



## **PHILIPPINE RUGBY FOOTBALL UNION ANTI-DOPING REGULATIONS**

*Effective as of 1 Jan 2012*

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## **PREAMBLE**

The IRB 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 2009 has been agreed with an effective implementation date of 1 January 2009.

The purpose of the Code is to advance the anti-doping effort through universal harmonization of core anti-doping elements. The Code represents the first level of the WADA programme to ensure optimal harmonization and best practice in international and national anti-doping programs. The other elements include the International Standards and the Models of Best Practice & Guidelines.

All provisions of the Code are mandatory in substance. The mandatory provisions and principles of the Code have been adopted and incorporated into these Philippine Rugby Football Union (PRFU) Anti-Doping Regulations which are modeled on and follow the wording, requirements and layout of IRB Regulation 21.

## **ANTI-DOPING**

### **A. Anti-Doping Definitions**

The definitions set out below apply to these Anti-Doping Regulations. In relation to the implementation of these Anti-Doping Regulations, in the event of any inconsistency between the Anti-Doping Regulation definitions below and those set out in Regulation 1 of the IRB Regulations Relating to the Game, then these Anti-Doping Regulation definitions shall prevail.

**ADAMS** The Anti-Doping Administration and Management System, which 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.

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

**Anti-Doping Commissioner** A person appointed by the Union or the IRB to oversee the Anti-Doping Procedures and Guidelines of the Union and/or the IRB at venues where Doping Control may take place.

**Anti-Doping Organization (ADO)** A Signatory to the Code 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 Organizations that conduct Testing at their events, WADA and National Anti-Doping Organizations.

**Association** An association in membership of the Union.

**Attempt/Attempted** 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 renunciates the attempt prior to it being discovered by a third party not involved in the Attempt.

**Atypical Finding** A report from a laboratory or other WADA-approved entity 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.

**Blood Collection Official** An official who is qualified to collect a blood Sample from a Player.

**CAS** The Court of Arbitration for Sport.

**Club / Rugby Body [/Province etc]** A club, rugby body [or provincial union etc] respectively in membership of the Union.

**Chaperone** A person appointed to assist in the Doping Control process and who is under the direct control of the DCO. Such Chaperones will notify the selected Player of their selection for Doping Control, accompany and keep the Player in direct view from the time of notification until after the Player provides a suitable Sample.

**Code** The World Anti-Doping Code 2009.

**Consequences of Anti-Doping Rules Violations** A Player or other Person's violation (or in the case of a Provisional Suspension, alleged violation) of an anti-doping regulation may result in one or more of the following:

- (a) Ineligibility means the Player or Person is barred for a specified period of time from participating in any Match or other activity as set out in Regulation 22.13A or funding as provided in Regulation 22.13C;
- (b) Provisional Suspension means the Player or other Person or entity is barred temporarily under Regulation 19 or 16.2 from participating in any Match or other activity (as set out in Regulation 22.12) prior to the final decision at a hearing conducted under Regulation 20; and
- (c) Disqualification means the Team's results in a particular Match, Series of Matches, Tournament and/or Tour are invalidated, with all resulting consequences, including forfeiture of any medals, points and prizes.

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

**Doping Control Officer (DCO)** The authorized Doping Control official appointed and responsible for conducting and overseeing the Sample collection procedures. The DCO shall be independent and properly trained in Sample collection procedures. The DCO may also perform the duties of a Chaperone.

**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, therapeutic use exemptions, results management and hearings.

**Doping Control Station** The area used for Sample collection as described in section 2 of Schedule 1 to these Anti-Doping Regulations.

**Filing Failure** A failure by a Player (or by a third party whom the Player has delegated this task), in accordance with Regulation 10.19 to make an accurate and complete Whereabouts Filing in accordance with Regulations 10.7, 10.9 to 10.11 and 10.18 or Regulation 10.20.

**Game** Rugby football played in accordance with the Laws of the Game. **Guidelines** The Doping Control procedural guidelines set out at Schedule 1 to these Anti-Doping Regulations.

**Home Union** Means the Union with which a Player was first registered, or if different, the Union where a Player was trained or developed.

**In Competition** A Sample collection which takes place after a Player's participation or scheduled participation in a Match. If a Sample collection session cannot be completed after a Match 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.

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

**International Level Player** Players designated by the IRB as being within its Registered Testing Pool and/or Testing Pools.

**International Match** Any Match played between National Representative Teams selected by Unions

**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 Standards.

**International Tour** A Match or Series of Matches in which a Team representing a Union at any level participates against a National Representative Team and/or other Rugby Bodies or Clubs in the jurisdiction of another Union.

**International Tournament** A Tournament in which Teams representing Unions at any level meet to participate in a Series of Matches whether at 15-a-side or an abbreviated version of the Game.

**IRB** The International Rugby Board.

**Major Event Organization** A continental associations of National Olympic Committees and other international multi sports organizations that function as the ruling body for any continental, regional or other International Tournament.

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

**Match** A game in which two Teams compete against each other.

**Metabolite** Any substance produced by a biotransformation process.

**Minor** A Player that has not reached the age of majority as established by the applicable laws in his country of residence.

**Missed Test** A failure by a Player to be available for Testing at the location(s) and time specified in the 60- minute time slot (for Players in the National Registered Testing Pool) or following an unsuccessful attempt(s) by the DCO to locate the Player at all the nominated whereabouts locations outlined in his Whereabouts Filing (visiting each location once) over or within any 24-hour period (for Players in the National Testing Pool), in accordance with Regulation 10.21 and 10.22

**Models of Best Practice & Guidelines** The documents so named and issued by or on behalf of WADA.

**National Anti-Doping Organization (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 all at the national level. This includes an entity which may be designated by multiple countries to serve as regional Anti-Doping Organization for such countries (RADO). If this designation has not been made by the competent public authority(ies), the entity shall be the country's National Olympic Committee, its designee or failing this the Member Union or the IRB. The Union's NADO is The Philippine Anti-Doping Association (or PhilADA)

**National Olympic Committee** The organization recognized 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.

**National Representative Team** A Team selected by a Union to represent that Union.

**No Advance Notice** A Doping Control which takes place with no advance warning to the Player and where the Player is continuously Chaperoned from the moment of notification through until Sample provision.

**No Fault or Negligence** The Player's establishing that he did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he had used or been administered the Prohibited Substance or Prohibited Method.

**No Significant Fault or Negligence** The Player's establishing that his fault or negligence, when viewed in the totality of the circumstance and taking into account the criteria for No Fault or Negligence, was not significant in relationship to an anti-doping rule violation.

**Out of Competition** Any Sample collection which is not In Competition.

**Participant** Any Player or Player Support Personnel.

**Person** A natural person or an organization or other entity.

**PhilADA** The Philippine Anti-Doping Agency

**Player** Any Person who participates in the Game at the international level (as defined by the IRB, including but not limited to those Persons in its Registered Testing Pool and Testing Pool(s)), the national level (as defined by the Union, a Member Union and/or a NADO (as the case may be), including but not limited to those Persons in its/or their testing pool(s), whether registered or otherwise), and any other competitor in sport who is otherwise subject to the jurisdiction of any Signatory or other sports organization accepting the Code.<sup>1</sup> For purposes of Regulation 2.8 (Administration or Attempted Administration) 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 organization accepting the Code is a Player.

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

**Player's Representative** A person who may accompany the selected Player within the Doping Control Station to oversee on the selected Player's behalf, the division and sealing of the Sample and accompanying documentation procedures. The representative shall be provided with appropriate accreditation to access the venue area in which the Doping Control Station is located.

**Possession** The actual, physical possession, or the constructive possession (which shall be found only if the person has exclusive control over the Prohibited Substance/Method or the premises in which a Prohibited Substance/Prohibited Method exists); provided, however, that if the Person does not have exclusive control over the Prohibited Substance/Prohibited Method or the premises in which a Prohibited Substance/Prohibited Method exists, constructive possession shall only be found if the Person knew about the presence of the Prohibited Substance/Prohibited Method and intended to exercise control over it. Provided, however, there shall be no anti-doping rule violation committed 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 Organization. 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.

**Post-Hearing Review Body** The body established to conduct reviews under Regulations 24 and 25.

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<sup>1</sup> All provisions of the Code, including, for example, Testing and therapeutic use exemptions, must be applied to international- and national-level competitors. Some National Anti-Doping Organizations may elect to test and apply anti-doping rules to recreational-level or masters competitors who are not current or potential national calibre competitors. National Anti-Doping Organizations are not required, however, to apply all aspects of the Code to such Persons. Specific national rules may be established for Doping Control for non-international-level or non-national-level competitors without being in conflict with the Code. Thus, a country could elect to test recreational-level competitors but not require therapeutic use exemptions or whereabouts information. In the same manner, a Major Event Organization holding an Event only for masters-level competitors could elect to test the competitors but not require advance therapeutic use exemptions or whereabouts information.

**PRFU** The Philippine Rugby Football Union

**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 so described on the Prohibited List.

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

**Publicly Disclose or Publicly Report** To disseminate or distribute information to the general public or persons beyond those persons entitled to earlier notification in accordance with Regulation 22.14.

**Registered Testing Pool (RTP)** The pool of International Level Players, established by the IRB and at national level by the Union (and/or its NADO as the case may be which will be referred to as the National Registered Testing Pool), who are subject to both In Competition and Out of Competition Testing by the IRB or the Union (or its NADO as the case may be). The IRB and the Union (and/or its NADO as the case may be) shall make available a list which identifies (a) for other relevant Anti-Doping Organizations those Players included in its Registered Testing Pool by name and (b) those Players included in its Registered Testing Pool by clearly defined, specific criteria as set out in Regulation 10.3.

**Retroactive TUE** A therapeutic use exemption approved by a Therapeutic Use Exemption Committee based on a documented medical file after a laboratory has reported an Adverse Analytical Finding.

**Sample or Specimen** Any biological material collected for the purposes of Doping Control.

**Series of International Matches** Two or more International Matches.

**Series of Matches** Two or more Matches.

**Signatory** An entity signing the Code and agreeing to comply with the Code, including the International Olympic Committee, International Federations, International Paralympic Committee, National Olympic Committees, National Paralympic Committees, Major Event Organizations, National Anti-Doping Organizations and WADA.

**Specified Substances** As defined in Regulation 4.5.

**Substantial Assistance** For the purposes of Regulation 22.6, a Person providing Substantial Assistance must: (1) fully disclose in a signed written statement all information he 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 the IRB, the Union or other Anti-Doping Organization or Judicial Committee. 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; or providing fraudulent information to an Anti-Doping Organization.

**Target Testing** Selection of Players for Testing where specific Players or groups of Players are selected on a non-random basis for Testing at a specified time.

**Team** The Players selected for the team of a Union, Club and/or Rugby Body

**Team Activity** Any activity carried out by a Team on a collective basis under the supervision of the Team management in which the Player is participating.

**Team Sport** For the purposes of the Code means a sport in which the substitution of players is permitted during a Match and for the purposes of these Regulations shall mean the sport of rugby union and any form of the Game.

**Technical Documents** The documents so named and issued by or on behalf of WADA

**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 Player who is eligible to be part of the IRB's, the Union's or its NADO (PhilADA) Out of Competition Testing programme and who is not part of the IRB's, the Union's or its NADO (PhilADA) Registered Testing Pool. At national level this may be referred to as the National Testing Pool.

**Therapeutic Use Exemption Committee (TUEC / TUE Committee)** The panel established by the relevant Anti-Doping Organization to consider requests for TUEs.

**Tour** A non-Tournament Match or Series of Matches in which a Team at any level participates against one or more Teams or Rugby Bodies or Clubs in the jurisdiction of another Union (including for the avoidance of doubt an International Tour).

**Tournament** A Series of Matches in which two or more Teams participate, whether at 15-a-side, or an abbreviated version of the Game and which includes tournaments in which teams below national representative level play in cross-border competition and, for the avoidance of doubt, International Tournaments.

**Tournament Organizer** A Tournament organizer recognized by the IRB or the Union.

**Trafficking** Selling, giving, transporting, sending, delivering or distributing a Prohibited Substance or Prohibited Method (either physically or by any electronic or other means) by a Player, Player Support Personnel or any other Person subject to the jurisdiction of an Anti-Doping Organization 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.

**TUE** A therapeutic use exemption approved by a Therapeutic Use Exemption Committee based on a documented medical file before the Use of the substance in sports.

**UNION** (The Union or A Union) will refer in this document specifically to the PRFU

**UNESCO Convention** The International Convention against Doping in Sport adopted by the 33rd 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.

**Unsuccessful Attempt Report** A detailed report of an unsuccessful Testing attempt, as more fully described in Regulation 10.27 (a).

**Use** The utilization, ingestion, injection or consumption by any means whatsoever of any Prohibited Substance or Prohibited Method.

