A	✓	N/A	✓	N/A	√
	Feed additives	N/A	✓	✓	N/A	√	✓	N/A	✓	N/A	N/A
I1 (Producers/ Manufacturers)	Feed materials	N/A	✓	✓	✓	N/A	✓	N/A	✓	✓ Cold Crush Scheme	✓
	Feed additives	NA	✓	✓	NA	✓	✓	N/A	✓	N/A	N/A
I1 (Suppliers / traders only)	Feed materials	✓	✓	✓	✓	N/A	✓	✓	N/A	N/A	N/A

	Feed additives	✓	✓	✓	N/A	✓	✓	N/A	N/A	N/A	N/A
I2 (Producers/ Manufacturer)	Premixtures As defined in T&C	✓	✓	✓	✓	✓	✓	N/A	N/A	N/A	N/A
I2 (Suppliers / traders only)	Premixtures As defined in T&C	✓	✓	✓	✓	✓	✓	N/A	N/A	N/A	N/A
S (Straights Producers)	Straights (combinable crops)	N/A	N/A	N/A	N/A	N/A	✓	N/A	N/A	✓	N/A
S (Suppliers / traders only)	Straights(incl imported comb. crops)	✓	✓	✓	✓	N/A	✓	✓	N/A	N/A	N/A
S producers	Food grade oils	N/A	✓	✓	✓	N/A	✓	N/A	✓	N/A	✓
S producers	Hay & Haylage	N/A	N/A	N/A	N/A	N/A	✓	N/A	N/A	N/A	N/A

Appendix B – Definitions and Glossary

Definitions

Please refer to the current version of the BETA NOPS Code for a full definition and listing of the substances (and their sources) defined as Naturally Occurring Prohibited Substances (NOPS). These are divided into 3 categories: High priority, low priority and herbal, the latter being further divided into high and low priority.

Glossary

Analytical schedule	The schedule agreed by individual companies that describes what analytical testing is carried out each year and at what frequency. Also known as the testing regime.
At Risk Materials	Feed materials that have been known to contain NOPS. The scheme divided At Risk Materials into two subcategories: - "Excluded at risk materials" where the risk of the feed material containing a high priority or high priority herbal NOPS contaminant is high; and - "Sensitive at risk materials": feed materials that have been known to contain NOPS and may be used with caution, further subdivided as follows o Sensitive A: Feed materials being at high risk of containing a low priority NOPS or herbal NOPS contaminant o Sensitive B: Feed materials being at low risk of containing a high priority NOPS contaminant
Audit	The official inspection of a scheme member's quality system, conducted annually, performed by the independent auditing body contracted to the BETA NOPS scheme.
Auditing body	A specified independent and expert organisation that inspects BETA NOPS applicants annually to ascertain with adequate confidence that the company conforms to the specific standards set by the BETA NOPS Code.
Banned Substance	From FEI 2016 Veterinary Regulations: Any substance so described in the Equine Prohibited Substances List including its Metabolites and Markers. Banned Substances have been deemed by the Equine Prohibited Substance List Group to have no common legitimate use in the competition Horse and/or have a high potential for abuse.
Brand	A brand is a unique name, term or design given to a product or range of products and identifies the sellers goods distinct from

	those of other sellers of similar products. A brand can be a sub-brand of a parent company.
Brand Holder	The company who owns or is licensed to use the brand under which a NOPS-certified product is marketed, and who is responsible for placing the product on the market. The brand holder may or may not manufacture the NOPS certified product.
Claim	A claim is any labelling or presentation which draws particular attention to the presence or the absence of a substance in the feed, or to a specific nutritional characteristic, or process, or specific function related to any of these.
Complementary Feed	Compound feed that has a high concentration of certain substances but which is only sufficient in a daily ration when used in combination with other feed. Complementary feeds in the equine sector include the following commonly described equine feed categories: chopped fibre blends, cubes and mixes, balancers, supplements and treats and licks.
Complete Feed	Compound feed, which by reason of its composition is sufficient for the entire daily ration.
Compound Feed	The mixture of at least two feed materials, whether or not containing feed additives, that is for oral feeding to animals in the form of complete or complementary feed.
Concentrate Pellet	A pelletised complementary compound feeding stuff that has a high concentrate of certain substances designed to be incorporated as a feed ingredient in another product and not marketed as a branded compound in their own right.
Contract packer	A company that is contracted by the Manufacturer or Brand Holder to pack a feed product.
Contract store	A company that is contracted by the Manufacturer or Brand Holder to store a feed ingredient or product.
Controlled Medication	From FEI 2016 Veterinary Regulations: Any substance, or its Metabolites or Markers, so described in the Equine Prohibited Substances List. Controlled Medication Substances are deemed by the Equine Prohibited Substance List Group to have therapeutic value and/or to be commonly used in equine medicine. However, Controlled Medication Substances have the potential to: a) affect performance, and/ or b) present a welfare risk to the Horse. Controlled Medication Substances are generally prohibited in Competition, but may be exceptionally permitted when their use has been authorised by the appropriate Veterinary Form.

