

REGULATION 21

Anti-Doping

As of 1 January 2021



**WORLD
RUGBY™**

REGULATION 21. ANTI-DOPING

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WORLD RUGBY ANTI-DOPING RULES

INTRODUCTION

i. Preface

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

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

As provided in the Code, World Rugby shall be responsible for conducting all aspects of Doping Control. Any aspect of Doping Control or anti-doping Education may be delegated by World Rugby to a Delegated Third Party, however, World Rugby shall require the Delegated Third Party to perform such aspects in compliance with the Code, International Standards, and these Anti-Doping Rules. World Rugby shall always remain fully responsible for ensuring that any delegated aspects are performed in compliance with the Code. Unless otherwise specified, references to Regulations are references to Regulations of these Anti-Doping Rules.

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

Anti-doping programmes seek to protect the health of Players and to provide the opportunity for Players to pursue human excellence without the Use of Prohibited Substances and Prohibited Methods.

Anti-doping programmes seek to maintain the integrity of sport in terms of respect for rules, other competitors, fair competition, a level playing field, and the value of clean sport to the world.

The spirit of sport is the celebration of the human spirit, body, and mind. It is the essence of Olympism, the values of rugby, and the pursuit of human excellence through the dedicated perfection of each person's natural talents. It is how we play true and Keep Rugby Clean. This is reflected in rugby's values:

- Integrity
- Respect

- Solidarity
- Passion
- Discipline

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

World Rugby adopted the World Anti-Doping Code (“Code”) in June 2004. Following an international review of the Code by all Signatories a new World Anti-Doping Code 2021 has been agreed with an effective implementation date of 1 January 2021.

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

iii. Scope of these Anti-Doping Rules

These Anti-Doping Rules shall apply to:

- (a) World Rugby, including its Council members, directors, officers, and specified employees, and Delegated Third Parties and their employees, who are involved in any aspect of Doping Control;
- (b) each Union, Association, Tournament Organiser, including their board members, directors, officers, and specified employees, and Delegated Third Parties and their employees, who are involved in any aspect of Doping Control;
- (c) the following Players, Player Support Personnel, and other Persons:
 - (i) all Players and Player Support Personnel who are members of any Union, Association, Tournament Organiser or of any member or affiliate organisation of any Union and/or Association (including any Clubs, Teams, Rugby Bodies, associations or leagues);
 - (ii) all Players and Player Support Personnel who participate in such capacity in Events, Competitions and other activities organised, convened, authorized or recognised by World Rugby, or any Union, Association, Tournament Organiser, or by any member or affiliate organisation of any Union and/or Association (including any Clubs, Teams, Rugby Bodies,, associations, or leagues), wherever held;
 - (iii) any other Player or Player Support Personnel or other Person who, by virtue of an accreditation, a registration or other contractual arrangement, or otherwise, is subject to the authority of World Rugby or of any Union, Association, Tournament Organiser or of any member or affiliate organisation of any Union and/or Association (including any Clubs, Teams, Rugby Bodies, associations, or leagues), for the purposes of anti-doping;

- (iv) Players who are not regular members of World Rugby or of one of its Unions but who want to be eligible to compete in a Match, Competition or Event (and subject to Regulation 16).

Each of the above-mentioned Persons is deemed, as a condition of his or her participation or involvement in the sport, to have agreed to and be bound by these Anti-Doping Rules, and to have submitted to the authority of World Rugby to enforce these Anti-Doping Rules, including any Consequences for the breach thereof, and to the jurisdiction of the hearing panels specified in Regulation 21.8 and 21.13 to hear and determine cases and appeals brought under these Anti-Doping Rules.¹

Within the overall pool of Players set out above who are bound by and required to comply with these Anti-Doping Rules, the following Players shall be considered to be International-Level Players for the purposes of these Anti-Doping Rules, and, therefore, the specific provisions in these Anti-Doping Rules applicable to International-Level Players (e.g., Testing, TUEs, whereabouts, and Results Management) shall apply to such Players:

International-Level Players are those Players designated by World Rugby as being within its Registered Testing Pool and/or Testing Pool(s) and/or who are otherwise participating in a World Rugby Event(s) and/or Competition(s).

