

## **REGULATION 21. ANTI-DOPING**

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## WORLD RUGBY ANTI-DOPING RULES

### INTRODUCTION AND PRINCIPLES

#### i. Preface

These Anti-Doping Rules are adopted and implemented in accordance with World Rugby's responsibilities under the Code, and in furtherance of World Rugby's continuing efforts to eradicate doping in sport.

These Anti-Doping Rules are sport rules governing the conditions under which sport is played. Aimed at enforcing anti-doping principles in a global and harmonised manner, they are distinct in nature from criminal and civil laws, and are not intended to be subject to or limited by any national requirements and legal standards applicable to criminal or civil proceedings. When reviewing the facts and the law of a given case, all courts, arbitral tribunals and other adjudicating bodies should be aware of and respect the distinct nature of these Anti-Doping Rules implementing the Code and the fact that these rules represent the consensus of a broad spectrum of stakeholders around the world as to what is necessary to protect and ensure fair sport.

#### ii. Fundamental Rationale for the Code and World Rugby Anti-Doping Rules

Anti-doping programmes seek to preserve what is intrinsically valuable about sport. This intrinsic value is often referred to as "the spirit of sport". It is the essence of Olympism, the values of Rugby, the pursuit of human excellence through the dedicated perfection of each person's natural talents. It is how we play true and Keep Rugby Clean. The spirit of sport is the celebration of the human spirit, body and mind, and is reflected in Rugby's values:

- Integrity
- Respect
- Solidarity
- Passion
- Discipline

Doping is fundamentally contrary to the spirit of sport and the values of Rugby.

World Rugby adopted the World Anti-Doping Code ("Code") in June 2004. Following an international review of the Code by all Signatories a new World Anti-Doping Code 2015 has been agreed with an effective implementation date of 1 January 2015.

All provisions of the Code are mandatory in substance. The mandatory provisions and principles of the Code have been adopted and incorporated into the revised World Rugby Regulation 21.

#### iii. Scope of these Anti-Doping Rules

These Anti-Doping Rules shall apply to World Rugby and to all Member Unions and Associations. They also apply to the following: Players, Player Support Personnel and other Persons, each of whom is deemed, as a condition of his membership, accreditation and/or participation in the Game in any capacity, to have agreed to be bound by these Anti-Doping Rules, and to have submitted to the authority of World Rugby to enforce these Anti-Doping Rules and to the jurisdiction of the hearing panels

specified in Regulations 21.8 and 21.13 to hear and determine cases and appeals brought under these Anti-Doping Rules:

- a. all Players and Player Support Personnel who are members of any Member Union or Association, or of any member or affiliate organisation of any Member Union (including any Clubs, Teams, local unions, associations or leagues) including without limitation all National-Level Players and International-Level Players;
- b. all Players and Player Support Personnel participating in such capacity in Events, Competitions and other activities organised, convened, authorised or recognised by World Rugby, or any Member Union or Association, or any member or affiliate organisation of any Member Union or Association (including any Clubs, Teams, local unions, associations or leagues), wherever held; and
- c. any other Player or Player Support Personnel or other Person who, by virtue of an accreditation, registration or other contractual arrangement, or otherwise, is subject to the jurisdiction of World Rugby, or of any Member Union or Association, or of any member or affiliate organisation of any Member Union or Association (including any Clubs, Teams, local unions, associations or leagues), for purposes of anti-doping.

Within the overall pool of Players set out above who are bound by and required to comply with these Anti-Doping Rules, the following Players shall be considered to be International-Level Players for purposes of these Anti-Doping Rules, and therefore the specific provisions in these Anti-Doping Rules applicable to International-Level Players (as regards Testing but also as regards TUEs, whereabouts information, results management, and appeals) shall apply to such Players: International-Level Players are those Players designated by World Rugby as being within its Registered Testing Pool and/or Testing Pools and/or otherwise who is participating in a World Rugby Event(s) and/or Competition(s).

## 21.1 DEFINITION OF DOPING

Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Regulation 21.2.1 through Regulation 21.2.10 of these Anti-Doping Rules.

## 21.2 ANTI-DOPING RULE VIOLATIONS

The purpose of Regulation 21.2 is to specify the circumstances and conduct which constitute anti-doping rule violations. Hearings in doping cases will proceed based on the assertion that one or more of these specific rules have been violated.

Players or other Persons shall be responsible for knowing what constitutes an anti-doping rule violation and the substances and methods which have been included on the Prohibited List.

The following constitute anti-doping rule violations:

### 21.2.1 Presence of a Prohibited Substance or its Metabolites or Markers in a Player's Sample

**21.2.1.1** It is each Player's personal duty to ensure that no Prohibited Substance enters his or her body. Players are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary that intent, Fault, negligence or knowing Use on the Player's part be demonstrated in order to establish an anti-doping rule violation under Regulation 21.2.1 (Presence). [See [Comment 1](#)]

**21.2.1.2** Sufficient proof of an anti-doping rule violation under Regulation 21.2.1 is established by any of the following: presence of a Prohibited Substance or its Metabolites or Markers in the Player's A Sample where the Player waives analysis of the B Sample and the B Sample is not analysed; or, where the Player's B Sample is analysed and the analysis of the Player's B Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the Player's A Sample; or, where the Player's B Sample is split into two bottles and the analysis of the second bottle confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the first bottle. [See [Comment 2](#)]

**21.2.1.3** Excepting those substances for which a quantitative threshold is specifically identified in the Prohibited List, the presence of any quantity of a Prohibited Substance or its Metabolites or Markers in a Player's Sample shall constitute an anti-doping rule violation.

**21.2.1.4** As an exception to the general rule of Regulation 21.2.1 (Presence), the Prohibited List or International Standards may establish special criteria for the evaluation of Prohibited Substances that can also be produced endogenously.

**21.2.2 Use or Attempted Use by a Player of a Prohibited Substance or a Prohibited Method [See [Comment 3](#)]**

**21.2.2.1** It is each Player's personal duty to ensure that no Prohibited Substance enters his or her body and that no Prohibited Method is Used. Accordingly, it is not necessary that intent, Fault, negligence or knowing Use on the Player's part be demonstrated in order to establish an anti-doping rule violation for Use of a Prohibited Substance or a Prohibited Method.

**21.2.2.2** The success or failure of the Use or Attempted Use of a Prohibited Substance or Prohibited Method is not material. It is sufficient that the Prohibited Substance or Prohibited Method was Used or Attempted to be Used for an anti-doping rule violation to be committed. [See [Comment 4](#)]

**21.2.3 Evading, Refusing or Failing to Submit to Sample Collection**

Evading Sample collection, or without compelling justification refusing or failing to submit to Sample collection after notification as authorized in these Anti-Doping Rules or other applicable anti-doping rules. [See [Comment 5](#)]

**21.2.4 Whereabouts Failures**

Any combination of three missed tests and/or filing failures, as defined in the International Standard for Testing and Investigations, within a twelve-month period by a Player in a Registered Testing Pool.

**21.2.5 Tampering or Attempted Tampering with any part of Doping Control**

Conduct which subverts the Doping Control process but which would not otherwise be included in the definition of Prohibited Methods. Tampering shall include, without limitation, intentionally interfering or attempting to interfere with a Doping Control official, providing fraudulent information to an Anti-Doping Organisation, or intimidating or attempting to intimidate a potential witness. [See [Comment 6](#)]

**21.2.6 Possession of a Prohibited Substance or a Prohibited Method**

**21.2.6.1** Possession by a Player In-Competition of any Prohibited Substance or any Prohibited Method, or Possession by a Player Out-of-Competition of any Prohibited Substance or any Prohibited Method which is prohibited Out-of-Competition unless the Player establishes that the Possession is consistent with a therapeutic use exemption ("TUE") granted in accordance with Regulation 21.4.4 or other acceptable justification.

**21.2.6.2** Possession by a Player Support Person In-Competition of any Prohibited Substance or any Prohibited Method, or Possession by a Player Support Person Out-of-Competition of any Prohibited Substance or any Prohibited Method which is prohibited Out-of-Competition in connection with a Player, Competition or training, unless the Player Support Person establishes that the Possession is consistent with a TUE granted to a Player in accordance with Regulation 21.4.4 or other acceptable justification.

[See [Comment 7](#) and [Comment 8](#)]

**21.2.7 Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method****21.2.8 Administration or Attempted Administration to any Player In-Competition of any Prohibited Substance or Prohibited Method, or Administration or Attempted Administration to any Player Out-of-Competition of any Prohibited Substance or any Prohibited Method that is prohibited Out-of-Competition****21.2.9 Complicity**

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity involving an anti-doping rule violation, Attempted anti-doping rule violation or violation of Regulation 21.10.12.1 by another Person.

**21.2.10 Prohibited Association**

Association by a Player or other Person subject to the authority of an Anti-Doping Organisation in a professional or sport-related capacity with any Player Support Person who:

**21.2.10.1** If subject to the authority of an Anti-Doping Organisation, is serving a period of Ineligibility; or

**21.2.10.2** If not subject to the authority of an Anti-Doping Organisation and where Ineligibility has not been addressed in a results management process pursuant to the Code, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if Code-compliant rules had been applicable to such Person. The disqualifying status of such Person shall be in force for the longer of six years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed; or

**21.2.10.3** Is serving as a front or intermediary for an individual described in Regulation 21.2.10.1 or 21.2.10.2.

In order for this provision to apply, it is necessary that the Player or other Person has previously been advised in writing by an Anti-Doping Organisation with jurisdiction over the Player or other Person, or by WADA, of the Player Support Person's disqualifying status and the potential Consequence of prohibited association and that the Player or other Person can reasonably avoid the association. The Anti-Doping Organisation shall also use reasonable efforts to advise the Player Support Person who is the subject of the notice to the Player or other Person that the Player Support Person may, within 15 days, come forward to the Anti-Doping Organisation to explain that the criteria described in Regulation 21.2.10.1 and 21.2.10.2 do not apply to him or her. (Notwithstanding Regulation 21.17, this Regulation applies even when the Player Support Person's disqualifying conduct occurred prior to the effective date provided in Regulation 21.20.7.)

The burden shall be on the Player or other Person to establish that any association with Player Support Personnel described in Regulation 21.2.10.1 or 21.2.10.2 is not in a professional or sport-related capacity.

Anti-Doping Organisations that are aware of Player Support Personnel who meet the criteria described in Regulation 21.2.10.1, 21.2.10.2, or 21.2.10.3 shall submit that information to WADA. [See [Comment 9](#)]

## **21.3 PROOF OF DOPING**

### **21.3.1 Burdens and Standards of Proof**

World Rugby shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether World Rugby has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where these Anti-Doping Rules place the burden of proof upon the Player or other Person alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability. [See [Comment 10](#)]

### **21.3.2 Methods of Establishing Facts and Presumptions**

Facts related to anti-doping rule violations may be established by any reliable means, including admissions. The following rules of proof shall be applicable in doping cases: [See [Comment 11](#)]

**21.3.2.1** Analytical methods or decision limits approved by WADA after consultation within the relevant scientific community and which have been the subject of peer review are presumed to be scientifically valid. Any Player or other Person seeking to rebut this presumption of scientific validity shall, as a condition precedent to any such challenge, first notify WADA of the challenge and the basis of the challenge. CAS on its own initiative may also inform WADA of any such challenge. At WADA's request, the CAS panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge. Within 10 days of WADA's receipt of such notice, and WADA's receipt of the CAS file, WADA shall also have the right to intervene as a party, appear amicus curiae, or otherwise provide evidence in such proceeding.

**21.3.2.2** WADA-accredited laboratories, and other laboratories approved by WADA, are presumed to have conducted Sample analysis and custodial procedures in accordance with the International Standard for Laboratories. The Player or other Person may rebut this presumption by establishing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the Adverse Analytical Finding. If the Player or other Person rebuts the preceding presumption by showing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the Adverse Analytical Finding, then World



Rugby shall have the burden to establish that such departure did not cause the Adverse Analytical Finding. [See [Comment 12](#)]

- 21.3.2.3** Departures from any other International Standard or other anti-doping rule or policy set forth in the Code or these Anti-Doping Rules which did not cause an Adverse Analytical Finding or other anti-doping rule violation shall not invalidate such evidence or results. If the Player or other Person establishes a departure from another International Standard or other anti-doping rule or policy which could reasonably have caused an anti-doping rule violation based on an Adverse Analytical Finding or other anti-doping rule violation, then World Rugby shall have the burden to establish that such departure did not cause the Adverse Analytical Finding or the factual basis for the anti-doping rule violation.
- 21.3.2.4** The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrebuttable evidence against the Player or other Person to whom the decision pertained of those facts unless the Player or other Person establishes that the decision violated principles of natural justice.
- 21.3.2.5** The hearing panel in a hearing on an anti-doping rule violation may draw an inference adverse to the Player or other Person who is asserted to have committed an anti-doping rule violation based on the Player's or other Person's refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or telephonically as directed by the hearing panel) and to answer questions from the hearing panel or World Rugby.

## **21.4 THE PROHIBITED LIST**

### **21.4.1 Incorporation of the Prohibited List**

These Anti-Doping Rules incorporate the Prohibited List, which is published and revised by WADA as described in Article 4.1 of the Code. [See [Comment 13](#)]

Each Union is responsible for ensuring that the current Prohibited List is available to its members and constituents. The Prohibited List in force is available on WADA's website at [www.wada-ama.org](http://www.wada-ama.org) and is included in these Regulations as Schedule 2. In the event of any conflict, the Prohibited List appearing on the WADA website in English shall prevail.

### **21.4.2 Prohibited Substances and Prohibited Methods Identified on the Prohibited List**

#### **21.4.2.1 Prohibited Substances and Prohibited Methods**

Unless provided otherwise in the Prohibited List and/or a revision, the Prohibited List and revisions shall go into effect under these Anti-Doping Rules three months after publication by WADA, without requiring any further action by World Rugby or its Member Unions. All Players and other Persons shall be bound by the Prohibited List, and any revisions thereto, from the date they go into effect, without further formality. It is the

responsibility of all Players and other Persons to familiarise themselves with the most up-to-date version of the Prohibited List and all revisions thereto.

#### **21.4.2.2 Specified Substances**

For purposes of the application of Regulation 21.10, all Prohibited Substances shall be Specified Substances except substances in the classes of anabolic agents and hormones and those stimulants and hormone antagonists and modulators so identified on the Prohibited List. The category of Specified Substances shall not include Prohibited Methods. [See [Comment 14](#)]

#### **21.4.3 WADA's Determination of the Prohibited List**

WADA's determination of the Prohibited Substances and Prohibited Methods that will be included on the Prohibited List, the classification of substances into categories on the Prohibited List, and the classification of a substance as prohibited at all times or In-Competition only, is final and shall not be subject to challenge by a Player or other Person based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a health risk or violate the spirit of sport.

#### **21.4.4 Therapeutic Use Exemptions ("TUEs")**

**21.4.4.1** Players with a documented medical condition requiring the use of a Prohibited Substance or a Prohibited Method must first obtain a TUE. The International Standard for TUEs is set out in Schedule 3(a) and the World Rugby TUE application forms are set out in Schedule 3(b) of these Anti-Doping Rules.

**21.4.4.2** International-Level Players and any other Players prior to their participation in any International Match, Series of International Matches or International Tournament organised by World Rugby (as set out in Regulation 21.5.3.3) must obtain a TUE from World Rugby's TUE Committee in advance of the administration of the Prohibited Substance or, where they already have a TUE from their NADO, provide World Rugby's TUE Committee with a copy of such existing TUE certificate and application for review and recognition by World Rugby (pursuant to Regulation 21.4.5 (Mutual Recognition)) in accordance with Article 7 of the International Standard for Therapeutic Use Exemptions. If such Player does not already have a TUE granted by his NADO for the substance or method in question he must apply directly to World Rugby for a TUE in accordance with this Regulation 21.4.4. TUEs granted by World Rugby shall be reported in writing to the Player via the Player's Union and his NADO and additionally in respect of International-Level Players to WADA. TUE requests shall be evaluated by the World Rugby TUE Committee in accordance with the International Standard for TUEs set out in Schedule 3(a) of these Regulations. If World Rugby does not recognise a TUE granted by a NADO it shall notify the Player via the Player's Union and NADO promptly providing reasons. The Player or his NADO have 21 days from such notification to refer the matter to WADA for review.

- 21.4.4.3** Other Players subject to Testing must obtain a TUE from their NADO. TUE requests shall be evaluated in accordance with the International Standard for TUEs set out in Schedule 3(a) to these Regulations. [See [Comment 15](#)] [See [Comment 16](#)]
- 21.4.4.4** World Rugby shall appoint a panel of physicians to its TUE Committee. Upon World Rugby's receipt of a TUE request, the Chair of World Rugby's TUE Committee shall appoint one or more members of World Rugby's TUE Committee (which may include the Chair) to consider such request. World Rugby's TUE Committee member(s) so designated shall promptly evaluate such request in accordance with the International Standard for TUEs and render a decision on such request, which shall be the final decision of World Rugby, and which shall be reported to WADA and other relevant Anti-Doping Organisations through ADAMS, in accordance with the International Standard for Therapeutic Use Exemptions. The Chairman of World Rugby's TUE Committee may seek specialist advice from outside World Rugby's TUE Committee members or appoint specialists to sit on World Rugby's TUE Committee as and when deemed necessary for the purposes of evaluating a TUE.
- 21.4.4.5** Players in the Registered Testing Pool and the Testing Pool should apply to World Rugby for the TUE at the same time the Player first provides whereabouts information to World Rugby and, except in emergency situations, no later than 30 days before the Player's participation in an International Match, Series of International Matches, and/or International Tournament organised by World Rugby (as set out in Regulation 21.5.3.3).
- 21.4.4.6** Players participating in an International Match, Series of International Matches and/or International Tournament organised by World Rugby (as set out in Regulation 21.5.3.3) who are not included in World Rugby's Registered Testing Pool or Testing Pool must, except in emergency situations, request a TUE from World Rugby no later than 30 days before the Player's participation in an International Match, Series of International Matches and/or International Tournament so organised by World Rugby. [See [Comment 17](#)]
- 21.4.4.7** WADA, at the request of a Player or his NADO within 21 days of receipt of notification of the TUE Committee's decision or on its own initiation, may review the granting, denial or non-recognition of any TUE to an International-Level Player or a national level Player that is included in a Registered Testing Pool. If WADA determines that the granting, denial or non-recognition of a TUE did not comply with the International Standard for TUEs in force at the time then WADA may reverse that decision. Decisions on TUEs are subject to further appeal as provided in Regulation 21.4.7. If a Player or NADO refers a matter to WADA for review, in the case of a TUE granted by World Rugby, the TUE remains valid for international-level Competition and Out-of-Competition Testing (but is not valid for national-level Competition) pending WADA's decision, and in the case of a TUE from a NADO not recognised by World Rugby, the TUE remains valid for national-level Competition and Out of Competition Testing (but is not valid for international-level Competition) pending WADA's decision. If a matter is

not referred to WADA for review, upon the expiration of the 21-day review deadline, a TUE granted by World Rugby becomes valid for national-level Competition as well and a TUE from a NADO not recognised by World Rugby becomes invalid for any purpose. [See [Comment 18](#)]

**21.4.4.8** Presence of a Prohibited Substance or its Metabolites or Markers (Regulation 21.2.1), Use or Attempted Use of a Prohibited Substance or a Prohibited Method (Regulation 21.2.2), Possession of a Prohibited Substance or a Prohibited Method (Regulation 21.2.6) or Administration or Attempted Administration of a Prohibited Substance or Prohibited Method (Regulation 21.2.8) consistent with the provisions of an applicable TUE issued pursuant to the International Standard for TUEs shall not be considered an anti-doping rule violation.

#### **21.4.5 Mutual Recognition of TUEs**

Any International-Level Player who competes in the Tournaments listed in Regulation 21.5.3.3 and/or who is a member of the Registered Testing Pool or Testing Pool and who has been granted a TUE by a National or Other Anti-Doping Organisation's TUE Committee that is current and valid must submit a copy of the application and the certificate of approval to World Rugby's TUE Committee. This must be submitted in accordance with the timelines set out in Regulations 21.4.4.5 and 21.4.4.6. In accordance with the recognition provisions set out in Article 4.4 of the Code and Article 7 of the International Standard for TUEs such TUE approvals shall be accepted by World Rugby subject to the approval of World Rugby's TUE Committee in accordance with Regulation 21.4.4.2. World Rugby has the right to review and appeal all TUE approvals submitted to World Rugby's TUE Committee where approved by another Anti-Doping Organisation TUE Committee. World Rugby may publish as it considers appropriate a list of Anti-Doping Organisations whose TUE decisions, or certain categories of such decisions, it will automatically recognise in accordance with Article 7.1(a) of the International Standard for TUEs.

#### **21.4.6 Expiration, Cancellation, Withdrawal or Reversal of a TUE**

**21.4.6.1** A TUE granted pursuant to these Anti-Doping Rules: (a) shall expire automatically at the end of any term for which it was granted, without the need for any further notice or other formality; (b) may be cancelled if the Player does not promptly comply with any requirements or conditions imposed by the TUE Committee upon grant of the TUE; (c) may be withdrawn by the TUE Committee if it is subsequently determined that the criteria for grant of a TUE are not in fact met; or (d) may be reversed on review by WADA or on appeal.

**21.4.6.2** In such event, the Player shall not be subject to any Consequences based on his Use or Possession or Administration of the Prohibited Substance or Prohibited Method in question in accordance with the TUE prior to the effective date of expiry, cancellation, withdrawal or reversal of the TUE. The review pursuant to Regulation 21.7.2 of any subsequent Adverse Analytical Finding shall include consideration of whether such finding is consistent

with Use of the Prohibited Substance or Prohibited Method prior to that date, in which event no anti-doping rule violation shall be asserted.

#### **21.4.7 Reviews and Appeals of TUE Decisions**

**21.4.7.1** WADA shall review any decision by World Rugby not to recognise a TUE granted by the NADO that is referred to WADA by the Player or the Player's NADO. In addition, WADA shall review any decision by World Rugby to grant a TUE that is referred to WADA by the Player's NADO. WADA may review any other TUE decisions at any time, whether upon request by those affected or on its own initiative. If the TUE decision being reviewed meets the criteria set out in the International Standard for TUEs, WADA will not interfere with it. If the TUE decision does not meet those criteria, WADA will reverse it.

**21.4.7.2** Any TUE decision by World Rugby (or by a NADO where it has agreed to consider the application on behalf of World Rugby) that is not reviewed by WADA, or that is reviewed by WADA but is not reversed upon review, may be appealed by the Player and/or the Player's NADO, exclusively to CAS. [See [Comment 19](#)]

**21.4.7.3** A decision by WADA to reverse a TUE decision may be appealed by the Player, the NADO and/or World Rugby, exclusively to CAS.

**21.4.7.8** A failure by World Rugby, a Union or NADO to take action within a reasonable time on a properly submitted application for grant or recognition of a TUE or for review of a TUE decision shall be considered a denial of the application.

#### **21.4.8 Nutritional Supplements and Medications**

**21.4.8.1** The use of nutritional supplements by Players is a risk. In many countries regulations either do not exist or are limited in nature in relation to the manufacturing and labelling of supplements. This may lead to a supplement containing an undeclared substance that is prohibited under these Anti-Doping Rules. Nutritional supplements may not be regulated or could be contaminated or suffer from cross contamination or may not have all the ingredients listed on the product label. Players are advised to exercise extreme caution regarding the use of nutritional supplements.

**21.4.8.2** Many of the substances in the Prohibited List may appear either alone or as part of a mixture within medications or supplements which may be available with or without a doctor's prescription. Any Player who is concerned about the appropriateness of treatment being administered to him, or medications or supplements being ingested by him, should seek clarification from his doctor or other relevant authority as to whether such treatment is or such medications or supplements are prohibited prior to taking possession of or using such item. For the avoidance of doubt nothing herein shall displace the Player's responsibility to ensure he does not commit an anti-doping rule violation.

## **21.5 TESTING AND INVESTIGATIONS**

### **21.5.1 Purpose of Testing and Investigations**

Testing and investigations shall only be undertaken for anti-doping purposes. They shall be conducted in conformity with the provisions of the International Standard for Testing and Investigations and the Doping Control Procedural Guidelines in Schedule 1 to these Anti-Doping Rules which supplement that International Standard.

**21.5.1.1** Testing shall be undertaken to obtain analytical evidence as to the Player's compliance (or non-compliance) with the strict Code prohibition on the presence/Use of a Prohibited Substance or Prohibited Method. Test distribution planning, Testing, post-Testing activity and all related activities conducted by World Rugby shall be in conformity with the International Standard for Testing and Investigations. World Rugby shall determine the number of random tests and target tests to be performed, in accordance with the criteria established by the International Standard for Testing and Investigations. All provisions of the International Standard for Testing and Investigations shall apply automatically in respect of all such Testing.

**21.5.1.2** Investigations shall be undertaken:

21.5.1.2.1 in relation to Atypical Findings, Atypical Passport Findings and Adverse Passport Findings, in accordance with Regulation 21.7.4 and 21.7.5 respectively, gathering intelligence or evidence (including, in particular, analytical evidence) in order to determine whether an anti-doping rule violation has occurred under Regulation 21.2.1 (Presence and/or 21.2.2 (Use or Attempted Use)); and

21.5.1.2.2 in relation to other indications of potential anti-doping rule violations, in accordance with Regulation 21.7.6 and 21.7.7, gathering intelligence or evidence (including, in particular, non-analytical evidence) in order to determine whether an anti-doping rule violation has occurred under any of Regulation 21.2.2 (Use or Attempted Use) to 21.2.10 (Prohibited Association).

**21.5.1.3** World Rugby may obtain, assess and process anti-doping intelligence from all available sources, to inform the development of an effective, intelligent and proportionate test distribution plan, to plan Target Testing, and/or to form the basis of an investigation into a possible anti-doping rule violation(s).

### **21.5.2 Authority to conduct Testing**

**21.5.2.1** Subject to the jurisdictional limitations for Event Testing set out in Article 5.3 of the Code, World Rugby shall have In-Competition and Out-of-Competition Testing authority over all of the Players specified in the Introduction to these Anti-Doping Rules at point iii headed "Scope".

**21.5.2.2** World Rugby may require any Player over whom it has Testing authority (including any Player serving a period of Ineligibility) to provide a Sample at any time and at any place. Doping Control may be random or targeted

and all Players shall submit to Doping Control at any time and any place whenever requested by an authorised official. For the avoidance of doubt, this includes both In Competition and Out of Competition Doping Control. Out of Competition Doping Control shall be undertaken with or without prior notice ("No Advance Notice"). A Player may be selected to provide any number of Samples for Doping Control in any calendar year. World Rugby, and/or Unions shall be entitled to undertake Target Testing of Players. [See [Comment 20](#)]

**21.5.2.3** WADA shall have In-Competition and Out-of-Competition Testing authority as set out in Article 20.7.8 of the Code.