**WADA** The World Anti-Doping Agency.

**Whereabouts Failure** A Filing Failure or Missed Test achieved in either a Registered Testing Pool or a Testing Pool. For the avoidance of doubt a Filing Failure or Missed Test in the National Testing Pool shall only count towards the elevation of the Player into the National Registered Testing Pool in accordance with Regulation 10.3 and shall not constitute a Code Whereabouts Failure for the purposes of Regulation 2.4.

**Whereabouts Filing** Information provided by or on behalf of a Player in a Registered Testing Pool or Testing Pool that sets out the Player's whereabouts during the following quarter, in accordance with Regulation 10.6, 10.9 and in the case of Players in the National Registered Testing Pool Regulation 10.10.

## B. Interpretation

Any references to the male gender are deemed to include references to the female gender. The headings used for the various Regulations are for convenience only and shall not be deemed part of the substance of the Regulations or to affect in any way the language of the provisions to which they refer.

The Code and/or these Anti-Doping Regulations shall not apply retrospectively to matters pending before the date the Code became effective and implemented in these Regulations. However, pre-Code anti-doping rule violations will continue to count as "first violations" or "second violations" for purposes of determining sanctions under Regulation 22 for subsequent post-Code violations.

In the event of any inconsistency between these Regulations, including its Schedules, and IRB Regulation 21, including its Schedules, IRB Regulation 21 and its Schedules shall take precedence to the extent of such inconsistency.

## 1 Definition of Doping

Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Regulation 2 of these Regulations.

## **2 Anti-Doping Rule Violations**

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:

### **2.1 The presence of a Prohibited Substance or its Metabolites or Markers in a Player's Sample**

- (a) It is each Player's personal duty to ensure that no Prohibited Substance enters his 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 2.1.
- (b) Sufficient proof of an anti-doping rule violation under Regulation 2.1 is established by either 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 analyzed; or, where the Player's "B" Sample is analyzed 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.
- (c) 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.
- (d) As an exception to the general rule of Regulation 2.1, the Prohibited List or International Standards may establish special criteria for the evaluation of Prohibited Substances that can also be produced endogenously.

### **2.2 Use or Attempted Use by a Player of a Prohibited Substance or a Prohibited Method**

- (a) It is each Player's personal duty to ensure that no Prohibited Substance enters his body. 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.
- (b) The success or failure of the 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.

### **2.3 Refusing or failing without compelling justification to submit to Sample collection after notification as authorized in these Anti-Doping Regulations or otherwise evading Sample collection.**

### **2.4 Violation of the applicable requirements regarding Player availability for Out of Competition Testing including failure to file required whereabouts information set forth in Regulation 10.9 (Article 11.3 of the International Standard for Testing) and failure to be available for Testing at the declared whereabouts in accordance with Regulation 10.23 (Article 11.4 of the International Standard for Testing). Any combination of three Missed Tests and/or Filing Failures within an 18-month period as determined by Anti-Doping Organizations with jurisdiction**

over the Player shall constitute an anti-doping rule violation. In the event of a conflict between Article 11.3 and/or 11.4 of the International Standard for Testing and Regulation 10.9 and/or 10.23, the applicable provisions of the International Standard for Testing shall apply.

#### 2.5 Tampering or Attempted Tampering, with any part of Doping Control.

#### 2.6 Possession of Prohibited Substances and Methods

(a) Possession by a Player In Competition of any Prohibited Method or any Prohibited Substance, or Possession by a Player Out of Competition of any Prohibited Method or any Prohibited Substance which is prohibited Out of Competition unless the Player establishes that the Possession is pursuant to a therapeutic use exemption granted in accordance with Regulation 5 or other acceptable justification.

(b) Possession by Player Support Personnel In Competition of any Prohibited Method or any Prohibited Substance, or Possession by Player Support Personnel Out of Competition of any Prohibited Method or any Prohibited Substance which is prohibited Out of Competition, in connection with a Player, Match, Series of Matches and/or Tournament or training, unless the Player Support Personnel establishes that the Possession is pursuant to a therapeutic use exemption granted to a Player in accordance with Regulation 5 or other acceptable justification.

#### 2.7 Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method.

2.8 Administration or Attempted administration to any Player In Competition of any Prohibited Method or Prohibited Substance, or administration or Attempted administration to any Player Out of Competition of any Prohibited Method or any Prohibited Substance that is prohibited in Out of Competition Testing, or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an anti-doping rule violation or any Attempted anti-doping rule violation.

### **3 Proof of Doping Burdens and Standards of Proof**

3.1 The PRFU shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether the Union 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 Regulations 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 except as provided in Regulation 22.3 and 22.9 where the Player must satisfy a higher standard of proof.

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

3.2 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:

(a) WADA accredited laboratories 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 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 occurred which could reasonably have caused the Adverse Analytical Finding, then the Union shall have the burden to establish that such departure did not cause the Adverse Analytical Finding.

(b) Departures from any other International Standard or any other anti-doping rule or policy which did not cause an Adverse Analytical Finding or other anti-doping rule violation shall not invalidate such results or findings. If the Player or other Person establishes that a departure from another International Standard or anti-doping rule or policy which could reasonably have caused the Adverse Analytical Finding occurred, then the Union 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.

(c) 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.

(d) 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 the Anti-Doping Organization asserting the anti-doping rule violation.

#### **4 Prohibited List and International Standards Incorporation of the Prohibited List**

4.1 These Anti-Doping Regulations incorporate the Prohibited List, which is published and revised by WADA. The Prohibited List shall identify those Prohibited Substances and Prohibited Methods which are prohibited as doping at all times (both In Competition and Out of Competition) because of their potential to enhance performance in future competitions or their masking potential and those substances and methods which are prohibited In Competition only.

4.2 The 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 between the two, the Prohibited List appearing on the WADA website shall prevail.

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

4.3 Unless provided otherwise in the Prohibited List and/or a revision, the Prohibited List and any revisions shall go into immediate effect under these Anti-Doping Regulations on the official date nominated by WADA without requiring any further action by the Union.

4.4 WADA's determination of the Prohibited Substances and Prohibited Methods that will be included on the Prohibited List and the classification of substances into categories on the Prohibited List 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.

## **Specified Substances**

4.5 For purposes of the application of Regulation 22 (Sanctions on Individuals), 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. Prohibited Methods shall not be Specified Substances.

## **International Standards**

4.6 WADA has produced International Standards for different technical and operation areas within anti-doping for the purpose of harmonization. Adherence to the International Standards is mandatory. The International Standards comprise of the Prohibited List, International Standard for Laboratories, International Standard for Testing, International Standard for Therapeutic Use Exemptions and International Standard for Protection of Privacy and Personal Information. WADA may revise the International Standards from time to time.

4.7 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).

## **5 Therapeutic Use Exemptions**

5.1 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 TUE application forms are set out in Schedule 3(b) of these Regulations.

5.2 Players who have a requirement to use the following substances on the Prohibited List shall adhere to the procedures set out below:

(a) Beta 2 Agonists

- (i) For Use of inhaled Beta 2 Agonists (terbutaline) - Players shall apply for a TUE as outlined in Schedule 3(a)
- (ii) For Use of inhaled Beta 2 Agonists (salbutamol, formoterol or salmeterol) - no TUE is required.”

(b) Glucocorticosteroids

- (i) Glucocorticosteroids administered by systemic routes (namely oral, intravenous, intramuscular and rectal) - Players shall apply for a TUE as outlined in Schedule 3(a).
- (ii) Glucocorticosteroids administered by non-systemic routes (namely intraarticular / periarticular / peritendinous / epidural / intrathecal and intradermal injections and inhalation) do not require a TUE.

5.3 For all other Prohibited Substances, Players included in a Registered Testing Pool or a Testing Pool and other Players prior to their participation in any International Match, Series of International Matches or International Tournament organized by the IRB (as set out in Regulation 13.1), must obtain a TUE from the appropriate TUEC in advance of the administration of the Prohibited Substance, or provide the appropriate TUEC with a copy of any existing TUE certificate and application for its review (pursuant to Regulation 5.10 (Mutual Recognition)). TUEs granted by the appropriate TUEC shall be reported in writing to the Player via the Union and in respect of International Level Players to WADA. TUE requests shall be

evaluated by the appropriate TUEC in accordance with the International Standard for TUEs set out in Schedule 3(a) to these Regulations.

5.4 Other Players subject to Testing must obtain a TUE from their NADO (PhilADA). TUE requests shall be evaluated in accordance with the International Standard for TUEs set out in Schedule 3(a) of these Regulations.

5.5 The appropriate TUE Committee shall promptly evaluate TUE requests in accordance with the International Standard for TUEs and render a decision on such request, which shall be the final decision of the relevant Anti-Doping Organization. The chairman of the TUE Committee may seek specialist advice from outside the TUE Committee members or appoint specialists to sit on the TUE Committee as and when deemed necessary for the purposes of evaluating a TUE.

5.6 Players in a Registered Testing Pool and/or a Testing Pool should apply through the Union and/or NADO (PhilADA) for the TUE at the same time the Player first provides whereabouts information and, except in emergency situations, no later than 30 days before the Player's participation in a Match, Series of Matches and/or Tournament.

5.7 Players participating in a Match, Series of Matches and/or Tournament who are not included in a Registered Testing Pool or a Testing Pool must, except in emergency situations, request a TUE through the Union and/or NADO (PhilADA) from the appropriate TUEC no later than 30 days before the Player's participation in a Match, Series of Matches and/or Tournament.

5.8 WADA, at the request of a Player or on its own initiation, may review the granting or denial 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 or denial 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 27.4.

5.9 Presence of a Prohibited Substance or its Metabolites or Markers (Regulation 2.1), Use or Attempted Use of a Prohibited Substance or a Prohibited Method (Regulation 2.2), Possession of Prohibited Substances and Prohibited Methods (Regulation 2.6) or administration or Attempted administration of a Prohibited Substance or Prohibited Method (Regulation 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.

### **Mutual Recognition of TUEs**

5.10 Any Player who has been granted a TUE by another Anti-Doping Organization TUEC that is current and valid must submit a copy of the application and the certificate of approval to the Union. This must be submitted in accordance with the timelines set out in Regulation 5.6 and 5.7. Under the mutual recognition provision under Article 15.4 of the Code such TUE approvals shall be accepted by the Union subject to the IRB having the right of review and appeal for all TUE approvals submitted to the IRB TUEC where approved by another Anti-Doping Organization TUEC.

## **6 Roles and Personal Responsibility**

6.1 It is each Player's responsibility to ensure that:

- (a) No Prohibited Substance is found to be present in his body and that Prohibited Methods are not used;
- (b) He does not commit any other anti-doping rule violation;
- (c) He is available for Sample collection; and
- (d) He informs Player Support Personnel, including, but not limited to, his doctors of his obligation not to use Prohibited Substances and Prohibited Methods and to take responsibility to ensure that any medical treatment received by him does not violate any of the provisions of these Regulations.

6.2 It is the responsibility of Player Support Personnel to ensure that they:

- (a) Cooperate with the Player Testing programme;
- (b) Use their influence on Player values and behavior to foster anti-doping attitudes;
- (c) Are knowledgeable of and comply with all anti-doping policies and rules adopted pursuant to the Code which are applicable to them or the Players they support including these Anti-Doping Regulations; and
- (d) Educate and counsel Players regarding anti-doping policies and these Anti-Doping Regulations.

6.3 It is the sole responsibility of each Player, Player Support Personnel and Person to acquaint themselves and comply with all of the provisions of these Anti-Doping Regulations including the Guidelines.

### **Nutritional Supplements**

6.4 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 labeling of supplements. This may lead to a supplement containing an undeclared substance that is prohibited under these Anti-Doping Regulations. Nutritional supplements may not be regulated or could be contaminated or suffer from cross contamination or might not have all the ingredients listed on the product label. Players are advised to exercise extreme caution regarding the use of nutritional supplements.

6.5 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. For the avoidance of doubt nothing herein shall displace the Player's responsibility to ensure he does not commit an anti-doping rule violation.

### **Education**

6.6 The Union shall within its means and in cooperation with its constituents, plan, implement, evaluate and monitor information and education programs for doping-free rugby. This should

include without limitation posting anti-doping educational materials on the website of the Union and/or creating a link from the website of the Union to the IRB anti-doping website and/or the website of the NADO (PhilADA)

## **7 Anti-Doping Advisory Committee**

7.1 The IRB appoints an Anti-Doping Advisory Committee to provide the IRB with general advice and assistance on doping issues and related matters, including the application of the IRB Anti-Doping Regulations with which the Union is obliged to comply and on which these Regulations are based. The Union shall be entitled to appoint its own Anti-Doping Advisory Committee.

7.2 In addition to this general role, any Anti-Doping Advisory Committee appointed by the Union, or a member or members thereof may be requested to undertake specific tasks as part of the implementation of these Anti-Doping Regulations.

7.3 Members of any Anti-Doping Advisory Committee appointed by the Union may sit on the Union TUE Committee, Judicial Committees and on Post-Hearing Review Bodies from time to time.