¹ *[Comment: Where the Code requires a Person other than a Player or Player Support Person to be bound by the Code, such Person would of course not be subject to Sample collection or Testing, and would not be charged with an anti-doping rule violation under the Code for Use or Possession of a Prohibited Substance or Prohibited Method. Rather, such Person would only be subject to discipline for a violation of Code Articles 2.5 (Tampering), 2.7 (Trafficking), 2.8 (Administration), 2.9 (Complicity), 2.10 (Prohibited Association) and 2.11 (Retaliation). Furthermore, such Person would be subject to the additional roles and responsibilities according to Code Article 21.3. Also, the obligation to require an employee to be bound by the Code is subject to applicable law.]*

World Rugby shall ensure that, as per Regulation 21.22 of these Anti-Doping Rules, any arrangements with their Council members, directors, officers, and specified employees, as well as with the Delegated Third Parties and their employees – either employment, contractual or otherwise – have explicit provisions incorporated according to which such Persons are bound by, agree to comply with these Anti-Doping Rules, and agree on World Rugby’s authority to solve the anti-doping cases.]

21.1 DEFINITION OF DOPING

Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Regulation 21.2.1 through Regulation 21.2.11 of these Anti-Doping Rules.

21.2 ANTI-DOPING RULE VIOLATIONS

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

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

The following constitute anti-doping rule violations:

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

21.2.1.1 It is the Players' personal duty to ensure that no Prohibited Substance enters their bodies. Players are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary that intent, Fault, Negligence or knowing Use on the Player's part be demonstrated in order to establish an anti-doping rule violation under Regulation 21.2.1.²

21.2.1.2 Sufficient proof of an anti-doping rule violation under Regulation 21.2.1 is established by any of the following: presence of a Prohibited Substance or its Metabolites or Markers in the Player's A Sample where the Player waives analysis of the B Sample and the B Sample is not analysed; or, where the Player's B Sample is analysed and the analysis of the Player's B Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the Player's A Sample; or where the Player's A or B Sample is split into two (2) parts and the analysis of the confirmation part of the split Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the first part of the split Sample or the Player waives analysis of the confirmation part of the split Sample.³

² [Comment to Regulation 21.2.1.1: An anti-doping rule violation is committed under this Regulation without regard to a Player's Fault. This rule has been referred to in various CAS decisions as "Strict Liability". A Player's Fault is taken into consideration in determining the Consequences of this anti-doping rule violation under Regulation 21.10. This principle has consistently been upheld by CAS.]

³ [Comment to Regulation 21.2.1.2: The Anti-Doping Organisation with Results Management responsibility may, at its discretion, choose to have the B Sample analysed even if the Player does not request the analysis of the B Sample.]

- 21.2.1.3** Excepting those substances for which a Decision Limit is specifically identified in the Prohibited List or a Technical Document, the presence of any reported quantity of a Prohibited Substance or its Metabolites or Markers in a Player's Sample shall constitute an anti-doping rule violation.
- 21.2.1.4** As an exception to the general rule of Regulation 21.2.1, the Prohibited List, International Standards or Technical Documents may establish special criteria for reporting or the evaluation of certain Prohibited Substances.
- 21.2.2 Use or Attempted Use by a Player of a Prohibited Substance or a Prohibited Method**⁴
- 21.2.2.1** It is the Players' personal duty to ensure that no Prohibited Substance enters their bodies and that no Prohibited Method is Used. Accordingly, it is not necessary that intent, Fault, Negligence or knowing Use on the Player's part be demonstrated in order to establish an anti-doping rule violation for Use of a Prohibited Substance or a Prohibited Method.
- 21.2.2.2** The success or failure of the Use or Attempted Use of a Prohibited Substance or Prohibited Method is not material. It is sufficient that the Prohibited Substance or Prohibited Method was Used or Attempted to be Used for an anti-doping rule violation to be committed.⁵
- 21.2.3 Evading, Refusing or Failing to Submit to Sample Collection by a Player**
- Evading Sample collection; or refusing or failing to submit to Sample collection without compelling justification after notification by a duly authorized Person.⁶

⁴ *[Comment to Regulation 21.2.2: It has always been the case that Use or Attempted Use of a Prohibited Substance or Prohibited Method may be established by any reliable means. As noted in the Comment to Regulation 21.3.2, unlike the proof required to establish an anti-doping rule violation under Regulation 21.2.1, Use or Attempted Use may also be established by other reliable means such as admissions by the Player, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, including data collected as part of the Athlete Biological Passport, or other analytical information which does not otherwise satisfy all the requirements to establish "Presence" of a Prohibited Substance under Regulation 21.2.1.*

For example, Use may be established based upon reliable analytical data from the analysis of an A Sample (without confirmation from an analysis of a B Sample) or from the analysis of a B Sample alone where the Anti-Doping Organisation provides a satisfactory explanation for the lack of confirmation in the other Sample.]