**21.5.2.4** World Rugby, the Union or Tournament Organiser (as the case may be) may appoint a NADO or any other third party that World Rugby deems suitable to collect Samples as part of Doping Control.

**21.5.2.5** All Samples collected, whether by or for World Rugby, a Union, Tournament Organiser or any other third party shall be analysed at a WADA accredited laboratory.

**21.5.2.6** All Samples collected by World Rugby or its designee, and the results of the analysis of such Samples, shall remain the property of World Rugby.

**21.5.2.7** If World Rugby, a Union or Tournament Organiser delegates or contracts any part of Testing to a National Anti-Doping Organisation (directly or through a Member Union), that National Anti-Doping Organisation may collect additional Samples or direct the laboratory to perform additional types of analysis at the National Anti-Doping Organisation's expense. If additional Samples are collected or additional types of analysis are performed, World Rugby, the Union or Tournament Organiser shall be notified.

### **21.5.3 Event Testing**

**21.5.3.1** Except as provided in Article 5.3 of the Code, only a single organisation should be responsible for initiating and directing Testing at Event Venues during an Event Period. At International Events, the collection of Samples shall be initiated and directed by World Rugby (or such other international organisation which is the ruling body for the Event, including without limitation an Association in the case of a regional event or a Union(s) in the case of an International Tournament or International Series of Matches managed by Union(s)). At the request of World Rugby (or such other international organisation which is the ruling body for an Event), any Testing during the Event Period outside of the Event Venues shall be coordinated with World Rugby (or the relevant ruling body of the Event).

**21.5.3.2** If an Anti-Doping Organisation which would otherwise have Testing authority but is not responsible for initiating and directing Testing at an Event desires to conduct Testing of Players at the Event Venues during the Event Period, the Anti-Doping Organisation shall first confer with World Rugby (or any other international organisation which is the ruling body of the Event) to obtain permission to conduct and coordinate such Testing. If

the Anti-Doping Organisation is not satisfied with the response from World Rugby (or any other international organisation which is the ruling body of the Event), the Anti-Doping Organisation may ask WADA for permission to conduct Testing and to determine how to coordinate such Testing, in accordance with the procedures set out in the International Standard for Testing and Investigations. WADA shall not grant approval for such Testing before consulting with and informing World Rugby (or any other international organisation which is the ruling body for the Event). WADA's decision shall be final and not subject to appeal. Unless otherwise provided in the authorisation to conduct Testing, such tests shall be considered Out-of-Competition tests. Results management for any such test shall be the responsibility of the Anti-Doping Organisation initiating the test unless provided otherwise in the rules of the ruling body of the Event.

**21.5.3.3** Notwithstanding Regulations 21.5.3.1 and 21.5.3.2, World Rugby has exclusive responsibility for conducting or arranging Doping Controls including, but not limited to, determination of Sample collection during the Event Period, result management, the conduct of investigations and disciplinary proceedings and the imposition of sanctions for anti-doping rule violations, including cases where there has been no Doping Control carried out, in respect of:

- (a) Rugby World Cup Qualifying and Finals Tournaments;
- (b) Rugby World Cup Sevens Qualifying and Finals Tournaments;
- (c) Olympic Games Qualifying and Finals Tournaments (save with respect to Sample collection in accordance with the applicable protocols of the International Olympic Committee);
- (d) World Rugby Sevens Series;
- (e) Women's Rugby World Cup Qualifying and Finals Tournaments;
- (f) Age-grade World Championships;
- (g) Other World Rugby Tournaments;
- (h) Such other Matches or Tournaments as World Rugby shall from time to time determine; and
- (i) Such other occasions where World Rugby conducts Out of Competition Doping Controls.

**21.5.3.4** For Matches, International Tournaments and International Matches organised by World Rugby which shall be deemed to include the Rugby World Cup and Olympic Games (including qualifiers), modified and/or additional procedures and rules to those set out in Regulations 21.7 and 21.8.1 may be adopted by the Tournament Organiser or other body designated by World Rugby. These modified and/or additional procedures and rules shall be in compliance with the Code, as well as with the International Standard for Testing and Investigations.



**21.5.3.5** Subject to Regulation 21.5.3.6 below, in all other cases (except where Doping Control is carried out under the rules of another sporting body approved by World Rugby and the Unions concerned) the Union or Association (as determined by World Rugby) conducting or arranging the Doping Control, or in whose jurisdiction a Match, Tournament (including as part of a multi-sport games) or Series of Matches is held, will be responsible for the conduct of Doping Controls (subject to any applicable rules and regulations of the multi-sports games), results management, the conduct of investigations and disciplinary proceedings and the imposition of sanctions for anti-doping rule violations.

**21.5.3.6** Responsibility for conducting or arranging Doping Controls including, but not limited to, determination of Sample collection, results management, the conduct of investigations and disciplinary proceedings and the imposition of sanctions for anti-doping rule violations, including cases where there has been no Doping Control carried out, in respect of:

- (a) International Matches; and
- (b) International Tours; may subject to strict compliance with these Anti-Doping Rules and Guidelines be delegated to the Host Union; and in respect of;
- (c) International Tournaments (save as set out in Regulation 21.5.3.3 and 21.5.3.4 above); or
- (d) other Tournaments,

may, subject to strict compliance with these Anti-Doping Rules and Guidelines, and the consent of the Unions concerned be delegated to the International Tournament Organiser or other Tournament Organisers (as the case may be).

#### **21.5.4 Test Distribution Planning**

Consistent with the International Standard for Testing and Investigations, and in coordination with other Anti-Doping Organisations conducting Testing on the same Players, World Rugby shall develop and implement effective, intelligent and proportionate test distribution plans that prioritises appropriately between fifteens and sevens, men's and women's, senior and age-grade Players, types of Testing, types of Samples collected, and types of Sample analysis, all in compliance with the requirements of the International Standard for Testing and Investigations. World Rugby shall provide WADA upon request with a copy of its current test distribution plan.

#### **21.5.5 Coordination of In Competition and Out of Competition Doping Controls**

**21.5.5.1** Each Union must include within its regulations the following provisions:

- (a) A provision that entitles the Union to conduct both In Competition and Out of Competition Doping Control on a No Advance Notice basis or otherwise;

- (b) A provision allowing World Rugby, WADA, its NADO and Anti-Doping Organisations to conduct Out of Competition Doping Control on a No Advance Notice basis or otherwise on Players within or under that Union's jurisdiction; and
- (c) A provision allowing World Rugby, WADA, its NADO and Anti-Doping Organisations to conduct Doping Control on Players at Matches that form part of a Union's national competitions or similar events.

**21.5.5.2** Each Union shall make it a condition of membership and a condition of participation in its competitions that the Participants and other Persons in membership agree to be subject to these Anti-Doping Rules including an agreement to be subject to In Competition and Out of Competition Doping Control on a No Advance Notice basis or otherwise by the Union, World Rugby, WADA, NADO and Anti-Doping Organisations.

**21.5.5.3** The nature of Out of Competition Doping Control makes it desirable that no prior warning is given to the Player being tested. When an Out of Competition Doping Control is undertaken reasonable efforts will be made to avoid interruption to a Player's training, however, neither World Rugby, Unions, or its or their designees, shall be liable for any inconvenience or loss resulting from Out of Competition Doping Control whether on a No Advance Notice basis or otherwise.

**21.5.5.4** It is the duty of each Union to assist World Rugby and, where applicable, other Unions in undertaking Doping Controls. Any Union preventing, hindering or otherwise obstructing the carrying out of such Doping Control shall be subject to disciplinary action by World Rugby. Any Rugby Body or Club that prevents, hinders or otherwise obstructs the carrying out of any Doping Control shall be subject to disciplinary action by its Union.

**21.5.5.5** Without prejudice to the requirement on Unions to notify all anti-doping rule violations in accordance with the provisions of Regulation 21.7.12.3 and 21.7.12.4 each Union must submit to World Rugby every 12 months and/or when requested by World Rugby a report of all Doping Controls undertaken and a summary of the results of those Doping Controls.

**21.5.5.6** Each Union is responsible for ensuring in relation to its own anti-doping programme and the implementation of these Anti-Doping Rules that any and all applicable data regulation clearances and medical confidentiality clearances and consents relating to, without limitation, disclosure and distribution of whereabouts information, analysis results, medical information and findings and decisions of hearings are obtained for the benefit of and use by the Union, World Rugby, NADO and WADA.

**21.5.5.7** Where reasonably feasible, Testing shall be coordinated through ADAMS or another system approved by WADA in order to maximise the effectiveness of the combined Testing effort and to avoid unnecessary repetitive Testing.

## **21.5.6 Player Whereabouts for Out of Competition Testing**

**21.5.6.1** World Rugby will establish an Out of Competition Testing programme based on the ranking of Unions that participate in World Rugby

Tournaments (this may include but not be limited to Rugby World Cup, qualifying Tournaments for the Olympic Games, Rugby World Cup Sevens, Women's Rugby World Cup and World Rugby age-grade championships) and select a number of Players who are eligible for inclusion per Union. World Rugby shall develop a global whereabouts policy for the Game which shall be applied consistently across all Unions and Players involved in World Rugby's Out of Competition Testing programme. World Rugby will also establish criteria for Players to be placed into a Registered Testing Pool and Testing Pool who are subject to the provision of Player whereabouts information for the purpose of No Advance Notice Out of Competition Testing. Players in the Registered Testing Pool will be required to comply with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations. World Rugby shall make available through ADAMS, a list which identifies those Players included in its Registered Testing Pool either by name or by clearly defined, specific criteria. World Rugby shall coordinate with Unions and/or National Anti-Doping Organisations the identification of such Players and the collection of their whereabouts information. World Rugby shall review and update as necessary its criteria for including Players in its Registered Testing Pool, and shall revise the membership of its Registered Testing Pool from time to time as appropriate in accordance with the set criteria.

#### **21.5.6.2 Registered Testing Pool**

- (a) The Registered Testing Pool shall be considered a high risk pool of Players whose entry into this pool shall be based on their individual or collective behaviour in relation to doping and compliance with the whereabouts requirements of the Testing Pool and World Rugby's Out of Competition Testing programme.
- (b) Players shall be notified before they are included in the Registered Testing Pool and when they are removed from that pool. Each Player in the Registered Testing Pool shall do the following, in each case in accordance with Annex I to the International Standard for Testing and Investigations: (a) advise World Rugby of his whereabouts on a quarterly basis; (b) update that information as necessary so that it remains accurate and complete at all times; and (c) make himself available for Testing at such whereabouts (notwithstanding the requirement to be available for Sample collection at all times pursuant to Regulation 21.22.1.2).
- (c) Players entered into the Registered Testing Pool will be required to provide accurate, complete and updated whereabouts information to World Rugby (and/or their NADO as agreed by World Rugby) for each day in the forthcoming quarter via their Union and/or ADAMS (if applicable) for the purpose of No Advance Notice Out of Competition Testing. Such whereabouts information shall include, without limitation, the Player identifying where he will be living, training and competing so that he can be located for Testing during that quarter at the times and locations specified and, in addition, one specific 60-minute slot between 5am and 11pm each day where the Player will

be available at a specific location for Testing, notwithstanding the provision of his whereabouts information outside of that 60-minute time slot.

- (d) Entry into the Registered Testing Pool will be based on the criteria outlined in Regulation 21.5.6.4. World Rugby may revise its Registered Testing Pool from time to time as appropriate.
- (e) Players who are members of the Registered Testing Pool of their NADO, and whose Union is part of World Rugby's Out of Competition Testing programme shall remain part of the Testing Pool unless those Players fulfil the criteria outlined in Regulation 21.5.6.4. World Rugby will liaise with NADOs for the purposes of World Rugby's Out of Competition Testing programme to ensure a coordinated approach to the application of its global whereabouts policy and procedures.

### **21.5.6.3 Testing Pool**

- (a) In addition to the Registered Testing Pool described in Regulation 21.5.6.2 above, World Rugby shall identify a Testing Pool of International-Level Players who will be required to provide up to date whereabouts information to World Rugby for each quarter period via their Union and/or ADAMS (if applicable) and/or NADO (if agreed by World Rugby) for the purpose of No Advance Notice Out of Competition Testing. World Rugby may revise its Testing Pool from time to time as appropriate.
- (b) The Testing Pool shall be the principal pool of Players eligible for Out of Competition Testing by World Rugby; and
- (c) Players may be moved between the Registered Testing Pool and the Testing Pool or vice versa at World Rugby's discretion taking into account the criteria outlined at Regulation 21.5.6.4 and 21.5.6.5. Players who are moved into or transferred between the Registered Testing Pool and/or the Testing Pool will be notified in writing by World Rugby via their Union of their inclusion in the relevant Testing Pool.

### **21.5.6.4 Registered Testing Pool Criteria**

Satisfaction of any one of the criteria below may result in a Player becoming part of the Registered Testing Pool:

- (a) Players who are members of the Registered Testing Pool of a NADO and who would ordinarily be members of the Testing Pool may be included in the Registered Testing Pool at the sole discretion of World Rugby;
- (b) Players under World Rugby's jurisdiction who are serving periods of Ineligibility or who have recently completed a period of Ineligibility;
- (c) Players who have committed at least three whereabouts failures (any combination of filing failures or missed tests) whilst part of the Testing Pool within a 12-month period. The 12-month period starts to run on

the date that the Player commits the first whereabouts failure being relied upon by World Rugby for the purpose of elevating the Player to the Registered Testing Pool. For the avoidance of doubt such Players shall not carry forward any filing failures or missed tests accumulated in the Testing Pool on entering the Registered Testing Pool;

- (d) Any Player in respect of whom World Rugby undertakes an investigation following receipt of reliable intelligence regarding possible involvement in any aspect of doping; and
- (e) Any other Players at the discretion of World Rugby.

#### **21.5.6.5 Testing Pool Criteria**

World Rugby shall nominate which Unions and the number of International Level Players who are part of the Union's national squad that shall become part of the Testing Pool. For the avoidance of doubt, those Players who are part of the Registered Testing Pool shall not also be members of the Testing Pool. Additionally, World Rugby may add any other Player(s) to the Testing Pool at its discretion.

#### **21.5.6.6 Removal from the Registered Testing Pool or Testing Pool**

A Player shall remain part of the Registered Testing Pool or Testing Pool for the duration of the nominated quarter and subject to whereabouts requirements set out in these Anti-Doping Rules unless and until:

- (a) The Player is given written notice by World Rugby or Union (in accordance with World Rugby's instructions) that he is no longer designated for inclusion in the Registered Testing Pool or Testing Pool;
- (b) Subject to Regulation 21.5.7.6, the Player retires from competition and gives written notice to his Union to that effect, who shall advise World Rugby immediately;
- (c) World Rugby at its discretion accepts a replacement whereabouts filing by a Union in respect of its National Squad for that quarter period.

#### **21.5.6.7 Movement of Players from the Registered Testing Pool to the Testing Pool**

A Player may be moved from the Registered Testing Pool to the Testing Pool where:

- (a) The Player has served a period of Ineligibility and has not given any cause to World Rugby, pursuant to Regulation 21.5.6.4 to remain in the Registered Testing Pool;
- (b) The Player was previously elevated from the Testing Pool into the Registered Testing Pool as a result of incurring three whereabouts

failures and did not record any whereabouts failures in the Registered Testing Pool for a period of three consecutive quarters; and

- (c) World Rugby considers in its discretion that it is appropriate to move the Player from the Registered Testing Pool to the Testing Pool.

#### **21.5.6.8 Provision of Whereabouts**

- (a) International-Level Players entered into either the Registered Testing Pool or Testing Pool shall provide accurate and complete Player whereabouts information every quarter via their Union and/or ADAMS (or such other centralised database of similar functionality and security which World Rugby has access to and has approved) ("Database") to World Rugby (and/or their NADO as agreed by World Rugby in the notified format). Such information shall be forwarded to World Rugby by the Union (and/or their NADO if agreed by World Rugby) and/or via ADAMS (or such other Database) by the due dates outlined in Regulation 21.5.6.10. A failure by a Player in the Registered Testing Pool to submit his Player whereabouts by the deadline may amount to a filing failure and consequently a whereabouts failure as per Regulation 21.2.4. It shall not be a defence to an allegation of a filing failure under Regulation 21.2.4 (Whereabouts Failures) that the Player delegated such responsibility to a third party and that such third party failed to comply with the applicable requirements. A failure by a Player in the Testing Pool to submit his Player whereabouts by the deadline may amount to a filing failure but will only count towards elevation of the Player into the Registered Testing Pool.
- (b) World Rugby will also request an update on Player whereabouts from the applicable Union where World Rugby becomes aware that a Player's whereabouts details are incorrect (whether following an unsuccessful attempt or otherwise). Players and Unions shall also update World Rugby (and/or their NADO as agreed by World Rugby) as soon as practicably possible with any changes to or additional information in relation to the provided Player whereabouts that occur within the quarter period.

#### **21.5.6.9 Whereabouts Filing Requirements**

Before the last day of each quarter and prior to the first day of the following quarter (i.e. 1 January, 1 April, 1 July, 1 October respectively) a Player in either the Registered Testing Pool or the Testing Pool must file a whereabouts filing with World Rugby or its nominee (as agreed) via its Union and/or ADAMS (if applicable) that contains at least the following information:

- (a) A complete mailing address where correspondence may be sent to the Player via his Union for formal notice purposes. Any notice or other item sent by courier or registered post to that address will be deemed to have been received by the Player either by confirmed

receipt of an email or fax from the Player (or his nominee) or his Union or when proof of actual receipt is provided by the delivery service or otherwise five working days after it was deposited in the mail. The availability of such information does not relieve the Union from fulfilling their notification obligations pursuant to Regulation 21;

- (b) For each day during the following quarter, the full address of the place where the Player will be residing (e.g. home, temporary lodgings, hotel or holiday location, etc.). Where a Player's place of residence is situated within a restricted and/or secure location without ready access from the street to the residence the Player must provide instructions in his whereabouts filing setting out how authorised Doping Control Officers can gain access to the restricted and/or secure location with No Advance Notice. An unsuccessful attempt to test the Player as a result of the Doping Control Officer not being able to gain entry to the restricted and/or secure location where the Player resides may be considered a missed test;
- (c) For each day during the following quarter, the name and address of each location where the Player will train individually or as part of a Team activity under the supervision of the Team management (which may include for example gym work, physiotherapy, and/or medical treatment) this includes both his club and national Team schedules, work or conduct of any other regular activity (e.g. university or study), as well as the usual time-frames and venues for such regular activities; and
- (d) The Player's competition schedule for the following quarter, including the name and address of each location where the Player is scheduled to compete during the quarter and the date(s) on which he is scheduled to compete at such location(s). This includes both his club and national Team schedules.

#### **21.5.6.10 Whereabouts Filing for Registered Testing Pool Players – 1 hour rule**

In addition to the requirements of Regulation 21.5.6.9 above, the whereabouts filing for all Players who are part of the Registered Testing Pool must also include, for each day during the following quarter, one specific 60-minute slot between 5am and 11pm each day where the Player will be available and accessible for Testing at a specific location. This 60-minute time slot may be during any Team activity, (individual or group) conducted on the day in question.

#### **21.5.6.11 Whereabouts Filing for Testing Pool Players – Off Season Period**

Notwithstanding the requirements of Regulation 21.5.6.9 above:

- (a) The whereabouts filing for Players who are part of the Testing Pool during the off season period must for each day during the off season period (starting from the specified date in which the Player is relieved from any scheduled Team activities and ending upon the date he returns to scheduled Team activities), provide a nominated residence

and the dates in which the Player will be present at the nominated residence. The provisions at (c) and (d) below shall apply equally to such Players;

- (b) Should a Player not be available at his normal nominated residence then an additional residence(s) and corresponding dates shall be provided. This includes any holiday locations such as hotels;
- (c) The default time in which a DCO shall attempt a test a Player at the Player's nominated residence shall be between 6am and 7am (default hour). If the Player is not available during the default hour the DCO will make reasonable attempts to obtain additional information during the default hour in an attempt to locate the Player during that attempt. However, failure to be available for Testing during the default hour at the nominated residence and following reasonable attempts by the DCO to obtain further information in order to test the Player during that test attempt, may be deemed a missed test which shall go towards the elevation of the Player into the Registered Testing Pool;
- (d) If a Player knows he will not be available at the nominated residence during the default hour period on any particular day(s), then the Player shall update his whereabouts (either to World Rugby or if agreed to his NADO) prior to the start of the default hour to avoid the possibility of recording a missed test. The Player shall specify an alternate one hour period where he will be available for Testing at a nominated residence or location. If the Player cannot be located during the nominated one hour period the DCO shall make reasonable attempts to obtain additional information during the nominated hour in an attempt to locate the Player during that test attempt. However, failure to be available for Testing during the nominated hour at the nominated residence or location and following reasonable attempts by the DCO to obtain further information to test the Player (during that test attempt) may be deemed a missed test which shall go towards the elevation of the Player into the Registered Testing Pool.

#### **21.5.6.12 Whereabouts Filing for Testing Pool Players – Periods of Absence from Scheduled Team Activities**

A Player in the Testing Pool who is not present at scheduled Team activities due to injury, illness or for any personal or other reasons during the season or where there is a break from scheduled Team activities during the season shall be required to be available and accessible for Testing at their nominated residence. The provisions at (c) and (d) above shall apply equally to such Players.

#### **21.5.6.13 Provision of Fraudulent Whereabouts Filing Information**

Any Player who provides fraudulent information in his whereabouts filing, whether in relation to his location during the specified daily 60-minute time slot, or in relation to his whereabouts outside that time slot, or otherwise, thereby commits an anti-doping rule violation under Regulation 21.2.3



(evading Sample collection) and/or Regulation 21.2.5 (Tampering or Attempted Tampering with Doping Control).

**21.5.6.14 Player Responsibility for Whereabouts**

- (a) The ultimate responsibility for providing whereabouts information rests with each Player. Players when making a whereabouts filing, are solely responsible for ensuring that they provide all of the information required accurately and in sufficient detail to enable World Rugby or Union or its nominee or NADO to locate the Player for Testing on any given day in the quarter.
- (b) It is the Player's responsibility to be available for Testing at all times in accordance with the whereabouts information declared on his whereabouts filing regardless of whether the Player makes the whereabouts filing personally or delegates it to a third party.

**21.5.6.15 Responsibilities of Unions with respect to Whereabouts Filings**

- (a) Without prejudice to Regulation 21.5.6.14 above, it shall be the responsibility of all applicable Unions to use their best efforts to assist World Rugby (and their NADO) in obtaining and providing updates of whereabouts information as changes occur and/or when requested by World Rugby and in assisting World Rugby in the implementation of its Out of Competition Testing programme.
- (b) Any Union which fails to provide timely Player whereabouts information as identified in Regulations 21.5.6.9 to 21.5.6.12 (whether to World Rugby and/or their NADO as applicable) and/or which fails to assist World Rugby in the implementation of its Out of Competition Testing programme may be required to pay a fine and/or World Rugby's costs of any unsuccessful attempt to test in accordance with Regulation 21.12.2 and/or may be subject to disciplinary action in accordance with World Rugby Regulation 18.
- (c) Each Union shall also assist, as appropriate, its NADO in establishing a national level testing pool of top level national Players who may or may not already be included in either the Registered Testing Pool or Testing Pool.

**21.5.6.16 Unsuccessful Attempt to Test**

- (a) If a Player in either a Registered Testing Pool or Testing Pool is not available for Testing following attempt(s) by a Doping Control Officer (duly documented and as outlined in Regulation 21.5.6.23 or 21.5.6.24) and has not updated his whereabouts filing prior to the Doping Control Officer attempting to test at the location(s) specified in the available whereabouts filing, that shall amount to an unsuccessful attempt.
- (b) World Rugby shall review each unsuccessful attempt for Players in the Registered Testing Pool, to determine whether the unsuccessful

attempt meets the criteria for a missed test outlined in Regulation 21.5.6.23 or a filing failure in accordance with Regulation 21.5.6.18. Each missed test or filing failure constitutes a whereabouts failure for the purposes of Regulation 21.2.4 (Whereabouts Failures).

- (c) World Rugby shall review each unsuccessful attempt for Players in the Testing Pool to determine whether the unsuccessful attempt meets the criteria for a missed test outlined in Regulation 21.5.6.24 or a filing failure in accordance with Regulation 21.5.6.18. Each Testing Pool missed test or filing failure will be considered for the purposes of determining if the Player meets the criteria in Regulation 21.5.6.4 for elevation to the Registered Testing Pool. Any missed tests or filing failures accumulated by a Player in the Testing Pool will not be counted for the purposes of Regulation 21.2.4 (Whereabouts Failures) if the Player is elevated to the Registered Testing Pool.
- (d) It shall not be a defence to an allegation of a missed test under Regulation 21.2.4 (Whereabouts Failures) that the Player had delegated responsibility for filing his whereabouts information for the relevant period to a third party and that third party had failed to file the correct information or failed to update previously filed information to ensure that the whereabouts information in the whereabouts filing for the day in question was current and accurate.

#### **21.5.6.17 Consequences of Whereabouts Failures**

- (a) Registered Testing Pool: Any Player in a Registered Testing Pool who commits a total of three whereabouts failures (which may be any combination of filing failures and/or missed tests adding up to three in total) within a 12-month period, (irrespective of which Anti-Doping Organisation(s) has/have declared the whereabouts failures in question) shall be considered to have committed an anti-doping rule violation pursuant to Regulation 21.2.4.
- (b) Testing Pool: Any Player in a Testing Pool who commits a total of three whereabouts failures (which may be a combination of a filing failure(s) and/or missed test(s)) within a 12-month period shall be automatically transferred from the Testing Pool to the Registered Testing Pool. Upon the occurrence of such an event any missed test(s) or filing failure(s) incurred in the Testing Pool will not be carried forward into the Registered Testing Pool. Once the Player enters the Registered Testing Pool he will be subject to the supplemental whereabouts provisions of Regulation 21.5.6.10.