7.4 The IRB Anti-Doping Advisory Committee and/or the IRB are entitled to call on experts to provide specialist advice, undertake certain activities and assist in the implementation of IRB Regulation 21 including but not limited to undertaking preliminary reviews of cases pursuant to IRB Regulation 21.20.1. The Union shall be similarly entitled in relation to the implementation of these Anti-Doping Regulations however nothing in this Regulation 7 shall negate or dilute the Union's obligation to comply with IRB Regulation 21.14.1 regarding conformity with the IRB Anti-Doping Regulations.

## **8 Requirements to Undergo Doping Control**

8.1 Doping Control may be carried out at any time. Doping Control may be random or targeted. All Players shall submit to Doping Control at any time and any place whenever requested by an authorized 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. The Union, the IRB, WADA or the Union's NADO (PhilADA) shall be entitled to undertake Target Testing of Players.

8.2 Doping Control may only be conducted on a Minor where prior written consent has been given by a person with legal responsibility for that Minor.

8.3 Procedural Guidelines for the conduct of In Competition and Out of Competition Doping Control are set out in the Guidelines in Schedule 1 of these Regulations for both urine and blood Sample collection, which implements the applicable provisions of the International Standard for Testing. All Testing shall be conducted in accordance with the International Standard for Testing.

8.4 Blood (or other non-urine) Samples may be used to detect Prohibited Substances or Prohibited Methods, for screening procedure purposes, or for longitudinal haematological profiling ("the Passport"). If the Sample is collected for screening only, it will have no consequences for the Player other than to identify him for a urine test under these Anti-Doping

Regulations. In these circumstances, the Union or its NADO (PhilADA) may decide at its discretion which blood parameters are to be measured in the screening Sample and what levels of those parameters will be used to indicate that a Player should be selected for a urine test. If however, the Sample is collected for “the Passport”, it may be used for anti-doping purposes in accordance with Regulation 2.

## **9 In Competition and Out of Competition Doping Control**

- 9.1 (a) The Union shall be entitled to conduct both In Competition and Out of Competition Doping Control on a No Advance Notice basis or otherwise;
- (b) The Union shall allow the IRB, WADA, its NADO (PhilADA) and Anti-Doping Organizations to conduct Out of Competition Doping Control on a No Advance Notice basis or otherwise on Players within or under the Union's jurisdiction; and
- (c) The Union shall allow the IRB, WADA, its NADO (PhilADA) and Anti-Doping Organizations to conduct Doping Control on Players at Matches that form part of the Union's national competitions or similar events.
- (d) The Union shall allow other Unions to conduct Doping Control on its Players whilst the Players are in such other Union's jurisdiction subject always to the other Union's regulations and procedures complying with IRB Regulation 21.
- 9.2 By virtue of their membership of a Club or Rugby Body in membership of the Union and/or their participation in the Game, which for the avoidance of doubt shall include any involvement with any national squad training or Matches, all Participants and Persons agree to be subject to these Anti-Doping Regulations 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, the IRB, WADA, any NADO and Anti- Doping Organizations in addition to any other Union in accordance with Regulation 9.1 (d).
- 9.3 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 the Union, or its 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.
- 9.4 It is the duty of each Rugby Body or Club in membership of the Union to assist the Union (and WADA, the NADO and Anti-Doping Organizations) and, where applicable, other Unions in undertaking Doping Controls. Any Rugby Body or Club in membership of the Union, and any of its Participants or Persons that prevent, hinder or otherwise obstruct the carrying out of any Doping Control shall be subject to disciplinary action by the Union.
- 9.5 Without prejudice to the requirement on the Union to notify all anti-doping rule violations in accordance with the provisions of Regulation 14.5 and 14.6 the Union must submit to the IRB every 12 months and/or when requested by the IRB a report of all Doping Controls undertaken and a summary of the results of those Doping Controls.
- 9.6 The Union is responsible for ensuring in relation to its own anti-doping programme and the implementation of these Anti-Doping Regulations 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, IRB, its NADO (PhilADA) and WADA.

## **10 Player Whereabouts Requirements for Out of Competition Testing**

The Union may establish an Out of Competition Testing programme based on Players in its national squads and/or Player development programme and/or who participate in its top level Club, provincial and/or other competitions. The Union may also establish a National Registered Testing Pool and National Testing Pool of Players who are subject to the provision of Player whereabouts information for the purpose of No Advance Notice Out of Competition Testing.

### **National Registered Testing Pool**

- 10.1 (a) The Union may identify a National Registered Testing Pool of Players who will be required to provide up to date whereabouts information to the Union and/or its NADO (PhilADA) for each quarter period via ADAMS (if applicable) or in the format notified by the Union for the purpose of No Advance Notice Out of Competition Testing. Such whereabouts information shall include one specific 60 minute slot between 6am and 11pm each day where the Player will be available and accessible for Testing at a specific location.
- (b) Entry into the National Registered Testing Pool will be based on the criteria agreed by the Union and, if appropriate, its NADO (PhilADA) as outlined in Regulation 10.3. The Union may revise its National Registered Testing Pool from time to time as appropriate.
- (c) In the event that the Union is part of the IRB's Out of Competition Testing programme, Players who are members of the National Registered Testing Pool shall remain members of the IRB's Testing Pool unless they fulfill the criteria outlined in Regulation 10.3. The IRB will liaise with the Union and/or its NADO (PhilADA) for the purposes of the IRB's Out of Competition Testing programme.

### **National Testing Pool**

- 10.2 (a) In addition to the National Registered Testing Pool described in Regulation 10.1 above, the Union may identify a National Testing Pool of Players who will be required to provide up to date whereabouts information to the Union for each quarter period via ADAMS (if applicable) or in the format notified by the Union and/or its NADO (PhilADA) for the purpose of No Advance Notice Out of Competition Testing. Players in the National Testing Pool are not obliged to provide a specific 60 minute time slot. The Union may revise its National Testing Pool from time to time as appropriate.
- (b) If the Union establishes an Out of Competition testing programme whereby Players are subject to the provision of whereabouts information, then the National Testing Pool shall be the principal pool of Players eligible for Out of Competition testing by the Union and/or its NADO (PhilADA).
- (c) Players may be moved between the National Registered Testing Pool and National Testing Pool or vice versa at the Union's discretion taking into account the criteria outlined at Regulation 10.3 and 10.4. Players who are moved into or transferred between the National Registered Testing Pool and/or National Testing Pool will be notified in writing by the Union of their inclusion in the relevant Testing Pool.

## **National Registered Testing Pool Criteria**

**10.3 Satisfaction of one of the following criteria may result in a Player becoming part of the National Registered Testing Pool.**

- (i) (This sub-clause is deliberately blank to ensure consistent clause numbers with IRB Regulation 21.)
- (ii) Players under the Union's jurisdiction who are serving periods of Ineligibility or who have recently completed a period of Ineligibility;
- (iii) Players who have committed at least three Whereabouts Failures (any combination of Filing Failures or Missed Tests) whilst part of the National Testing Pool within an 18-month period. For the avoidance of doubt such Players shall not carry forward any Filing Failures or Missed Tests accumulated in the National Testing Pool into the National Registered Testing Pool;
- (iv) Any Player in respect of whom the Union undertakes an investigation following receipt of reliable intelligence regarding possible involvement in any aspect of doping;
- (v) Any other Players at the discretion of the Union.

## **National Testing Pool Criteria**

**10.4** The Union shall nominate in conjunction with its NADO (PhilADA) which Clubs and/or Rugby Bodies and squads and the number of Players from such Clubs and/or Rugby Bodies and squads that may be part of the National Testing Pool. For the avoidance of doubt, those Players who are part of the National Registered Testing Pool shall not also be members of the National Testing Pool.

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

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

- (a) The Player is given written notice by the Union that he is no longer designated for inclusion in the National Registered Testing Pool or National Testing Pool;
- (b) Subject to Regulation 12.4, the Player retires from competition and gives written notice to the Union to that effect, which, if the Player retiring is part of the IRB Registered Testing Pool or Testing Pool, shall advise the IRB immediately;

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

**10.6** A Player may be moved from the National Registered Testing Pool to the National Testing Pool based on any of the following scenarios:

- (a) The Player who has served a period of Ineligibility and has not given any cause to the Union, pursuant to Regulation 10.3 to remain in the National Registered Testing Pool;
- (b) The Player who committed two Whereabouts Failures and did not commit a third Whereabouts Failure during the 18-month period since the first Whereabouts Failure was

committed;

- (c) The Player was previously elevated from the National Testing Pool into the National Registered Testing Pool as a result of incurring three Whereabouts Failures and did not record any Whereabouts Failures in the National Registered Testing Pool for three consecutive quarters; and
- (d) Any other Player at the Union's discretion;

### **Provision of Whereabouts**

10.7 Players selected for either the National Registered Testing Pool or National Testing Pool shall provide accurate and complete Player whereabouts information every quarter to the Union and/or its NADO (PhilADA) via ADAMS (if applicable), or in the format notified by the Union, by the due dates outlined in Regulation 10.9. A failure by a Player in the National 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 2.4. It shall not be a defense to an allegation of a Filing Failure under Regulation 2.4 that the Player delegated such responsibility to a third party and that third party failed to comply with the applicable requirements. A failure by a Player in the National 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 National Registered Testing Pool.

10.8 The Union or its NADO (PhilADA) may also request an update on Player whereabouts from a Player or his Club and/or Rugby Body where the Union or its NADO (PhilADA) becomes aware that a Player's whereabouts details are incorrect (whether following an unsuccessful attempt or otherwise). Players and their Clubs and/or Rugby Bodies shall also update the Union and/or its NADO (PhilADA) 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.

### **Whereabouts Filing Requirements**

10.9 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 National Registered Testing Pool or the National Testing Pool must file a Whereabouts Filing with the Union or its nominee (as agreed) via ADAMS (if applicable) or in the format notified by the Union that contains at least the following information:

- (a) A complete mailing address where correspondence may be sent to the Player 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 Club and/or Rugby Body, as appropriate, or when proof of actual receipt is provided by the delivery service. The availability of such information does not relieve the Union from fulfilling its notification obligations pursuant to these Regulations;
- (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);
- (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/or Rugby 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/or Rugby Body and national Team schedules.

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

(e) The Whereabouts Filing for all Players who are part of the National Registered Testing Pool must also include, for each day during the following quarter, one specific 60-minute slot between 6am 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.

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

(f) The Whereabouts Filing for Players who are part of the National 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 Club and/or Rugby and/or national Team duty and ending upon the date he returns to Club and/or Rugby Body, provide a nominated residence and the dates in which the Player will be present at the nominated residence;

(g) 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;

(h) 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 National Registered Testing Pool;

(i) 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 the Union or if agreed to the NADO (PhilADA)) 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 (between the hours of 6am and 11pm) 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 National Registered Testing Pool.

## **Whereabouts Filing for National Testing Pool Players – Periods of Injury or Illness**

(j) A Player in the National Testing Pool who incurs an injury or illness during the season which results in them not being present at scheduled Team activities shall be required to be available and accessible for Testing at their nominated residence. The provisions at (h) and (i) above shall apply equally to such Players.

10.10 Players when making a Whereabouts Filing, are responsible for ensuring that they provide all of the information required accurately and in sufficient detail to enable the Union or its nominee or NADO to locate the Player for Testing on any given day in the quarter. In the case of Players in the National Registered Testing Pool only, an additional 60-minute time slot specified for that day in the Whereabouts Filing (as outlined in Regulation 10.9(e)) is required.

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

10.11 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 2.3 (evading Sample collection) and/or Regulation 2.5 (Tampering or Attempted Tampering with Doping Control).

## **Player Responsibility for Whereabouts**

10.12 (a) The ultimate responsibility for providing whereabouts information rests with each Player. However, it shall be the responsibility of all applicable Clubs and/or Rugby Bodies to use their best efforts to assist the Union and its NADO (PhilADA) in obtaining and providing updates of whereabouts information as changes occur and/or when requested by the Union or its NADO (PhilADA) and in assisting the Union and its NADO (PhilADA) in the implementation of its Out of Competition Testing programme.

(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.

## **Consequences of Non-Compliance for Clubs and/or Rugby Bodies**

10.13 Any Club and/or Rugby Body which fails to assist the Union in the implementation of its Out of Competition Testing programme may be subject to disciplinary action in accordance with the Union's disciplinary regulations.

## **Unsuccessful Attempt to Test**

10.14 (a) If a Player in either the National Registered Testing Pool or National Testing Pool is not available for Testing following attempt(s) by a Doping Control Officer (duly documented and as outlined in Regulation 10.23 or 10.24) 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) The Union shall review each unsuccessful attempt to determine based on the criteria outlined in Regulation 10.23, for Players in the National Registered Testing Pool, whether the unsuccessful attempt amounts to a Missed Test. Each Missed Test constitutes a Whereabouts

Failure for the purposes of Regulation 2.4.

(c) The Union shall review each unsuccessful attempt to determine based on the criteria outlined in Regulation 10.24, for Players in the National Testing Pool, whether the unsuccessful attempt amounts to a Missed Test. Each National Testing Pool Missed Test will be considered for the purposes of determining if the Player meets the criteria in Regulation 10.3 for elevation to the National Registered Testing Pool. Any Missed Tests accumulated by a Player in the National Testing Pool will not be counted for the purposes of Regulation 2.4 if the Player is elevated to the National Registered Testing Pool.