Feed	Any substance or product, including additives, whether processed, partially processed or unprocessed, intended to be used for oral feeding to animals.
Feed Additives	Substances, micro-organisms or preparations, other than feed material and premixes, which are intentionally added to feed or water in order to perform, in particular, one or more of the functions mentioned in Article 5 of the EU Additives Regulations (R. 1831/2003): • Favourably affect the characteristics of feed • Favourably affect the characteristics of animal products • Favourably affect the colour of ornamental fish and birds • Satisfy the nutritional needs of animals • Favourably affect the environmental consequences of animal production; • Favourably affect animal production, performance or welfare, particularly by affecting the gastro-intestinal flora or digestibility of feedstuffs; • Have a coccidiostatic or histomonostatic effect. A full list of additive categories is contained in Annex I of EU 1831/2003. Feed additives are classified for labelling purposes into the following categories: • Technological additives (e.g. preservatives, antioxidants, emulsifiers, stabilising agents, acidity regulators, silage additives)Sensory additives (e.g. flavours, colourants) • Nutritional additives (e.g. vitamins, minerals, amino-acids, trace elements) • Zootechnical additives (e.g. digestibility enhancers, gut flora stabilizers) • Coccidiostats and histomonostats
Feed Business	Any undertaking whether for profit or not, and whether public or private, carrying out any operation of the production, manufacture, storage, transport or distribution of feed including any producer producing processing or storing feed for feeding to animals on his own holding.
Feed Business Operator (FBO)	The natural or legal person responsible for ensuring that the requirements of present regulations are met within the feed business under their control.
Feed Ingredients	Means all ingredients used in a compound feed, including feed materials, feed additives and any other materials or products necessary for the formation of the feed product.
Feed Materials	Products of vegetable (or animal) origin whose principal objective is to meet animals' nutritional needs, in their natural state, fresh or preserved, and products derived from the industrial processing thereof, and organic and inorganic

	substances whether or not containing feed additives, which are intended for use in oral feeding, either directly as such or after processing, or in the preparation of compound feed or as a carrier of premixtures.
Hazard Analysis of Critical Control Points (HACCP)	A business process that provides a systematic preventive approach to food safety and pharmaceutical safety by identifying physical, allergenic, chemical, and biological hazards in production processes that can cause the finished product to be unsafe, and then established procedures and measurements that aim to reduce these risks to a safe level. For the purposes of the BETA NOPS Scheme, NOPS are considered a feed hazard.
HACCP-based accreditation scheme	An independently run and audited feed safety scheme for compound feeds or feed ingredients that uses a HACCP approach and that is listed in Appendix A – List of recognised pre-requisite feed quality assurance schemes.
Herbal NOPS	Substances that are either naturally present in certain herbs or botanical ingredients, or that originate from weed seeds contaminating herbal supplies, that could lead to a positive test post-competition or racing. These have been further subdivided into High and Low Priority Herbal NOPS
High Priority Herbal NOPS	Herbal NOPS listed as Banned Substances by the FEI.
Low Priority Herbal NOPS	Herbal NOPS listed as Controlled Medications by the FEI
Labelling	Attribution of words, particulars, trade-marks, brand name, pictorial matter or symbol to a feed by placing this information on any medium like packaging, container, notice, label, documenting, collar, or the internet referring to or accompanying such feed, including for advertising purposes.
Manufacturer	A business that receives feed ingredients and combines them to make compound feed products for animals. For placing animal feed products on the market in the EU, such businesses must be registered or approved as manufacturers under the requirements of EU Regulation (EC) No 183/2005 on Feed Hygiene, and must have an Establishments number issued by their Local Authority Trading Standards department.
Medicated feeds	Any mixture of veterinary medicinal product(s) and feed(s) which is ready prepared for marketing and intended to be fed to animals without further processing, because of its curative or preventative properties or other properties as a medicinal product.
Mineral Feedingstuff	A complementary feedingstuff containing at least 40% crude ash.
Naturally Occurring Prohibited Substances (NOPS)	A naturally occurring prohibited substance (NOPS) is one that is either naturally present within certain ingredients or that occurs as a result of inadvertent cross contamination during processing before arriving at a feed manufacturing facility.