⁵ *[Comment to Regulation 21.2.2.2: Demonstrating the "Attempted Use" of a Prohibited Substance or a Prohibited Method requires proof of intent on the Player's part. The fact that intent may be required to prove this particular anti-doping rule violation does not undermine the Strict Liability principle established for violations of Regulation 21.2.1 and violations of Regulation 21.2.2 in respect of Use of a Prohibited Substance or Prohibited Method.*

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

⁶ *[Comment to Regulation 21.2.3: **Error! Main Document Only.** For example, it would be an anti-doping rule violation of "evading Sample collection" if it were established that a Player was deliberately avoiding a Doping Control official to evade notification or Testing. A violation of "failing to submit to Sample collection" may be based on either intentional or negligent conduct of the Player, while "evading" or "refusing" Sample collection contemplates intentional conduct by the Player.]*

21.2.4 Whereabouts Failures by a Player

Any combination of three (3) missed tests and/or filing failures, as defined in the International Standard for Results Management, within a twelve (12) month period by a Player in a Registered Testing Pool.

21.2.5 Tampering or Attempted Tampering with any part of Doping Control by a Player or Other Person

21.2.6 Possession of a Prohibited Substance or a Prohibited Method by a Player or Player Support Person

21.2.6.1 Possession by a Player In-Competition of any Prohibited Substance or any Prohibited Method, or Possession by a Player Out-of-Competition of any Prohibited Substance or any Prohibited Method which is prohibited Out-of-Competition unless the Player establishes that the Possession is consistent with a Therapeutic Use Exemption (“TUE”) granted in accordance with Regulation 21.4.4 or other acceptable justification.

21.2.6.2 Possession by a Player Support Person In-Competition of any Prohibited Substance or any Prohibited Method, or Possession by a Player Support Person Out-of-Competition of any Prohibited Substance or any Prohibited Method which is prohibited Out-of-Competition in connection with a Player, Competition or training, unless the Player Support Person establishes that the Possession is consistent with a TUE granted to a Player in accordance with Regulation 21.4.4 or other acceptable justification.⁷

21.2.7 Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method by a Player or Other Person

21.2.8 Administration or Attempted Administration by a Player or Other Person to any Player In-Competition of any Prohibited Substance or Prohibited Method, or Administration or Attempted Administration to any Player Out-of-Competition of any Prohibited Substance or any Prohibited Method that is Prohibited Out-of-Competition

21.2.9 Complicity or Attempted Complicity by a Player or Other Person

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity or Attempted complicity involving an anti-

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

[Comment to Regulation 21.2.6.1 and 2.6.2: Acceptable justification may include, for example, (a) a Player or a team doctor carrying Prohibited Substances or Prohibited Methods for dealing with acute and emergency situations (e.g., an epinephrine auto-injector), or (b) a Player Possessing a Prohibited Substance or Prohibited Method for therapeutic reasons shortly prior to applying for and receiving a determination on a TUE.]

doping rule violation, Attempted anti-doping rule violation or violation of Regulation 21.10.14.1 by another Person.⁸

21.2.10 Prohibited Association by a Player or Other Person

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

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

21.2.10.1.2 If not subject to the authority of an Anti-Doping Organisation and where Ineligibility has not been addressed in a Results Management process pursuant to the Code, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if Code-compliant rules had been applicable to such Person. The disqualifying status of such Person shall be in force for the longer of six (6) years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed; or

21.2.10.1.3 Is serving as a front or intermediary for an individual described in Regulation 21.2.10.1.1 or 21.2.10.1.2.

21.2.10.2 To establish a violation of Regulation 21.2.10, an Anti-Doping Organisation must establish that the Player or other Person knew of the Player Support Person's disqualifying status.