(d) It shall not be a defense to an allegation of a Missed Test under Regulation 2.4 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.

10.15 (This sub-clause is deliberately blank to ensure consistent clause numbers with IRB Regulation 21.)

### **Consequences of Whereabouts Failures**

10.16 (a) **National 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 an 18-month period, (irrespective of which Anti-Doping Organization(s) has/have declared the Whereabouts Failures in question) shall be considered to have committed an anti-doping rule violation pursuant to Regulation 2.4.

(b) **National Testing Pool:** Any Player in the National 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 an 18-month period shall be automatically transferred from the National Testing Pool to the National Registered Testing Pool. Upon the occurrence of such an event any Missed Test(s) or Filing Failure(s) incurred in a Testing Pool will not be carried forward into the National Registered Testing Pool. Once the Player enters the National Registered Testing Pool he will be subject to the supplemental whereabouts provisions of Regulation 10.9(e).

10.17 The 18-month period referred to in Regulation 10.16 starts to run on the date that a Player first commits a Whereabouts Failure. It is not affected by any successful Sample collection conducted with respect to that Player during the 18-month period, i.e. if three Whereabouts Failures occur during the 18-month period then an anti-doping rule violation is committed in accordance with Regulation 2.4 irrespective of any Samples successfully collected from a Player during that 18-month period. However, if a Player who has committed one Whereabouts Failure does not go on to commit a further two Whereabouts failures within 18 months of the first, at the end of that 18-month period the first Whereabouts Failure "expires" for the purpose of Regulation 10.16. For the purposes of determining whether a Whereabouts Failure has occurred within the 18-month period referred to in Regulation 10.16:

(a) 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, 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

(b) A Missed Test will be deemed to have occurred on the date that the Sample collection was unsuccessfully attempted.

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

10.18 A Player may only be declared to have committed a Filing Failure where the Union or the PADA, following the results management procedure set out in Regulation 10.26, can establish each of the following:

- (a) That the Player was duly notified (i) that he was designated for inclusion in the National Registered Testing Pool or the National 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;
- (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 in accordance with Regulation 10.26 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 behavior on his part caused or contributed to the failure.

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

10.19 (a) A Player in the National Registered Testing Pool or National Testing Pool may choose to delegate the making of some or all of his Whereabouts Filings required under Regulation 10.9 (and/or any updates to his Whereabouts Filings required under Regulation 10.22) to a third party such as his Team management or Club and/or Rugby Body 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 Club and/or Rugby Body agrees.

(b) For Players in the National Registered Testing Pool or National Testing Pool, where a third party makes the Whereabouts Filing, liability for Filing Failures shall be determined in accordance with Regulation 10.18, and liability for Missed Tests shall be determined in accordance with Regulation 10.23 or 10.24 (as appropriate).

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

10.20 (a) If the authorized 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 10.18) the Player will be liable for a Filing Failure under Regulation 2.4.

(b) If any of the required information changes after a Whereabouts Filing is made, then in accordance with Regulation 10.22, an update must be filed by an authorized third party so that the Whereabouts Filing remains accurate at all times.

(c) For Players in the National Registered Testing Pool, if an update is not made by an authorized 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 10.23) the Player will remain liable for a Missed Test under Regulation 10.27.

(d) For Players in the National Testing Pool if an update to a Whereabouts Filing is not made by an authorized third party, and as a result an attempt to the test the Player during a 24-hour period is unsuccessful then (subject to the requirements of Regulation 10.24) the Player will remain liable for a Missed Test under Regulation 10.27.

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

10.21 (a) A Player in the National 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 National 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 National Testing Pool must be present and available for Testing during his out of season or any period of injury or illness at his nominated residence or location in accordance with Regulation 10.9(h), (i) and (j). The default hour in which a DCO shall attempt to test a Player at his nominated residence or location shall be between 6am and 7am unless otherwise advised by the Player.

10.22 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 the Union or its NADO (PhilADA) to locate him for Testing within the periods specified in Regulation 10.21(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 the National 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, the Union's or its NADO's attempt to test the Player (who is part of the National 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 10.27; and

- (b) If, as a result of such failure, the Union's or NADO's attempt to test the Player (who is part of the National 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 10.27; and
- (c) If the circumstances so warrant, the failure may be pursued as evasion of Sample collection under Regulation 2.3, and/or Tampering or Attempted Tampering with Doping Control under Regulation 2.5; and
- (d) In any event, the Union or its NADO (PhilADA) shall consider Target Testing of the Player.

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

10.23 A Player in the National Registered Testing Pool may only be declared to have committed a Missed Test where the Union or its NADO (PhilADA), following the results management procedure set out in Regulation 10.27, can establish each of the following:

- (a) That the Player who is in the National Registered Testing Pool was given notice that he had been designated for inclusion in the National 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 National 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 10.25 (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 10.23 (a) to (d). That presumption may only be rebutted by the Player establishing that no negligent behavior 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.

#### **Missed Test - National Testing Pool**

10.24 A Player in the National Testing Pool may only be declared to have committed a Missed Test where the Union [or its NADO (PhilADA), following the results management procedure set out in Regulation 10.27, can establish each of the following:

- (a) That the Player who is in the National Testing Pool was given notice that he had been designated for inclusion in the National 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 during 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 National Testing Pool during 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 hour or nominated one-hour period during the off season or period of injury or illness;
- (c) That during the 24-hour period (or default hour or nominated one-hour period during 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 10.25 (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 10.24 (a) to (d). That presumption may only be rebutted by the Player establishing that no negligent behavior on his part caused or contributed to him (i) being unavailable for Testing at any location during 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 where he would instead be available for Testing on the relevant day.

10.25 To ensure fairness to the Player, where an unsuccessful attempt has been made to test a Player in accordance with the provisions for the National Registered Testing Pool or National Testing Pool any subsequent attempt to test that Player (by the Union or its NADO (PhilADA) or any other Anti-Doping Organization 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 been 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 10.18(b).

## **Results Management for Whereabouts Failures**

### **Filing Failures**

10.26 (a) If it appears that all of the Regulation 10.18 requirements relating to Filing Failures are satisfied, then no later than 14 days after the date of discovery of the apparent Filing Failure the Union shall send notice in writing to the Player of the apparent Filing Failure, inviting a response within 14 days of the date of the notice. In the notice, the Union shall warn the Player:

- (i) That unless the Player persuades the Union 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 18 month period prior to this alleged Whereabouts Failure; and
- (iii) Of the consequences to the Player if a designee of the Union 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, the Union must re-assess whether all of the Regulation 10.18 requirements are met. The Union must advise the Player by letter sent 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 the Union maintains (notwithstanding the Player's response) that there has been a Filing Failure, the Union shall send notice to the Player that an alleged Filing Failure is to be recorded against him. Further:
- (i) In respect of National Registered Testing Pool Players only, the Union shall at the same time advise the Player that he has the right to an administrative review of the alleged Missed Test;
  - (ii) In respect of National Testing Pool Players, there is no administrative review as the Filing Failure will only count for the purposes of elevating the Player to the National Registered Testing Pool; and
  - (iii) Upon entry into the National Registered Testing Pool all National Testing Pool Filing Failures 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 the Union 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 10.18 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 10.18 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 10.18 have been met, then the Union shall record an alleged Filing Failure against the Player and shall notify the Player [and (on a confidential basis) its NADO (PhilADA)], the IRB and WADA and all other relevant Anti-Doping Organizations of that alleged Filing Failure and the date of its occurrence.

### **Missed Test**

10.27 (a) The DCO shall file an Unsuccessful Attempt Report with the Union (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 and contact details), and any other relevant details about the attempted Sample collection.

(b) If it appears that all of the Regulation 10.23 or 10.24 requirements (depending upon which testing pool the Player belongs to) relating to Missed Tests are satisfied, then no later than 14

days after the date of the unsuccessful attempt, the Union must send notice to the Player 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. In the notice, the Union should warn the Player:

- (i) That unless the Player persuades the Union 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; and
- (ii) (If applicable) that there are other Whereabouts Failures that have been alleged against him in the 18-month period prior to this alleged Whereabouts Failure
- (iii) Of the consequences to the Player if a designee of the Union 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, the Union must re-assess whether all of the requirements in Regulation 10.23 or 10.24 (depending upon which testing pool the Player belongs to) are met. The Union must advise the Player by letter sent 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 the Union maintains (notwithstanding the Player's response) that there has been a Missed Test, the Union shall send notice to the Player that an alleged Missed Test is to be recorded against him. Further:

- (i) In respect of National Registered Testing Pool Players only, the Union 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 National Testing Pool Players, there is no administrative review as the Missed Test will only count for the purposes of elevating the Player to the Union's National Registered Testing Pool; and
- (iii) Upon entry into the Union's Registered Testing Pool all National Testing Pool Missed Tests cease to count for the purposes of Regulation 2.4.

(e) Where the Player has recorded a Missed Test, the Union may seek to recoup from the Player a fee equating to the costs associated with the attempted Sample collection and the administration associated with the Missed Test.

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

(f) Where requested, such administrative review shall be conducted by a designee of the Union 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 10.23 are met. If necessary, the relevant DCO may be asked to provide further information to the Union. 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.

(g) If it appears to the designee upon such review that the requirements of Regulation 10.23 have not been met, then the unsuccessful attempt to test the Player shall not be treated as a Missed Test for any purpose.

(h) 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 10.23 have been met, then the Union shall record an alleged Missed Test against the Player and shall notify the Player [and (on a confidential basis) its NADO (PhilADA), the IRB and WADA and all other relevant Anti-Doping Organizations of that alleged Missed Test and the date of its occurrence.

### **Confidentiality – Whereabouts Failures**

10.28 When the Union or its NADO (PhilADA) 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 2.4 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.

10.29 The Union shall keep a record of all Whereabouts Failures alleged in respect to each Player within either its National Registered Testing Pool or National Testing Pool. Where it is alleged that such a Player has committed three Whereabouts Failures within any 18-month period:

(a) Where two or more of those Whereabouts Failures were alleged by the IRB, the Union or its NADO (PhilADA) that had the Player in its Registered Testing Pool subject to these Regulations at the time of those failures, then that Anti-Doping Organization (whether the IRB, the Union or its NADO (PhilADA)) shall be the Responsible Anti-Doping Organization for the purposes of bringing proceedings against the Player under Regulation 2.4. If the Whereabouts Failures were alleged by three different Anti-Doping Organizations then the Responsible Anti-Doping Organization for these purposes will be the Anti-Doping Organization whose Registered Testing Pool the Player was in as of the date of the third Whereabouts Failure. If the Player was in both the IRB's Registered Testing Pool and the Union's National Registered Testing Pool as of that date, the Responsible Anti-Doping Organization for these purposes shall be the IRB.

(b) Where the Responsible Anti-Doping Organization fails to bring proceedings against a Player under Regulation 2.4 (or the equivalent regulation) within 30 days of WADA receiving notice of that Player's third alleged Whereabouts Failure in any 18-month period, then it shall be deemed that the responsible Anti-Doping Organization has decided that no anti-doping rule violation was committed, for purposes of triggering the appeal rights set out at Regulation 27 (in particular Regulation 27.2).

10.30 A Player alleged to have committed an anti-doping rule violation under Regulation 2.4 shall have the right to have such allegation determined by a Judicial Committee in accordance with Regulation 20.21. 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 the Union 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 19.

(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 18-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 3.2(c)) 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 2.4 shall have the applicable consequences as outlined in Regulation 22.

(d) The impact of any Regulation 2.4 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 23.

Whereabouts information provided pursuant to Regulation 10 shall be shared by the Union with its NADO (PhilADA), the IRB, WADA and other Anti-Doping Organizations having jurisdiction to test the relevant Player in accordance with Article 11.7.1(d) of the International Standard for Testing, including the strict condition that it be used only for Doping Control purposes.

## **11 Analysis of Samples**

11.1 Doping Control Samples shall be analyzed in accordance with the following principles:

(a) Doping Control Samples shall be analyzed in WADA accredited laboratories or as otherwise approved by WADA. The choice of the WADA accredited laboratory (or other method approved by WADA) used for Sample analysis shall be determined exclusively by the Union and/or its NADO (PhilADA) as appropriate.

(b) Doping Control Samples shall be analyzed to detect Prohibited Substances and Prohibited Methods identified on the Prohibited List and other substances as may be directed by WADA pursuant to the WADA monitoring programme (Code Article 4.5) from time to time in force or to assist the IRB, the Union and/or its NADO (PhilADA) in profiling relevant parameters in a Player's urine, blood or other matrix, including DNA or genomic profiling for anti-doping purposes.

(c) Pursuant to Article 6.4 of the Code and subject to the presumption Regulation 3.2(a) laboratories shall analyze Doping Control Samples and report results in conformity with the International Standard for Laboratories.