The 12-month period referred to in (a) and (b) above starts to run on the date that the Player commits the first whereabouts failure being relied upon by World Rugby for the purpose of elevating the Player to the Registered Testing Pool or alleging an anti-doping rule violation pursuant to Regulation 21.2.4. It is not affected by any successful Sample collection conducted with respect to that Player during the 12-month period, i.e. if three Whereabouts Failures occur during the 12-month period then an anti-doping rule violation is committed in accordance with Regulation 21.2.4

(Whereabouts Failures) irrespective of any Samples successfully collected from a Player during that 12-month period. However, if a Player who has committed one whereabouts failure does not go on to commit a further two whereabouts failures within 12 months of the first, at the end of that 12-month period the first whereabouts failure “expires” for the purpose of Regulation 21.5.6.17. For the purposes of determining whether a whereabouts failure has occurred within the 12-month period referred to in Regulation 21.5.6.17:

- (i) A filing failure shall be deemed to have occurred on the first day of the quarter for which the Player fails to make the required filing, the date a filing failure was discovered following an unsuccessful attempt to test, or in the case of any subsequent filing failure in the same quarter following notice of the previous filing failure where the Player failed to rectify that filing failure by the deadline specified in that notice; and
  - (ii) A missed test will be deemed to have occurred on the date that the Sample collection was unsuccessfully attempted.
  - (iii) For the avoidance of doubt, for the purposes of Regulation 21.2.4, a failure to comply with the International Standard for Testing and Investigations shall be deemed a filing failure or a missed test (as defined in the International Standard for Testing and Investigations) where the conditions set forth in the International Standard for Testing and Investigations for declaring a filing failure or missed test are met.
- (c) Where the Player has recorded a missed test or filing failure, World Rugby may seek to recoup from the Player and/or his Union a fee equating to the costs associated with any attempted Sample collection and the administration associated with the missed test or filing failure. In the event of default or non-payment by the Player upon request, the Union of the Player shall be liable for the payment of the relevant fee. This provision is without limitation to action pursuant to Regulation 21.12.2 and/or Regulation 18.

#### **21.5.6.18 Filing Failure Pre-Conditions**

A Player may only be declared to have committed a filing failure where World Rugby, Union or NADO following the results management procedure set out in Regulation 21.5.6.26, can establish each of the following:

- (a) That the Player was duly notified via his Union (i) that he was designated for inclusion in a Registered Testing Pool or Testing Pool, (ii) of the consequent requirement to make and update accurate whereabouts filings, and (iii) of the consequences of any failure to comply with that requirement;
- (b) That the Player failed to comply with any or all of the requirements to make and update accurate whereabouts filings by the applicable

deadline or at any time during the quarter if the circumstances and/or location(s) in relation to his whereabouts changed;

- (c) That in the case of a second or third filing failure in the same quarter, the Player was given notice of the previous filing failure via his Union in accordance with Regulation 21.5.6.26 and failed to rectify that filing failure by the deadline specified in that notice; and
- (d) That the Player's failure to comply was at least negligent. For these purposes, the Player will be presumed to have committed the failure negligently upon proof that he was notified of the requirement yet failed to comply with it. That presumption may only be rebutted by the Player establishing that no negligent behaviour on his part caused or contributed to the failure.

#### **21.5.6.19 Third Party Provision of Whereabouts Filings**

- (a) A Player in a Registered Testing Pool or Testing Pool may choose to delegate the making of some or all of his whereabouts filings required under Regulation 21.5.6.9 to 21.5.6.12 (and/or any updates to his whereabouts filings required under Regulation 21.5.6.22) to a third party such as his Union or his Team management or club provided that the third party agrees to such delegation. This may include periods of Team activity but also in respect of periods where the Player is not with the Team, provided the Team management or Union agrees. Without prejudice to Regulations 21.7.12 to 21.7.14 and 21.23, the Union shall be responsible for the collection of such information from the Player, the Player's club and/or Team prior to it being forwarded to World Rugby or its nominee save where ADAMS is applicable.
- (b) For Players in a Registered Testing Pool or Testing Pool, where the Union makes the whereabouts filing, liability for filing failures shall be determined in accordance with Regulation 21.5.6.18, and liability for missed tests shall be determined in accordance with Regulation 21.5.6.23 or 21.5.6.24 (as appropriate).

#### **21.5.6.20 Consequence of Third Party Filing Failures**

- (a) If the Union or other authorised third party does not make a required whereabouts filing, or makes the whereabouts filing but does not include all of the required information, then (subject to the requirements of Regulation 21.5.6.18) the Player will be liable for a filing failure.
- (b) If any of the required information changes after a whereabouts filing is made, then in accordance with Regulation 21.5.6.22, an update must be filed by an authorised third party so that the whereabouts filing remains accurate at all times.
- (c) For Players in the Registered Testing Pool, if an update is not made by an authorised third party, and as a result an attempt to test the Player during the 60-minute time slot is unsuccessful then (subject to

the requirements of Regulation 21.5.6.23) the Player will remain liable for a missed test under Regulation 21.5.6.27.

- (d) For Players in the Testing Pool if an update to a whereabouts filing is not made by an authorised third party, and as a result an attempt to the test the Player within a 24-hour period is unsuccessful, then (subject to the requirements of Regulation 21.5.6.24) the Player will remain liable for a missed test under Regulation 21.5.6.27.

#### **21.5.6.21 Availability for Testing – Registered Testing Pool and Testing Pool**

- (a) A Player in the Registered Testing Pool must specifically be present and available for Testing on any given day in the relevant quarter for the 60-minute time slot specified for that day in his whereabouts filing, at the location that the Player has specified for that time slot in such filing. If a Player fails to remain at the nominated location for the full 60-minute period he runs the risk of a potential missed test if the DCO arrives during the 60-minute period but after the Player's departure.
- (b) A Player in the Testing Pool must specifically be present and available for Testing at any one of his specified locations in his whereabouts filing during the nominated time period over a 24-hour period on any given day during the season. This shall include at a minimum nominated Team activities (Club, Rugby Body and/or national Team) and nominated residential address. The 24-hour period is deemed to commence from when the DCO arrives at the first specified location in the whereabouts filing. The DCO shall ordinarily only visit each whereabouts location once unless the DCO obtains additional information which may result in the Player being located at a later time within that 24-hour period.
- (c) A Player in the Testing Pool must be present and available at his nominated residence or location in accordance with Regulation 21.5.6.11(c) and (d) and 21.5.6.12 for Testing during his off season and during any period of the season where he is not present at scheduled Team activities due to injury, illness or for any personal or other reasons or where there is a break from scheduled Team activities. The default hour in which a DCO shall attempt to test a Player at his nominated residence shall be between 6am and 7am unless otherwise advised by the Player.

**21.5.6.22** It is a Player's responsibility to ensure (including by updates, where necessary) that the whereabouts information provided in his whereabouts filing is sufficient to enable World Rugby or its nominee, Union or NADO to locate him for Testing within the periods specified in Regulation 21.5.6.21(a) or (b). Where any change in circumstances means that the information previously provided by or on behalf of the Player (whether in the initial whereabouts filing or in any subsequent update) is no longer accurate or complete the Player must update his whereabouts filing so that the information on file becomes accurate and complete. The Player must make such update as soon as possible, and for those Players in a

Registered Testing Pool prior to the 60-minute time slot specified in his filing for that day. A failure to do so shall have the following consequences:

- (a) If, as a result of such failure, World Rugby or its nominee, Union or NADO's attempt to test the Player (who is part of a Registered Testing Pool) during the 60-minute time slot is unsuccessful, then the unsuccessful attempt shall be pursued as an apparent missed test in accordance with Regulation 21.5.6.27;
- (b) If, as a result of such failure, World Rugby or its nominee, Union or NADO's attempt to test the Player (who is part of the Testing Pool) at all of his nominated whereabouts locations specified in his whereabouts filing within a 24-hour period is unsuccessful, (or at the default hour or nominated one hour period during the off season or period of injury or illness) then the unsuccessful attempt shall be pursued as an apparent missed test in accordance with Regulation 21.5.6.27;
- (c) If the circumstances so warrant, the failure may be pursued as evasion of Sample collection under Regulation 21.2.3 (Evading) and/or Tampering or Attempted Tampering with Doping Control under Regulation 21.2.5 (Tampering); and
- (d) In any event, World Rugby or its nominee, Union or NADO shall consider Target Testing of the Player.

#### **21.5.6.23 Missed Test – Registered Testing Pool**

A Player in the Registered Testing Pool may only be declared to have committed a missed test where World Rugby, Union or NADO, following the results management procedure set out in Regulation 21.5.6.27, can establish each of the following:

- (a) That the Player who is in the Registered Testing Pool was given notice (including via his Union) that he had been designated for inclusion in the Registered Testing Pool and was advised of his liability for a missed test if he was unavailable for Testing during the 60-minute time slot specified in his whereabouts filing at the location specified for that time slot;
- (b) That the DCO attempted to test the Player who is in the Registered Testing Pool on a given day in the quarter, during the 60-minute time slot specified in the Player's whereabouts filing for that day, by visiting the location specified for that time slot;
- (c) That during that specified 60-minute time slot, the DCO did what was reasonable in the circumstances (i.e. given the nature of the specified location) to try to locate the Player, short of giving the Player any Advance Notice of the test;
- (d) That the provisions of Regulation 21.5.6.25 (if applicable) have been met; and

- (e) That the Player's failure to be available for Testing at the specified location during the specified 60-minute time slot was at least negligent. For these purposes, the Player will be presumed to have been negligent upon proof of the matters set out at Regulation 21.10.23 (a) to (d). That presumption may only be rebutted by the Player establishing that no negligent behaviour on his part caused or contributed to him (i) being unavailable for Testing at such location during such time slot; and (ii) failing to update his most recent whereabouts filing to give notice of a different location where he would instead be available for Testing during a specified 60-minute time slot on the relevant day.

#### **21.5.6.24 Missed Test - Testing Pool**

A Player in the Testing Pool may only be declared to have committed a missed test where World Rugby, Union or NADO, following the results management procedure set out in Regulation 21.5.6.27, can establish each of the following:

- (a) That the Player who is in the Testing Pool was given notice that he had been designated for inclusion in the Testing Pool and was advised of his liability for a missed test if he was unavailable for Testing at all of his nominated whereabouts locations specified in his whereabouts filing within a 24-hour period during the season or at the default hour or nominated one hour period during the off season or period of injury or illness;
- (b) That the DCO attempted to test the Player who is in the Testing Pool within a 24-hour period in the quarter at all of his whereabouts locations as specified in his whereabouts filing, by visiting the specified locations at the specified times during the season or at the default or nominated one-hour period during the off season or period of injury or illness;
- (c) That within the 24-hour period (or during the default hour or nominated one hour period for the off season or period of injury or illness), the DCO did what was reasonable in the circumstances (i.e. given the nature of the specified locations) to try to locate the Player, with No Advance Notice of the test;
- (d) That the provisions of Regulation 21.5.6.25 (if applicable) have been met; and
- (e) That the Player's failure to be available for Testing at the specified locations during the specified dates/times within a 24-hour period (or at the default hour or nominated one hour period during the off season or period of injury or illness) was at least negligent. For these purposes, the Player will be presumed to have been negligent upon proof of the matters set out at Regulation 21.5.6.24 (a) to (d). That presumption may only be rebutted by the Player establishing that no negligent behaviour on his part caused or contributed to him (i) being unavailable for Testing at any location within any 24-hour period (or

at the default hour or nominated one-hour period during the off season or period of injury or illness; and (ii) failing to update his most recent whereabouts filing to give notice of a different location/s, time period where he would instead be available for Testing on the relevant day.

**21.5.6.25** To ensure fairness to the Player, where an unsuccessful attempt has been made to test a Player in accordance with the provisions for the Registered Testing Pool or Testing Pool any subsequent attempt to test that Player (by World Rugby or its nominee, Union or NADO or any other Anti-Doping Organisation including WADA) may only be counted as an additional missed test against that Player if that subsequent attempt takes place after the Player has received notice, in accordance with this Regulation of the original unsuccessful attempt and given the opportunity to update his whereabouts filing within 24 hours of having received written notice of his apparent missed test. For the avoidance of doubt, where the Player does not update his whereabouts filing within such 24-hour period this may be considered to be a filing failure pursuant to Regulation 21.5.6.18(b).

#### **21.5.6.26 Results Management for Filing Failures**

- (a) If it appears that all of the Regulation 21.5.6.18 requirements relating to filing failures are satisfied, then ordinarily no later than 14 days after the date of discovery of the apparent filing failure World Rugby shall send notice in writing to the Player via his Union of the apparent filing failure, inviting a response within 14 days of the date of the notice. In the notice, World Rugby shall warn the Player:
  - (i) That unless the Player persuades World Rugby that there has not been any filing failure, then (subject to the remainder of the results management process set out below) an alleged whereabouts failure will be recorded against the Player; and
  - (ii) (If applicable) that there are other whereabouts failures that have been alleged against him in the 12-month period prior to this alleged whereabouts failure; and
  - (iii) Of the consequences to the Player if a designee of World Rugby or a Judicial Officer or Judicial Committee in the case of a third whereabouts failure, upholds the alleged whereabouts failure.
- (b) Where the Player disputes the apparent filing failure, World Rugby must re-assess whether all of the Regulation 21.5.6.18 requirements are met. World Rugby must advise the Player and/or his Union, by letter sent ordinarily no later than 14 days after receipt of the Player's response, whether or not it maintains that there has been a filing failure.
- (c) If no response is received from the Player by the relevant deadline, or if World Rugby maintains (notwithstanding the Player's response) that there has been a filing failure, World Rugby shall send notice to the Player and/or his Union that an alleged filing failure is to be recorded against him. Further:



- (i) In respect of Registered Testing Pool Players only, World Rugby shall at the same time advise the Player that he has the right to request an administrative review of the alleged filing failure;
  - (ii) In respect of Testing Pool Players, there is no administrative review as the filing failure will only count for the purposes of elevating the Player to World Rugby's Registered Testing Pool; and
  - (iii) Upon entry into the Registered Testing Pool all Testing Pool filing failure of the relevant Player shall be erased and do not count for the purposes of Regulation 21.2.4.
- (d) Where it is requested by the Player, such administrative review shall be conducted by a designee of World Rugby who was not involved in the previous assessment of the alleged filing failure. The review shall be based on written submissions only, and shall consider whether all of the requirements of Regulation 21.5.6.18 are met. The review shall be completed within 14 days of receipt of the Player's request and the decision shall be communicated to the Player by letter sent no more than seven days after the decision is made;
- (e) If it appears, upon such review, that the requirements of Regulation 21.5.6.18 have not been met, then the alleged filing failure shall not be treated as a whereabouts failure for any purpose;
- (f) If the Player does not request an administrative review of the alleged filing failure by the relevant deadline, or if the administrative review leads to the conclusion that all of the requirements of Regulation 21.5.6.18 have been met, then World Rugby shall record an alleged filing failure against the Player and shall notify the Player and/or his Union and (on a confidential basis) WADA and all other relevant Anti-Doping Organisations of that alleged filing failure and the date of its occurrence.

#### **21.5.6.27 Results Management for Missed Tests**

- (a) The DCO shall file an unsuccessful Attempt report with World Rugby or its nominee (or NADO as the case may be), setting out the details of the attempted Sample collection, including the exact date and time of the attempt, the names of all the location(s) visited, the exact arrival and departure times at each of the location(s), the step(s) taken at the location(s) to try to find the Player, including details of any contact made with third parties (including their names, positions, relationship to the Player, information on the possible location of the Player if the Player is not present at the nominated residence or location and contact details), and any other relevant details about the attempted Sample collection.
- (b) If it appears that all of the Regulation 21.5.6.23 or 21.5.6.24 requirements (depending upon which testing pool the Player belongs to) relating to missed tests are satisfied, then ordinarily no later than

14 days after the date of the unsuccessful Attempt report being received by World Rugby, World Rugby must send notice to the Player via his Union of the unsuccessful attempt, inviting a response within 14 days of receipt of the notice. The unsuccessful Attempt report shall be provided to the Player at this point and World Rugby shall warn the Player:

- (i) That unless the Player persuades World Rugby that there has not been any missed test, then (subject to the remainder of the results management process set out below) an alleged missed test will be recorded against the Player;
  - (ii) (If applicable) that there are other whereabouts failures that have been alleged against him in the 12-month period prior to this alleged whereabouts failure; and
  - (iii) Of the consequences to the Player if the designee of World Rugby or a Judicial Officer or Judicial Committee in the case of a third whereabouts failure upholds the alleged missed test.
- (c) Where the Player disputes the apparent missed test, World Rugby must re-assess whether all of the requirements in Regulation 21.5.6.23 or 21.5.6.24 (depending upon which testing pool the Player belongs to) are met. World Rugby must advise the Player and/or his Union, by letter sent ordinarily no later than 14 days after receipt of the Player's response, whether or not it maintains that there has been a missed test.
- (d) If no response is received from the Player by the relevant deadline, or if World Rugby maintains (notwithstanding the Player's response) that there has been a missed test, World Rugby shall send notice to the Player and/or his Union that an alleged missed test is to be recorded against him. Further:
- (i) In respect of Registered Testing Pool Players only, World Rugby shall at the same time advise the Player that he has the right to request an administrative review of the alleged missed test.
  - (ii) In respect of Testing Pool Players, there is no administrative review as the missed test will only count for the purposes of elevating the Player to the Registered Testing Pool.
  - (iii) Upon entry into World Rugby's Registered Testing Pool all Testing Pool missed tests cease to count for the purposes of Regulation 21.2.4.

#### **Administrative Review – Missed Test for Registered Testing Pool Players**

- (e) Where requested, such administrative review shall be conducted by a designee of World Rugby who was not involved in the previous assessment of the alleged missed test, shall be based on written submissions only, and shall consider whether all of the requirements

of Regulation 21.5.6.23 are met. If necessary, the relevant DCO may be asked to provide further information to World Rugby. The review shall be completed within 14 days of receipt of the Player's request and the decision shall be communicated to the Player by letter sent no more than seven days after the decision is made.

- (f) If it appears upon such review that the requirements of Regulation 21.5.6.23 have not been met, then the unsuccessful attempt to test the Player shall not be treated as a missed test for any purpose.
- (g) If the Player does not request an administrative review of the alleged missed test by the relevant deadline, or if the administrative review leads to the conclusion that all of the requirements of Regulation 21.5.6.23 have been met, then World Rugby shall record an alleged missed test against the Player and shall notify the Player and/or his Union and (on a confidential basis) WADA and all other relevant Anti-Doping Organisations of that alleged missed test and the date of its occurrence.

#### **21.5.6.28 Confidentiality – Whereabouts Failures**

When World Rugby or its nominee, Union or NADO declares, or receives notice of, a whereabouts failure in respect of a Player it shall not disclose that information beyond those persons with a need to know unless and until that Player is found to have committed an anti-doping rule violation under Regulation 21.2.4 (Whereabouts Failures) based on (among other things) such whereabouts failure. Such persons who need to know shall also maintain the confidentiality of such information until the same point of this process.

- (a) Whereabouts information relating to a Player shall be shared (through ADAMS or other Database) with WADA and other Anti-Doping Organisations having authority to test that Player, shall be maintained in strict confidence at all times, shall be used exclusively for the purposes set out in Article 5.6 of the Code, and shall be destroyed in accordance with the International Standard for the Protection of Privacy and Personal Information once it is no longer relevant for these purposes.

#### **21.5.6.29 Judicial Proceedings**

World Rugby shall keep a record of all whereabouts failures alleged in respect to each Player within either its Registered Testing Pool or Testing Pool. Where it is alleged that such a Player has committed three whereabouts failures within any 12-month period:

- (a) Where two or more of those whereabouts failures were alleged by World Rugby, Union or NADO that had the Player in its Registered Testing Pool subject to these Regulations at the time of those failures, then that Anti-Doping Organisation (whether World Rugby, Union or NADO) shall be the Responsible Anti-Doping Organisation for the purposes of bringing proceedings against the Player under Regulation

21.2.4. If the whereabouts failures were alleged by three different Anti-Doping Organisations then the Responsible Anti-Doping Organisation for these purposes will be the Anti-Doping Organisation whose Registered Testing Pool, the Player was in as of the date of the third whereabouts failure. If the Player was in both World Rugby's Registered Testing Pool and a national Registered Testing Pool as of that date, the Responsible Anti-Doping Organisation for these purposes shall be World Rugby.

- (b) Where the Responsible Anti-Doping Organisation fails to bring proceedings against a Player under Regulation 21.2.4 (Whereabouts Failures) within 30 days of WADA receiving notice of that Player's third alleged whereabouts failure in any 12-month period, then it shall be deemed that the responsible Anti-Doping Organisation has decided that no anti-doping rule violation was committed, for the purposes of triggering the appeal rights set out at Regulation 21.13 (in particular Regulation 21.13.2).

**21.5.6.30** A Player alleged to have committed an anti-doping rule violation under Regulation 21.2.4 (Whereabouts Failures) shall have the right to have such allegation determined by a Judicial Committee in accordance with Regulation 21.8.2. The Judicial Committee shall not be bound by any determination made during the results management process, whether as to the adequacy of any explanation offered for a whereabouts failure or otherwise. Instead, the burden shall be on World Rugby to establish all of the requisite elements of each alleged whereabouts failure.

- (a) The Judicial Committee shall consider whether or not a Provisional Suspension should be imposed on the Player pending the outcome of proceedings, in accordance with Regulation 21.7.9.
- (b) If the Judicial Committee decides that one (or two) alleged whereabouts failures have been established to the required standard, but that the other alleged whereabouts failure(s) has/have not, then no anti-doping rule violation shall be found to have occurred. However, if the Player then commits one (or, as applicable, two) further whereabouts failures within the relevant 12-month period, new proceedings may be brought based on a combination of the whereabouts failure(s) established to the satisfaction of the Judicial Committee in the previous proceedings (in accordance with Regulation 21.3.24) and the whereabouts failure(s) subsequently committed by the Player.
- (c) A finding that a Player has committed an anti-doping rule violation under Regulation 21.2.4 (Whereabouts Failures) shall have the applicable consequences as outlined in Regulation 21.10.
- (d) The impact of any Regulation 21.2.4 (Whereabouts Failures) anti-doping rule violation by an individual Player on the results of any Team for which that Player has played during the relevant period shall be determined in accordance with Regulation 21.11.

## **21.5.7 Retired and Suspended Players**

- 21.5.7.1** A Player in World Rugby's Registered Testing Pool who has given notice of retirement to World Rugby may not resume competing in International Events or National Events until he has given World Rugby via his Union written notice of his intent to resume competing and has made himself available for Testing for a period of six months before returning to Competition, including (if requested) complying with the whereabouts requirements of Regulation 21.5.6 and Annex I to the International Standard for Testing and Investigations. WADA, in consultation with World Rugby and the Player's National Anti-Doping Organisation, may grant an exemption to the six-month written notice rule where the strict application of that rule would be manifestly unfair to a Player. This decision may be appealed under Regulation 21.13. Any competitive results obtained in violation of this Regulation 21.5.7.1 shall be Disqualified.
- 21.5.7.2** If a Player retires from sport while subject to a period of Ineligibility, the Player shall not resume competing in International Events or National Events until the Player has given six months' prior written notice (or notice equivalent to the period of Ineligibility remaining as of the date the Player retired, if that period was longer than six months) to World Rugby via his Union of his intent to resume competing and has made himself available for Testing for that notice period, including (if requested) complying with the whereabouts requirements of Regulation 21.5.6 and Annex I to the International Standard for Testing and Investigations.
- 21.5.7.3** A Player who is not in World Rugby's Registered Testing Pool who has given notice of retirement to World Rugby may not resume competing unless he notifies World Rugby via his Union at least six months before he wishes to return to Competition and makes himself available for unannounced Out-of-Competition Testing, including (if requested) complying with the whereabouts requirements of Regulation 21.5.6 and Annex I to the International Standard for Testing and Investigations, during the period before actual return to Competition.
- 21.5.7.4** Where a Player has been suspended, other than for life, and wishes to resume competing after his period of Ineligibility has expired, he must make himself available for Out of Competition Doping Control during that period of suspension. If a Player commits an anti-doping rule violation during the course of a suspension the matter shall be treated as a separate anti-doping rule violation.
- 21.5.7.5** A Player who has been identified by World Rugby for inclusion in the Registered Testing Pool or Testing Pool shall continue to be subject to these Anti-Doping Rules including the obligation to be available for No Advance Notice Out of Competition Testing unless and until the Player gives written notice to World Rugby via his Union that he has retired or until he no longer satisfies the criteria for inclusion in the Registered Testing Pool or Testing Pool and has been so informed by World Rugby.
- 21.5.7.6** A Player who has given notice of retirement to World Rugby from International Match level participation, but who continues to play the Game

at or below National Event-level, and who elects to stay in World Rugby's Testing Pool, or be transferred to the Testing Pool from World Rugby's Registered Testing Pool, may resume competing at International Event-level upon notification to World Rugby via his Union.

**21.5.7.7** If a Player or other Person retires while a results management process is underway, the Anti-Doping Organisation conducting the results management process retains jurisdiction to complete its results management process. If a Player or other Person retires before any results management process has begun, the Anti-Doping Organisation which would have had results management jurisdiction over the Player or other Person at the time the Player or other Person committed an anti-doping rule violation, has jurisdiction to conduct results management. [See [Comment 21](#)]

**21.5.7.8** Unions shall establish similar requirements for retirement and returning to competition for Players in the national Registered Testing Pool and may establish similar requirements for other Players under their jurisdiction.

#### **21.5.8 Independent Observer Program**

World Rugby and the organising committees for World Rugby Events, as well as the Member Unions and the organising committees for National Events, shall authorise and facilitate the Independent Observer Program at such Events.

### **21.6 ANALYSIS OF SAMPLES, RESEARCH AND INVESTIGATIONS**

Samples shall be analysed in accordance with the following principles:

#### **21.6.1 Use of Accredited and Approved Laboratories**

For purposes of Regulation 21.2.1, Samples shall be analysed only in laboratories accredited or otherwise approved by WADA. The choice of the WADA-accredited or WADA-approved laboratory used for the Sample analysis shall be determined exclusively by World Rugby. [See [Comment 22](#)]

#### **21.6.2 Purpose of Analysis of Samples**

**21.6.2.1** Samples shall be analysed to detect Prohibited Substances and Prohibited Methods and other substances as may be directed by WADA pursuant to the Monitoring Program described in Article 4.5 of the Code; or to assist World Rugby, Unions and Tournament Organisers in profiling relevant parameters in a Player's urine, blood or other matrix, including DNA or genomic profiling; or for any other legitimate anti-doping purpose. Samples may be collected and stored for future analysis. [See [Comment 23](#)]

**21.6.2.2** World Rugby, Unions and Tournament Organisers shall ask laboratories to analyse Samples in conformity with Article 6.4 of the Code and Article 4.7 of the International Standard for Testing and Investigations.

### **21.6.3 Research on Samples**

No Sample may be used for research without the Player's written consent. Samples used for purposes other than Regulation 21.6.2 shall have any means of identification removed such that they cannot be traced back to a particular Player.

### **21.6.4 Standards for Sample Analysis and Reporting**

Laboratories shall analyse Samples and report results in conformity with the International Standard for Laboratories. To ensure effective Testing, the Technical Document referenced at Article 5.4.1 of the Code will establish risk assessment-based Sample analysis menus appropriate for particular sports and sport disciplines, and laboratories shall analyse Samples in conformity with those menus, except as follows:

**21.6.4.1** World Rugby, Unions or Tournament Organisers may request that laboratories analyse its Samples using more extensive menus than those described in the Technical Document.