The burden shall be on the Player or other Person to establish that any association with a Player Support Person described in Regulation 21.2.10.1.1 or 21.2.10.1.2 is not in a professional or sport-related capacity and/or that such association could not have been reasonably avoided.

Anti-Doping Organisations that are aware of Player Support Personnel who meet the criteria described in Regulation 21.2.10.1.1, 21.2.10.1.2, or 21.2.10.1.3 shall submit that information to WADA.⁹

⁸ [Comment to Regulation 21.2.9: Complicity or Attempted Complicity may include either physical or psychological assistance.]

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

While Regulation 21.2.10.2 does not require the Anti-Doping Organisation to notify the Player or other Person about the Player Support Person's disqualifying status, such notice, if provided, would be important evidence to establish that the Player or other Person knew about the disqualifying status of the Player Support Person.]

21.2.11 Acts by a Player or Other Person to Discourage or Retaliate Against Reporting to Authorities

Where such conduct does not otherwise constitute a violation of Regulation 21.2.5:

21.2.11.1 Any act which threatens or seeks to intimidate another Person with the intent of discouraging the Person from the good-faith reporting of information that relates to an alleged anti-doping rule violation or alleged non-compliance with these Anti-Doping Rules and/or the Code to WADA, World Rugby, a Union, a Tournament Organiser and/or any other Anti-Doping Organisation, law enforcement, regulatory or professional disciplinary body, hearing body or Person conducting an investigation for WADA, World Rugby, a Union, a Tournament Organiser or any other Anti-Doping Organisation.

21.2.11.2 Retaliation against a Person who, in good faith, has provided evidence or information that relates to an alleged anti-doping rule violation or alleged non-compliance with these Anti-Doping Rules and/or the Code to WADA, World Rugby, a Union, a Tournament Organiser or any Anti-Doping Organisation, law enforcement, regulatory or professional disciplinary body, hearing body or Person conducting an investigation for WADA, World Rugby, a Union, a Tournament Organiser or any other Anti-Doping Organisation.

For purposes of Regulation 21.2.11, retaliation, threatening and intimidation include an act taken against such Person either because the act lacks a good faith basis or is a disproportionate response.¹⁰

21.3 PROOF OF DOPING

21.3.1 Burdens and Standards of Proof

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

¹⁰ *[Comment to Regulation 21.2.11.2: This Regulation is intended to protect Persons who make good faith reports, and does not protect Persons who knowingly make false reports.]*

[Comment to Regulation 21.2.11.2: Retaliation would include, for example, actions that threaten the physical or mental well-being or economic interests of the reporting Persons, their families, or associates. Retaliation would not include an Anti-Doping Organisation asserting in good faith an anti-doping rule violation against the reporting Person. For purposes of Regulation 21.2.11, a report is not made in good faith where the Person making the report knows the report to be false.]

provided in Regulation 21.3.2.2 and 21.3.2.3, the standard of proof shall be by a balance of probability.¹¹

21.3.2 Methods of Establishing Facts and Presumptions

Facts related to anti-doping rule violations may be established by any reliable means, including admissions.¹² The following rules of proof shall be applicable in doping cases:

21.3.2.1 Analytical methods or Decision Limits approved by WADA after consultation within the relevant scientific community or which have been the subject of peer review are presumed to be scientifically valid. Any Player or other Person seeking to challenge whether the conditions for such presumption have been met or to rebut this presumption of scientific validity shall, as a condition precedent to any such challenge, first notify WADA of the challenge and the basis of the challenge. The initial hearing body, appellate body, or CAS, on its own initiative, may also inform WADA of any such challenge. Within ten (10) days of WADA's receipt of such notice and the case file related to such challenge, WADA shall also have the right to intervene as a party, appear as amicus curiae or otherwise provide evidence in such proceeding. In cases before CAS, at WADA's request, the CAS panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge.¹³

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

If the Player or other Person rebuts the preceding presumption by showing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the Adverse Analytical Finding, then

¹¹ *[Comment to Regulation 21.3.1: This standard of proof required to be met by World Rugby is comparable to the standard which is applied in most countries to cases involving professional misconduct.]*