	These NOPS are not to be confused with substances that occur naturally but which are added intentionally, or with substances that may contaminate feed due to manufacturing error.
High Priority NOPS	A designation agreed by BETA with UK racing regulators relating to NOPS known as potential contaminants of forage, feed or supplements, that are likely to cause a horse to be disqualified from a race/competition, and are considered banned or controlled medication by the FEI.
Low Priority NOPS	A designation agreed by BETA with UK racing regulators relating to NOPS that have been found in forage, feed or supplements but have not been known to cause a disqualification and which the regulatory bodies consider to be of low importance.
NOPS-Certified Business	A Feed Business that has been successfully audited to the BETA NOPS Code for any given year.
NOPS Risk	**T**he probability of causing an adverse impact (e.g. disqualification from competition, rejection of incoming load of feed material) as a result of the occurrence and the severity of a NOPS hazard in equine feed products when prepared and/or consumed according to its intended use.
Premixture	A mixture of feed additives or a mixture of one or more feed additives with feed materials and/or water used as carriers, not intended for direct feeding to animals. For the purposes of clarity, compound feeds and simple blends used as ingredients in finished feed products are not considered premixtures.
Production Line	A discrete manufacturing line from intake to storage, packing and/or outloading.
Prohibited substance	The exact definition of a prohibited substance depends on the regulatory body. In racing, the British Horseracing Authority defines a Prohibited Substance in general terms, whereas in equestrian sport, the FEI publishes a defined list annually. The British Horseracing Authority defines substances that are prohibited *on race day only* as: "….any substance capable at any time of acting on one or more of the following mammalian body systems" (which are then listed) Links to BHA and FEI information on prohibited substances: • The new Rules of Racing website – Chapter K (Anti-Doping) and Code 18 (Prohibited List Code) should be relevant: http://rules.britishhorseracing.com/#!/book/34/contents • The BHA Website FAQs – Equine Anti-Doping and Medication Control: https://www.britishhorseracing.com/about/faqs/#!/78 • The BHA Website – Anti-Doping and Medication Control – Prohibited Substances: https://www.britishhorseracing.com/regulation/anti-doping-medication-control/prohibited-substances/

	FEI: http://www.fei.org/fei/cleansport/ad-h/prohibited-list
Raw material	Another term for feed material or additive.
Simple ~~Liquid~~ blend (including liquids)	A blend of 2 or more feed materials bought from a single company as an ingredient blend and not intended for direct feeding or marketed as a branded compound in their own right. (Ref NOPS code Part 3 B4.2)
Specified Feed Additive	Term describing the following feed additives: i. Coccidiostats ii. Histomonostats and iii. all other zootechnical ingredients *with the exception of :* ▪ Digestibility enhancers ▪ Gut flora stabilisers ▪ Substances incorporated with the intention of favourably affecting the environment
Specified Substance (relating to Prohibited Substances)	*From FEI 2016 Banned Substances List:* Prohibited Substances that are identified as Specified Substances in the List … should not in any way be considered less important or less dangerous than other Prohibited Substances. Rather, they are simply substances which are more likely to have been ingested by Horses for a purpose other than the enhancement of sport performance, for example, through a contaminated food substance.
Straight	A vegetable or animal product in its natural state, fresh or preserved, and any product derived from the industrial processing thereof, and single organic or inorganic substance, whether or not it contains any additive, intended as such for feeding.

Field Code Changed

Supplement	There is no legal definition of supplements in EU feed law; essentially supplements are complementary compound feeds. In practice however they constitute a specific category of feedstuffs, typically forming no more than 5% of the total ration by weight. The supplement category can then be divided according to core purpose: ➢ ***Fundamental dietary supplements*** - used to balance the ration and thereby ensure that specific dietary goals are attained. ➢ ***Specialised dietary supplements*** **-** intended for specific benefit beyond normal nutritional needs, but not including legally defined drugs. This definition includes the various nutraceuticals and other nutrients that are commonly suggested to have highly supportive effects on, for example, health, performance and behaviour. Supplements are commonly presented in powder, pellet, liquid or paste form.
Supplier	Organisation or person(s) that directly supply the Manufacturer or Brand Holder with feed ingredients or compound feeds.
Supplier Assurance Program	The series of activities a manufacturer or brand holder undertake to demonstrate their suppliers meet their required feed safety and NOPS standards for the feed material, feed additive or compound feed supplied. This may include some or all of supplier assessment, questionnaires, visits, audits, ingredient QC and annual review of supplier performance.
Testing regime	The schedule of analytical testing, including the type of test and the frequency of testing, determined as appropriate to identify and manage the risk of NOPS in the feed ingredients and products used by individual companies within the BETA NOPS Scheme.
Traceability	The ability to trace and follow a food, feed, food producing animal or substance intended to be, or expected to be, incorporated into a food or feed, through all stages of production, processing and distribution.