11.2 Doping Control Samples may be re-analyzed by the Union or its NADO (PhilADA) at any time for any purpose described in Regulation 11.1(b) subject always to the limitation period set out in Regulation 30.

11.3 Doping Control Samples may be stored by the Union or its NADO (PhilADA) for the purposes of analysis or re-analysis at a future date when new detection methods and/or procedures are established, subject always to the limitations period set out in Regulation 30.

11.4 No Sample shall be utilized by the Union or its (PhilADA) for purposes other than as set out in Regulation 11.1(b), 11.2 and 11.3 save with the prior written consent of the Player. Samples used for purposes other than as set out in Regulations 11.1(b), 11.2 and 11.3 shall have any means of identification removed such that they cannot be traced back to a particular Player.

## **12 Suspension and Retirement**

12.1 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.

12.2 A Player who has been identified by the Union for inclusion in the National Registered Testing Pool or National Testing Pool shall continue to be subject to these Anti-Doping Regulations including the obligation to be available for No Advance Notice Out of Competition Testing unless and until the Player gives written notice to the Union that he has retired or until he no longer satisfies the criteria for inclusion in the National Registered Testing Pool or National Testing Pool and has been so informed by the Union.

12.3 A Player in the National Registered Testing Pool or National Testing Pool who has given notice of retirement to the Union and subject to Regulation 12.4, may not resume competing unless he notifies the Union at least six months before he expects to return to competition and is available for No Advance Notice Out of Competition Testing at any time during the period before actual return to competition.

12.4 A Player in the National Registered Testing Pool or National Testing Pool who has given notice of retirement to the Union from International Match level participation, but who continues to play the Game at a non-International Match level, and who elects to stay in the National Testing Pool, or be transferred to the National Testing Pool from the National Registered Testing Pool, may resume competing at International Match level upon notification to the Union and the IRB.

12.5 (This sub-clause is deliberately blank to ensure consistent clause numbers with IRB Regulation 21.)

12.6 If a Player or other Person retires while a results management process is underway, the Union and/or its NADO (PhilADA) retains jurisdiction to complete its results management process. If a Player or other Person retires before any results management process has begun, the Union and/or its NADO (PhilADA) has jurisdiction to conduct results management.

## **13 Responsibility for Doping Control**

13.1 The IRB is responsible for conducting or arranging Doping Controls including, but not limited to, determination of Sample collection, 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) IRB/HSBC Sevens World Series;
- (d) Women's Rugby World Cup Qualifying and Finals Tournaments;

- (e) Junior World Championship;
- (f) Such other Matches or Tournaments as the IRB shall from time to time determine; and
- (g) Such other occasions where the IRB conducts Out of Competition Doping Controls.

13.2 For Matches, Tournaments, International Tournaments and International Matches which take place in The Philippines and which are organized by the IRB, which shall be deemed to include the Rugby World Cup, or by other Rugby Bodies or Tournament Organizers recognized by the Union, modified and/or additional procedures and rules to those set out in these Regulations may be adopted by the Tournament Organizer or other appropriate body designated by the IRB.

13.3 Subject to Regulation 13.4 and 14.10 below, in all other cases (except where Doping Control is carried out under the rules of another sporting body approved by the Union) the Union will be responsible for the conduct of the Doping Controls, results management, the conduct of investigations and disciplinary proceedings and the imposition of sanctions for anti-doping rule violations. The Union may elect to have some or all aspects of its Doping Control undertaken by a NADO, [as applicable,] however any such delegation shall not negate nor dilute the Union's obligation to ensure that it complies with IRB Regulation 21.14.1 regarding conformity with the IRB Anti-Doping Regulations. In this regard the NADO, [as applicable,] shall be obliged to ensure that the delegation arrangements and agreement with the Union clearly identify which aspects of the Union's roles and responsibilities outlined in these regulations are delegated to the NADO, that the Union has so agreed, and that first and foremost the Union's obligation under IRB Regulation 21.14.1 must be met.

13.4 The Union, when acting as Host Union of (a) International Matches; (b) International Tours; and (c) International Tournaments and other Matches and/or Tournaments (save as set out in Regulation 13.1 and 13.2 above), subject to strict compliance with the IRB Anti-Doping Regulations and Guidelines, shall be responsible 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. Subject to strict compliance with the IRB Anti-Doping Regulations and Guidelines the Union may delegate its responsibility in relation to International Tournaments and/or other Tournaments (save as set out in Regulation 13.1 and 13.2 above) to the International Tournament Organizer or other Tournament Organizer (as the case may be).

## **14 Role of the Union Implementing these Anti-Doping Regulations**

14.1 The Union is responsible for ensuring (and must ensure) that:

- (a) It has in place anti-doping regulations in conformity with IRB Regulation 21 and that all national level Testing on Players complies with these Anti-Doping Regulations.
- (b) These Anti-Doping Regulations are incorporated either directly or by reference into the Union's rules.
- (c) 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 Regulations.

(d) In any event, Regulation 9.2 specifically provides that all Players, Player Support Personnel and other Persons under the jurisdiction of the Union shall be bound by these Anti-Doping Regulations.

(e) It takes appropriate action to inform each and every one of its members, Players and other Persons of these Anti-Doping Regulations and that they must comply with them.

14.2 The Union may at its absolute discretion withhold some or all of its funding to Clubs and/or Rugby Bodies who do not comply or co-operate with any aspect of these Anti-Doping Regulations.

### **When an Anti-Doping Rule Violation Arises**

14.3 Where an anti-doping rule violation arises out of a Doping Control conducted or arranged by the Union and/or its NADO (PhilADA) or the Union 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, the Union shall:

(a) Deal with the matter in accordance with these Regulations; and

(b) Notify the IRB, its NADO (PhilADA) and the Home Union of the Player or other Person concerned (if the Union is not his Home Union).

14.4 As a minimum requirement, each Player or 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 the Union 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 Regulations. 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 these Anti-Doping Regulations. All decisions by the disciplinary body must be produced in writing and incorporate the reasoning behind the findings and decisions.

14.5 The Union shall keep the IRB and its NADO (PhilADA) 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. The IRB shall have the right to attend Union 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 in, including but not limited to, making submissions, representations, adducing evidence and calling witnesses in such proceedings.

14.6 Hearings 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 (save where the Union 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.

14.7 If the completion of the hearing is delayed beyond three months (save where the Union

has determined there are exceptional circumstances), the IRB may elect to bring the case directly before an IRB Judicial Committee at the responsibility and at the expense of the Union. As a minimum requirement decisions by the Union in relation to anti-doping rule violations shall be subject to a review process substantially in compliance with the process set out in Regulations 24 to 26. Thereafter the appeal procedures set out in Regulation 27 may be applied.

### **National Sports Resolution Body**

14.8 Where the Union elects to utilize the services of its national sports resolution body, the Union is obliged by IRB Regulation 21.14.8 to 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 Regulations, being in compliance with IRB Regulation 21;
- (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 the national sports resolution body, subject always to prior notification in writing to the IRB and compliance with IRB Regulation 21;
- (c) The jurisdiction of the IRB and the Union to be represented and participate as a party to any anti-doping case heard by the Union (including those heard before the national sports resolution body and without limitation any referral from the IRB pursuant to Regulation 29.1), shall be specifically recognized at each stage of the Union's anti-doping judicial process;
- (d) Where the services of the national sports resolution body are utilized by the Union (whether on appeal or in accordance with (b) above), the Union shall ensure that:
  - (i) Such body shall recognize the remit of the IRB to review every decision of the Union and/or the national sports resolution body acting on behalf of the Union and as appropriate to accept the decision of such body and/or the Union or remit the decision to the applicable review body; and
  - (ii) Such body shall recognize the remit of the IRB 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 refer the appeal decision for consideration to CAS.

### **Notification**

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

14.10 Subject to Regulations 13.3 and 13.4 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 then the Union shall report the results of such Doping Controls to the Union that normally exercises jurisdiction over such Player and/or other Person (as the case may be) and to the IRB.

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) 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.

14.11 Where a Player or other Person elects to have his own Union conduct the appropriate investigation and hearing pursuant to Regulation 14.10, such election by a Player or other Person must be confirmed to his Union within 14 days of being notified of the Adverse Analytical Finding and/or the alleged anti-doping rule violation. The Player's or other Person's own Union must notify the 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, then the Union 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).

## **15 Admissions**

15.1 A Player or other Person may choose for the purposes of dispensing with the disciplinary process to admit that he has committed an anti-doping rule violation at any time including an admission of an anti-doping rule violation which is not the subject of a Sample.

15.2 Any such admission shall be evidenced in writing for the purposes of this provision by the Player or other Person making such admission.

## **16 Investigations**

16.1 The Union or its designee may carry out investigations into the activities of any Player, Person, 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, Association, Rugby Body or Club shall co-operate with any such Union investigation.

16.2 A Player, other Person, Association, Rugby Body or Club under investigation for an alleged anti-doping rule violation 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.

16.3 Without limiting the effect of Regulation 19, solely in circumstances where the Union 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 the Union or its designee 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 the Union or its designee becomes aware of the alleged anti-doping rule violation.
- (b) The Union 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) The Union or its designee shall determine whether it believes that an anti-doping violation may have been committed.
- (d) Where it is decided that there are no grounds to conclude that an anti-doping rule 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 violation may have been committed, the Union 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.

## **17 Confidentiality**

17.1 Where an anti-doping rule violation may have been committed, the Union or its designee shall take reasonable steps to maintain confidentiality until the Testing and analysis has been completed, the Judicial Committee hearing decision has been reached and the Player or Person has been informed. This shall not preclude the Union from advising the IRB and its NADO PhilADA on the status of pending cases in accordance with Regulation 14.5.

## **18 Authorized Doping Control Bodies**

18.1 The Union may appoint a doping control / governmental agency, NADO or any other third party that it deems suitable to collect Samples as part of Doping Control.

18.2 All Samples collected, whether by or for the Union or any other third party shall be analyzed at a WADA accredited laboratory.

18.3 All Samples collected by the Union or its designee, and the results of the analysis of such Samples, shall remain the property of the Union unless otherwise agreed with its designee.

18.4 (This sub-clause is deliberately blank to ensure consistent clause numbers with IRB Regulation 21.)

## **19 Provisional Suspension**

19.1 When the Union receives an Adverse Analytical Finding in respect of a Player's "A" Sample or when the Union 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 20.1 and 20.2, in the case of an "A" Sample Adverse Analytical Finding and subject to Regulation 16.3, in the case where there is no Sample, be Provisionally Suspended by the Union pending the resolution of the case.

## **20 Due Process Preliminary Review**

20.1 When the Union receives an Adverse Analytical Finding in respect of a Player's "A" Sample the Union shall arrange for a preliminary review of the case to be undertaken by a representative or representatives of the Union [and/or its Anti-Doping Advisory Committee [if any]] to establish if, pursuant to Regulation 5, 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/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 that 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 Standards for Testing 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/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, the Union's NADO (PhilADA) and the IRB shall be informed.

20.2 If, following such preliminary review, it is decided that an anti-doping rule violation may have been committed, the Union shall notify the Player concerned. The procedures set out in Regulation 19.1 above shall apply in respect of any Provisional Suspension of the Player concerned.

### **"A" Sample Analysis**

20.3 Every Player whose "A" Sample gives rise to an Adverse Analytical Finding shall have the right to request that his "B" Sample be analyzed to determine whether that Sample gives rise to an Adverse Analytical Finding which discloses the same Prohibited Substance(s) or Use of a Prohibited Method detected in the main "A" Sample. Any such request must be made within ten days of the notification to the Player that his main "A" Sample discloses the presence of a Prohibited Substance or use of a Prohibited Method. In the absence of an earlier response from the Player to a notification from the Union pursuant to these Anti-Doping Regulations, the Player shall be deemed to have been notified on the second postal delivery day following the date on which the Union posted the notification by express recorded delivery (or similar) to the address provided by the Player on the Doping Control form or in his current Whereabouts Filing or such other address provided by the Player. In the event that the Union does not receive any acknowledgement of receipt of the notification within seven days of the posting date, the Union shall endeavor to contact the Player by other means but this shall not invalidate the deemed notification date. Where applicable, arrangements for the analysis of the "B" Sample shall be

made as soon as reasonably practicable.

20.4 A Player may accept the results of the "A" Sample Adverse Analytical Finding by advising the Union in writing within 14 days of receiving notification of the "A" Sample Adverse Analytical Finding. Notwithstanding such acceptance, the Union may still, at its discretion, make arrangements to have the "B" Sample analyzed. The Player concerned shall be informed of his entitlement to a hearing before a Judicial Committee.

20.5 A Player who has neither accepted the results of the "A" Sample Adverse Analytical Finding, nor requested that his "B" Sample be analyzed within 21 days of receiving notification of the "A" Sample Adverse Analytical Finding shall be deemed to have accepted the results of the "A" Sample Adverse Analytical Finding. The Player concerned shall be informed of his entitlement to a hearing before a Judicial Committee.