¹² *[Comment to Regulation 21.3.2: For example, World Rugby may establish an anti-doping rule violation under Regulation 21.2.2 based on the Player's admissions, the credible testimony of third Persons, reliable documentary evidence, reliable analytical data from either an A or B Sample as provided in the Comments to Regulation 21.2.2, or conclusions drawn from the profile of a series of the Player's blood or urine Samples, such as data from the Athlete Biological Passport.]*

¹³ *[Comment to Regulation 21.3.2.1: For certain Prohibited Substances, WADA may instruct WADA-accredited laboratories not to report Samples as an Adverse Analytical Finding if the estimated concentration of the Prohibited Substance or its Metabolites or Markers is below a Minimum Reporting Level. WADA's decision in determining that Minimum Reporting Level or in determining which Prohibited Substances should be subject to Minimum Reporting Levels shall not be subject to challenge. Further, the laboratory's estimated concentration of such Prohibited Substance in a Sample may only be an estimate. In no event shall the possibility that the exact concentration of the Prohibited Substance in the Sample may be below the Minimum Reporting Level constitute a defense to an anti-doping rule violation based on the presence of that Prohibited Substance in the Sample.]*

World Rugby shall have the burden to establish that such departure did not cause the Adverse Analytical Finding.¹⁴

21.3.2.3 Departures from any other International Standard or other anti-doping rule or policy set forth in the Code or these Anti-Doping Rules shall not invalidate analytical results or other evidence of an anti-doping rule violation, and shall not constitute a defence to an anti-doping rule violation;¹⁵ provided, however, if the Player or other Person establishes that a departure from one of the specific International Standard provisions listed below could reasonably have caused an anti-doping rule violation based on an Adverse Analytical Finding or whereabouts failure, then World Rugby shall have the burden to establish that such departure did not cause the Adverse Analytical Finding or the whereabouts failure:

- (a) a departure from the International Standard for Testing and Investigations related to Sample collection or Sample handling which could reasonably have caused an anti-doping rule violation based on an Adverse Analytical Finding, in which case World Rugby shall have the burden to establish that such departure did not cause the Adverse Analytical Finding;
- (b) a departure from the International Standard for Results Management or International Standard for Testing and Investigations related to an Adverse Passport Finding which could reasonably have caused an anti-doping rule violation, in which case World Rugby shall have the burden to establish that such departure did not cause the anti-doping rule violation;
- (c) a departure from the International Standard for Results Management related to the requirement to provide notice to the Player of the B Sample opening which could reasonably have caused an anti-doping rule violation based on an Adverse Analytical Finding, in which case

¹⁴ [Comment to Regulation 21.3.2.2: **Error! Main Document Only.** The burden is on the Player or other Person to establish, by a balance of probability, a departure from the International Standard for Laboratories that could reasonably have caused the Adverse Analytical Finding. Thus, once the Player or other Person establishes the departure by a balance of probability, the Player or other Person's burden on causation is the somewhat lower standard of proof – "could reasonably have caused." If the Player or other Person satisfies these standards, the burden shifts to World Rugby to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the Adverse Analytical Finding.]

¹⁵ [Comment to Regulation 21.3.2.3: Departures from an International Standard or other rule unrelated to Sample collection or handling, Adverse Passport Finding, or Player notification relating to whereabouts failure or B Sample opening – e.g., the International Standard for Education, International Standard for the Protection of Privacy and Personal Information or International Standard for Therapeutic Use Exemptions – may result in compliance proceedings by WADA but are not a defense in an anti-doping rule violation proceeding and are not relevant on the issue of whether the Player committed an anti-doping rule violation. Similarly, World Rugby's violation of the document referenced in Article 20.7.7 of the Code shall not constitute a defense to an anti-doping rule violation.]

World Rugby shall have the burden to establish that such departure did not cause the Adverse Analytical Finding;¹⁶

- (d) a departure from the International Standard for Results Management related to Player notification which could reasonably have caused an anti-doping rule violation based on a whereabouts failure, in which case World Rugby shall have the burden to establish that such departure did not cause the whereabouts failure.

21.3.2.4 The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrebuttable evidence against the Player or other Person to whom the decision pertained of those facts unless the Player or other Person establishes that the decision violated principles of natural justice.