Appendix C - BETA NOPS Terms and Conditions for the Limitation of Liability

Contamination of Horse Feed and Related Products

by Prohibited Substances

Definitions:

Related Products: Goods manufactured by the producer that are designed to be consumed by a horse or absorbed into the blood stream such as food supplements or liniments

The Producer: The manufacturer or distributor of the horse feed or related product

The Customer: The purchaser of the horse feed or related products from the producer or distributor.

Prohibited Substances: Such substances as are contained on the prohibited substance lists of the Horse Racing Authority or the FEI.

Liability

1. The producer accepts liability for contamination of horse feed or related products by a prohibited substance unless such contamination is caused by the deliberate or negligent acts of a third party.

Damages

2. In the event that the producer is liable for the contamination of the horse feed or related product by a prohibited substance the producer agrees to pay the following:
    a. The purchase price of the feed or related product.
    b. The pre-estimate of lost winnings set by BETA in respect of any prize money that has been lost due to the disqualification of a horse from a race or competition.
    c. Damages for personal injury or death that is caused by the contamination of the horse feed or related product provided that the contamination was caused by the negligence of the producer.

3. The producer will not pay damages for any other consequential or economic loss which results from the contamination of feed or a related product by a prohibited substance.

Dispute Resolution

4. Any dispute concerning liability or damages arising from the contamination of horse feed or related products shall be referred to Arbitration.

5. The Arbitration shall be heard by a sole arbitrator to be appointed by the Chief Executive of the British Equestrian Trade Association ("BETA") and in default by the President of the Chartered Institute of Arbitrators.

6. The arbitral proceedings and the award shall be confidential unless otherwise agreed in writing between the producer and customer.

7. The seat of the arbitration shall be London unless both parties agree otherwise.

8. The appropriate law governing these terms and conditions shall be the law of England & Wales.

NOTICE

Customers are put on express notice that the level of damages for loss of prize money set by BETA is based upon an evaluation of likely loss that would result from contamination in a wide spectrum of equestrian competitions. The level of damages is a genuine pre-estimate of the average likely loss of prize money. This amount may be insufficient to cover the prize money of a classic race or high profile equestrian event. Additionally as the Producer does not agree to pay damages for other economic or consequential losses that are caused by contamination of the horse feed or related products the customer is advised to seek appropriate insurance cover if concerned about being exposed to a risk of loss.

APPENDIX D – Auditing Body details

Kiwa ~~PAI~~Agri Food T: +44(0)1423 878878

The Inspire
Hornbeam Square West
Harrogate, HG2 8PA, UK

F: +44(0)1423 878870

E: feed@kiwa.co.uk

APPENDIX E – BETA Contact details

British Equestrian Trade Association
East Wing, Stockeld Park,
Wetherby, West Yorkshire
LS22 4AW

T: +44 (0) 1937 587 062
F: +44 (0) 1937 582 728

E: info@beta-uk.org

APPENDIX F – References

The following documents are available to BETA or BETA NOPS Members:
BETA NOPS Guidance - Risk Assessment v4
Keeping it Legal- BETA Guide to the regulations governing equine feed manufacturing in the UK (2015)
List of BETA NOPS substances and their status within racing and the FEI – Jan20
Review of naturally occurring prohibited substances in horse feed – BETA co-commissioned report with Red Mills and Dr T Morris.

Useful links to the Rules of Racing

- The new Rules of Racing website – Chapter K (Anti-Doping) and Code 18 (Prohibited List Code) should be relevant: http://rules.britishhorseracing.com/#!/book/34/contents

- The BHA Website FAQs – Equine Anti-Doping and Medication Control: https://www.britishhorseracing.com/about/faqs/#!/78

- The BHA Website – Anti-Doping and Medication Control – Prohibited Substances:

https://www.britishhorseracing.com/regulation/anti-doping-medication-control/prohibited-substances/

Version VI Date: January 2020

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