### **"B" Sample Analysis**

20.6 If a Player requests that his "B" Sample be analyzed that analysis shall be at his own expense.

20.7 At any "B" Sample analysis, the Player whose Sample is being analyzed and/or his representative are entitled to be present at their own expense. A representative of the Union, its NADO (PhilADA), and a representative of the IRB may also be present.

20.8 If the "B" Sample analysis does not give rise to an Adverse Analytical Finding, which discloses the same Prohibited Substance(s) or Use of a Prohibited Method detected in the main "A" Sample the entire Doping Control shall be considered negative. The Player who provided the Sample shall be notified and no further action will be taken. Any Provisional Suspension imposed shall be lifted.

20.9 Where the "B" Sample analysis gives rise to an Adverse Analytical Finding, which discloses the same Prohibited Substance(s) or Use of a Prohibited Method detected in the main "A" Sample the Player concerned shall be notified. The Player shall be informed of his entitlement to a hearing before a Judicial Committee.

### **Atypical Finding**

20.10 In certain circumstances laboratories are directed to report the presence of Prohibited Substances that may also be produced endogenously as Atypical Findings that should be investigated further. Upon receipt of an "A" Sample Atypical Finding, the Union shall conduct a review in accordance with Regulation 20.1 to determine whether: (a) an applicable TUE has been granted, and/or (b) there is any apparent departure from the International Standard for Testing and/or applicable provisions of the International Standard for Laboratories on the foregoing basis or otherwise that caused the Atypical Finding.

(a) If the review does reveal an applicable TUE or departure from the International Standard for Testing and/or applicable provisions of the International Standard for Laboratories that caused the Atypical Finding, then the entire test shall be considered negative and the Player shall be informed.

(b) If the review does not reveal an applicable TUE or departure that caused the Atypical Finding, the Union shall conduct the investigation required by the International Standards. After

the investigation is completed, the Player, the Union's NADO (PhilADA), the IRB and WADA shall be notified as to whether or not the Atypical Finding will be brought forward as an Adverse Analytical Finding.

20.11 The Union will not provide notice of an Atypical Finding until it has completed its investigation and decided whether it will bring the Atypical Finding forward as an Adverse Analytical Finding unless one of the following circumstances exist:

- (a) If the Union determines that the "B" Sample should be analyzed prior to the conclusion of its investigation under 20.10, the Union may conduct the "B" Sample analysis after notifying the Player, with such notice to include the information described below:
  - (i) A description of the Adverse Analytical Finding;
  - (ii) The anti-doping rule violated;
  - (iii) The scheduled date, time and place for the "B" Sample analysis;
  - (iv) The opportunity for the Player and/or the Player's representative to attend the "B" Sample opening and analysis within the time period specified in the International Standard for Laboratories if such analysis is requested; and
  - (v) 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.
- (b) If the Union receives a request, either from a Major Event Organization shortly before one of its international events or from another entity responsible for meeting an imminent deadline for selecting Team members for an International Match, International Tour or International Tournament, to disclose whether any Player identified on a list provided by the Major Event Organization or other entity has a pending Atypical Finding, the Union shall so identify any such Player after first providing notice of the Atypical Finding to the Player.

### **Hearing Procedures**

20.12 If a Player or other Person, having been notified of his entitlement to a hearing before a Judicial Committee, does not request a hearing within 14 days of being so notified then that Player or other Person shall be deemed to have waived his right to a hearing and shall be deemed to have accepted that he has committed an anti-doping rule violation. 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 PRFU President may appoint a legally-qualified person to consider the appropriate sanction which shall be the prescribed sanction under Regulation 22 without reduction unless the appointed person shall consider an increase to be appropriate in respect of an aggravating factor(s) pursuant to Regulation 22.9. The appointed member of the Anti-Doping Judicial Panel shall be entitled to receive written submissions including from the Union in this respect.

20.13 Where the matter is referred to a Judicial Committee 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 where applicable); 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.

20.14 The hearing before the Judicial Committee shall be held without unnecessary delay and shall be expedited where the circumstances warrant it.

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

21.1 (This sub-clause is deliberately blank to ensure consistent clause numbers with IRB Regulation 21.)

21.2 A Judicial Committee, appointed by the Union to hear cases involving anti-doping rule violations, shall ordinarily comprise three members with knowledge of doping in sport and the Code all of whom shall be independent of the Union, shall have had no prior involvement with the case and shall not be a member of or have any direct involvement with the Club and/or Rugby Body of the Player or other Person alleged to have committed an anti-doping rule violation. The appointed members 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 rugby administrator.

21.3 If one or more members of the Judicial Committee is/are unable or unwilling, for whatever reason, to hear the case, then the Union 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.

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

21.5 Judicial Committees may request that a Union representative attend and present information in relation to the anti-doping rule violation.

21.6 Subject to Regulation 21.3, 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 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 minimizing 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 endeavor 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;
- (iii) and The Judicial Committee's deliberations on its decision shall take place in private.

21.7 The 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.

21.8 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 22. The Judicial Committee shall also invalidate other Player awards including forfeiture of any medals and prizes.

21.9 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.

21.10 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.

21.11 Notwithstanding the provisions of Regulations 21.9 and 21.10 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.

21.12 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.

21.13 Any deviation or deviations from the procedures set out in this Regulation 21 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.

21.14 (This sub-clause is deliberately blank to ensure consistent clause numbers with IRB Regulation 21.)

## **22 Sanctions**

### **Imposition of Ineligibility for Prohibited Substances and Prohibited Methods**

22.1 The period of Ineligibility imposed for a violation of Regulation 2.1 (Presence of Prohibited Substance or its Metabolites or Markers), Regulation 2.2 (Use or Attempted Use of a Prohibited Substance or Prohibited Method) and Regulation 2.6 (Possession of Prohibited Substances and Methods) shall be as follows, unless the conditions for eliminating or reducing the period of Ineligibility, as provided for in Regulations 22.3, 22.4, 22.5, 22.6, 22.7 and/or 22.8 or the conditions for increasing the period of Ineligibility, as provided in Regulation 22.9, are met:

**First violation:** Two years.

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

22.2 The period of Ineligibility for anti-doping rule violations other than as provided in Regulation 22.1 shall be as follows:

(a) For violations of Regulation 2.3 (Refusing or Failing to Submit to Sample Collection) or

Regulation 2.5 (Tampering or Attempted Tampering with Doping Control), two years unless the conditions provided for in Regulations 22.4, 22.5, 22.6, 22.7 and/or 22.8 or the conditions provided for in Regulation 22.9, are met.

- (b) For violations of Regulation 2.7 (Trafficking or Attempted Trafficking) or Regulation 2.8 (Administration or Attempted Administration of a Prohibited Substance or Prohibited Method), minimum of four years up to lifetime unless the conditions provided for in Regulation 22.3, 22.4, 22.5, 22.6, 22.7 and/or 22.8 are met. An anti-doping rule violation involving a Minor shall be considered a particularly serious violation and, if committed by Player Support Personnel for violations other than Specified Substances referenced in Regulation 4.5, shall result in lifetime Ineligibility for Player Support Personnel. In addition, significant violations of Regulations 2.7 or 2.8 which may also violate non-sporting laws and regulations shall be reported to the competent administrative, professional or judicial authorities.
- (c) For violations of Regulation 2.4 (Filing Failures and/or Missed Tests) a minimum one year and at a maximum two years based on the Player's degree of fault.

#### **Elimination or Reduction of the Period of Ineligibility for Specified Substances under Specific Circumstances.**

22.3 Where a Player or other Person can establish how a Specified Substance entered his body or came into his Possession and that such Specified Substance was not intended to enhance the Player's sport performance or mask the Use of a performance-enhancing substance, the period of Ineligibility found in Regulation 22.1 shall be replaced with the following:

**First violation:** At a minimum, a reprimand and no period of Ineligibility; and at a maximum, two years.

To justify any elimination or reduction from the maximum period of Ineligibility set out above, the Player or other Person must produce corroborating evidence in addition to his word which establishes to the comfortable satisfaction of the Judicial Committee the absence of intent to enhance sport performance or mask the Use of a performance-enhancing substance. The Player's or other Person's degree of fault shall be the criterion considered in assessing any reduction of the period of Ineligibility.

#### **Elimination or Reduction of Period of Ineligibility Based on Exceptional Circumstances**

##### **22.4 No Fault or Negligence**

If a Player or other Person establishes in an individual case that he bears No Fault or Negligence, the otherwise applicable period of Ineligibility shall be eliminated. When a Prohibited Substance or its Markers or Metabolites is detected in a Player's Sample in violation of Regulation 2.1 (presence of a Prohibited Substance or its Metabolites or Markers), the Player must also establish how the Prohibited Substance entered his system in order to have the period of Ineligibility eliminated. In the event this Regulation 22.4 is applied and the period of Ineligibility otherwise applicable is eliminated, the anti-doping rule violation shall not be considered a violation for the limited purpose of determining the period of Ineligibility for multiple violations under Regulation 22.10.

##### **22.5 No Significant Fault or Negligence**

If a Player or other Person establishes in an individual case that he bears No Significant Fault or Negligence, the otherwise applicable period of Ineligibility may be reduced, 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 section may be no less than eight years. When a Prohibited Substance or its Markers or Metabolites is detected in a Player's Sample in violation of Regulation 2.1 (presence of Prohibited Substance or its Metabolites or Markers), the Player must also establish how the Prohibited Substance entered his system in order to have the period of Ineligibility reduced.

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

The Judicial Committee may prior to the final appellate decision under Regulation 27 or the expiration of the time to appeal, suspend part of the period of Ineligibility imposed in an individual case where the Player or other Person has provided Substantial Assistance to the Judicial Committee, criminal authority or professional disciplinary body which results in the Union discovering or establishing an anti-doping rule violation by another Person or which results in a criminal or disciplinary body discovering or establishing a criminal offence or a breach of professional rules by another Person.

After a final appellate decision under Regulation 27 or the expiration of the time to appeal, the Judicial Committee) may only suspend a part of the applicable period of Ineligibility with the approval of WADA and the IRB. 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 Judicial Committee suspends any part of the period of Ineligibility under this Regulation 22.6, the Judicial Committee shall promptly provide a written justification for its decision to each Anti-Doping Organization having a right to appeal the decision. If the Judicial Committee subsequently reinstates any part of the suspended period of Ineligibility because the Player or other Person has failed to provide the Substantial Assistance which was anticipated, the Player or other Person may appeal the reinstatement pursuant to Regulation 27.2.

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

22.7 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 under Regulation 2.1, before receiving first notice of the admitted violation pursuant to Regulation 20) and that admission is the only reliable evidence of the violation at the time of admission, then the otherwise applicable period of Ineligibility may be reduced, but not below one-half of the period of Ineligibility otherwise applicable.

## **Where a Player or Other Person Establishes Entitlement to Reduction in Sanction Under More than One Provision of this Regulation**

22.8 Before applying any reduction or suspension under Regulations 22.5, 22.6 or 22.7, the

otherwise applicable period of Ineligibility shall be determined in accordance with Regulations 22.1, 22.2 and Regulation 22.9. If the Player or other Person establishes entitlement to a reduction or suspension of the period of Ineligibility under two or more of Regulations 22.5, 22.6 or 22.7, then the otherwise applicable period of Ineligibility may be reduced or suspended, but not below one-fourth of the otherwise applicable period of Ineligibility.

### **Aggravating Circumstances Which May Increase the Period of Ineligibility**

22.9 If the Judicial Committee establishes in an individual case involving an anti-doping rule violation other than violations under Regulation 2.7 (Trafficking or Attempted Trafficking) and 2.8 (Administration or Attempted Administration) that aggravating circumstances are present which justify the imposition of a period of Ineligibility greater than the standard sanction, then the period of Ineligibility otherwise applicable shall be increased up to a maximum of four years unless the Player or other Person can prove to the comfortable satisfaction of the Judicial Committee that he did not knowingly commit the anti-doping rule violation. A Player or other Person can avoid the application of this Regulation by admitting the anti-doping rule violation as asserted promptly after being confronted with the anti-doping rule violation by an Anti-Doping Organization.

### **22.10 Multiple Violations.**

#### **A. Second Anti-Doping Rule Violation**

For a Player's or other Person's first anti-doping rule violation, the period of Ineligibility is set forth in Regulation 22.1 and 22.2 (subject to elimination, reduction or suspension under Regulation 22.3 or 22.4, 22.5, 22.6, 22.7 and/or 22.8 or to an increase under Regulation 22.9). For a second anti-doping rule violation the period of Ineligibility shall be within the range set forth in the table below.

Second Violation	RS	FFMT	NSF	St	AS	TRA
First Violation						
RS	1-4	2-4	2-4	4-6	8-10	10-Life
FFMT	1-4	4-8	4-8	6-8	10-Life	Life
NSF	1-4	4-8	4-8	6-8	10-Life	Life
St	2-4	6-8	6-8	8-Life	Life	Life
AS	4-5	10-Life	10-Life	Life	Life	Life
TRA	8-Life	Life	Life	Life	Life	Life

Definitions for the purposes of the second anti-doping rule violation table:

**RS** (Reduced sanction for Specified Substance under Regulation 22.3): The anti-doping rule violation was or should be sanctioned by a reduced sanction under Regulation 22.3 because it involved a Specified Substance and the other conditions under Regulation 22.3 were met.