21.3.2.5 The hearing panel in a hearing on an anti-doping rule violation may draw an inference adverse to the Player or other Person who is asserted to have committed an anti-doping rule violation based on the Player's or other Person's refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or telephonically as directed by the hearing panel) and to answer questions from the hearing panel or World Rugby.

21.4 THE PROHIBITED LIST

21.4.1 Incorporation of the Prohibited List

These Anti-Doping Rules incorporate the Prohibited List, which is published and revised by WADA as described in Article 4.1 of the Code.

Unless provided otherwise in the Prohibited List or a revision, the Prohibited List and revisions shall go into effect under these Anti-Doping Rules three (3) months after publication by WADA, without requiring any further action by World Rugby or its Unions or Associations. All Players and other Persons shall be bound by the Prohibited List, and any revisions thereto, from the date they go into effect, without further formality. It is the responsibility of all Players and other Persons to familiarise themselves with the most up-to-date version of the Prohibited List and all revisions thereto.

¹⁶ [Comment to Regulation 21.3.2.3 (iii): World Rugby would meet its burden to establish that such departure did not cause the Adverse Analytical Finding by showing that, for example, the B Sample opening and analysis were observed by an independent witness and no irregularities were observed.]

Each Union shall ensure that its members, and the constituents of its members, are informed of how to access the current version of the Prohibited List.¹⁷

21.4.2 Prohibited Substances and Prohibited Methods Identified on the Prohibited List

21.4.2.1 Prohibited Substances and Prohibited Methods

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. The Prohibited List may be expanded by WADA for a particular sport. Prohibited Substances and Prohibited Methods may be included in the Prohibited List by general category (e.g., anabolic agents) or by specific reference to a particular substance or method.¹⁸

21.4.2.2 Specified Substances or Specified Methods

For purposes of the application of Regulation 21.10, all Prohibited Substances shall be Specified Substances except as identified on the Prohibited List. No Prohibited Method shall be a Specified Method unless it is specifically identified as a Specified Method on the Prohibited List.¹⁹

21.4.2.3 Substances of Abuse

For purposes of applying Regulation 21.10, Substances of Abuse shall include those Prohibited Substances which are specifically identified as Substances of Abuse on the Prohibited List because they are frequently abused in society outside of the context of sport.

21.4.3 WADA's Determination of the Prohibited List

WADA's determination of the Prohibited Substances and Prohibited Methods that will be included on the Prohibited List, the classification of substances into categories on the Prohibited List, the classification of a substance as prohibited at all times or In-Competition only, the classification

¹⁷ [Comment to Regulation 21.4.1: The current Prohibited List is available on WADA's website at <https://www.wada-ama.org>. The Prohibited List will be revised and published on an expedited basis whenever the need arises. However, for the sake of predictability, a new Prohibited List will be published every year whether or not changes have been made.]

¹⁸ [Comment to Regulation 21.4.2.1: Out-of-Competition Use of a substance which is only prohibited In-Competition is not an anti-doping rule violation unless an Adverse Analytical Finding for the substance or its Metabolites or Markers is reported for a Sample collected In-Competition.]

¹⁹ [Comment to Regulation 21.4.2.2: The Specified Substances and Specified Methods identified in Regulation 21.4.2.2 should not in any way be considered less important or less dangerous than other doping substances or methods. Rather, they are simply substances and methods which are more likely to have been consumed or used by a Player for a purpose other than the enhancement of sport performance.]

of a substance or method as a Specified Substance, Specified Method or Substance of Abuse is final and shall not be subject to any challenge by a Player or other Person including, but not limited to, any challenge based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a health risk or violate the spirit of sport.

21.4.4 Therapeutic Use Exemptions (“TUEs”)

21.4.4.1 The presence of a Prohibited Substance or its Metabolites or Markers, and/or the Use or Attempted Use, Possession or Administration or Attempted Administration of a Prohibited Substance or Prohibited Method, shall not be considered an anti-doping rule violation if it is consistent with the provisions of a TUE granted in accordance with the International Standard for Therapeutic Use Exemptions.

21.4.4.2 TUE Applications

21.4.4.2.1 Players who are not International-Level Players shall apply to their NADO for a TUE. If the NADO denies the application, the Player may appeal exclusively to the national-level appeal body described in Regulation 21.13.2.2.