**21.6.4.2** World Rugby, Unions or Tournament Organisers may request that laboratories analyse their Samples using less extensive menus than those described in the Technical Document only if World Rugby has satisfied WADA that, because of the particular circumstances of its sport, as set out in World Rugby's test distribution plan, less extensive analysis would be appropriate.

**21.6.4.3** As provided in the International Standard for Laboratories, laboratories at their own initiative and expense may analyse Samples for Prohibited Substances or Prohibited Methods not included on the Sample analysis menu described in the Technical Document or specified by the Testing authority. Results from any such analysis shall be reported and have the same validity and consequence as any other analytical result. [See [Comment 24](#)]

### **21.6.5 Further Analysis of Samples**

Any Sample may be stored and subsequently subjected to further analysis for the purposes set out in Regulation 21.6.2: (a) by WADA at any time; and/or (b) by World Rugby (or where the Sample was taken by a Union or Tournament Organiser, that Union or Tournament Organiser) at any time before both the A and B Sample analytical results (or A Sample result where B Sample analysis has been waived or will not be performed) have been communicated by World Rugby (or, as applicable, Union or Tournament Organiser) to the Player as the asserted basis for a Regulation 21.2.1 (Presence) anti-doping rule violation. Such further analysis of Samples shall conform with the requirements of the International Standard for Laboratories and the International Standard for Testing and Investigations.

### **21.6.6 Investigations**

**21.6.6.1** World Rugby or its designee may carry out investigations into the activities of any Player, Person, Union, Association, Rugby Body or Club who it has

reasonable cause to believe may have committed an anti-doping rule violation. Any such Player, other Person, Union, Association, Rugby Body or Club shall co-operate with any such World Rugby investigation.

**21.6.6.2** A Player, other Person, Union, Association, Rugby Body or Club under investigation for an alleged anti-doping rule violation by World Rugby, a Union or Tournament Organiser may be Provisionally Suspended and not allowed to participate in any aspect of the Game pending the outcome of such investigation and resolution of the case.

**21.6.6.3** Without limiting the effect of Regulation 21.7.9, solely in circumstances where World Rugby or its designee considers that further investigation is required to determine whether an anti-doping rule violation may have been committed, the following procedures shall apply, subject to such modifications and additional procedures as World Rugby may consider necessary having regard to the facts and circumstances of the particular case and other relevant circumstances:

- (a) Any investigation shall be carried out as soon as reasonably practicable after World Rugby becomes aware of the alleged anti-doping rule violation.
- (b) World Rugby or its designee may request that additional information be provided and may also call upon such assistance and expert and/or specialist advice including (without limitation) legal advice as it considers appropriate, whether in the form of witness testimony or otherwise.
- (c) World Rugby or its designee shall determine whether it believes that an anti-doping rule violation may have been committed.
- (d) Where it is decided that there are no grounds to conclude that an anti-doping violation may have been committed no further action will be taken and any Provisional Suspension shall be automatically lifted.
- (e) As soon as it is determined that an anti-doping rule violation may have been committed, World Rugby or its designee shall notify the applicable party concerned. The applicable party shall be placed on Provisional Suspension, if he has not been already, pending resolution of the case. In addition the applicable party shall be notified that the matter shall be referred to a Judicial Committee.

## **21.7 RESULTS MANAGEMENT**

### **21.7.1 Responsibility for Conducting Results Management**

**21.7.1.1** The circumstances in which World Rugby shall take responsibility for conducting results management in respect of anti-doping rule violations involving Players and other Persons under its jurisdiction shall be determined



by reference to and in accordance with Article 7 of the Code and Regulation 21.5.3.3 and Regulation 21.7.12.

### **21.7.2 Preliminary Review of Adverse Analytical Findings From Tests Initiated by World Rugby**

Results management in respect of the results of tests initiated by World Rugby (including tests performed by WADA pursuant to agreement with World Rugby) shall proceed as follows:

**21.7.2.1** The results from all analyses must be sent to World Rugby in encoded form, in a report signed by an authorised representative of the laboratory. All communication must be conducted confidentially and in conformity with ADAMS.

**21.7.2.2** Upon receipt of an Adverse Analytical Finding, World Rugby shall initiate a preliminary review in accordance with Regulation 21.7.2.3 to determine whether: (a) an applicable TUE has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions, or (b) there is any apparent departure from the International Standard for Testing and Investigations or International Standard for Laboratories that caused the Adverse Analytical Finding.

**21.7.2.3** The preliminary review set out in Regulation 21.7.2.2 shall be undertaken by a representative or representatives of World Rugby's Anti-Doping Advisory Committee and/or the World Rugby Anti-Doping Judicial Panel to establish if a TUE has been granted that explains the Adverse Analytical Finding or if there is any apparent departure from the International Standard for Testing and Investigations and/or if there is any apparent departure from the International Standard for Laboratories as evidenced by the documents in respect of the particular case under consideration provided by the laboratory which undermines the validity of the Adverse Analytical Finding. Such preliminary review shall, ordinarily, be completed within three days. The representative or representatives undertaking the preliminary review may make further enquiries or investigations as it or they consider appropriate solely in relation to the existence or otherwise of a TUE or apparent departures from the International Standard for Testing and Investigations and/or the International Standard for Laboratories as evidenced by the documents in respect of the particular case under consideration provided by the laboratory. If the review does reveal an applicable TUE or departure from the International Standard for Testing and Investigations and/or applicable provisions of the International Standard for Laboratories on the foregoing basis that caused the Adverse Analytical Finding, then the entire test shall be considered negative and the Player and his Union, National Anti-Doping Organisation and WADA shall be informed.

### **21.7.3 Notification After Preliminary Review Regarding Adverse Analytical Findings**

**21.7.3.1** If the preliminary review of an Adverse Analytical Finding under Regulation 21.7.2.3 does not reveal an applicable TUE or entitlement to a TUE as

provided in the International Standard for Therapeutic Use Exemptions, or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Adverse Analytical Finding, World Rugby shall promptly notify the Player, and simultaneously the Player's Union, National Anti-Doping Organisation and WADA, in the manner set out in Regulation 21.14.1, of: (a) the Adverse Analytical Finding; (b) the anti-doping rule violated; (c) the Player's right to promptly request the analysis of the B Sample or, failing such request, that the B Sample analysis may be deemed waived; (d) the scheduled date, time and place for the B Sample analysis if the Player or World Rugby chooses to request an analysis of the B Sample; (e) the opportunity for the Player and/or the Player's representative to attend the B Sample opening and analysis in accordance with the International Standard for Laboratories if such analysis is requested; and (f) the Player's right to request copies of the A and B Sample laboratory documentation package which includes information as required by the International Standard for Laboratories. If World Rugby decides not to bring forward the Adverse Analytical Finding as an anti-doping rule violation, it shall so notify the Player, the Player's Union, National Anti-Doping Organisation and WADA.

- 21.7.3.2** Where requested by the Player or World Rugby, arrangements shall be made to analyse the B Sample in accordance with the International Standard for Laboratories. A Player may accept the A Sample analytical results by waiving the requirement for B Sample analysis. World Rugby may nonetheless elect to proceed with the B Sample analysis.
- 21.7.3.3** The Player and/or his representative shall be allowed to be present at the analysis of the B Sample. Also, a representative of World Rugby as well as a representative of the Player's Union shall be allowed to be present.
- 21.7.3.4** If the B Sample analysis does not confirm the A Sample analysis, then (unless World Rugby takes the case forward as an anti-doping rule violation under Regulation 21.2.2) the entire test shall be considered negative and the Player, the Player's Union, National Anti-Doping Organisation and WADA shall be so informed.
- 21.7.3.5** If the B Sample analysis confirms the A Sample analysis, the findings shall be reported to the Player, the Player's Union, National Anti-Doping Organisation and WADA.
- 21.7.4 Review of Atypical Findings**
- 21.7.4.1** As provided in the International Standard for Laboratories, in some circumstances laboratories are directed to report the presence of Prohibited Substances, which may also be produced endogenously, as Atypical Findings, i.e., as findings that are subject to further investigation.
- 21.7.4.2** Upon receipt of an Atypical Finding, World Rugby shall conduct a review to determine whether: (a) an applicable TUE has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions; (b) there is any apparent departure from the International Standard for Testing and Investigations or International Standard for

Laboratories that caused the Atypical Finding; and/or (c) World Rugby is aware of any historical test data with respect to the Player which explains the Atypical Finding as arising from a permitted source.

- 21.7.4.3** If the review of an Atypical Finding under Regulation 21.7.4.2 reveals an applicable TUE and/or a departure from the International Standard for Testing and Investigations or the International Standard for Laboratories and/or historical test data that caused the Atypical Finding and/or explains the Atypical Finding as arising from a permitted source, the entire test shall be considered negative and the Player, the Player's Union, National Anti-Doping Organisation and WADA shall be so informed.
- 21.7.4.4** If that review does not reveal an applicable TUE or a departure from the International Standard for Testing and Investigations or the International Standard for Laboratories and/or historical test data that caused the Atypical Finding and/or explains the Atypical Finding as arising from a permitted source, World Rugby shall conduct the required investigation or cause it to be conducted. This investigation may involve without limitation the requirement of the Player to undergo medical testing to ascertain the presence or otherwise of a pathological or other medical explanation for the Atypical Finding. After the investigation is completed, either the Atypical Finding will be brought forward as an Adverse Analytical Finding, in accordance with Regulation 21.7.3.1, or else the Player, the Player's Union, National Anti-Doping Organisation and WADA shall be notified that the Atypical Finding will not be brought forward as an Adverse Analytical Finding.
- 21.7.4.5** World Rugby will not provide notice of an Atypical Finding until it has completed its investigation and has decided whether it will bring the Atypical Finding forward as an Adverse Analytical Finding unless one of the following circumstances exists:
- 21.7.4.5.1 If World Rugby determines the B Sample should be analysed prior to the conclusion of its investigation, it may conduct the B Sample analysis after notifying the Player, with such notice to include a description of the Atypical Finding and the information described in Regulation 21.7.3.1(d)-(f).
- 21.7.4.5.2 If World Rugby is asked (a) by a Major Event Organisation shortly before one of its International Events, or (b) by a sport organisation responsible for meeting an imminent deadline for selecting team members for an International Event, to disclose whether any Player identified on a list provided by the Major Event Organisation or sport organisation has a pending Atypical Finding, World Rugby shall so advise the Major Event Organisation or sports organisation after first providing notice of the Atypical Finding to the Player.
- 21.7.4.5.3 World Rugby's investigation requires the Player to undergo medical testing to ascertain the presence or otherwise of a pathological explanation for the Atypical Finding.

#### **21.7.5 Review of Atypical Passport Findings and Adverse Passport Findings**

Review of Atypical Passport Findings and Adverse Passport Findings shall take place as provided in the International Standard for Testing and Investigations and International Standard for Laboratories. At such time as World Rugby is satisfied that an anti-doping rule violation has occurred, it shall promptly give the Player (and simultaneously the Player's Union, National Anti-Doping Organisation and WADA) notice of the anti-doping rule violation asserted and the basis of that assertion.

#### **21.7.6 Review of Whereabouts Failures**

World Rugby shall review potential filing failures and missed tests, as defined in the International Standard for Testing and Investigations, in respect of Players who file their whereabouts information with World Rugby, in accordance with Annex I to the International Standard for Testing and Investigations. At such time as World Rugby is satisfied that a violation of Regulation 21.2.4 (Whereabouts Failures) has occurred, it shall promptly give the Player (and simultaneously the Player's Union, National Anti-Doping Organisation and WADA) notice that it is asserting a violation of Regulation 21.2.4 (Whereabouts Failures) and the basis of that assertion.

#### **21.7.7 Review of Other Anti-Doping Rule Violations Not Covered by Regulations 21.7.2–21.7.6**

World Rugby shall conduct any follow-up investigation required into a possible anti-doping rule violation not covered by Regulations 21.7.2- 7.6. At such time as World Rugby is satisfied that an anti-doping rule violation has occurred, it shall promptly give the Player or other Person (and simultaneously the Player's or other Person's Union, National Anti-Doping Organisation and WADA) notice of the anti-doping rule violation asserted and the basis of that assertion.

#### **21.7.8 Identification of Prior Anti-Doping Rule Violations**

Before giving a Player or other Person notice of an asserted anti-doping rule violation as provided above, World Rugby shall refer to ADAMS and contact WADA and other relevant Anti-Doping Organisations to determine whether any prior anti-doping rule violation exists.

#### **21.7.9 Provisional Suspensions**

**21.7.9.1** When World Rugby, Union, Association or Tournament Organiser (as the case may be) receives an Adverse Analytical Finding in respect of a Player's "A" Sample or when World Rugby, Union, Association or Tournament Organiser believes or becomes aware that an anti-doping rule violation whether or not it involves the provision of a Sample, may have been committed, that Player or other Person shall, subject to Regulations 21.7.2.2 and 21.7.2.3, in the case of an "A" Sample Adverse Analytical Finding and subject to Regulation 21.16.3, in the case where there is no Sample, be Provisionally Suspended by World Rugby, Tournament

Organiser, and/or his Union or Association pending the resolution of the case.

- 21.7.9.2** The Player or other Person has a right to appeal the Provisional Suspension in accordance with Regulation 21.13.2 (save as set out in Regulation 21.7.9.3).
- 21.7.9.3** The Provisional Suspension may be lifted if the Player demonstrates to the hearing panel that the violation is likely to have involved a Contaminated Product. A hearing panel's decision not to lift a Provisional Suspension on account of the Player's assertion regarding a Contaminated Product shall not be appealable.
- 21.7.9.4** A Player or other Person subject to a Provisional Suspension shall be provided the opportunity for an expedited final hearing in accordance with Regulation 21.8 on a timely basis.
- 21.7.9.5** If a Provisional Suspension is imposed based on an A Sample Adverse Analytical Finding and subsequent analysis of the B Sample does not confirm the A Sample analysis, then the Player shall not be subject to any further Provisional Suspension on account of a violation of Regulation 21.2.1 (Presence). In circumstances where the Player (or the Player's team) has been removed from a Competition based on a violation of Regulation 21.2.1 (Presence) and the subsequent B Sample analysis does not confirm the A Sample finding, then if it is still possible for the Player or team to be reinserted, without otherwise affecting the Competition, the Player or team may continue to take part in the Competition. In addition, the Player or team may thereafter take part in other Competitions in the same Event.
- 21.7.9.6** In any case where a Player or other Person has been notified of an anti-doping rule violation but a Provisional Suspension has not been imposed on him, the Player or other Person shall be offered the opportunity to accept a Provisional Suspension voluntarily pending the resolution of the matter. [See [Comment 25](#)]
- 21.7.10 Resolution Without a Hearing**
- 21.7.10.1** A Player or other Person against whom an anti-doping rule violation is asserted may admit that violation at any time, waive a hearing and/or accept the Consequences that are mandated by these Anti-Doping Rules or (where some discretion as to Consequences exists under these Anti-Doping Rules) that have been or are asserted by World Rugby. The chairman of the Judicial Panel (appointed pursuant to Regulation 18) may appoint either a legal member of the Anti-Doping Judicial Panel set out in Regulation 21.8.2 or a Judicial Committee to review the matter on the papers and impose the Consequences as appropriate. Where the Player or other Person waives his right to a hearing but wishes to make submissions in relation to sanction he shall have seven days in which to make such submissions in writing. In any case World Rugby shall be entitled to make submissions in writing to the Judicial Officer or Judicial Committee as applicable.

**21.7.10.2** If the Player or other Person against whom an anti-doping rule violation is asserted fails to dispute that assertion within 14 days of the notice sent by World Rugby, then he shall be deemed to have admitted the violation and to have waived his right to an oral hearing. In such case the Player or other Person shall have seven days in which to make submissions in writing in relation to the sanctions to be applied. In the absence of a response the chairman of the Judicial Panel (appointed pursuant to Regulation 18) may appoint either a legal member of the Anti-Doping Judicial Panel set out in Regulation 21.8.2 or a Judicial Committee to review the matter on the papers and impose the Consequences as appropriate. World Rugby shall be entitled to make submissions in writing to the Judicial Officer or Judicial Committee as applicable.

Notwithstanding the absence of a hearing, Regulation 21.8.2.7 shall apply.

**21.7.11 Notification of Results Management Decisions**

In all cases where World Rugby has asserted the commission of an anti-doping rule violation, withdrawn the assertion of an anti-doping rule violation, imposed a Provisional Suspension, or proceeded with an imposition of Consequences by a Judicial Officer without an oral hearing, World Rugby shall give notice thereof in accordance with Regulation 21.14.2.1 to other Anti-Doping Organisations with a right to appeal under Regulation 21.13.2.3.

**21.7.12 Results Management by Unions, Associations and Tournament Organisers**

**21.7.12.1** Where an anti-doping rule violation arises out of a Doping Control conducted or arranged by a Union, Association or Tournament Organiser, or a Union, Association or Tournament Organiser believes or becomes aware that another anti-doping rule violation may have been committed by one of its members or a Player or other Person under its jurisdiction, that Union, Association or Tournament Organiser shall:

- (a) Deal with the matter in accordance with its own anti-doping procedures which shall be in compliance with these Anti-Doping Rules; and
- (b) Notify World Rugby and the Home Union of the Player or other Person concerned.

Notwithstanding the foregoing, in respect of International and Cross-Border Matches, Tours, Tournaments and Series of Matches where the Union pursuant to this Regulation does not have a WADA Code compliant National Anti-Doping Organisation in its country, World Rugby may, of its own initiative or upon request by the Union (where agreed by World Rugby), assume the conduct of all or part of the results management of such case at the cost of such Union. Nothing herein shall displace or interfere with World Rugby's rights set out in Regulation 21.

**21.7.12.2** As a minimum requirement, each Player or other Person alleged to have committed an anti-doping rule violation shall have the right to a hearing

before a suitably-qualified disciplinary body established by his Union or Association before a final decision is reached unless that Player or other Person waives that right. Where the Player or other Person so waives this right he may make submissions in writing in relation to the applicable sanctions, which may be imposed in accordance with these Anti-Doping Rules. The disciplinary body shall consist of not less than three individuals, one of whom shall have knowledge of Doping Control procedures and the Code. The disciplinary body shall deal with the matter in accordance with the national law and the regulations of the Union concerned and/or the place of establishment of the Association which shall be in compliance with these Anti-Doping Rules. All decisions by the disciplinary body must be produced in writing and incorporate the reasoning behind the findings and decisions. Where World Rugby assumes the conduct of all or part of the results management pursuant to Regulation 21.7.12.1, World Rugby shall be entitled to conduct any hearing arising therefrom itself or refer the hearing to the competent anti-doping hearing body for the Union or its Association as applicable.

**21.7.12.3** Unions, Associations and/or Tournament Organisers must keep World Rugby fully apprised as to the status of pending cases and provide the results of all hearings within 72 hours of a final written decision having been made. World Rugby shall have the right to attend Union, Association and Tournament Organiser hearings as an observer and shall in the event of an appeal to CAS or reference to any other arbitral body have the right to participate, including but not limited to, making submissions, representations, adducing evidence and calling witnesses in such proceedings.

**21.7.12.4** Hearings held by Unions, Associations, Tournament Organisers and/or any other body purporting to hear cases involving anti-doping rule violations shall be completed expeditiously and in all cases within three months of the date of notification of the "A" Sample or the date of admission or the date the alleged anti-doping rule violation came to the attention of the Union, Association and/or Tournament Organiser (save were World Rugby has determined there are exceptional circumstances) or the date of completion of the results management process or other applicable investigation procedure. Hearings may be conducted on an expedited process.

### **21.7.13 National Sports Resolution Bodies**

**21.7.13.1** Where a Union elects to utilise the services of a national sports resolution body, the Union shall ensure that the following pre-conditions are complied with:

- (a) All anti-doping cases whether arising out of an Adverse Analytical Finding or otherwise shall be determined in accordance with these Anti-Doping Rules or the anti-doping rules of the Union which shall be in compliance with and reflect at national level these Anti-Doping Rules;
- (b) The first instance hearing of all anti-doping cases arising out of an Adverse Analytical Finding or otherwise shall be considered by an

independent judicial panel of the Union or national sports resolution body of the country of the Union subject always to prior notification in writing to World Rugby and compliance with Regulation 21;

- (c) The jurisdiction of World Rugby and the Union to be represented and participate as a party to any Union anti-doping case (including those heard before any national sports resolution body and without limitation any referral from World Rugby (including without limitation the World Rugby Anti-Doping Advisory Committee) to an appeal committee of the national sports resolution body or other national appeal body), shall be specifically enshrined by the Union in the applicable anti-doping judicial process;
- (d) Where the services of a national sports resolution body are utilised by a Union (whether on appeal or in accordance with (b) above), the Union shall ensure that:
  - (i) Such body shall recognise the remit of World Rugby to review every decision arising from or connected to the Game and as appropriate to accept the decision of such body and/or the Union or appeal the decision to the applicable appeal body in accordance with Regulation 21.25.1; and
  - (ii) Such body shall recognise the remit of World Rugby to review every appeal decision of the Union and/or the national sports resolution body acting on behalf of the Union and as appropriate to accept the appeal decision of such body and/or the Union or appeal such appeal decision to CAS.

#### **21.7.14 Notification by Unions, Associations and Tournament Organisers**

**21.7.14.1** When a Union, Association or Tournament Organiser (as the case may be) receives an Adverse Analytical Finding or where a Union, Association or Tournament Organiser believes, or becomes aware, that an anti-doping rule violation may have been committed (including in cases where the Doping Control and/or results management are being handled by a NADO), that Union, Association or Tournament Organiser must notify the Anti-Doping Manager - Results and Compliance of World Rugby immediately. The Anti-Doping Manager (or his designee) shall be entitled to receive from a Union, Association or Tournament Organiser such additional information, as he may consider necessary in relation to any alleged anti-doping rule violation (including in cases where the Doping Control and/or results management are being handled by a NADO). In any event, the Anti-Doping Manager (or his designee) is entitled to receive from and shall be provided by the relevant Union, Association or Tournament Organiser with a full report of all hearings including (without limitation) the written decision of the hearing body(ies) of the relevant Union (and/or its NADO), Association or Tournament Organiser and/or national sports resolution body appointed by the Union (as the case may be) incorporating the reasoning behind the findings and decisions in respect of anti-doping rule violations as soon as practicable and in any event within 72 hours of a final written decision having been made.



**21.7.14.2** Notwithstanding the requirements of Regulation 21.7.14.1, in cases where results management is being handled by a NADO, the Union shall simultaneously when providing the initial notification in Regulation 21.7.14.1: (a) make known to World Rugby the applicable appeal provisions; (b) provide a copy of the NADO's regulations; and (c) where such regulations are not in English, provide a translation into English of the appeal provisions and, where requested, within 72 hours of such request, a translation of such other provisions as requested. In addition, the Union shall provide a full report of all hearings including (without limitation) the written decision of the hearing body(ies) of the NADO immediately following the final written decision having been made and where such decision is not in English, provide a translation within 72 hours thereof. Failure to meet the requirements set out in Regulation 21.7.14.1 and 21.7.14.2 may render a Union liable to disciplinary proceedings.

**21.7.14.3** Subject to Regulations 21.5.3.5 and 21.5.3.6 where the conduct of a Doping Control results in an Adverse Analytical Finding or other anti-doping rule violation (involving a Player and/or other Person) or where an anti-doping rule violation arises other than through the conduct of a Doping Control in respect of a Player who is not a member of the Union that conducted or was responsible for arranging the Doping Control, then that Union or Association that had jurisdiction over the Player and/or other Person (as the case may be) at the time the test was conducted or investigation into the alleged anti-doping rule violation commenced shall report the results of such Doping Controls to the Union or Association that normally exercises jurisdiction over such Player and/or Person (as the case may be) and to World Rugby.

#### **Transfer of hearings**

**21.7.14.4** Pursuant to Regulation 21.7.14.3 above, the Player or other Person may elect to have his own Union (being the Union for which he was playing at the time the test was conducted or investigation into the alleged anti-doping rule violation commenced) or if his Union does not have its own anti-doping judicial panel, his Association where it has an anti-doping judicial panel, conduct the appropriate investigation and hearing procedures (and where an anti-doping rule violation is found to have been committed, impose the applicable sanctions) if, and only if in the case where there has been an Adverse Analytical Finding, the Player acknowledges in writing, that no issue will be taken at the hearing as to the:

- (a) Qualifications or authority of any official of any Doping Control/collection agency or WADA accredited laboratory;
- (b) Sample collection procedures;
- (c) Custody or transmission of any Sample; and
- (d) Analysis of any Sample by a WADA Accredited laboratory.

The foregoing shall be without prejudice to World Rugby's results management rights pursuant to Regulation 21.7.12.1.

**21.7.14.5** Where a Player or other Person elects to have his own Union conduct the appropriate investigation and hearing pursuant to Regulation 21.7.14.4, such election by a Player or other Person must be confirmed to his Union or Association as applicable within 14 days of being notified of the Adverse Analytical Finding and/or the alleged anti-doping violation. The Player's or other Person's own Union or Association must notify the visited Union of any such election. If a Player or other Person does not elect to have the hearing procedures carried out by his own Union or Association, then the visited Union where the Doping Control was conducted shall have jurisdiction and shall conduct the investigation and hearing procedures (and where an anti-doping rule violation is found to have been committed, impose the applicable sanctions).

## **21.8 RIGHT TO A FAIR HEARING**

### **21.8.1 Hearing Procedures**

Where the matter is referred to a Judicial Committee, save for where Regulation 21.7.10 applies, the Player or other Person concerned shall:

- (a) Be notified that the matter has been referred to a Judicial Committee;
- (b) Be provided with relevant reports and documentation in relation to the anti-doping rule violation (including the WADA accredited laboratory documentation package where requested by the Player); and
- (c) Be invited, together with any legal representative he may wish to appoint, to attend a hearing before the Judicial Committee to present relevant material and submissions.

WADA may attend the hearing as observers. In any event, World Rugby shall keep WADA fully apprised as to the status of pending cases and the result of all hearings.

The hearing before the Judicial Committee shall be held without unnecessary delay and shall be expedited where the circumstances warrant it. [See [Comment 26](#)]

### **21.8.2 Judicial Committees Dealing with Anti-Doping Rule Violations**

**21.8.2.1** World Rugby's CEO shall appoint a panel of individuals comprising specialists with knowledge of doping in sport and the Code (the "Anti-Doping Judicial Panel"). The Anti-Doping Judicial Panel shall comprise of such numbers as World Rugby's CEO shall think fit but in any event shall include the members of the Anti-Doping Advisory Committee. The chairman of the Judicial Panel (appointed pursuant to Regulation 18) or his designee, shall, appoint Judicial Committees and Post-Hearing Review Bodies from members of the Anti-Doping Judicial Panel to resolve, hear and adjudicate at first instance and on appeal in cases involving any alleged breaches of these Anti-Doping Rules.