**FFMT** (Filing Failures and/or Missed Tests): The anti-doping rule violation was or should be sanctioned under Regulation 22.2(c).

**NSF** (Reduced sanction for No Significant Fault or Negligence): The anti-doping rule violation was or should be sanctioned by a reduced sanction under Regulation 22.5 because No Significant Fault or Negligence under Regulation 22.5 was proved by the Player.

**St** (Standard sanction under Regulation 22.1 or 22.2(a)): The anti-doping rule violation was or should be sanctioned by the standard sanction of two years under Regulation 22.1 or 22.2(a).

**AS** (Aggravated sanction): The anti-doping rule violation was or should be sanctioned by an aggravated sanction under Regulation 22.9 because the Anti-Doping Organization established the conditions set forth under Regulation 22.9.

**TRA** (Trafficking or Attempted Trafficking and Administration or Attempted Administration): The anti-doping rule violation was or should be sanctioned by a sanction under Regulation 22.2(b)

#### **B. Application of Regulation 22.6 and 22.7 to Second Anti-Doping Rule Violations**

Where a Player or other Person who commits a second anti-doping rule violation establishes entitlement to suspension or reduction of a portion of the period of Ineligibility under Regulation 22.6 or 22.7, the Judicial Committee shall first determine the otherwise applicable period of Ineligibility within the range established in the table in Regulation 22.10, and then apply the appropriate suspension or reduction of the period of Ineligibility. The remaining period of Ineligibility, after applying any suspension or reduction under Regulation 22.6 or 22.7, must be at least one-fourth of the otherwise applicable period of Ineligibility.

#### **C. Third Anti-Doping Rule Violation**

A third anti-doping rule violation will always result in a lifetime period of Ineligibility, except if the third violation fulfills the condition for elimination or reduction of the period of Ineligibility under Regulation 22.3 or involves a violation of Regulation 2.4 (Filing Failures and/or and Missed Tests). In these particular cases, the period of Ineligibility shall be from eight years to life ban.

#### **D. Additional Rules for Certain Potential Multiple Violations**

(i) For the purposes of imposing sanctions under Regulation 22, an anti-doping rule violation will only be considered a second violation if the Union 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 20, or after the Union made reasonable efforts to give notice, of the first anti-doping rule violation; if the Union 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; however, the occurrence of multiple violations may be considered as a factor in determining aggravating circumstances (Regulation 22.9).

(ii) If, after the resolution of a first anti-doping rule violation, the Union discovers facts involving an anti-doping rule violation by the Player or other Person which occurred prior to notification regarding the first violation, then the Union shall impose an additional sanction based on the sanction that could have been imposed if the two violations would have been adjudicated at the same time.

To avoid the possibility of a finding of aggravating circumstances on account of the earlier-in-time but later-discovered violation, the Player or other Person must voluntarily admit the earlier anti-doping rule violation on a timely basis after notice of the violation for which he is first charged. The same rule shall also apply when the Union discovers facts involving

another prior violation after the resolution of proceedings for a second anti-doping rule violation.

#### **E. Multiple Anti-Doping Rule Violations During Eight-Year Period.**

For the purposes of Regulation 22, each anti-doping rule violation must take place within the same eight- year period in order to be considered multiple violations.

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

22.11 In addition to any Provisional Suspension or Ineligibility period imposed on a Player who has been found to have committed an anti-doping rule violation, unless fairness requires otherwise, he shall also be subject to forfeiture of any medals and/or prizes.

(a) As a condition of regaining eligibility after being found to have committed an anti-doping rule violation, the Player must first repay all prize money forfeited under this Regulation 22.11.

##### **(b) Allocation of forfeited prize money.**

Forfeited prize money shall be reallocated to reimburse the collection expenses of the Union in performing the necessary steps to collect the prize money back, then to reimburse the expenses of the Union in conducting results management in the case, with the balance, if any, allocated to anti-doping education.

#### **Commencement of Ineligibility Period**

22.12 Except as provided below, the period of Ineligibility shall start on the date of the hearing decision providing for Ineligibility or, if the hearing is waived, on the date Ineligibility is accepted or otherwise imposed. Any period of Provisional Suspension (whether imposed or voluntarily accepted) shall be credited against the total period of Ineligibility to be served.

##### **(a) 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, then the Union 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.

##### **(b) 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 the Union, 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 22.12(b) 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 the hearing decision imposing the sanction, or the date the sanction was otherwise imposed.

(c) If a Provisional Suspension is imposed and respected by the Player then the Player shall receive a credit for such period of Provisional Suspension against any period of Ineligibility which may ultimately be imposed.

(d) If a Player voluntarily accepts a Provisional Suspension in writing from the Union and thereafter refrains from competing, the Player 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's voluntary acceptance of a Provisional Suspension shall be provided promptly to each party entitled to receive notice of a potential anti-doping rule violation under Regulation 14.3.

(e) 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 Team.

## **22.13 Status During Ineligibility**

### **A. Prohibition Against Participating During Ineligibility**

(i) No Player or other Person who has been declared Ineligible may, during the period of Ineligibility, participate in any capacity in a Match and/or Tournament or activity (other than authorized anti- doping education or rehabilitation programs) authorized or organized by the Union or any other Union or Tournament Organizer. 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 in membership of the IRB.

(ii) Subject to paragraph (iii) below, no Player or other Person who has been declared Ineligible may, during the period of Ineligibility, participate in any capacity in any athletic contest or any activity in any sport (other than authorized anti-doping education or rehabilitation programs) authorized or organized by any Signatory or any Signatory's member organization, or in any athletic contest in any sport authorized or organized by any professional league or any international or national level event organization.

(iii) 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 in local sport events in a sport other than rugby football, 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 (as defined in the Code).

(iv) A Player or other Person subject to a period of Ineligibility shall remain subject to Testing.

### **B. 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 22.13A, the medals and any prizes arising out of such participation shall be forfeited and the period of Ineligibility which was originally imposed shall start over again as of the date of the violation. The new period of Ineligibility may be reduced under Regulation 22.5 if the Player or other Person establishes he bears No Significant Fault or Negligence for violating the prohibition against participation. The determination of whether a Player or other Person has violated the prohibition against participation, and whether a reduction under Regulation 22.5 is appropriate, shall be made by

the Union.

### **C. Withholding of Financial Support during Ineligibility.**

In addition, for any anti-doping rule violation not involving a reduced sanction for Specified Substances as described in Regulation 22.3, some or all sport-related financial support or other sport-related benefits received by such Person will be withheld by the Union or the body providing such support or benefits.

#### **22.14 Public Disclosure**

- (a) All anti-doping rule violations found to have been committed shall be publicly announced by the Union.
- (b) The identity of any Player or other Person who commits an anti-doping rule violation shall be publicly announced only after notice has been provided to the Player or other Person. This shall be no later than 20 days after it has been determined in a hearing that such anti-doping rule violation has occurred, or such hearing has been waived, or the assertion of an anti-doping rule violation has not been timely challenged. The Union shall publicly report the anti-doping rule violated and shall name the Player or other Person committing the violation, the Prohibited Substance or Prohibited Method involved and the Consequences imposed. The Union may also publish as it thinks fit, parts of or the entire hearing decision. The Union must also publicly report within 20 days appeal decisions concerning anti-doping rule violations.
- (c) 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 disclosed publicly only with the consent of the Player or other Person who is the subject of the decision. The Union shall use reasonable efforts to obtain such consent, and if consent is obtained, shall publicly disclose the decision in its entirety or in such redacted form as the Player or other Person may approve.
- (d) Neither the IRB, the Union, its NADO (PhilADA) nor WADA accredited laboratory (or their officials) shall publicly comment on the specific facts of a pending case (as opposed to general descriptions of the process and science) except (as appropriate) in response to public comments attributed to the Player or other Person or their representatives.
- (e) For the purposes of this Regulation 22.14, publication shall be accomplished at a minimum by placing the required information on the Union's website and leaving the information up for at least one year.

#### **22.15 Reinstatement Testing**

As a condition to regaining eligibility at the end of a specified period of Ineligibility, a Player must, during any period of Provisional Suspension or Ineligibility, make himself available for Out of Competition Testing by the IRB, the Union, its NADO (PhilADA) and any other Anti-Doping Organization having Testing jurisdiction, and must comply with all whereabouts requirements as set out in Regulation 10. If a Player subject to a period of Ineligibility retires from the Game and is removed from Out of Competition Testing Pools and later seeks reinstatement, the Player shall not be eligible for reinstatement until the Player has notified the IRB, the Union, its NADO (PhilADA) and any other Anti-Doping Organization having Testing jurisdiction and has been subject to Out of Competition Testing for a period of time equal to the longer of the period set

forth in Regulation 12.3 or the period of Ineligibility remaining as at the date the Player retired. The foregoing shall apply to any Player or other Person seeking to participate in the Game following the equivalent of a period of Ineligibility with respect to another sport.

## **23 Consequences for Teams**

### **23.1 Testing of Teams**

Where more than one member of a Team has been notified of a possible anti-doping rule violation under Regulation 20 in connection with a Match, Tournament, Tour and/or Series of Matches, the Team shall be subject to appropriate Target Testing by the Union.

### **23.2 Consequences for Teams**

during a Match, Tournament or Tour, the entity with jurisdiction over the Match, Tournament or Tour shall impose an appropriate sanction on the Team (e.g. loss of points, Disqualification from the Match, Tournament or Tour and/or other sanction) in addition to any Consequences of Anti-Doping Rule Violations imposed upon the individual Player(s) committing the anti-doping rule violations.

### **23.3 Additional Consequences for Teams**

In relation to any particular Match and/or Tournament and/or Tour under its jurisdiction, the Union may impose stricter Consequences of Anti-Doping Rule Violations for Teams than those set out in Regulation 23.2.

## **24 Referral to Post-Hearing Review Body Post-Hearing Review**

24.1 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. The Union, its NADO (PhilADA) and the IRB 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.

24.2 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 (for the avoidance of doubt, save for in the case of a referral by the IRB following review by the IRB Anti-Doping Advisory Committee, subject to Regulation 29.1). A notice of review signed by the party seeking review must be lodged with the Union CEO or Secretary 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.

## **25 Post-Hearing Review Body**

25.1 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.

25.2 If one or more members of the Post-Hearing Review Body are unable or unwilling, for whatever reason, to conduct the review, then the Union may in its absolute discretion:

- (a) Appointment of (a) replacement(s);
- (b) Appointment of a new Post-Hearing Review Body; or
- (c) Allowing the remaining member(s) of the Post-Hearing Review Body to conduct the review.

25.3 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.

25.4 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.

25.5 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 Regulations 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.

25.6 The Post-Hearing Review Body shall be entitled to call on experts to provide specialist

advice, including legal advice.

25.7 The Post-Hearing Review Body will 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.

25.8 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.

25.9 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.

25.10 The Post-Hearing Review Body may request that a Union representative attend hearing before the Post-Hearing Review Body.

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

25.12 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 25 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.

25.13 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 22.

**26** (This header is deliberately blank to ensure consistency with IRB Regulation 21)

26.1 (This sub-clause is deliberately blank to ensure consistent clause numbers with IRB Regulation 21.)

26.2 The written decision of the Post-Hearing Review Body shall be notified to the IRB and the Union's NADO (PhilADA) within 72 hours of it being communicated to the Player or other Person concerned.

## **27 Appeals**

### **Decisions Subject to Appeal**

27.1 Decisions made under Regulations 25 or 26 of these Anti-Doping Regulations may be

appealed as set forth below. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-hearing review authorized in Regulations 25 and 26 must be exhausted except as provided in Regulation 27.1(a) below:

**(a) WADA Not Required to Exhaust Internal Remedies**

Where WADA has a right to appeal under this Regulation 27 and no other party has appealed a final decision within the Union's process, WADA may appeal such decision directly to CAS without having to exhaust other remedies in the Union's process.

**Appeals from Decisions Regarding Anti-Doping Rule Violations and Consequences**

27.2 A decision that an anti-doping rule violation was committed, a decision imposing Consequences of Anti-Doping Rule Violations; a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule proceeding cannot go forward for procedural reasons; a decision under Regulation 22.13B (prohibition of participation during Ineligibility); a decision that the Union lacks jurisdiction to rule on an alleged anti-doping rule violation or the Consequences of Anti-Doping Rule Violations; a decision by the Union not to bring forward an Adverse Analytical Finding or an Atypical Finding as an anti-doping rule violation and a decision not to go forward with an anti-doping rule violation after an investigation under Regulation 16; may be appealed exclusively as provided in this Regulation 27.2.