21.4.4.2.2 Players who are International-Level Players shall apply to World Rugby.

21.4.4.3 TUE Recognition²⁰

21.4.4.3.1 Where the Player already has a valid TUE granted by their NADO for the substance or method in question, and if that TUE meets the criteria set out in the International Standard for Therapeutic Use Exemptions, then World Rugby must recognise it for purposes of international-level Competition. If World Rugby considers that the TUE does not meet those criteria and so refuses to recognise it, World Rugby must notify the Player and the Player’s NADO promptly, with an explanation as to why it considers the International Standard for Therapeutic Use Exemptions has not been met. The Player or the NADO shall have twenty-one (21) days from such notification to refer the matter to WADA for review in accordance with Regulation 21.4.4.7.

If the matter is referred to WADA for review, the TUE granted by the NADO remains valid for national-level Competition and Out-of-Competition Testing (but is not valid for international-level Competition) pending WADA’s decision. If the matter is not referred to WADA for review within the twenty-one (21) day deadline, the Player’s NADO must determine whether the

²⁰ *[Comment to Regulation 21.4.4.3: If World Rugby refuses to recognise a TUE granted by a NADO only because medical records or other information are missing that are needed to demonstrate satisfaction with the criteria in the International Standard for Therapeutic Use Exemptions, the matter should not be referred to WADA. Instead, the file should be completed and re-submitted to World Rugby.]*

[Comment to Regulation 21.4.4.3: World Rugby may agree with a NADO that the NADO will consider TUE applications on behalf of World Rugby.]

original TUE granted by that NADO should nevertheless remain valid for national-level Competition and Out-of-Competition Testing (provided that the Player ceases to be an International-Level Player and does not participate in international-level Competition). Pending the NADO's decision, the TUE remains valid for national-level Competition and Out-of-Competition Testing (but is not valid for international-level Competition).²¹

21.4.4.3.2 If World Rugby chooses to test a Player who is not an International-Level Player, World Rugby must recognise a TUE granted to that Player by their NADO unless the Player is required to apply for recognition of the TUE pursuant to Articles 5.8 and 7.0 of the International Standard for Therapeutic Use Exemptions.

21.4.4.4 TUE Application Process ²²

21.4.4.4.1 If the Player does not already have a valid TUE granted by their NADO for the substance or method in question, the Player must apply directly to World Rugby.

21.4.4.4.2 An application to World Rugby for grant or recognition of a TUE must be made as soon as possible, save where Articles 4.1 or 4.3 of the International Standard for Therapeutic Use Exemptions apply. The application shall be made in accordance with Article 6 of the International Standard for Therapeutic Use Exemptions. The process for applying to World Rugby for a TUE will be posted on the World Rugby website. The International Standard for Therapeutic Use Exemptions is posted on WADA's website.

21.4.4.4.3 World Rugby shall establish a Therapeutic Use Exemption Committee ("TUEC") to consider applications for the grant or recognition of TUEs which shall operate in accordance with Regulation 21.4.4.4.3(a)-(d) below:

(a) The TUEC panel shall consist of a Chair and between two and six other members with experience in the care and treatment of Players and sound knowledge of clinical, sports and exercise medicine. Each appointed member shall serve a term of four (4) years which can be renewed at the conclusion of each such term.

²¹ [Comment to Regulation 21.4.4.3.1: Further to Articles 21.5.7 and 21.7.1 of the International Standard for Therapeutic Use Exemptions, World Rugby must publish and keep updated a notice on its website that sets out clearly (1) which Players under its authority are required to apply to it for a TUE, (2) which TUE decisions of other Anti-Doping Organisations it will automatically recognise in lieu of such application and (3) which TUE decisions of other Anti-Doping Organisations will have to be submitted to it for recognition. If a Player's TUE falls into a category of automatically recognised TUEs, then the Player does not need to apply to World Rugby for recognition of that TUE.]

²² [Comment to Regulation 21.4.4.4: The submission of falsified documents to a TUEC or World Rugby, offering or accepting a bribe to a Person to perform or fail to perform an act, procuring false testimony from any witness, or committing any other fraudulent act or any other similar intentional interference or Attempted interference with any aspect of the TUE process shall result in a charge of Tampering or Attempted Tampering under Regulation 21.2.5.