**21.8.2.2** A Judicial Committee, appointed in accordance with Regulation 21.8.2.1, to hear cases involving anti-doping rule violations shall ordinarily comprise

three members, all of whom shall be independent of World Rugby, shall have had no prior involvement with the case and shall not have the same nationality as the Player or other Person alleged to have committed an anti-doping rule violation. The appointed members shall be selected from the Anti-Doping Judicial Panel and shall comprise:

- (a) A senior legal practitioner who shall act as chairman; and
- (b) An experienced medical practitioner; and
- (c) Either a second person from category (a) or (b) above or an ex-Player or current or ex-rugby administrator.

**21.8.2.3** If one or more members of the Judicial Committee is/are unable or unwilling, for whatever reason, to hear the case, then World Rugby may, at its absolute discretion:

- (a) Appoint a replacement(s);
- (b) Appoint a new Judicial Committee; or
- (c) Allow the remaining member(s) of the Judicial Committee to hear the case.

**21.8.2.4** Judicial Committees shall be entitled to call on experts to provide specialist advice, including legal advice.

**21.8.2.5** Judicial Committees may request that a World Rugby representative attend and present information in relation to the anti-doping rule violation.

**21.8.2.6** Subject to Regulation, 21.8.2.3, Judicial Committees shall have the power to regulate their own procedure, in each case. However, subject to this power to regulate their own procedure Judicial Committees shall conform generally with the procedural guidelines set out below:

- (a) As soon as reasonably practicable following the referral of the matter the Judicial Committee chairman, or his designee, shall notify the Player, or other Person of the date, place and time of the hearing. The Player, or other Person shall be informed that he is required to attend the hearing.
- (b) A Player, or other Person who is alleged to have committed an anti-doping rule violation shall be entitled to be represented by an official of his Union, Rugby Body/Club, or by legal counsel. Where necessary an independent interpreter shall be present at a hearing of the Judicial Committee.
- (c) In the interests of time and minimising inconvenience a Player, or other Person whose hearing is pending can be required by the Judicial Committee, prior to the hearing, to supply it with full particulars of the case that will be presented on his behalf at the hearing.
- (d) The Judicial Committee shall have the power to postpone or adjourn proceedings.

- (e) The Judicial Committee shall be entitled to receive such evidence as it thinks fit (including evidence in writing) notwithstanding that evidence may not be legally admissible, and shall be entitled to attach such weight to that evidence as it sees fit.
- (f) Generally the Judicial Committee shall apply the “best evidence rule”. This means that first-hand accounts from persons present at the hearing as to their observations/knowledge of the alleged anti-doping rule violation in question should be preferred. Hearsay evidence may be accepted. However, caution shall be exercised before hearsay evidence is accepted in preference to first-hand evidence and generally less weight is likely to be given to hearsay evidence. Further, as a general rule, Judicial Committees should not permit the introduction of opinion evidence other than expert opinion evidence. Expert opinion evidence is only likely to be permitted when the evidence falls outside the everyday knowledge of members of the Judicial Committee.
- (g) The Judicial Committee shall be entitled to determine whether witnesses that give evidence are able to remain in the room in which the hearing is being heard after their evidence has been given.
- (h) The Judicial Committee shall endeavour to ensure that proceedings are not heard in the absence of the Player, or other Person subject to the proceedings. However, the non-attendance of a Player, or other Person or his representative, after notice of the hearing has been provided, will not prevent the Judicial Committee from proceeding with the hearing in his absence. In arriving at its decision, the Judicial Committee may, however, take into account any written statement submitted by the Player, or other Person or his representatives.
- (i) At any hearing the Judicial Committee will not be bound by judicial rules governing the procedure or the admissibility of evidence, however, the hearing shall be conducted in a fair manner with a reasonable opportunity for the Player or other Person who is alleged to have committed an anti-doping rule violation to submit evidence, address the Judicial Committee and present his case.
- (j) In respect of any hearing in relation to an anti-doping rule violation before a Judicial Committee the following will apply:
  - (i) The hearing shall be held in private;
  - (ii) Decisions may be made by majority; and
  - (iii) The Judicial Committee’s deliberations on its decision shall take place in private.

**21.8.2.7** The written decision of the Judicial Committee shall be advised to all parties as soon as practicable after the conclusion of the hearing. When it considers it appropriate, the Judicial Committee may deliver a short oral decision at the conclusion of the hearing with its reasons to be put in writing and communicated to the parties at a later date, or it may reserve its

decision. The decision of the Judicial Committee shall be binding upon notification to the Player, or other Person concerned and/or his Union.

- 21.8.2.8** In the event that the Judicial Committee establishes that an anti-doping rule violation has been committed, the Judicial Committee shall impose sanctions on the Player, or other Person concerned in accordance with Regulation 21.10. The Judicial Committee shall also invalidate other Player awards including forfeiture of any medals and prizes.
- 21.8.2.9** A Player's or other Person's costs associated with any proceedings before a Judicial Committee dealing with an anti-doping rule violation shall ordinarily be borne by the Player, or other Person, including travel/accommodation costs of the Player or other Person, his representatives and his witnesses, as well as his legal costs.
- 21.8.2.10** A Judicial Committee dealing with an anti-doping rule violation may, in its discretion, make an award of costs against the Player, or other Person in respect of costs incurred by the Judicial Committee or other costs in relation to the investigation and/or proceedings where a sanction is imposed on the Player or other Person by the Judicial Committee.
- 21.8.2.11** Notwithstanding the provisions of Regulations 21.8.2.9 and 21.8.2.10 above, the Judicial Committee shall retain absolute discretion in relation to the awarding of costs associated with the case and may make such order as to costs as it sees fit.
- 21.8.2.12** Copies of the written decision of the Judicial Committee shall be provided to the Player or other Person and to other Anti-Doping Organisations with a right to appeal under Regulation 21.13.2.3.
- 21.8.2.13** Cases asserting anti-doping rule violations may be heard directly at CAS, with no requirement for a prior hearing, with the consent of the Athlete, World Rugby, WADA, and any other Anti-Doping Organisation that would have had a right to appeal a first instance hearing decision to CAS.
- 21.8.2.14** Where a Player or other Person is adversely affected by a decision of the Judicial Committee in relation to an anti-doping rule violation, the Player or other Person shall be advised by the Judicial Committee of his right to request a review of the decision by a Post-Hearing Review Body.
- 21.8.2.15** Any deviation or deviations from the procedures set out in this Regulation 21.8.2 shall not invalidate any finding or decision of a Judicial Committee unless it was such as to cast real doubt on the reliability of such finding or decision.
- 21.8.2.16** The minimum requirements for first instance hearings held under the jurisdiction of Unions, Tournament Organisers or NADOs in relation to alleged anti-doping rule violations are set out in Regulations 21.7.12.1 to 21.7.13. The procedural guidelines set out in Regulation 21.8.2 may also be applied to such first instance hearings.

## **21.9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS**

An anti-doping rule violation in Individual Sports in connection with an In-Competition test automatically leads to Disqualification of the result obtained in that Competition with all resulting Consequences, including forfeiture of any medals, points and prizes. [See [Comment 27](#)]

## **21.10 SANCTIONS ON INDIVIDUALS**

### **21.10.1 Disqualification of Results in the Event During which an Anti-Doping Rule Violation Occurs**

An anti-doping rule violation occurring during or in connection with an Event may, upon the decision of the ruling body of the Event, lead to Disqualification of all of the Player's individual results obtained in that Event with all Consequences, including forfeiture of all medals, points and prizes, except as provided in Regulation 21.10.1.1.

Factors to be included in considering whether to Disqualify other results in an Event might include, for example, the seriousness of the Player's anti-doping rule violation and whether the Player tested negative in the other Competitions.

**21.10.1.1** If the Player establishes that he or she bears No Fault or Negligence for the violation, the Player's individual results in the other Competitions shall not be Disqualified, unless the Player's results in Competitions other than the Competition in which the anti-doping rule violation occurred were likely to have been affected by the Player's anti-doping rule violation.

### **21.10.2 Ineligibility for Presence, Use or Attempted Use, or Possession of a Prohibited Substance or Prohibited Method**

The period of Ineligibility for a violation of Regulations 21.2.1 (Presence), 21.2.2 (Use or Attempted Use) or 21.2.6 (Possession) shall be as follows, subject to potential reduction or suspension pursuant to Regulations 21.10.4, 21.10.5 or 21.10.6:

**21.10.2.1** The period of Ineligibility shall be four years where:

**21.10.2.1.1** The anti-doping rule violation does not involve a Specified Substance, unless the Player or other Person can establish that the anti-doping rule violation was not intentional.

**21.10.2.1.2** The anti-doping rule violation involves a Specified Substance and World Rugby (or the Association, Union or Tournament Organiser handling the case as applicable) can establish that the anti-doping rule violation was intentional.

**21.10.2.2** If Regulation 21.10.2.1 does not apply, the period of Ineligibility shall be two years.

**21.10.2.3** As used in Regulations 21.10.2 and 21.10.3, the term "intentional" is meant to identify those Players who cheat. The term therefore requires that the Player or other Person engaged in conduct which he or she knew

constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk. An anti-doping rule violation resulting from an Adverse Analytical Finding for a substance which is only prohibited In-Competition shall be rebuttably presumed to be not intentional if the substance is a Specified Substance and the Player can establish that the Prohibited Substance was Used Out-of-Competition. An anti-doping rule violation resulting from an Adverse Analytical Finding for a substance which is only prohibited In-Competition shall not be considered intentional if the substance is not a Specified Substance and the Player can establish that the Prohibited Substance was Used Out-of-Competition in a context unrelated to sport performance.

### **21.10.3 Ineligibility for Other Anti-Doping Rule Violations**

The period of Ineligibility for anti-doping rule violations other than as provided in Regulation 21.10.2 shall be as follows, unless Regulations 21.10.5 or 21.10.6 are applicable:

- 21.10.3.1** For violations of Regulation 21.2.3 (Evading) or Regulation 21.2.5 (Tampering), the period of Ineligibility shall be four years unless, in the case of failing to submit to Sample collection, the Player can establish that the commission of the anti-doping rule violation was not intentional (as defined in Regulation 21.10.2.3), in which case the period of Ineligibility shall be two years.
- 21.10.3.2** For violations of Regulation 21.2.4, the period of Ineligibility shall be two years, subject to reduction down to a minimum of one year, depending on the Player's degree of Fault. The flexibility between two years and one year of Ineligibility in this Regulation is not available to Players where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the Player was trying to avoid being available for Testing.
- 21.10.3.3** For violations of Regulations 21.2.7 (Trafficking) or 21.2.8 (Administration), the period of Ineligibility shall be a minimum of four years up to lifetime Ineligibility, depending on the seriousness of the violation. A Regulation 21.2.7 (Trafficking) or 21.2.8 (Administration) violation involving a Minor shall be considered a particularly serious violation and, if committed by Player Support Personnel for violations other than for Specified Substances, shall result in lifetime Ineligibility for Player Support Personnel. In addition, significant violations of Regulations 21.2.7 (Trafficking) or 21.2.8 (Administration) which may also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities. [See [Comment 28](#)]
- 21.10.3.4** For violations of Regulation 21.2.9 (Complicity), the period of Ineligibility imposed shall be a minimum of two years, up to four years, depending on the seriousness of the violation.
- 21.10.3.5** For violations of Regulation 21.2.10 (Prohibited Association), the period of Ineligibility shall be two years, subject to reduction down to a minimum of

one year, depending on the Player or other Person's degree of Fault and other circumstances of the case. [See [Comment 29](#)]

**21.10.4 Elimination of the Period of Ineligibility where there is No Fault or Negligence**

If a Player or other Person establishes in an individual case that he or she bears No Fault or Negligence, then the otherwise applicable period of Ineligibility shall be eliminated. [See [Comment 30](#)]

**21.10.5 Reduction of the Period of Ineligibility based on No Significant Fault or Negligence**

**21.10.5.1 Reduction of Sanctions for Specified Substances or Contaminated Products for Violations of Regulations 21.2.1 (Presence), 21.2.2 (Use or Attempted Use) or 21.2.6 (Possession).**

**21.10.5.1.1 Specified Substances**

Where the anti-doping rule violation involves a Specified Substance, and the Player or other Person can establish No Significant Fault or Negligence, then the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two years of Ineligibility, depending on the Player's or other Person's degree of Fault.

**21.10.5.1.2 Contaminated Products**

In cases where the Player or other Person can establish No Significant Fault or Negligence and that the detected Prohibited Substance came from a Contaminated Product, then the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two years Ineligibility, depending on the Player's or other Person's degree of Fault. [See [Comment 31](#)]

**21.10.5.2 Application of No Significant Fault or Negligence beyond the Application of Regulation 21.10.5.1**

If a Player or other Person establishes in an individual case where Regulation 21.10.5.1 is not applicable that he or she bears No Significant Fault or Negligence, then, subject to further reduction or elimination as provided in Regulation 21.10.6, the otherwise applicable period of Ineligibility may be reduced based on the Player or other Person's degree of Fault, but the reduced period of Ineligibility may not be less than one-half of the period of Ineligibility otherwise applicable. If the otherwise applicable period of Ineligibility is a lifetime, the reduced period under this Regulation may be no less than eight years. [See [Comment 32](#)]



### **21.10.6 Elimination, Reduction, or Suspension of Period of Ineligibility or other Consequences for Reasons Other than Fault**

#### **21.10.6.1 Substantial Assistance in Discovering or Establishing Anti-Doping Rule Violations**

21.10.6.1.1 World Rugby (or the Association, Union or Tournament Organiser handling the case as applicable) may, prior to a final appellate decision under Regulation 21.13 or the expiration of the time to appeal, suspend a part of the period of Ineligibility imposed in an individual case in which it has results management authority where the Player or other Person has provided Substantial Assistance to an Anti-Doping Organisation, criminal authority or professional disciplinary body which results in: (i) the Anti-Doping Organisation discovering or bringing forward an anti-doping rule violation by another Person, or (ii) which results in a criminal or disciplinary body discovering or bringing forward a criminal offense or the breach of professional rules committed by another Person and the information provided by the Person providing Substantial Assistance is made available to World Rugby (or the Association, Union or Tournament Organiser handling the case as applicable). After a final appellate decision under Regulation 21.13 or the expiration of time to appeal, World Rugby (or the Association, Union or Tournament Organiser handling the case as applicable) may only suspend a part of the otherwise applicable period of Ineligibility with the approval of WADA. The extent to which the otherwise applicable period of Ineligibility may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the Player or other Person and the significance of the Substantial Assistance provided by the Player or other Person to the effort to eliminate doping in sport. No more than three-quarters of the otherwise applicable period of Ineligibility may be suspended. If the otherwise applicable period of Ineligibility is a lifetime, the non-suspended period under this Regulation must be no less than eight years. If the Player or other Person fails to continue to cooperate and to provide the complete and credible Substantial Assistance upon which a suspension of the period of Ineligibility was based, World Rugby (or the Association, Union or Tournament Organiser handling the case as applicable) shall reinstate the original period of Ineligibility. If World Rugby (or the Association, Union or Tournament Organiser handling the case as applicable) decides to reinstate a suspended period of Ineligibility or decides not to reinstate a suspended period of Ineligibility, that decision may be appealed by any Person entitled to appeal under Regulation 21.13.

21.10.6.1.2 To further encourage Players and other Persons to provide Substantial Assistance to Anti-Doping Organisations, at the request of World Rugby (or the Association, Union or Tournament Organiser handling the case as applicable) or at the request of the Player or other Person who has (or has been asserted to have) committed an anti-doping rule violation, WADA may agree at any stage of the results management process, including after a final appellate decision under Regulation 21.13, to what it considers to be an appropriate suspension of the otherwise-applicable period of Ineligibility and other Consequences. In exceptional circumstances, WADA may agree to suspensions of the period of Ineligibility and other Consequences for

Substantial Assistance greater than those otherwise provided in this Regulation, or even no period of Ineligibility, and/or no return of prize money or payment of fines or costs. WADA's approval shall be subject to reinstatement of sanction, as otherwise provided in this Regulation. Notwithstanding Regulation 21.13, WADA's decisions in the context of this Regulation may not be appealed by any other Anti-Doping Organisation.

21.10.6.1.3 If World Rugby (or the Association, Union or Tournament Organiser handling the case as applicable) suspends any part of an otherwise applicable sanction because of Substantial Assistance, then notice providing justification for the decision shall be provided to the other Anti-Doping Organisations with a right to appeal under Regulation 21.13.2.3 as provided in Regulation 21.14.2. In unique circumstances where WADA determines that it would be in the best interest of anti-doping, WADA may authorise World Rugby (or the Association, Union or Tournament Organiser handling the case as applicable) to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the Substantial Assistance agreement or the nature of Substantial Assistance being provided. [See [Comment 33](#)]

**21.10.6.2 Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence**

Where a Player or other Person voluntarily admits the commission of an anti-doping rule violation before having received notice of a Sample collection which could establish an anti-doping rule violation (or, in the case of an anti-doping rule violation other than Regulation 21.2.1, before receiving first notice of the admitted violation pursuant to Regulation 21.7) and that admission is the only reliable evidence of the violation at the time of admission, then the period of Ineligibility may be reduced, but not below one-half of the period of Ineligibility otherwise applicable. [See [Comment 34](#)]

**21.10.6.3 Prompt Admission of an Anti-Doping Rule Violation after being Confronted with a Violation Sanctionable under Regulation 21.10.2.1 or Regulation 21.10.3.1**

A Player or other Person potentially subject to a four-year sanction under Regulation 21.10.2.1 or 21.10.3.1 (for evading or refusing Sample Collection or Tampering with Sample Collection), by promptly admitting the asserted anti-doping rule violation after being confronted by World Rugby (or the Association, Union or Tournament Organiser handling the case as applicable), and also upon the approval and at the discretion of both WADA and World Rugby (or the Association, Union or Tournament Organiser handling the case as applicable), may receive a reduction in the period of Ineligibility down to a minimum of two years, depending on the seriousness of the violation and the Player or other Person's degree of Fault.

**21.10.6.4 Application of Multiple Grounds for Reduction of a Sanction**

Where a Player or other Person establishes entitlement to reduction in sanction under more than one provision of Regulation 21.10.4, 21.10.5 or 21.10.6, before applying any reduction or suspension under Regulation

21.10.6, the otherwise applicable period of Ineligibility shall be determined in accordance with Regulation 21.10.2, 21.10.3, 21.10.4, and 21.10.5. If the Player or other Person establishes entitlement to a reduction or suspension of the period of Ineligibility under Regulation 21.10.6, then the period of Ineligibility may be reduced or suspended, but not below one-fourth of the otherwise applicable period of Ineligibility.[See [Comment 35](#)]

**21.10.7 Multiple Violations**

**21.10.7.1** For a Player or other Person's second anti-doping rule violation, the period of Ineligibility shall be the greater of:

- (a) six months;
- (b) one-half of the period of Ineligibility imposed for the first anti-doping rule violation without taking into account any reduction under Regulation 21.10.6; or
- (c) twice the period of Ineligibility otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, without taking into account any reduction under Regulation 21.10.6.

The period of Ineligibility established above may then be further reduced by the application of Regulation 21.10.6.

**21.10.7.2** A third anti-doping rule violation will always result in a lifetime period of Ineligibility, except if the third violation fulfils the condition for elimination or reduction of the period of Ineligibility under Regulation 21.10.4 or 21.10.5, or involves a violation of Regulation 21.2.4. In these particular cases, the period of Ineligibility shall be from eight years to lifetime Ineligibility.

**21.10.7.3** An anti-doping rule violation for which a Player or other Person has established No Fault or Negligence shall not be considered a violation for purposes of this Regulation.

**21.10.7.4 Additional Rules for Certain Potential Multiple Violations**

21.10.7.4.1 For purposes of imposing sanctions under Regulation 21.10.7, an anti-doping rule violation will only be considered a second violation if World Rugby (or the Association, Union or Tournament Organiser handling the case as applicable) can establish that the Player or other Person committed the second anti-doping rule violation after the Player or other Person received notice pursuant to Regulation 21.7, or after World Rugby (or the Association, Union or Tournament Organiser handling the case as applicable) made reasonable efforts to give notice of the first anti-doping rule violation. If World Rugby (or the Association, Union or Tournament Organiser handling the case as applicable) cannot establish this, the violations shall be considered together as one single first violation, and the

sanction imposed shall be based on the violation that carries the more severe sanction.

21.10.7.4.2 If, after the imposition of a sanction for a first anti-doping rule violation, World Rugby (or the Association, Union or Tournament Organiser handling the case as applicable) discovers facts involving an anti-doping rule violation by the Player or other Person which occurred prior to notification regarding the first violation, then World Rugby (or the Association, Union or Tournament Organiser handling the case as applicable) shall impose an additional sanction based on the sanction that could have been imposed if the two violations had been adjudicated at the same time. Results in all Competitions dating back to the earlier anti-doping rule violation will be Disqualified as provided in Regulation 21.10.8.

**21.10.7.5 Multiple Anti-Doping Rule Violations during Ten-Year Period**

For purposes of Regulation 21.10.7, each anti-doping rule violation must take place within the same ten-year period in order to be considered multiple violations.

**21.10.8 Disqualification of Results in Competitions Subsequent to Sample Collection or Commission of an Anti-Doping Rule Violation**

In addition to the automatic Disqualification of the results in the Competition which produced the positive Sample under Regulation 21.9, all other competitive results of the Player obtained from the date a positive Sample was collected (whether In-Competition or Out-of-Competition), or other anti-doping rule violation occurred, through the commencement of any Provisional Suspension or Ineligibility period, shall, unless fairness requires otherwise, be Disqualified with all of the resulting Consequences including forfeiture of any medals, points and prizes. [See [Comment 36](#)]

**21.10.9 Allocation of CAS Cost Awards and Forfeited Prize Money**

The priority for repayment of CAS cost awards and forfeited prize money shall be: first, payment of costs awarded by CAS; and second, reimbursement of the expenses of World Rugby.

**21.10.10 Financial Consequences**

Where a Player or other Person commits an anti-doping rule violation, World Rugby (or the Association, Union or Tournament Organiser handling the case as applicable) may, in its discretion and subject to the principle of proportionality, elect to recover from the Player or other Person costs associated with the anti-doping rule violation, regardless of the period of Ineligibility imposed.

The recovery of costs shall not be considered a basis for reducing the Ineligibility or other sanction which would otherwise be applicable under these Anti-Doping Rules or the Code.

**21.10.11 Commencement of Ineligibility Period**

Except as provided below, the period of Ineligibility shall start on the date of the final hearing decision providing for Ineligibility or, if the hearing is waived or there is no hearing, on the date Ineligibility is accepted or otherwise imposed.

**21.10.11.1 Delays Not Attributable to the Player or other Person**

Where there have been substantial delays in the hearing process or other aspects of Doping Control not attributable to the Player or other Person, World Rugby (or the Association, Union or Tournament Organiser handling the case as applicable) may start the period of Ineligibility at an earlier date commencing as early as the date of Sample collection or the date on which another anti-doping rule violation last occurred. All competitive results achieved during the period of Ineligibility, including retroactive Ineligibility, shall be Disqualified. [See [Comment 37](#)]

**21.10.11.2 Timely Admission**

Where the Player or other Person promptly (which, in all events, for a Player means before the Player competes again) admits the anti-doping rule violation after being confronted with the anti-doping rule violation by World Rugby (or the Association, Union or Tournament Organiser handling the case as applicable), the period of Ineligibility may start as early as the date of Sample collection or the date on which another anti-doping rule violation last occurred. In each case, however, where this Regulation is applied, the Player or other Person shall serve at least one-half of the period of Ineligibility going forward from the date the Player or other Person accepted the imposition of a sanction, the date of a hearing decision imposing a sanction, or the date the sanction is otherwise imposed. This Regulation shall not apply where the period of Ineligibility has already been reduced under Regulation 21.10.6.3.

**21.10.11.3 Credit for Provisional Suspension or Period of Ineligibility Served**

21.10.11.3.1 If a Provisional Suspension is imposed and respected by the Player or other Person, then the Player or other Person shall receive a credit for such period of Provisional Suspension against any period of Ineligibility which may ultimately be imposed. If a period of Ineligibility is served pursuant to a decision that is subsequently appealed, then the Player or other Person shall receive a credit for such period of Ineligibility served against any period of Ineligibility which may ultimately be imposed on appeal.

21.10.11.3.2 If a Player or other Person voluntarily accepts a Provisional Suspension in writing from World Rugby (or the Association, Union or Tournament Organiser handling the case as applicable) and thereafter respects the Provisional Suspension, the Player or other Person shall receive a credit for such period of voluntary Provisional Suspension against any period of Ineligibility which may ultimately be imposed. A copy of the Player or other Person's voluntary acceptance of a Provisional Suspension shall be

provided promptly to each party entitled to receive notice of an asserted anti-doping rule violation under Regulation 21.14.1. [See [Comment 38](#)]

21.10.11.3.3 No credit against a period of Ineligibility shall be given for any time period before the effective date of the Provisional Suspension or voluntary Provisional Suspension regardless of whether the Player elected not to compete or was suspended by his or her team.

21.10.11.3.4 In Team Sports, where a period of Ineligibility is imposed upon a team, unless fairness requires otherwise, the period of Ineligibility shall start on the date of the final hearing decision providing for Ineligibility or, if the hearing is waived, on the date Ineligibility is accepted or otherwise imposed. Any period of team Provisional Suspension (whether imposed or voluntarily accepted) shall be credited against the total period of Ineligibility to be served. [See [Comment 39](#)]

## **21.10.12 Status During Ineligibility**

### **21.10.12.1 Prohibition Against Participation During Ineligibility**

No Player or other Person who has been declared Ineligible may, during the period of Ineligibility, participate in any capacity in a Competition or activity (other than authorized anti-doping education or rehabilitation programmes) authorised or organised by World Rugby or any Member Union, Association or a Club, Rugby Body or other member organisation of World Rugby or any Association or Member Union, or in Competitions authorised or organised by any professional league or any international- or national-level Event organisation or any elite or national-level sporting activity funded by a governmental agency.

A Player or other Person subject to a period of Ineligibility longer than four years may, after completing four years of the period of Ineligibility, participate as a Player in local sport events not sanctioned or otherwise under the jurisdiction of a Code Signatory or member of a Code Signatory, but only so long as the local sport event is not at a level that could otherwise qualify such Player or other Person directly or indirectly to compete in (or accumulate points toward) a national championship or International Event, and does not involve the Player or other Person working in any capacity with Minors.