**(a) Appeals Involving International Level Players**

In cases arising from an International Match, Series of International Matches, International Tournament or International Tour and other cases of Doping Control initiated by the Union and in cases involving International Level Players, the decision may be appealed exclusively to CAS in accordance with the provisions applicable before such court and which will resolve definitively the dispute in accordance with the code of sports related arbitration.

**(b) Appeals Involving National Level Players**

In respect of decisions made pursuant to Regulation 25 by the Post-Hearing Review Body, WADA, the IRB, the Union's NADO (PhilADA) and the Player or other Person concerned shall be entitled to appeal the case to CAS in accordance with the provisions applicable before such court and which will resolve definitively the dispute in accordance with the code of sports related arbitration. For the avoidance of doubt before any appeal to CAS all internal procedures of the applicable body must be exhausted.

**(c) Persons Entitled to Appeal – International Level Players**

In cases under Regulation 27.2(a), the following parties shall have the right to appeal to CAS: (i) the Player or other Person who is the subject of the decision being appealed; (ii) the other party to the case in which the decision was rendered; (iii) the IRB and any other Anti-Doping Organization under whose rules a sanction could have been imposed; (iv) the Union's NADO (PhilADA); the National Anti-Doping Organization of the Person's country of residence (if different from the Union's NADO (PhilADA)); 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 (v) WADA.

#### **(d) Persons Entitled to Appeal – National Level Players**

In cases under Regulation 25, the following parties shall have the right to appeal to CAS: (i) the Player or other Person who is the subject of the decision being appealed; (ii) the other party to the case in which the decision was rendered; (iii) the IRB and any other Anti-Doping Organization under whose rules a sanction could have been imposed; (iv) the Union's [NADO (*insert defined name here*)] and/or the National Anti- Doping Organization of the Person's country of residence (if different from the Union's NADO [if any]); and (v) WADA. Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the Union and any other Anti-Doping Organization whose decision is being appealed and the information shall be provided if CAS so directs.

(e) The IRB has the right to appear, attend and/or participate as a party in any appeal to CAS involving an anti- doping rule violation. For the avoidance of doubt, in relation to any proceedings and/or appeals referred to and/or to be dealt with by CAS, the IRB shall be entitled to be a party, make representations, make submissions, adduce evidence and call witnesses if it so elects.

(f) Where the IRB appeals a case to CAS, the Union of the Player or other Person concerned may be represented at the CAS hearing in an observer capacity. Any alteration to this status will be subject to the rules of the CAS.

#### **27.3 Failure to Render a Timely Decision by an Anti-Doping Organization.**

Where, in a particular case, the Union fails within a reasonable deadline set by WADA to render a decision with respect to whether an anti-doping rule violation was committed, WADA may elect to appeal directly to CAS as if the Union 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 attorneys' fees in prosecuting the appeal shall be reimbursed to WADA by the Union.

#### **Appeals from Decisions Granting or Denying a Therapeutic Use Exemption**

27.4 Decisions by WADA reversing the grant or denial of a TUE may be appealed exclusively to CAS by the Player, the Union, the IRB, or the NADO which granted or denied the TUE. Decisions to deny TUEs, and which are not reversed by WADA, may be appealed by International Level Players to CAS and by other Players to the appointed TUE appeal body established in the country of their Union. Where such a body does not exist in the country of their Union, the non-International Level Players may appeal to WADA. If the appointed TUE appeal body reverses the decision to deny a TUE that decision may be appealed to CAS by WADA.

When the IRB, Union or NADO fails to take action on a properly submitted TUE application within a reasonable time, the IRB, Union or NADO's failure to decide may be considered a denial for purposes of the appeal rights provided in this Regulation.

#### **Appeal from Decisions Pursuant to Regulations 9.4**

27.5 Decisions by the Union pursuant to Regulations 9.4 may be appealed in accordance with the Union's disciplinary rules.

## **Time for Filing Appeals to CAS**

27.6 Save in respect of an appeal by WADA, the time to file an appeal to CAS shall be twenty-one (21) days from the date of receipt of the written decision by the appealing party. The above notwithstanding, the following shall apply in connection with appeals filed by a party entitled to appeal in accordance with these Anti-Doping Regulations but which was not a party to the proceedings having lead to the decision subject to appeal:

- (a) Within 14 days from notice of the decision, such party/ies shall have the right to request from the body that issued the decision a copy of the complete file on which such body relied; and
- (b) If such a request is made within the 14-day period, then the party making such request shall have 21 days from receipt of the complete file to file an appeal to CAS.

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

- (a) 21 days after the last day on which any other party in the case could have appealed, or
- (b) 21 days after WADA's receipt of the complete file relating to the decision.

## **28 Mutual Recognition**

28.1 Any decision of the IRB or a decision of a Union or Tournament Organizer where such decision is recognized and accepted by the IRB in connection with a violation of IRB Regulation 21 and/or the anti-doping regulations of another Union or Tournament Organizer (which must be compliant with IRB Regulation 21) shall be recognized by the Union which shall take all necessary action to render such decision effective.

28.2 The Union may as appropriate recognize sanctions or penalties imposed by public authorities in respect of doping related matters whether specifically defined hereunder or otherwise, and may recognize and/or impose (as the case may be) appropriate sports based sanctions, including without limitation the sanctions provided for in these Anti- Doping Regulations.

28.3 Subject to the right to appeal provided in Regulation 27, Testing, TUEs and hearing decisions or other final adjudications of any Signatory which are consistent with the Code and are within that Signatory's authority, shall be recognized and respected by all other Signatories.

28.4 The Union shall recognize the same actions of other bodies which have not accepted the Code if the rules of those bodies are otherwise consistent with the Code.

## **29 Reporting Requirements**

29.1 Without limiting the reporting and notification requirements set out in Regulation 14.5 and 14.9 the Union shall submit to the CEO of the IRB 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 IRB Anti-Doping Manager who, on behalf of

the IRB shall be entitled to (a) request the case file, (b) accept the result and decision or (c) refer the matter to representatives of the IRB's Anti-Doping Advisory Committee who on behalf of the IRB may accept the result and decision or subject to these Anti-Doping Regulations refer the matter to the applicable review body or appeal the matter to CAS. Any review following a referral to the IRB's Anti-Doping Advisory Committee shall be undertaken as expeditiously as possible, but in any event shall not be constrained by time limits. Both the IRB Anti-Doping Manager or representatives of the IRB's Anti-Doping Advisory Committee may take such other steps and/or make such other recommendations to the IRB as they deem appropriate.

29.2 (This sub-clause is deliberately blank to ensure consistent clause numbers with IRB Regulation 21.)

29.3 The Union shall publish annually a general statistical report of its Doping Control activities during the calendar year with a copy provided to the IRB who may periodically publish testing data received from the Union.

29.4 The Union shall report to the IRB at the end of every year the results of all Doping Controls within its 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.

29.5 The IRB shall provide to WADA information supplied by the Union in relation to these Anti-Doping Regulations. The IRB shall in the case of an Adverse Analytical Finding or anti-doping rule violation notify WADA upon notification by the Union of the findings/decisions of its hearing bodies.

29.6 (This sub-clause is deliberately blank to ensure consistent clause numbers with IRB Regulation 21.)

## **30 Statute of Limitations**

No action may be commenced under these Anti-Doping Regulations against a Player or other Person for a violation of an anti-doping rule contained in these Anti-Doping Regulations unless such action is commenced within eight years from the date the violation occurred.

## **31 Data**

31.1 Any Person who submits data and/or medical information to the Union in accordance with these Anti-Doping Regulations agrees that such information may be utilized by the Union, the IRB, WADA, NADOs or other relevant entities for the purposes of the implementation of any anti-doping regulations which comply with the Code.

31.2 Any person who submits data and/or medical information to the Union in accordance with these Anti-Doping Regulations agrees that such information may be stored electronically (whether in a database or otherwise) by the Union, the IRB, WADA, NADOs or other relevant entities for the purposes of the implementation of any anti-doping regulations which comply with the Code.

31.3 Whereabouts information provided pursuant to these Anti-Doping Regulations shall be shared with the IRB, WADA and other Anti-Doping Organizations for the purposes of Doping Control.

31.4 The Union shall procure that it obtains the consent of every Player that their personal anti-doping data relating to the Doping Control process (including test distribution planning, Sample collection and handling, laboratory analysis, results management, hearings and appeals, TUEs and/or Player whereabouts can be processed (for example transmitted, disclosed, used and/or stored) by and amongst the Union, the IRB, WADA, NADOs and/or other Anti-Doping Organizations in electronic form including but not limited to as part of the ADAMS database system.<sup>2</sup> A Player/Athlete Information Notice relating to data provided for use by WADA and/or as part of the ADAMS database system is located at [www.irb.com](http://www.irb.com) and in Schedule 5.

## **32 Exceptional Circumstances**

32.1 In exceptional circumstances where it has grounds to believe that there has been a misapplication of the applicable anti-doping regulations and acting on the advice of its Anti-Doping Advisory Committee, the IRB shall be entitled to require as it deems fit that the Union provisionally suspend such Players or other Person(s) from any involvement in the Game pending the final determination of the matter.

32.2 (This sub-clause is deliberately blank to ensure consistent clause numbers with IRB Regulation 21.)

## **33 Unforeseen Circumstances**

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

## **34 General**

34.1 Any deviation or deviations from these Anti-Doping Regulations 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.

34.2

(a) Representatives of the IRB Anti-Doping Advisory Committee shall on behalf of the IRB and on behalf of the Union and all other Unions recognize anti-doping rule violations arising out of anti-doping programs carried out by Signatories to the Code.

(b) The IRB Anti-Doping Advisory Committee may, on behalf of the IRB, the Union and all other Unions, recognize anti-doping rule violations arising out of, and sanctions imposed under

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<sup>2</sup> ADAMS is the Anti-Doping Administration and Management System which has been developed to enable Players and anti-doping organizations to enter and share data related to doping control. ADAMS is an on-line, web-based system, which allows restricted sharing of data only with those organizations with the right to access such data in accordance with Regulation 21 and/or the Code or equivalent anti-doping regulations.

anti-doping programs of a sporting body other than the IRB, Unions or Tournament Organizers, or Signatories (or by a member of another sporting body), under rules and procedures different from those of the IRB Regulation 21, as long as the applicable rules and procedures are consistent with the provisions of the Code.

(c) The Union shall recognize 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.

34.3 The Union may amend these Anti-Doping Regulations from time to time provided that they shall comply with IRB Regulation 21 (and that, to the extent that they do not, IRB Regulation 21 shall apply).

34.4 (This sub-clause is deliberately blank to ensure consistent clause numbers with IRB Regulation 21.)

## **35 Retrospective Application**

35.1 These Anti-Doping Regulations shall not apply retrospectively to matters pre-dating 31 Dec 2011, (the “Effective Date”); provided, however, that:

(a) Any case pending prior to the Effective Date, or brought after the Effective Date based on an anti-doping rule violation that occurred prior to the Effective Date, shall be governed by the predecessor to these Anti-Doping Regulations in force at the time of the anti-doping rule violation, subject to any application of the principle of *lex mitior* by the Judicial Committee determining the case.

(b) Where a period of Ineligibility imposed by the Union under and/or in accordance with the Union’s previous or equivalent anti-doping regulations in force prior to the Effective Date has not yet expired as of the Effective Date, the Person who is Ineligible may apply to the Union for a reduction in the period of Ineligibility in light of any new or amended provisions of these Anti-Doping Regulations as from the Effective Date. To be valid, such application must be made before the period of Ineligibility has expired.

(c) Subject always to Regulation 22.10E, anti-doping rule violations committed under rules in force prior to the Effective Date shall be taken into account as prior offences for the purposes of determining sanctions under Regulation 22.10. Where such pre-Effective Date anti-doping rule violation involved a substance that would be treated as a Specified Substance under these Anti-Doping Regulations, for which a period of Ineligibility of less than two years was imposed, such violation shall be considered a reduced sanction (RS) violation for the purposes of Regulation 22.10A.

## **APPENDIX**

SCHEDULE 1	Doping Control Procedural Guidelines <a href="http://www.keeprugbyclean.com/en/">http://www.keeprugbyclean.com/en/</a> (under the regulations tab)
SCHEDULE 2	WADA Prohibited List <a href="http://www.keeprugbyclean.com/en/">http://www.keeprugbyclean.com/en/</a> (under the regulations tab)
SCHEDULE 3(a)	WADA International Standard for Therapeutic Use Exemptions (TUE) <a href="http://www.keeprugbyclean.com/en/">http://www.keeprugbyclean.com/en/</a> (under the regulations tab)
SCHEDULE 3(b)	IRB TUE Application Form <a href="http://www.keeprugbyclean.com/en/">http://www.keeprugbyclean.com/en/</a> (under the regulations tab)
SCHEDULE 4	Acknowledgements and Agreement Form <a href="http://www.keeprugbyclean.com/en/">http://www.keeprugbyclean.com/en/</a> (under the regulations tab)
SCHEDULE 5	Player Information Notice – Data Privacy <a href="http://www.keeprugbyclean.com/en/">http://www.keeprugbyclean.com/en/</a> (under the regulations tab)