A Player or other Person subject to a period of Ineligibility shall remain subject to Testing. [See [Comment 40](#)]

### **21.10.12.2 Return to Training**

As an exception to Regulation 21.10.12.1, a Player may return to train with a team or to use the facilities of a Union, Club, Rugby Body or other member organisation of World Rugby, an Association or a Union during the shorter of: (1) the last two months of the Player's period of Ineligibility, or (2) the last one-quarter of the period of Ineligibility imposed. [See [Comment 41](#)]

**21.10.12.3 Violation of the Prohibition of Participation During Ineligibility**

Where a Player or other Person who has been declared Ineligible violates the prohibition against participation during Ineligibility described in Regulation 21.10.12.1, the results of such participation shall be Disqualified and a new period of Ineligibility equal in length up to the original period of Ineligibility shall be added to the end of the original period of Ineligibility. The new period of Ineligibility may be adjusted based on the Player or other Person's degree of Fault and other circumstances of the case. The determination of whether a Player or other Person has violated the prohibition against participation, and whether an adjustment is appropriate, shall be made by World Rugby (or the Association, Union or Tournament Organiser handling the case as applicable). This decision may be appealed under Regulation 21.13.

Where a Player Support Person or other Person assists a Person in violating the prohibition against participation during Ineligibility, World Rugby (or the Association, Union or Tournament Organiser handling the case as applicable) shall impose sanctions for a violation of Regulation 21.2.9 (Complicity) for such assistance.

**21.10.12.4 Withholding of Financial Support during Ineligibility**

In addition, for any anti-doping rule violation not involving a reduced sanction as described in Regulation 21.10.4 or Regulation 21.10.5, some or all sport-related financial support or other sport-related benefits received by such Person will be withheld by World Rugby and its Associations and Member Unions.

**21.10.13 Automatic Publication of Sanction**

A mandatory part of each sanction shall include automatic publication, as provided in Regulation 21.14.3. [See [Comment 42](#)]

**21.11 CONSEQUENCES TO TEAMS****21.11.1 Testing of Team Sports**

Where more than one Member of a Team in a Team Sport has been notified of an anti-doping rule violation under Regulation 21.7 in connection with an Event, the ruling body for the Event shall conduct appropriate Target Testing of the team during the Event Period.

**21.11.2 Consequences for Team Sports**

If more than two Members of a Team in a Team Sport are found to have committed an anti-doping rule violation during an Event Period, the ruling body of the Event shall impose an appropriate sanction on the team (e.g., loss of points, Disqualification from a Competition or Event, or other sanction) in addition to any Consequences imposed upon the individual Players committing the anti-doping rule violation.

### **21.11.3 Event Ruling Body May Establish Stricter Consequences for Team Sports**

The ruling body for an Event may elect to establish rules for the Event which impose Consequences for Team Sports stricter than those in Regulation 21.11.2 for purposes of the Event. [See [Comment 43](#)]

## **21.12 SANCTIONS AND COSTS ASSESSED AGAINST SPORTING BODIES**

**21.12.1** World Rugby has the authority to withhold some or all funding or other non-financial support to Member Unions which are not in compliance with these Anti-Doping Rules and/or in order to meet the amounts of any fine pursuant to Regulation 21.12.2 which have not been paid by the Member Union within the time period stipulated by World Rugby and/or Judicial Officer or Judicial Committee, as applicable. Similarly, World Rugby may withhold from the Member Union any amount not paid by the Player or other Person pursuant to Regulation 21.10.10 and the Member Union may seek this amount in turn from the Player or other Person under its direct jurisdiction.

**21.12.2** Where a Member Union fails to make diligent efforts to keep World Rugby informed about a Player's whereabouts after receiving a request for that information from World Rugby and/or fails to submit Therapeutic Use Exemption requests at least 30 days, or such other time as stipulated by World Rugby, in advance of a competition without reasonable excuse, World Rugby may impose a fine administratively upon the Member Union in an amount up to £500 pounds sterling per Player in addition, in any case, to meeting all of World Rugby's costs incurred in unsuccessfully attempting to test that Member Union's Players. Notwithstanding the foregoing, in the event that the failures by the Member Union are such that World Rugby seeks to impose a fine in an amount above £500 pounds sterling per Player pursuant to this Regulation 21.12.2 it may do so pursuant to an order of a Judicial Officer or Judicial Committee following disciplinary action against the Member Union under Regulation 18.

**21.12.3** Notwithstanding Regulations 21.12.1 and 21.12.2 above, World Rugby may instigate an investigation into the compliance of any Member Union with these Anti-Doping Rules which the Member Union shall facilitate. As a result of such investigation World Rugby may direct a Member Union to take certain action to bring itself into compliance with these Anti-Doping Rules. A failure by a Member Union to comply with such direction(s) within the stipulated period may give rise to disciplinary action which shall be dealt with pursuant to Regulation 18.

## **21.13 APPEALS AND POST-HEARING REVIEWS**

### **21.13.1 Decisions Subject to Appeal**

Decisions made under these Anti-Doping Rules may be appealed as set forth below in Regulation 21.13.2 through Regulation 21.13.7 or as otherwise provided in these Anti-Doping Rules, the Code or the International Standards. Such decisions shall remain in effect while under appeal unless the appeal body orders otherwise in compliance herewith.



Before an appeal from a Judicial Committee of World Rugby is commenced, the post-hearing review procedure provided in Regulation 21.13.8 must be exhausted (except as provided in Regulation 21.13.1.3).

### **21.13.1.1 Scope of Review Not Limited**

The scope of review on appeal includes all issues relevant to the matter and is expressly not limited to the issues or scope of review before the initial decision maker.

### **21.13.1.2 CAS Shall Not Defer to the Findings Being Appealed**

In making its decision, CAS need not give deference to the discretion exercised by the body whose decision is being appealed. [See [Comment 44](#)]

### **21.13.1.3 WADA Not Required to Exhaust Internal Remedies**

Where WADA has a right to appeal under Regulation 21.13 and no other party has appealed a final decision within World Rugby's process, WADA may appeal such decision directly to CAS without having to exhaust other remedies in World Rugby's process. [See [Comment 45](#)]

### **21.13.2 Appeals from Decisions Regarding Anti-Doping Rule Violations, Consequences, Provisional Suspensions, Recognition of Decisions and Jurisdiction**

A decision that an anti-doping rule violation was committed, a decision imposing Consequences or not imposing Consequences for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision by WADA not to grant an exception to the six months' notice requirement for a retired Player to return to Competition under Regulation 21.5.7.1; a decision by WADA assigning results management under Regulation 21.7.1 of the Code; a decision by World Rugby not to bring forward an Adverse Analytical Finding or an Atypical Finding as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation under Regulation 21.7.7; a decision to impose a Provisional Suspension as a result of a Provisional Hearing; a failure by World Rugby, Union, Association or Tournament Organiser to comply with Regulation 21.7.9; a decision that World Rugby, Union, Association or Tournament Organiser lacks jurisdiction to rule on an alleged anti-doping rule violation or its Consequences; a decision to suspend, or not suspend, a period of Ineligibility or to reinstate, or not reinstate, a suspended period of Ineligibility under Regulation 21.10.6.1; a decision under Regulation 21.10.12.3; and a decision by World Rugby, a Union, Association or Tournament Organiser not to recognise another Anti-Doping Organisation's decision under Regulation 21.15, may be appealed exclusively as provided in Regulations 21.13.2 to 21.13.7.

### 21.13.2.1 Appeals Involving International-Level Players or International Events

In cases arising from participation in an International Event or in cases involving International-Level Players, the decision may be appealed exclusively to CAS. [See [Comment 46](#)]

### 21.13.2.2 Appeals Involving Other Players or Other Persons

In cases where Regulation 21.13.2.1 is not applicable, the decision may be appealed to a national-level appeal body (and/or Association-level appeal body where the Association's appeal body acts as the national appeal-body for the relevant Union), being an independent and impartial body established in accordance with rules adopted by the National Anti-Doping Organisation, Union and/or Association, as applicable, having jurisdiction over the Player or other Person. The rules for such appeal shall respect the following principles: a timely hearing; a fair and impartial hearing panel; the right to be represented by counsel at the Person's own expense; and a timely, written, reasoned decision. If the National Anti-Doping Organisation, Union and/or Association has not established such a body, the decision may be appealed to CAS in accordance with the provisions applicable before such court.

### 21.13.2.3 Persons Entitled to Appeal

In cases under Regulation 21.13.2.1, the following parties shall have the right to appeal to CAS: (a) the Player or other Person who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) World Rugby; (d) the National Anti-Doping Organisation of the Person's country of residence or countries where the Person is a national or registered with the Union; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and (f) WADA.

In cases under Regulation 21.13.2.2, the parties having the right to appeal to the national-level appeal body shall be as provided in the National Anti-Doping Organisation's or other applicable rules but, at a minimum, shall include the following parties: (a) the Player or other Person who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) World Rugby; (d) the National Anti-Doping Organisation of the Person's country of residence; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and (f) WADA. For cases under Regulation 21.13.2.2, WADA, the International Olympic Committee, the International Paralympic Committee, and World Rugby shall also have the right to appeal to CAS with respect to the decision of the national-level appeal body. Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the Anti-

Doping Organisation whose decision is being appealed and the information shall be provided if CAS so directs.

Notwithstanding any other provision herein, the only Person who may appeal from a Provisional Suspension is the Player or other Person upon whom the Provisional Suspension is imposed.

### **21.13.2.4 Cross Appeals and other Subsequent Appeals Allowed**

Cross appeals and other subsequent appeals by any respondent named in cases brought to CAS under the Code are specifically permitted. Any party with a right to appeal under this Regulation 21.13 must file a cross appeal or subsequent appeal at the latest with the party's answer. [See [Comment 47](#)]

### **21.13.3 Failure to Render a Timely Decision**

**21.13.3.1** Where, in a particular case, World Rugby fails to render a decision with respect to whether an anti-doping rule violation was committed within a reasonable deadline set by WADA, WADA may elect to appeal directly to CAS as if World Rugby had rendered a decision finding no anti-doping rule violation. If the CAS hearing panel determines that an anti-doping rule violation was committed and that WADA acted reasonably in electing to appeal directly to CAS, then WADA's costs and attorney fees in prosecuting the appeal shall be reimbursed to WADA by World Rugby. [See [Comment 48](#)]

**21.13.3.2** Where, in a particular case, a Member Union, Association or Tournament Organiser fails to render a decision with respect to whether an anti-doping rule violation was committed within three months (save where World Rugby has determined there are exceptional circumstances), World Rugby may elect to bring the case directly before a World Rugby Judicial Committee at the expense of the Union, Association or Tournament Organiser concerned. As a minimum requirement decisions by Unions, Associations or Tournament Organisers in relation to anti-doping rule violations shall be subject to an appeal process substantially in compliance with the process set out in Regulations 21.13.1 to 21.13.7.

### **21.13.4 Appeals Relating to TUEs**

TUE decisions may be appealed exclusively as provided in Regulation 21.4.4 and 21.4.7.

### **21.13.5 Notification of Appeal Decisions**

Any Anti-Doping Organisation that is a party to an appeal shall promptly provide the appeal decision to the Player or other Person and to the other Anti-Doping Organisations that would have been entitled to appeal under Regulation 21.13.2.3 as provided under Regulation 21.14.2.

### **21.13.6 Appeal from Decisions Pursuant to Regulation 21.12**

Decisions by World Rugby pursuant to Regulation 21.12 may be appealed exclusively to CAS by the Member Union (subject to submission of the matter to the post-hearing review procedures set out in Regulation 21.13.8).

### **21.13.7 Time for Filing Appeals**

#### **21.13.7.1 Appeals to CAS**

The time to file an appeal to CAS shall be twenty-one days from the date of receipt of the decision by the appealing party. Save for in the case of an appeal directly to CAS by WADA from a first-instance decision or an appeal by any party from a National Anti-Doping Organisation first-instance decision where there is no appeal body, the decision for this purpose shall refer to the decision of a World Rugby Post-Hearing Review Body or a national or Association-level appeal body as applicable. The above notwithstanding, the following shall apply in connection with appeals filed by a party entitled to appeal but which was not a party to the proceedings that led to the decision being appealed:

- (a) Within fifteen days from notice of the decision, such party/ies shall have the right to request a copy of the case file from the body that issued the decision;
- (b) If such a request is made within the fifteen-day period, then the party making such request shall have twenty-one days from receipt of the file to file an appeal to CAS.

The above notwithstanding, the filing deadline for an appeal filed by WADA shall be the later of:

- (a) Twenty-one days after the last day on which any other party in the case could have appealed; or
- (b) Twenty-one days after WADA's receipt of the complete file relating to the decision.

#### **21.13.7.2 Appeals Under Regulation 21.13.2.2**

The time to file an appeal to an independent and impartial body established at national (or Association) level shall be as set out in the anti-doping rules of the Union, Association or National Anti-Doping Organisation as applicable.

The above notwithstanding, the filing deadline for an appeal or intervention filed by WADA shall be the later of:

- (a) Twenty-one days after the last day on which any other party in the case could have appealed, or
- (b) Twenty-one days after WADA's receipt of the complete file relating to the decision.

## **21.13.8 Post-Hearing Review Procedure**

### **Referrals to the World Rugby Post-Hearing Review Body**

- 21.13.8.1** A Player or other Person who has been found by a Judicial Committee to have committed an anti-doping rule violation shall be entitled to have the finding and/or sanction referred to the Post-Hearing Review Body. In circumstances where the Player has been subject to a period of Ineligibility then pending the decision of the Post-Hearing Review Body, the Player or other Person shall not be entitled to participate in the Game or in any activities, such participation includes but is not limited to coaching, officiating, selection, Team management, administration or promotion of the Game, playing, training as part of a Team or squad, or involvement in the Game in any other capacity in any Union. World Rugby shall also be entitled to refer a case dealt with by a Judicial Committee to the Post-Hearing Review Body whether the Player or other Person in the case concerned has been found to have committed an anti-doping rule violation or otherwise.
- 21.13.8.2** In the case of World Rugby, a referral to the Post-Hearing Review Body must be made within seven days from the date of notification of the decision of the Judicial Committee. A notice of review from the party seeking review must be lodged with the Anti-Doping Manager within seven days from the date of notification to the Player or other Person of the decision of the Judicial Committee and shall specify:
- (a) The name of the party seeking the review;
  - (b) The decision to be the subject of the review;
  - (c) The date of the decision; and
  - (d) The specific grounds for the referral request. Except as provided, no specific form of a notice of review is required.
- 21.13.8.3** The Post-Hearing Review Body shall be made up of three members all of whom shall have knowledge of doping in sport and the Code, and shall ordinarily comprise:
- (a) A senior legal practitioner who shall act as chairman;
  - (b) An experienced medical practitioner; and
  - (c) Either a second person from category (a) or (b) above or an ex-Player or rugby administrator.
- 21.13.8.4** If one or more members of the Post-Hearing Review Body is/are unable or unwilling, for whatever reason, to conduct the review, then World Rugby may in its absolute discretion:
- (a) Appoint a replacement(s);
  - (b) Appoint a new Post-Hearing Review Body; or

- (c) Allow the remaining member(s) of the Post-Hearing Review Body to conduct the review.

**21.13.8.5** The Post-Hearing Review Body shall determine the basis upon which any review will proceed. It may, however, in its discretion rehear the whole or any part of the evidence given before the Judicial Committee as it considers appropriate. Pending the decision of the Post-Hearing Review Body the decision of the Judicial Committee remains in full force and effect.

**21.13.8.6** Where any question of fact arises on any review before the Post-Hearing Review Body it may be determined by reference to the record of proceedings before the Judicial Committee. However, the Post-Hearing Review Body, in its discretion, may rehear or receive written evidence in respect of the whole or any part of the evidence given before the Judicial Committee as it considers appropriate.

**21.13.8.7** The Post-Hearing Review Body shall have the power to conduct and regulate the review proceedings as it sees fit having regard to the circumstances of the case. Although the Post-Hearing Review Body is entitled to regulate its own procedure it shall conform to the procedures stated in these Anti-Doping Rules and with the procedural guidelines set out below:

- (a) The review shall be conducted in a timely fashion;
- (b) The parties shall have the right to be represented by counsel at their own expense; and
- (c) The decision shall be timely, written and reasoned.

**21.13.8.8** The Post-Hearing Review Body shall be entitled to call on experts to provide specialist advice, including legal advice.

**21.13.8.9** The Post-Hearing Review Body shall have full discretionary power to hear and receive such further evidence as it thinks fit, provided it is established by the party wishing to lead such new evidence that such evidence was not, on reasonable enquiry, available at the time of the original hearing.

**21.13.8.10** In any case where a witness required by the Post-Hearing Review Body refuses or fails to attend before the Post-Hearing Review Body, the Post-Hearing Review Body may decide whether or not to allow the evidence of that witness to be given in any other form.

**21.13.8.11** Save where the Post-Hearing Review Body decides to hear the entire case de novo (in which circumstances the applicable first instance standards and burdens shall apply), the party seeking review shall have the burden of proving that the decision being challenged should be overturned or varied.

**21.13.8.12** The Post-Hearing Review Body may request that a World Rugby representative attend the hearing before the Post-Hearing Review Body.

**21.13.8.13** The decision of the Post-Hearing Review Body shall be advised to the parties as soon as practicable after the conclusion of the hearing and

WADA. When it considers it appropriate, the Post-Hearing Review Body may deliver a short oral decision at the conclusion of the hearing with its reasons to be put in writing and communicated to the parties at a later date, or it may reserve its decision.

**21.13.8.14** Costs associated with any proceedings before the Post-Hearing Review Body shall, ordinarily, be borne by the party seeking review. The Post-Hearing Review Body shall, however, have full discretion in relation to the costs of Post-Hearing Review Body proceedings and may order any party or parties to pay some or all of the costs of proceedings under this Regulation 21.13.8 including the cost of holding the review, the cost of any interpreters and/or the legal and/or travel/accommodation costs of the members of the Post-Hearing Review Body and/or the parties.

**21.13.8.15** In exercising its jurisdiction the Post-Hearing Review Body shall have power to quash, suspend, vary or increase the decisions and/or sanction reviewed, subject always to the provisions of Regulation 21.10.

## **21.14 CONFIDENTIALITY AND REPORTING**

### **21.14.1 Information Concerning Adverse Analytical Findings, Atypical Findings, and Other Asserted Anti-Doping Rule Violations**

#### **21.14.1.1 Notice of Anti-Doping Rule Violations to Players and other Persons**

Notice to Players or other Persons of anti-doping rule violations asserted against them shall occur as provided under Regulations 21.7 and 21.14 of these Anti-Doping Rules. Notice to a Player or other Person may be accomplished by delivery of the notice to his Union.

#### **21.14.1.2 Notice of Anti-Doping Rule Violations to Unions and National Anti-Doping Organisations and WADA**

Notice of the assertion of an anti-doping rule violation to National Anti-Doping Organisations and WADA shall occur as provided under Regulations 21.7 and 21.14 of these Anti-Doping Rules, simultaneously with the notice to the Player or other Person.

#### **21.14.1.3 Content of an Anti-Doping Rule Violation Notice**

Notification of an anti-doping rule violation under Regulation 21.2.1 (Presence) shall include: the Player's name, country, discipline (e.g. fifteen-a-side, seven-a-side or other form of the Game and/or age-grade), the Player's competitive level, whether the test was In-Competition or Out-of-Competition, the date of Sample collection, the analytical result reported by the laboratory, and other information as required by the International Standard for Testing and Investigations.

Notice of anti-doping rule violations other than under Regulation 21.2.1 (Presence) shall include the rule violated and the basis of the asserted violation.

#### **21.14.1.4 Status Reports**

Except with respect to investigations which have not resulted in notice of an anti-doping rule violation pursuant to Regulation 21.14.1.1, National Anti-Doping Organisations and WADA shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Regulations 21.7, 21.8 or 21.13 and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

#### **21.14.2 Notice of Anti-Doping Rule Violation Decisions and Request for Files**

**21.14.2.1** Anti-doping rule violation decisions rendered pursuant to Regulation 21.7.11, 21.8.2, 21.10.4, 21.10.5, 21.10.6, 21.10.12.3 or 21.13.5 shall include the full reasons for the decision, including, if applicable, a justification for why the greatest possible Consequences were not imposed. Where the decision is not in English, the Union, Association or Tournament Organiser shall provide a short English summary of the decision and the supporting reasons and/or a full translation as requested by World Rugby.

**21.14.2.2** An Anti-Doping Organisation having a right to appeal a decision received pursuant to Regulation 21.14.2.1 may, within fifteen days of receipt, request a copy of the full case file pertaining to the decision.

#### **21.14.3 Public Disclosure**

**21.14.3.1** Where an anti-doping rule violation may have been committed, World Rugby, Union, Association and/or Tournament Organiser concerned shall take reasonable steps to maintain confidentiality of the Player(s) or other Person(s) involved until the testing and analysis has been completed, the Judicial Committee hearing decision has been reached and the Player, or Person and his Union have been informed. Where the circumstances warrant it, the identity of the Player or other Person(s) who is formally alleged to have committed the anti-doping rule violation, may be publicly disclosed by his Union (after reasonable notice to the Player and/or Person, his NADO, World Rugby and WADA in accordance with, and subject to compliance with, Regulations 21.7.3, 21.7.4, 21.7.5, 21.7.6 or 21.7.7 as applicable save in cases of emergency media situations, public speculation and/or other exceptional and/or unusual cases) if non-disclosure could potentially damage the reputation of the Player or Person's Union or Player or Person's team always having due regard to the Player or Person's own reputation.

**21.14.3.2** No later than twenty days after it has been determined that an anti-doping rule violation was committed in a final appellate or, as applicable, Post-Hearing Review Body decision, or such appeal/review has been waived, or a hearing in accordance with Regulation 21.8 has been waived, or the assertion of an anti-doping rule violation has not been timely challenged, World Rugby, the Union, Association or Tournament Organiser as applicable must Publicly Report the disposition of the matter, including without limitation the anti-doping rule violated, the name of the Player or other Person committing the violation, the name of his Union, the Prohibited



Substance or Prohibited Method involved (if any), and the Consequences imposed.

- 21.14.3.3** In any case where it is determined, after a hearing or appeal, that the Player or other Person did not commit an anti-doping rule violation, the decision may be Publicly Disclosed only with the consent of the Player or other Person who is the subject of the decision save where it is published in an anonymised form. World Rugby, the Union, Association or Tournament Organiser shall use reasonable efforts to obtain such consent. If consent is obtained, World Rugby, the Union, Association or Tournament Organiser shall Publicly Disclose the decision in its entirety or in such redacted form as the Player or other Person may approve.
- 21.14.3.4** Publication shall be accomplished at a minimum by placing the required information on World Rugby, the Union, Association or Tournament Organiser's website or publishing it through other means and leaving the information up for the longer of one month or the duration of any period of Ineligibility.
- 21.14.3.5** None of World Rugby, the Union, Association or Tournament Organiser, nor any official of either body, shall publicly comment on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed to the Player or other Person against whom an anti-doping rule violation is asserted, or their representatives.
- 21.14.3.6** The mandatory Public Reporting required in Regulation 21.14.3.2 shall not be required where the Player or other Person who has been found to have committed an anti-doping rule violation is a Minor. Any optional Public Reporting in a case involving a Minor shall be proportionate to the facts and circumstances of the case.

#### **21.14.4 Statistical Reporting**

World Rugby shall publish at least annually a general statistical report of its Doping Control activities, with a copy provided to WADA. World Rugby and/or Unions may also publish reports showing the name of each Player tested and the date of each Testing.

#### **21.14.5 Doping Control Information Clearinghouse**

To facilitate coordinated test distribution planning and to avoid unnecessary duplication in Testing by the various Anti-Doping Organisations, World Rugby shall report all In-Competition and Out-of-Competition tests on such Players to the WADA clearinghouse, using ADAMS, as soon as possible after such tests have been conducted. This information will be made accessible, where appropriate and in accordance with the applicable rules, to the Player, the Player's National Anti-Doping Organisation and any other Anti-Doping Organisations with Testing authority over the Player.

#### **21.14.6 Data Privacy**

**21.14.6.1** World Rugby may collect, store, process or disclose personal information relating to Players and other Persons where necessary and appropriate to conduct their anti-doping activities under the Code, the International Standards (including specifically the International Standard for the Protection of Privacy and Personal Information) and these Anti-Doping Rules.

**21.14.6.2** Any Participant who submits information including personal data to any Person in accordance with these Anti-Doping Rules shall be deemed to have agreed, pursuant to applicable data protection laws and otherwise, that such information may be collected, processed, disclosed and used by such Person for the purposes of the implementation of these Anti-Doping Rules, in accordance with the International Standard for the Protection of Privacy and Personal Information and otherwise as required to implement these Anti-Doping Rules.

#### **21.15 APPLICATION AND RECOGNITION OF DECISIONS**

**21.15.1** Subject to the right to appeal provided in Regulation 21.13, Testing, hearing results or other final adjudications of any Signatory which are consistent with the Code and are within that Signatory's authority shall be applicable worldwide and shall be recognised and respected by World Rugby and all its Member Unions and Associations. [See [Comment 49](#)]

**21.15.2** World Rugby and its Member Unions and Associations shall recognise the measures taken by other bodies which have not accepted the Code if the rules of those bodies are otherwise consistent with the Code. [See [Comment 50](#)]

**21.15.3** Subject to the right to appeal provided in Regulation 21.13, any decision of World Rugby regarding a violation of these Anti-Doping Rules shall be recognised by all Member Unions and Associations, which shall take all necessary action to render such decision effective.

#### **21.16 INCORPORATION OF WORLD RUGBY ANTI-DOPING RULES AND OBLIGATIONS OF MEMBER UNIONS**

**21.16.1** All Member Unions and their members shall comply with these Anti-Doping Rules. All Member Unions and other members shall include in their regulations the provisions necessary to ensure that World Rugby may enforce these Anti-Doping Rules directly as against Players and other Persons under their anti-doping jurisdiction (including National-Level Players). These Anti-Doping Rules shall also be incorporated either directly or by reference into each Member Union's rules so that the Member Union may enforce them itself directly as against Players and other Persons under its anti-doping jurisdiction (including National-Level Players).

**21.16.2** All Member Unions shall establish rules requiring all Players and each Player Support Personnel who participates as coach, trainer, manager, team staff, official, medical or paramedical personnel in a Competition or

activity authorised or organised by a Member Union or Association or one of its or their member organisations to agree to be bound by these Anti-Doping Rules and to submit to the results management authority of the Anti-Doping Organisation responsible under the Code as a condition of such participation.

**21.16.3** All Member Unions shall report any information suggesting or relating to an anti-doping rule violation to World Rugby and to their National Anti-Doping Organisations, and shall cooperate with investigations conducted by any Anti-Doping Organisation with authority to conduct the investigation.

**21.16.4** All Member Unions shall have disciplinary rules in place to prevent Player Support Personnel who are Using Prohibited Substances or Prohibited Methods without valid justification from providing support to Players under the jurisdiction of World Rugby or the Member Union.

**21.16.5** All Member Unions shall be required to conduct anti-doping education in coordination with their National Anti-Doping Organisations, as applicable.

## **21.17 STATUTE OF LIMITATIONS**

No anti-doping rule violation proceeding may be commenced against a Player or other Person unless he or she has been notified of the anti-doping rule violation as provided in Regulation 21.7, or notification has been reasonably attempted, within ten years from the date the violation is asserted to have occurred.

## **21.18 WORLD RUGBY COMPLIANCE REPORTS TO WADA**

World Rugby will report to WADA on its compliance with the Code in accordance with Article 23.5.2 of the Code.

## **21.19 EDUCATION**

**21.19.1** World Rugby shall plan, implement, evaluate and monitor information, education and prevention programmes for doping-free sport on at least the issues listed at Article 18.2 of the Code, and shall support active participation by Players and Player Support Personnel in such programmes.

**21.19.2** Each Union shall within its means and in co-operation with its constituents, plan, implement, evaluate and monitor information and education programmes for doping-free rugby and shall support the programmes of World Rugby set out above.

## **21.20 AMENDMENT AND INTERPRETATION OF ANTI-DOPING RULES**

**21.20.1** These Anti-Doping Rules may be amended from time to time by World Rugby.

**21.20.2** These Anti-Doping Rules shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.

- 21.20.3** The headings used for the various Parts and Regulations of these Anti-Doping Rules are for convenience only and shall not be deemed part of the substance of these Anti-Doping Rules or to affect in any way the language of the provisions to which they refer save in respect of Regulation 21.2.
- 21.20.4** The Code and the International Standards shall be considered integral parts of these Anti-Doping Rules and shall prevail in case of conflict. In addition to the Code and these Anti-Doping Rules, adherence to the International Standards are mandatory. WADA may revise the International Standards from time to time. Any changes to WADA's International Standards will be deemed to be effective as at the date prescribed by WADA. The mandatory standards in force are available at [www.wada-ama.org](http://www.wada-ama.org).
- 21.20.5** These Anti-Doping Rules have been adopted pursuant to the applicable provisions of the Code and shall be interpreted in a manner that is consistent with applicable provisions of the Code. The Introduction shall be considered an integral part of these Anti-Doping Rules.
- 21.20.6** The comments annotating various provisions of the Code are set out in Appendix 2 to these Anti-Doping Rules and shall be used to interpret these Anti-Doping Rules. These comments may be incorporated by reference into any anti-doping rules produced by Unions, Tournament Organisers and/or World Rugby for the purposes of particular Tournaments.
- 21.20.7** These Anti-Doping Rules have come into full force and effect on 1 January 2015 (the "Effective Date"). They shall not apply retroactively to matters pending before the Effective Date; provided, however, that:
- 21.20.7.1** Anti-doping rule violations taking place prior to the Effective Date count as "first violations" or "second violations" for purposes of determining sanctions under Regulation 21.10 for violations taking place after the Effective Date.
- 21.20.7.2** The retrospective period in which prior violations can be considered for purposes of multiple violations under Regulation 21.10.7.5 and the statute of limitations set forth in Regulation 21.17 are procedural rules and should be applied retroactively; provided, however, that Regulation 21.17 shall only be applied retroactively if the statute of limitations period has not already expired by the Effective Date. Otherwise, with respect to any anti-doping rule violation case which is pending as of the Effective Date and any anti-doping rule violation case brought after the Effective Date based on an anti-doping rule violation which occurred prior to the Effective Date, the case shall be governed by the substantive anti-doping rules in effect at the time the alleged anti-doping rule violation occurred unless the panel hearing the case determines the principle of "lex mitior" appropriately applies under the circumstances of the case.
- 21.20.7.3** Any Regulation 21.2.4 whereabouts failure (whether a filing failure or a missed test, as those terms are defined in the International Standard for Testing and Investigations) prior to the Effective Date shall be carried forward and may be relied upon, prior to expiry, in accordance with the

International Standard for Testing and Investigation, but it shall be deemed to have expired 12 months after it occurred.

**21.20.7.4** With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the Player or other Person is still serving the period of Ineligibility as of the Effective Date, the Player or other Person may apply to the Anti-Doping Organisation which had results management responsibility for the anti-doping rule violation to consider a reduction in the period of Ineligibility in light of these Anti-Doping Rules. Such application must be made before the period of Ineligibility has expired. The decision rendered may be appealed pursuant to Regulation 21.13.2. These Anti-Doping Rules shall have no application to any case where a final decision finding an anti-doping rule violation has been rendered and the period of Ineligibility has expired.

**21.20.7.5** For purposes of assessing the period of Ineligibility for a second violation under Regulation 21.10.7.1, where the sanction for the first violation was determined based on rules in force prior to the Effective Date, the period of Ineligibility which would have been assessed for that first violation had these Anti-Doping Rules been applicable, shall be applied.

### **21.21 INTERPRETATION OF THE CODE**

**21.21.1** The official text of the Code shall be maintained by WADA and shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.

**21.21.2** The comments annotating various provisions of the Code shall be used to interpret the Code.

**21.21.3** The Code shall be interpreted as an independent and autonomous text and not by reference to the existing law or statutes of the Signatories or governments.

**21.21.4** The headings used for the various Parts and Articles of the Code are for convenience only and shall not be deemed part of the substance of the Code or to affect in any way the language of the provisions to which they refer.

**21.21.5** The Code shall not apply retroactively to matters pending before the date the Code is accepted by a Signatory and implemented in its rules. However, pre-Code anti-doping rule violations would continue to count as "first violations" or "second violations" for purposes of determining sanctions under Article 10 of the Code and Regulation 21.10 for subsequent post-Code violations.

**21.21.6** The Purpose, Scope and Organisation of the World Anti-Doping Programme and the Code and the Code's APPENDIX 1, DEFINITIONS and APPENDIX 2, EXAMPLES OF THE APPLICATION OF ARTICLE 10, shall be considered integral parts of the Code.

## **21.22 ADDITIONAL ROLES AND RESPONSIBILITIES OF PLAYERS AND OTHER PERSONS**

### **21.22.1 Roles and Responsibilities of Players**

**21.22.1.1** To be knowledgeable of and comply with these Anti-Doping Rules including the Guidelines.

**21.22.1.2** To be available for Sample collection at all times. [See [Comment 51](#)]

**21.22.1.3** To take responsibility, in the context of anti-doping, for what they ingest and Use and, specifically, to ensure that no Prohibited Substance is found to be present in his body and that Prohibited Methods are not used.

**21.22.1.4** To inform medical personnel of their obligation not to Use Prohibited Substances and Prohibited Methods and to take responsibility to make sure that any medical treatment received does not violate these Anti-Doping Rules.

**21.22.1.5** To ensure that he does not commit any other anti-doping rule violation.

**21.22.1.6** To disclose to his National Anti-Doping Organisation, Union and World Rugby any decision by a non-Signatory finding that the Player committed an anti-doping rule violation within the previous ten years and/or has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if Code-compliant rules had been applicable to such Person.

**21.22.1.7** To cooperate with Anti-Doping Organisations investigating anti-doping rule violations.

**21.22.1.8** Failure by any Player to cooperate in full with World Rugby and/or any other Anti-Doping Organisation(s) investigating anti-doping rule violations may amount to Misconduct. In such circumstances, World Rugby may accordingly bring a Misconduct charge against such Player pursuant to this Regulation 22.1.8 and World Rugby Regulation 20 which shall be determined in accordance with World Rugby Regulation 18. A Union and/or other Anti-Doping Organisation may bring a Misconduct or similar appropriate charge pursuant to its applicable disciplinary regulations.

### **21.22.2 Roles and Responsibilities of Player Support Personnel**

**21.22.2.1** To be knowledgeable of and comply with these Anti-Doping Rules including the Guidelines.

**21.22.2.2** To cooperate with the Player Testing programme.

**21.22.2.3** To use their influence on Player values and behaviour to foster anti-doping attitudes.

**21.22.2.4** To educate and counsel Players regarding anti-doping policies and these Anti-Doping Rules.

**21.22.2.5** To ensure that he does not commit any other anti-doping rule violation.

- 21.22.2.6** To disclose to his National Anti-Doping Organisation, Union and World Rugby any decision by a non-Signatory finding that he or she committed an anti-doping rule violation within the previous ten years and/or has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if Code-compliant rules had been applicable to such Person.
- 21.22.2.7** To cooperate with Anti-Doping Organisations investigating anti-doping rule violations.
- 21.22.2.8** Player Support Personnel shall not Use or Possess any Prohibited Substance or Prohibited Method without valid justification.
- 21.22.2.9** Failure by any Player Support Personnel to cooperate in full with World Rugby and/or any other Anti-Doping Organisation(s) investigating anti-doping rule violations and/or Use or Possession of a Prohibited Substance or Prohibited Method by a Player Support Personnel without valid justification may amount to Misconduct. In such circumstances, World Rugby may accordingly bring a Misconduct charge against the Player Support Personnel pursuant to this Regulation 21.22.2.9 and Regulation 20 which shall be determined in accordance with Regulation 18. A Union and/or other Anti-Doping Organisation may bring a Misconduct or similar appropriate charge pursuant to its applicable disciplinary regulations.

## **21.23 ADDITIONAL ROLES AND RESPONSIBILITIES OF UNIONS**

In addition to the roles and responsibilities of Unions set out throughout these Anti-Doping Rules, each Union is also responsible for ensuring (and must ensure) that:

- 21.23.1** It has in place anti-doping regulations in conformity with these Anti-Doping Rules and that all national level Testing on Players complies with these Anti-Doping Rules.
- 21.23.2** These Anti-Doping Rules shall also be incorporated either directly or by reference into each Union's rules. All Unions shall include in their regulations the procedural rules necessary to implement these Anti-Doping Rules effectively.
- 21.23.3** It shall seek to obtain the written acknowledgement of all Players subject to Doping Control and Player Support Personnel for such Players (i.e. acknowledgement that they are bound by the relevant anti-doping regulations). A standard acknowledgment and agreement form is set out in Schedule 4 to these Anti-Doping Rules.
- 21.23.4** Its regulations specifically provide that all Players, Player Support Personnel and other Persons under the jurisdiction of the Union shall be bound by these Anti-Doping Rules.
- 21.23.5** It takes appropriate action to inform each and every one of its members, Players and other Persons of these Anti-Doping Rules and the Union's anti-doping regulations. Unions must further inform their members, Players and other Persons that they must comply with these Anti-Doping Rules and the

anti-doping regulations of the Union under whose jurisdiction they are participating.

World Rugby may at its absolute discretion withhold some or all of its funding to Unions that are not in compliance with these Anti-Doping Rules.

## **21.24 WORLD RUGBY ANTI-DOPING ADVISORY COMMITTEE**

**21.24.1** World Rugby shall appoint an Anti-Doping Advisory Committee to provide World Rugby with general advice and assistance on doping issues and related matters, including the application of these Anti-Doping Rules. The Anti-Doping Advisory Committee shall report to the Council.

**21.24.2** In addition to this general role, the Anti-Doping Advisory Committee, or a member or members thereof may be requested to undertake specific tasks as part of the implementation of these Anti-Doping Rules.

**21.24.3** Members of the Anti-Doping Advisory Committee may sit on World Rugby's TUE Committee, Judicial Committees and on Post-Hearing Review Bodies from time to time.

**21.24.4** The Anti-Doping Advisory Committee and/or World Rugby shall be entitled to call on experts to provide specialist advice, undertake certain activities and assist in the implementation of these Anti-Doping Rules including but not limited to undertaking preliminary reviews of cases pursuant to Regulation 21.7.2.2.

## **21.25 REPORTING REQUIREMENTS**

**21.25.1** Without limiting the reporting and notification requirements set out in Regulations 21.7.12.4, 21.7.14.1 and 21.7.14.2 each Union, Association or Tournament Organiser (as the case may be) shall submit to the World Rugby Anti-Doping Manager a full report of the proceedings and conclusions of all hearings resulting from anti-doping rule violations arising out of or within its jurisdiction within 72 hours of the final written decision on the anti-doping rule violation having been made. Such cases shall be considered by the World Rugby Anti-Doping Manager who, on behalf of World Rugby shall be entitled to (a) request the case file (including an English translation where required), and/or (b) accept the result and decision or (c) refer the matter to a representative(s) of World Rugby's Anti-Doping Advisory Committee who on behalf of World Rugby may accept the result and decision or subject to these Anti-Doping Rules direct World Rugby to appeal the matter to the applicable appeal body including without limitation, CAS (for the avoidance of doubt, World Rugby may, for expediency and to comply with applicable timelines, initiate an appeal prior to the Anti-Doping Advisory Committee making such direction, provided that where no such direction is subsequently forthcoming, it withdraws such appeal). Notwithstanding the foregoing, both the World Rugby Anti-Doping Manager and/or representatives of World Rugby's Anti-Doping Advisory Committee may take such other steps and/or make such other recommendations to World Rugby as they deem appropriate.



- 21.25.2** If the CEO of World Rugby or his nominee believes that a Union is not applying, or in a particular case did not apply, these Anti-Doping Rules and/or the Guidelines, or failed to apply these Anti-Doping Rules properly or in good faith, that Union renders itself liable to disciplinary action.
- 21.25.3** World Rugby shall publish annually a general statistical report of its Doping Control activities during the calendar year with a copy provided to WADA and World Rugby may periodically publish testing data received from Unions.
- 21.25.4** The Unions shall report to World Rugby at the end of every year the results of all Doping Controls within their jurisdiction sorted by Player and identifying each date on which the Player was tested, the entity conducting the test, and whether the test was In Competition or Out of Competition.
- 21.25.5** World Rugby shall provide to WADA information supplied by Unions, Associations, Tournament Organisers and/or National Anti-Doping Organisations in relation to these Anti-Doping Rules and the anti-doping rules of the Union, Association and/or Tournament Organiser concerned. World Rugby shall in the case of an Adverse Analytical Finding or anti-doping rule violation notify WADA upon completion of the initial hearing before a Judicial Committee and upon notification by a Union, Association, Tournament Organiser or National Anti-Doping Organisation of the findings/decisions of its hearing bodies.
- 21.25.6** World Rugby will report to WADA on its compliance with the Code every second year.

### **21.26 EXCEPTIONAL CIRCUMSTANCES**

- 21.26.1** In exceptional circumstances where it has grounds to believe that there has been a misapplication of the applicable anti-doping rules and acting on the advice of the Anti-Doping Advisory Committee, World Rugby shall be entitled to require as it deems fit that the relevant Union(s) provisionally suspend such Players or other Person(s) from any involvement in the Game pending the final determination of the matter.
- 21.26.2** It is the responsibility of each Union to ensure that in such circumstances it is able by reference to its anti-doping regulations or otherwise, to effect and/or recognise such Provisional Suspension of the Players or other Person(s) concerned.

### **21.27 UNFORESEEN CIRCUMSTANCES**

In the event that a doping-related incident arises for which there is no provision in these Anti-Doping Rules then the CEO of World Rugby or his nominee may take such action that he considers appropriate in the circumstances in accordance with general principles of natural justice and fairness.

**21.28 GENERAL**

- 21.28.1** Any deviation or deviations from these Anti-Doping Rules and/or the Guidelines does not invalidate any finding, decision or Adverse Analytical Finding unless such deviation or deviations are such as to cast material doubt on any finding, decision or Adverse Analytical Finding.
- 21.28.2**
- (a) Representatives of the Anti-Doping Advisory Committee shall on behalf of World Rugby and on behalf of all Unions recognise anti-doping rule violations arising out of anti-doping programmes carried out by Signatories to the Code.
  - (b) The Anti-Doping Advisory Committee may, on behalf of World Rugby and all Unions, recognise anti-doping rule violations arising out of, and sanctions imposed under anti-doping programmes of a sporting body other than World Rugby, Unions or Tournament Organisers, or Signatories (or by a member of another sporting body), under rules and procedures different from those of World Rugby, as long as the applicable rules and procedures are consistent with the provisions of the Code.
  - (c) Unions shall recognise anti-doping rule violations committed, and sanctions imposed, under the rules of another sporting body and make provision to ensure that the Persons who are subject to such sanctions are unable to play, coach, train or provide any other assistance in any other capacity in connection with the Game. This is applicable at any level of the Game and for the same period of Ineligibility sanctioned in relation to the sport in respect of which the anti-doping rule violation was committed. For the avoidance of doubt, the burden is on a person who is subject to a suspension imposed under the rules of another sporting body to prove that he should be entitled to play the Game on the grounds that the suspension he has received was improperly complied with.
- 21.28.3** World Rugby may amend these Anti-Doping Rules from time to time.
- 21.28.4** World Rugby shall do everything possible to award world championships only to countries in which the government has ratified, accepted, approved or acceded to the UNESCO Convention.
- 21.28.5** These Anti-Doping Rules shall be governed by and construed in accordance with English law and, subject to the dispute resolution processes set out herein, shall be subject to the exclusive jurisdiction of the English courts.

## APPENDIX 1. DEFINITIONS

ADAMS: The Anti-Doping Administration and Management System is a Web-based database management tool for data entry, storage, sharing, and reporting designed to assist stakeholders and WADA in their anti-doping operations in conjunction with data protection legislation.

Administration: Providing, supplying, supervising, facilitating, or otherwise participating in the Use or Attempted Use by another Person of a Prohibited Substance or Prohibited Method. However, this definition shall not include the actions of bona fide medical personnel involving a Prohibited Substance or Prohibited Method used for genuine and legal therapeutic purposes or other acceptable justification and shall not include actions involving Prohibited Substances which are not prohibited in Out-of-Competition Testing unless the circumstances as a whole demonstrate that such Prohibited Substances are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

Adverse Analytical Finding: A report from a WADA-accredited laboratory or other WADA-approved laboratory that, consistent with the International Standard for Laboratories and related Technical Documents, identifies in a Sample the presence of a Prohibited Substance or its Metabolites or Markers (including elevated quantities of endogenous substances) or evidence of the Use of a Prohibited Method.

Adverse Passport Finding: A report identified as an Adverse Passport Finding as described in the applicable International Standards.

Anti-Doping Organisation: A Signatory that is responsible for adopting rules for initiating, implementing or enforcing any part of the Doping Control process. This includes, for example, the International Olympic Committee, the International Paralympic Committee, other Major Event Organisations that conduct Testing at their Events, WADA, World Rugby, other International Federations and National Anti-Doping Organisations.

Attempt: Purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of an anti-doping rule violation. Provided, however, there shall be no anti-doping rule violation based solely on an Attempt to commit a violation if the Person renounces the Attempt prior to it being discovered by a third party not involved in the Attempt.

Atypical Finding: A report from a WADA-accredited laboratory or other WADA-approved laboratory which requires further investigation as provided by the International Standard for Laboratories or related Technical Documents prior to the determination of an Adverse Analytical Finding.

Atypical Passport Finding: A report described as an Atypical Passport Finding as described in the applicable International Standards.

CAS: The Court of Arbitration for Sport.

Code: The World Anti-Doping Code.

Competition: A single Match whether in fifteen-a-side or an abbreviated form of the Game.

Consequences of Anti-Doping Rule Violations (“Consequences”): A Player's or other Person's violation of an anti-doping rule may result in one or more of the following: (a) Disqualification means the Player's results in a particular Competition or Event are invalidated, with all resulting Consequences including forfeiture of any medals, points and prizes; (b) Ineligibility means the Player or other Person is barred on account of an anti-doping rule violation for a specified period of time from participating in any Competition or other activity or funding as provided in Regulation 21.10.12.1; (c) Provisional Suspension means the Player or other Person is barred temporarily from participating in any Competition or activity prior to the final decision at a hearing conducted under Regulation 21.8; (d) Financial Consequences means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and (e) Public Disclosure or Public Reporting means the dissemination or distribution of information to the general public or Persons beyond those Persons entitled to earlier notification in accordance with Regulation 21.14. Teams may also be subject to Consequences as provided in Regulation 21.11.

Contaminated Product: A product that contains a Prohibited Substance that is not disclosed on the product label or in information available in a reasonable Internet search.

Disqualification: See Consequences of Anti-Doping Rule Violations above.

Doping Control: All steps and processes from test distribution planning through to ultimate disposition of any appeal including all steps and processes in between such as provision of whereabouts information, Sample collection and handling, laboratory analysis, TUEs, results management and hearings.

Event: A series of individual Competitions conducted together under one ruling body (e.g., the Olympic Games, FINA World Championships, or Pan American Games).

Event Venues: Those venues so designated by the ruling body for the Event.

Event Period: The time between the beginning and end of an Event, as established by the ruling body of the Event.

Fault: Fault is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing a Player or other Person's degree of Fault include, for example, the Player's or other Person's experience, whether the Player or other Person is a Minor, special considerations such as impairment, the degree of risk that should have been perceived by the Player and the level of care and investigation exercised by the Player in relation to what should have been the perceived level of risk. In assessing the Player's or other Person's degree of Fault, the circumstances considered must be specific and relevant to explain the Player's or other Person's departure from the expected standard of behaviour. Thus, for example, the fact that a Player would lose the opportunity to earn large sums of money during a period of Ineligibility, or the fact that the Player only has a short time left in his or her career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of Ineligibility under Regulation 21.10.5.1 or 21.10.5.2. [See [Comment 52](#)]

Financial Consequences: see Consequences of Anti-Doping Rule Violations, above.

In Competition: “In Competition” means the period commencing twelve hours before a Competition in which the Player is scheduled to participate through until the end of such Competition and the Sample collection process related to such Competition, save where a Sample collection session cannot be completed after a Competition then the Anti-Doping Commissioner or Doping Control Officer may extend the period of In Competition up to a maximum of 24 hours from the conclusion of the Match. In such cases the Player shall be formally notified that any further Sample collection taken within the extended period up to 24 hours of the conclusion of the Match shall be deemed to be In Competition whether or not the Player is chaperoned during such period. Notwithstanding the foregoing, World Rugby, Unions, Associations and Tournament Organisers may impose an extended In-Competition period with respect to a particular Event under their jurisdiction including without limitation to extend the In-Competition period to the entire duration of the Event. [See [Comment 53](#)]

Independent Observer Program: A team of observers, under the supervision of WADA, who observe and provide guidance on the Doping Control process at certain Events and report on their observations.

Individual Sport: Any sport that is not a Team Sport.

Ineligibility: See Consequences of Anti-Doping Rule Violations above.

International Event: An Event or Competition where the International Olympic Committee, the International Paralympic Committee, World Rugby, an Association, International Tournament Organiser, Major Event Organisation, or another international sport organisation is the ruling body for the Event or appoints the technical officials for the Event.

International-Level Player: Players who compete in sport at the international level, as defined by World Rugby, consistent with the International Standard for Testing and Investigations. In Rugby International-Level Players are those Players who are designated by World Rugby as being within its Registered Testing Pool and/or Testing Pool and/or otherwise who are participating in a World Rugby Event(s) and/or Competition(s). [See [Comment 54](#)]

International Standard: A standard adopted by WADA in support of the Code. Compliance with an International Standard (as opposed to another alternative standard, practice or procedure) shall be sufficient to conclude that the procedures addressed by the International Standard were performed properly. International Standards shall include any Technical Documents issued pursuant to the International Standard.

Major Event Organisations: The continental associations of National Olympic Committees and other international multi-sport organisations that function as the ruling body for any continental, regional or other International Event.

Marker: A compound, group of compounds or biological variable(s) that indicates the Use of a Prohibited Substance or Prohibited Method.

Member of a Team: Any Player and/or other Participant associated with a team including for the avoidance of doubt without limitation all coaches, medical and other similar Player Support Personnel.

Metabolite: Any substance produced by a biotransformation process.

Minor: A natural Person who has not reached the age of eighteen years.

National Anti-Doping Organisation (NADO): The entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of Samples, the management of test results, and the conduct of hearings at the national level. If this designation has not been made by the competent public authority(ies), the entity shall be the country's National Olympic Committee or its designee. The acronym "NADO" shall also include reference to a Regional Anti-Doping Organisation, as applicable, within these Regulations.

National Event: A sport Event or Competition involving International- or National-Level Players that is not an International Event.

National-Level Player: Players who compete in sport at the national level, as defined by each National Anti-Doping Organisation, consistent with the International Standard for Testing and Investigations.

National Olympic Committee: The organisation recognised by the International Olympic Committee. The term National Olympic Committee shall also include the National Sport Confederation in those countries where the National Sport Confederation assumes typical National Olympic Committee responsibilities in the anti-doping area.

No Fault or Negligence: The Player or other Person's establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had Used or been administered the Prohibited Substance or Prohibited Method or otherwise violated an anti-doping rule. Except in the case of a Minor, for any violation of Regulation 21.2.1, the Player must also establish how the Prohibited Substance entered his or her system.

No Significant Fault or Negligence: The Player or other Person's establishing that his or her Fault or Negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relationship to the anti-doping rule violation. Except in the case of a Minor, for any violation of Regulation 21.2.1, the Player must also establish how the Prohibited Substance entered his or her system. [See [Comment 55](#)]

Out-of-Competition: Any period which is not In-Competition.

Participant: Any Player or Player Support Personnel.

Person: A natural Person or an organisation or other entity.

Player: Any Person who competes in sport at the international level (as defined by World Rugby), or the national level (as defined by each National Anti-Doping Organisation). An Anti-Doping Organisation has discretion to apply anti-doping rules to a Player who is neither an International-Level Player nor a National-Level Player, and thus to bring them within the definition of "Player." In relation to Players who are neither International-Level nor National-Level Players, an Anti-Doping Organisation may elect to: conduct limited Testing or no Testing at all; analyse Samples for less than the full menu of Prohibited Substances; require limited or no whereabouts

information; or not require advance TUEs. However, if a Regulation 21.2.1 (Presence), 21.2.3 (Evading) or 21.2.5 (Tampering) anti-doping rule violation is committed by any Player over whom an Anti-Doping Organisation has authority who competes below the international or national level, then the Consequences set forth in the Code (except Article 14.3.2) must be applied. For purposes of Regulation 21.2.8 (Administration) and 21.2.9 (Complicity) and for purposes of anti-doping information and education, any Person who participates in sport under the authority of any Signatory, government, or other sports Organisation accepting the Code is a Player. [See [Comment 56](#)]

Player Biological Passport: The programme and methods of gathering and collating data as described in the International Standard for Testing and Investigations and International Standard for Laboratories.

Player Support Personnel: Any coach, trainer, manager, agent, Team staff, official, medical, paramedical personnel, parent or any other Person working with, treating or assisting a Player (or Team) participating in or preparing for sports Competition. This includes preparation in and out of season.

Possession: The actual, physical Possession, or the constructive Possession (which shall be found only if the Person has exclusive control or intends to exercise control over the Prohibited Substance or Prohibited Method or the premises in which a Prohibited Substance or Prohibited Method exists); provided, however, that if the Person does not have exclusive control over the Prohibited Substance or Prohibited Method or the premises in which a Prohibited Substance or Prohibited Method exists, constructive Possession shall only be found if the Person knew about the presence of the Prohibited Substance or Prohibited Method and intended to exercise control over it. Provided, however, there shall be no anti-doping rule violation based solely on Possession if, prior to receiving notification of any kind that the Person has committed an anti-doping rule violation, the Person has taken concrete action demonstrating that the Person never intended to have Possession and has renounced Possession by explicitly declaring it to an Anti-Doping Organisation. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a Prohibited Substance or Prohibited Method constitutes Possession by the Person who makes the purchase. [See [Comment 57](#)]

Prohibited List: The List identifying the Prohibited Substances and Prohibited Methods.

Prohibited Method: Any method so described on the Prohibited List.

Prohibited Substance: Any substance, or class of substances, so described on the Prohibited List.

Provisional Hearing: For purposes of Regulation 21.7.9, an expedited abbreviated hearing occurring prior to a hearing under Regulation 21.8 that provides the Player with notice and an opportunity to be heard in either written or oral form. [See [Comment 58](#)]

Provisional Suspension: See Consequences of Anti-Doping Rule Violations above.

Publicly Disclose or Publicly Report: See Consequences of Anti-Doping Rule Violations above.

Regional Anti-Doping Organisation: A regional entity designated by member countries to coordinate and manage delegated areas of their national anti-doping programs, which may include the adoption and implementation of anti-doping rules, the planning and collection of Samples, the management of results, the review of TUEs, the conduct of hearings, and the conduct of educational programs at a regional level.

Registered Testing Pool: The pool of highest-priority Players established separately at the international level by World Rugby and at the national level by National Anti-Doping Organisations, who are subject to focused In-Competition and Out-of-Competition Testing as part of World Rugby or National Anti-Doping Organisation's test distribution plan and therefore are required to provide whereabouts information as provided in Article 5.6 of the Code and the International Standard for Testing and Investigations.

Sample or Specimen: Any biological material collected for the purposes of Doping Control. [See [Comment 59](#)]

Series of (International) Matches: Two or more (International) Matches.

Signatories: Those entities signing the Code and agreeing to comply with the Code, as provided in Article 23 of the Code.

Specified Substance: See Regulation 21.4.2.2.

Strict Liability: The rule which provides that under Regulations 21.2.1 (Presence) and 21.2.2 (Use or Attempted Use), it is not necessary that intent, Fault, negligence, or knowing Use on the Player's part be demonstrated by the Anti-Doping Organisation in order to establish an anti-doping rule violation.

Substantial Assistance: For purposes of Regulation 21.10.6.1, a Person providing Substantial Assistance must: (1) fully disclose in a signed written statement all information he or she possesses in relation to anti-doping rule violations, and (2) fully cooperate with the investigation and adjudication of any case related to that information, including, for example, presenting testimony at a hearing if requested to do so by an Anti-Doping Organisation or hearing panel. Further, the information provided must be credible and must comprise an important part of any case which is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.

Tampering: Altering for an improper purpose or in an improper way; bringing improper influence to bear; interfering improperly; obstructing, misleading or engaging in any fraudulent conduct to alter results or prevent normal procedures from occurring.

Target Testing: Selection of specific Players for Testing based on criteria set forth in the International Standard for Testing and Investigations.

Team Sport: A sport in which the substitution of players is permitted during a Competition. For the avoidance of doubt, the Game, including all forms thereof, is a Team Sport.

Testing: The parts of the Doping Control process involving test distribution planning, Sample collection, Sample handling, and Sample transport to the laboratory.



Testing Pool: Any International-Level Player who is eligible to be part of World Rugby's Out of Competition Testing programme and who is not part of World Rugby's Registered Testing Pool.

Trafficking: Selling, giving, transporting, sending, delivering or distributing (or Possessing for any such purpose) a Prohibited Substance or Prohibited Method (either physically or by any electronic or other means) by a Player, Player Support Person or any other Person subject to the jurisdiction of an Anti-Doping Organisation to any third party; provided, however, this definition shall not include the actions of "bona fide" medical personnel involving a Prohibited Substance used for genuine and legal therapeutic purposes or other acceptable justification, and shall not include actions involving Prohibited Substances which are not prohibited in Out-of-Competition Testing unless the circumstances as a whole demonstrate such Prohibited Substances are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

TUE: Therapeutic Use Exemption, as described in Regulation 21.4.4.

TUE Committee: The panel established by the relevant Anti-Doping Organisation to consider requests for TUEs.

UNESCO Convention: The International Convention against Doping in Sport adopted by the 33<sup>rd</sup> session of the UNESCO General Conference on 19 October, 2005 including any and all amendments adopted by the States Parties to the Convention and the Conference of Parties to the International Convention against Doping in Sport.

Use: The utilisation, application, ingestion, injection or consumption by any means whatsoever of any Prohibited Substance or Prohibited Method.

WADA: The World Anti-Doping Agency.

[See [Comment 60](#)]

All other terms which are capitalised in these Anti-Doping Rules and not defined herein shall have the meanings ascribed to them in Regulation 1.

## APPENDIX 2. COMMENTS

Comment 1 (Regulation 21.2.1.1): An anti-doping rule violation is committed under this Regulation without regard to a Player's Fault. This rule has been referred to in various CAS decisions as "Strict Liability". A Player's Fault is taken into consideration in determining the Consequences of this anti-doping rule violation under Regulation 21.10. This principle has consistently been upheld by CAS.

Comment 2 (Regulation 21.2.1.2): The Anti-Doping Organisation with results management responsibility may, at its discretion, choose to have the B Sample analysed even if the Player does not request the analysis of the B Sample.

Comment 3 (Regulation 21.2.2): It has always been the case that Use or Attempted Use of a Prohibited Substance or Prohibited Method may be established by any reliable means. As noted in the Comment to Regulation 21.3.2, unlike the proof required to establish an anti-doping rule violation under Regulation 21.2.1, Use or Attempted Use may also be established by other reliable means such as admissions by the Player, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, including data collected as part of the Player Biological Passport, or other analytical information which does not otherwise satisfy all the requirements to establish "Presence" of a Prohibited Substance under Regulation 21.2.1 (Presence). For example, Use may be established based upon reliable analytical data from the analysis of an A Sample (without confirmation from an analysis of a B Sample) or from the analysis of a B Sample alone where the Anti-Doping Organisation provides a satisfactory explanation for the lack of confirmation in the other Sample.

Comment 4 (Regulation 21.2.2.2): Demonstrating the "Attempted Use" of a Prohibited Substance or a Prohibited Method requires proof of intent on the Player's part. The fact that intent may be required to prove this particular anti-doping rule violation does not undermine the Strict Liability principle established for violations of Regulation 21.2.1 (Presence) and violations of Regulation 21.2.2 (Use or Attempted Use) in respect of Use of a Prohibited Substance or Prohibited Method.

A Player's "Use" of a Prohibited Substance constitutes an anti-doping rule violation unless such substance is not prohibited Out-of-Competition and the Player's Use takes place Out-of-Competition. (However, the presence of a Prohibited Substance or its Metabolites or Markers in a Sample collected In-Competition is a violation of Regulation 21.2.1 (Presence) regardless of when that substance might have been administered).

Comment 5 (Regulation 21.2.3): For example, it would be an anti-doping rule violation of "evading Sample collection" if it were established that a Player was deliberately avoiding a Doping Control official to evade notification or Testing. A violation of "failing to submit to Sample collection" may be based on either intentional or negligent conduct of the Player, while "evading" or "refusing" Sample collection contemplates intentional conduct by the Player.

Comment 6 (Regulation 21.2.5): For example, this Regulation would prohibit altering identification numbers on a Doping Control form during Testing, breaking the B bottle at the time of B Sample analysis, or altering a Sample by the addition of a foreign substance. Offensive conduct towards a Doping Control official or other Person involved in Doping Control which does not otherwise constitute Tampering shall be

addressed pursuant to Regulation 20 and/or its equivalent in Unions' or Tournament Organisers' regulations.

Comment 7 (Regulation 21.2.6.1 and 21.2.6.2): Acceptable justification would not include, for example, buying or Possessing a Prohibited Substance for purposes of giving it to a friend or relative, except under justifiable medical circumstances where that Person had a physician's prescription, e.g., buying Insulin for a diabetic child.

Comment 8 (Regulation 21.2.6.2): Acceptable justification would include, for example, a team doctor carrying Prohibited Substances for dealing with acute and emergency situations.

Comment 9 (Regulation 21.2.10): Players and other Persons must not work with coaches, trainers, physicians or other Player Support Personnel who are Ineligible on account of an anti-doping rule violation or who have been criminally convicted or professionally disciplined in relation to doping. Some examples of the types of association which are prohibited include: obtaining training, strategy, technique, nutrition or medical advice; obtaining therapy, treatment or prescriptions; providing any bodily products for analysis; or allowing the Player Support Person to serve as an agent or representative. Prohibited association need not involve any form of compensation.

Comment 10 (Regulation 21.3.1): This standard of proof required to be met by World Rugby is comparable to the standard which is applied in most countries to cases involving professional misconduct.

Comment 11 (Regulation 21.3.2): For example, World Rugby may establish an anti-doping rule violation under Regulation 21.2.2 based on the Player's admissions, the credible testimony of third Persons, reliable documentary evidence, reliable analytical data from either an A or B Sample as provided in the Comments to Regulation 21.2.2, or conclusions drawn from the profile of a series of the Player's blood or urine Samples, such as data from the Player Biological Passport.

Comment 12 (Regulation 21.3.2.2): The burden is on the Player or other Person to establish, by a balance of probability, a departure from the International Standard for Laboratories that could reasonably have caused the Adverse Analytical Finding. If the Player or other Person does so, the burden shifts to World Rugby to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the Adverse Analytical Finding.

Comment 13 (Regulation 21.4.1): The Prohibited List appears in Schedule 2 to these Anti-Doping Rules and is also always available in its full updated form and in a range of languages on WADA's website at [www.wada-ama.org](http://www.wada-ama.org).

Comment 14 (Regulation 21.4.2.2): The Specified Substances identified in Regulation 21.4.2.2 should not in any way be considered less important or less dangerous than other doping substances. Rather, they are simply substances which are more likely to have been consumed by a Player for a purpose other than the enhancement of sport performance.

Comment 15 (Regulation 21.4.4.1 – 21.4.4.3): Further to Articles 5.6 and 7.1(a) of the International Standard for Therapeutic Use Exemptions, World Rugby may publish notice on its website that it will automatically recognise TUE decisions (or categories

of such decisions, e.g., as to particular substances or methods) made by National Anti-Doping Organisations. If a Player's TUE falls into a category of automatically recognised TUEs, then he does not need to apply to World Rugby for recognition of that TUE.

If World Rugby refuses to recognise a TUE granted by a National Anti-Doping Organisation only because medical records or other information are missing that are needed to demonstrate satisfaction of the criteria in the International Standard for Therapeutic Use Exemptions, the matter should not be referred to WADA. Instead, the file should be completed and re-submitted to World Rugby.

Comment 16 (Regulation 21.4.4.3): World Rugby may agree with a National Anti-Doping Organisation that the National Anti-Doping Organisation will consider TUE applications on behalf of World Rugby.

Comment 17 (Regulations 21.4.4.1 - 21.4.4.4): The submission of false or misleadingly incomplete information in support of a TUE application (including but not limited to the failure to advise of the unsuccessful outcome of a prior application to another Anti-Doping Organisation for such a TUE) may result in a charge of Tampering or Attempted Tampering under Regulation 21.2.5 (Tampering or Attempted Tampering).

A Player should not assume that his application for grant or recognition of a TUE (or for renewal of a TUE) will be granted. Any Use or Possession or Administration of a Prohibited Substance or Prohibited Method before an application has been granted is entirely at the Player's own risk.

Comment 18 (Regulation 21.4.4.6): In such cases, the decision being appealed is the World Rugby's TUE decision, not WADA's decision not to review the TUE decision or (having reviewed it) not to reverse the TUE decision. However, the deadline to appeal the TUE decision does not begin to run until the date that WADA communicates its decision. In any event, whether the decision has been reviewed by WADA or not, WADA shall be given notice of the appeal so that it may participate if it sees fit.

Comment 19 (Regulation 21.4.7.2): In such cases, the decision being appealed is World Rugby's TUE decision, not WADA's decision not to review the TUE decision or (having reviewed it) not to reverse the TUE decision. However, the time to appeal the TUE decision does not begin to run until the date that WADA communicates its decision. In any event, whether the decision has been reviewed by WADA or not, WADA shall be given notice of the appeal so that it may participate if it sees fit.

Comment 20 (Regulation 21.5.2.2): Unless the Player has identified a 60-minute time-slot for Testing between the hours of 11pm and 6am, or has otherwise consented to Testing during that period, World Rugby will not test a Player during that period unless it has a serious and specific suspicion that the Player may be engaged in doping. A challenge to whether World Rugby had sufficient suspicion for Testing in that period shall not be a defense to an anti-doping rule violation based on such test or attempted test.

Comment 21 (Regulation 21.5.7.7): Conduct by a Player or other Person before the Player or other Person was subject to the jurisdiction of any Anti-Doping Organisation

would not constitute an anti-doping rule violation but could be a legitimate basis for denying the Player or other Person membership in a sports organisation.

Comment 22 (Regulation 21.6.1): Violations of Regulation 21.2.1 (Presence) may be established only by Sample analysis performed by a laboratory accredited or otherwise approved by WADA. Violations of other Regulations may be established using analytical results from other laboratories so long as the results are reliable.

Comment 23 (Regulation 21.6.2.1): For example, relevant profile information could be used to direct Target Testing or to support an anti-doping rule violation proceeding under Regulation 21.2.2 (Use or Attempted Use), or both.

Comment 24 (Regulation 21.6.4): The objective of this Regulation is to extend the principle of “intelligent Testing” to the Sample analysis menu so as to most effectively and efficiently detect doping. It is recognised that the resources available to fight doping are limited and that increasing the Sample analysis menu may, in some sports and countries, reduce the number of Samples which can be analysed.

Comment 25 (Regulation 21.7.9): Players and other Persons shall receive credit for a Provisional Suspension against any period of Ineligibility which is ultimately imposed. See Regulations 21.10.11.3.1 and 21.10.11.3.2.

Comment 26 (Regulation 21.8.1): For example, a hearing could be expedited on the eve of a major Event where the resolution of the anti-doping rule violation is necessary to determine the Player's eligibility to participate in the Event, or during an Event where the resolution of the case will affect the validity of a team's results or continued participation in the Event.

Comment 27 (Regulation 21.9): Any awards received by Players or other Persons will be Disqualified. However, Disqualification of the team will be as provided in Regulation 21.11.

Comment 28 (Regulation 21.10.3.3): Those who are involved in doping Players or covering up doping should be subject to sanctions which are more severe than the Players who test positive. Since the authority of sport organisations is generally limited to Ineligibility for accreditation, membership and other sport benefits, reporting Player Support Personnel to competent authorities is an important step in the deterrence of doping.

Comment 29 (Regulation 21.10.3.5): Where the “other Person” referenced in Regulation 21.2.10 (Prohibited Association) is an entity and not an individual, that entity may be disciplined as provided in Regulation 21.12 and/or Regulation 18.

Comment 30 (Regulation 21.10.4): This Regulation and Regulation 21.10.5.2 apply only to the imposition of sanctions; they are not applicable to the determination of whether an anti-doping rule violation has occurred. They will only apply in exceptional circumstances, for example where a Player could prove that, despite all due care, he was sabotaged by a competitor. Conversely, No Fault or Negligence would not apply in the following circumstances: (a) a positive test resulting from a mislabelled or contaminated vitamin or nutritional supplement (Players are responsible for what they ingest (Regulation 21.2.1.1) and have been warned against the possibility of supplement contamination); (b) the Administration of a Prohibited Substance by the Player's personal physician or trainer without disclosure to the Player (Players are

responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any Prohibited Substance); and (c) sabotage of the Player's food or drink by a spouse, coach or other Person within the Player's circle of associates (Players are responsible for what they ingest and for the conduct of those Persons to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction under Regulation 21.10.5 based on No Significant Fault or Negligence.

Comment 31 (Regulation 21.10.5.1.2): In assessing that Player's degree of Fault, it would, for example, be favorable for the Player if the Player had declared the product which was subsequently determined to be contaminated on his Doping Control form.

Comment 32 (Regulation 21.10.5.2): Regulation 21.10.5.2 may be applied to any anti-doping rule violation except those Regulations where intent is an element of the anti-doping rule violation (e.g., Regulations 21.2.5 (Tampering or Attempted Tampering), 21.2.7 (Trafficking), 21.2.8 (Administration) or 21.2.9 (Complicity)) or an element of a particular sanction (e.g., Regulation 21.10.2.1 (Use)) or a range of Ineligibility is already provided in a Regulation based on the Player or other Person's degree of Fault.

Comment 33 (Regulation 21.10.6.1): The cooperation of Players, Player Support Personnel and other Persons who acknowledge their mistakes and are willing to bring other anti-doping rule violations to light is important to clean sport. This is the only circumstance under the Code where the suspension of an otherwise applicable period of Ineligibility is authorised.

Comment 34 (Regulation 21.10.6.2): This Regulation is intended to apply when a Player or other Person comes forward and admits to an anti-doping rule violation in circumstances where no Anti-Doping Organisation is aware that an anti-doping rule violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the Player or other Person believes he or she is about to be caught. The amount by which Ineligibility is reduced should be based on the likelihood that the Player or other Person would have been caught had he not come forward voluntarily.

Comment 35 (Regulation 21.10.6.4): The appropriate sanction is determined in a sequence of four steps. First, the hearing panel determines which of the basic sanctions (Regulations 21.10.2, 21.10.3, 21.10.4, or 21.10.5) apply to the particular anti-doping rule violation. Second, if the basic sanction provides for a range of sanctions, the hearing panel must determine the applicable sanction within that range according to the Player or other Person's degree of Fault. In a third step, the hearing panel establishes whether there is a basis for elimination, suspension, or reduction of the sanction (Regulation 21.10.6). Finally, the hearing panel decides on the commencement of the period of Ineligibility under Regulation 21.10.11. Several examples of how Regulation 21.10 is to be applied are found in Appendix 2 to the Code.

Comment 36 (Regulation 21.10.8): Nothing in these Anti-Doping Rules precludes clean Players or other Persons who have been damaged by the actions of a Person who has committed an anti-doping rule violation from pursuing any right which they would otherwise have to seek damages from such Person.

Comment 37 (Regulation 21.10.11.1): In cases of anti-doping rule violations other than under Regulation 21.2.1, the time required for an Anti-Doping Organisation to discover and develop facts sufficient to establish an anti-doping rule violation may be lengthy, particularly where the Player or other Person has taken affirmative action to avoid detection. In these circumstances, the flexibility provided in this Regulation to start the sanction at an earlier date should not be used.

Comment 38 (Regulation 21.10.11.3.2): A Player's voluntary acceptance of a Provisional Suspension is not an admission by the Player and shall not be used in any way as to draw an adverse inference against the Player.

Comment 39 (Regulation 21.10.11): Regulation 21.10.11 makes clear that delays not attributable to the Player, timely admission by the Player and Provisional Suspension are the only justifications for starting the period of Ineligibility earlier than the date of the final hearing decision.

Comment 40 (Regulation 21.10.12.1): For example, subject to Regulation 21.10.12.2, an Ineligible Player cannot participate in a training camp, exhibition or practice organised by his Member Union or Club, Rugby Body or any entity which is a member of that National Federation or which is funded by a governmental agency. Further, an Ineligible Player may not compete in a non-Signatory professional league (e.g., the National Hockey League, the National Basketball Association, the National Football League etc.), Events organised by a non-Signatory International Event organisation or a non-Signatory national-level event organisation without triggering the Consequences set forth in Regulation 21.10.12.3. The term "activity" also includes, for example, administrative activities, such as serving as an official, director, officer, employee, or volunteer of the organisation described in this Regulation. Ineligibility imposed in one sport shall also be recognised by other sports (see Regulation 21.15.1, Mutual Recognition).

Comment 41 (Regulation 21.10.12.2): In many Team Sports and some individual sports, a Player cannot effectively train on his own so as to be ready to compete at the end of the Player's period of Ineligibility. During the training period described in this Regulation, an Ineligible Player may not compete or engage in any activity described in Regulation 21.10.12.1 other than training.

Comment 42 (Regulation 21.10): Harmonisation of sanctions has been one of the most discussed and debated areas of anti-doping. Harmonisation means that the same rules and criteria are applied to assess the unique facts of each case. Arguments against requiring harmonisation of sanctions are based on differences between sports including, for example, the following: in some sports the Players are professionals making a sizable income from the sport and in others the Players are true amateurs; in those sports where an Player's career is short, a standard period of Ineligibility has a much more significant effect on the Player than in sports where careers are traditionally much longer. A primary argument in favor of harmonisation is that it is simply not right that two Players from the same country who test positive for the same Prohibited Substance under similar circumstances should receive different sanctions only because they participate in different sports. In addition, flexibility in sanctioning has often been viewed as an unacceptable opportunity for some sporting organisations to be more lenient with dopers. The lack of harmonisation of sanctions

has also frequently been the source of jurisdictional conflicts between International Federations and National Anti-Doping Organisations.

Comment 43 (Regulation 21.11.3): For example, the International Olympic Committee could establish rules which would require Disqualification of a team from the Olympic Games based on a lesser number of anti-doping rule violations during the period of the Games.

Comment 44 (Regulation 21.13.1.2): CAS proceedings are de novo. Prior proceedings do not limit the evidence or carry weight in the hearing before CAS.

Comment 45 (Regulation 21.13.1.3): Where a decision has been rendered before the final stage of World Rugby's process (for example, a first hearing) and no party elects to submit that decision to a post-hearing review, then WADA may bypass the remaining steps in World Rugby's internal process and appeal directly to CAS.

Comment 46 (Regulation 21.13.2.1): CAS decisions are final and binding except for any review required by law applicable to the annulment or enforcement of arbitral awards.

Comment 47 (Regulation 21.13.2.4): This provision is necessary because since 2011, CAS rules no longer permit a Player the right to cross appeal when an Anti-Doping Organisation appeals a decision after the Player's time for appeal has expired. This provision permits a full hearing for all parties.

In cases involving multiple parties, where all of the parties identified in this Regulation are satisfied that their interests will be adequately protected in a single hearing, there is no need to incur the extra expense of two (or more) hearings. An Anti-Doping Organisation that wants to participate in the CAS hearing as a party or as an observer may condition its approval of a single hearing on being granted that right.

Comment 48 (Regulation 21.13.3): Given the different circumstances of each anti-doping rule violation investigation and results management process, it is not feasible to establish a fixed time period for World Rugby to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with World Rugby and give World Rugby an opportunity to explain why it has not yet rendered a decision.

Comment 49 (Regulation 21.15.1): The extent of recognition of TUE decisions of other Anti-Doping Organisations shall be determined by Regulation 21.4.4 and the International Standard for Therapeutic Use Exemptions.

Comment 50 (Regulation 21.15.2): Where the decision of a body that has not accepted the Code is in some respects Code compliant and in other respects not Code compliant, World Rugby and its Member Unions shall attempt to apply the decision in harmony with the principles of the Code. For example, if in a process consistent with the Code a non-Signatory has found a Player to have committed an anti-doping rule violation on account of the presence of a Prohibited Substance in his body but the period of Ineligibility applied is shorter than the period provided for in these Anti-Doping Rules, then World Rugby shall recognise the finding of an anti-doping rule violation and may conduct a hearing consistent with Regulation 21.8 to determine whether the longer period of Ineligibility provided in these Anti-Doping Rules should be imposed.



Comment 51 (Regulation 21.22.1.2): With due regard to a Player's human rights and privacy, legitimate anti-doping considerations sometimes require Sample collection late at night or early in the morning. For example, it is known that some Players use low doses of EPO during these hours so that it will be undetectable in the morning.

Comment 52 (Definition of Fault): The criteria for assessing a Player's degree of Fault is the same under all Regulations where Fault is to be considered. However, under Regulation 21.10.5.2, no reduction of sanction is appropriate unless, when the degree of Fault is assessed, the conclusion is that No Significant Fault or Negligence on the part of the Player or other Person was involved.

Comment 53 (Definition of In-Competition): World Rugby, Tournament Organiser, or ruling body for an Event may establish an "In-Competition" period that is different than the Event Period.

Comment 54 (Definition of International-Level Player): Consistent with the International Standard for Testing and Investigations, World Rugby is free to determine the criteria it will use to classify Players as International-Level Players.

Comment 55 (Definition of No Significant Fault or Negligence): For Cannabinoids, a Player may establish No Significant Fault or Negligence by clearly demonstrating that the context of the Use was unrelated to sport performance.

Comment 56 (Definition of Player): This definition makes it clear that all International- and National-Level Players are subject to the Anti-Doping Rules and the Code. The definition also allows each National Anti-Doping Organisation, if it chooses to do so, to expand its anti-doping program beyond International- or National-Level Players to competitors at lower levels of Competition or to individuals who engage in fitness activities but do not compete at all. Thus, a National Anti-Doping Organisation could, for example, elect to test recreational-level competitors but not require advance TUEs. But an anti-doping rule violation involving an Adverse Analytical Finding or Tampering results in all of the Consequences provided for in the Code (with the exception of Regulation 21.14.3.2). The decision on whether Consequences apply to recreational-level Players who engage in fitness activities but never compete is left to the National Anti-Doping Organisation. In the same manner, a Major Event Organisation holding an Event only for masters-level competitors could elect to test the competitors but not analyse Samples for the full menu of Prohibited Substances. Competitors at all levels of Competition should receive the benefit of anti-doping information and education.

Comment 57 (Definition of Possession): Under this definition, steroids found in a Player's car would constitute a violation unless the Player establishes that someone else used the car; in that event, the Anti-Doping Organisation must establish that, even though the Player did not have exclusive control over the car, the Player knew about the steroids and intended to have control over the steroids. Similarly, in the example of steroids found in a home medicine cabinet under the joint control of a Player and spouse, the Anti-Doping Organisation must establish that the Player knew the steroids were in the cabinet and that the Player intended to exercise control over the steroids. The act of purchasing a Prohibited Substance alone constitutes Possession, even where, for example, the product does not arrive, is received by someone else, or is sent to a third party address.

Comment 58 (Definition of Provisional Hearing): A Provisional Hearing is only a preliminary proceeding which may not involve a full review of the facts of the case. Following a Provisional Hearing, the Player remains entitled to a subsequent full hearing on the merits of the case. By contrast, an “expedited hearing,” as that term is used in Regulation 21.8.1, is a full hearing on the merits conducted on an expedited time schedule.

Comment 59 (Definition of Sample or Specimen): It has sometimes been claimed that the collection of blood Samples violates the tenets of certain religious or cultural groups. It has been determined that there is no basis for any such claim.

Comment 60 (to Definitions): Defined terms shall include their plural and possessive forms, as well as those terms used as other parts of speech.