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

- (b) Before serving as a member of the TUEC, each member must sign a conflict of interest and confidentiality declaration. The appointed members shall not be employees of World Rugby.
- (c) When an application to World Rugby for the grant or recognition of a TUE is made, the Chair of the TUEC shall appoint three (3) members (which may include the Chair) from the TUEC panel to constitute the TUEC to consider the application.
- (d) Before considering a TUE application, each member shall disclose to the Chair any circumstances likely to affect their impartiality with respect to the Player making the application. If a member appointed by the Chair to consider an application is unwilling or unable to assess the Player's TUE application, for any reason, the Chair may appoint a replacement or appoint a new TUEC from the TUEC panel. The Chair cannot serve as a member of the TUEC if there are any circumstances which are likely to affect the impartiality of the TUE decision.

21.4.4.4.4 The TUEC shall promptly evaluate and decide upon the application in accordance with the relevant provisions of the International Standard for Therapeutic Use Exemptions and usually (i.e. unless exceptional circumstances apply) within no more than twenty-one (21) days of receipt of a complete application. Where the application is made in a reasonable time prior to an Event, the TUEC must use its best endeavours to issue its decision before the start of the Event.

21.4.4.4.5 The TUEC decision shall be the final decision of World Rugby and may be appealed in accordance with Regulation 21.4.4.7. World Rugby TUEC decisions shall be notified in writing to the Player, and to WADA and other Anti-Doping Organisations in accordance with the International Standard for Therapeutic Use Exemptions. It shall also promptly be reported into ADAMS.

21.4.4.4.6 If World Rugby (or the NADO, where it has agreed to consider the application on behalf of World Rugby) denies the Player's application, it must notify the Player promptly, with reasons. If World Rugby grants the Player's application, it must notify not only the Player but also their NADO. If the NADO considers that the TUE granted by World Rugby does not meet the criteria set out in the International Standard for Therapeutic Use Exemptions, it has twenty-one (21) days from such notification to refer the matter to WADA for review in accordance with Regulation 21.4.4.7.

If the NADO refers the matter to WADA for review, the TUE granted by World Rugby remains valid for international-level Competition and Out-of-Competition Testing (but is not valid for national-level Competition) pending WADA's decision. If the NADO does not refer the matter to WADA for review, the TUE granted by World Rugby becomes valid for national-level Competition as well when the twenty-one (21) day review deadline expires.

21.4.4.5 Retroactive TUE Applications

If World Rugby chooses to collect a Sample from a Player who is not an International-Level Player or a National-Level Player, and that Player is Using a Prohibited Substance or Prohibited Method for therapeutic reasons, World Rugby must permit that Player to apply for a retroactive TUE.

21.4.4.6 Expiration, Withdrawal or Reversal of a TUE

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

21.4.4.6.2 In such event, the Player shall not be subject to any Consequences based on their Use or Possession or Administration of the Prohibited Substance or Prohibited Method in question in accordance with the TUE prior to the effective date of expiry, withdrawal, or reversal of the TUE. The review pursuant to Article 5.1.1.1 of the International Standard for Results Management of an Adverse Analytical Finding, reported shortly after the TUE expiry, withdrawal or reversal, shall include consideration of whether such finding is consistent with Use of the Prohibited Substance or Prohibited Method prior to that date, in which event no anti-doping rule violation shall be asserted.

21.4.4.7 Reviews and Appeals of TUE Decisions

21.4.4.7.1 WADA must review World Rugby's decision not to recognise a TUE granted by the NADO that is referred to WADA by the Player or the Player's NADO. In addition, WADA must review World Rugby's decision to grant a TUE that is referred to WADA by the Player's NADO. WADA may review any other TUE decisions at any time, whether upon request by those affected or on its own initiative. If the TUE decision being reviewed meets the criteria set out in the International Standard for Therapeutic Use Exemptions, WADA will not interfere with it. If the TUE decision does not meet those criteria, WADA will reverse it.²³

21.4.4.7.2 Any TUE decision by World Rugby (or by a NADO where it has agreed to consider the application on behalf of World Rugby) that is not reviewed by

²³ [Comment to Regulation 21.4.4.7.1: WADA shall be entitled to charge a fee to cover the costs of: (a) any review it is required to conduct in accordance with Regulation 21.4.4.7; and (b) any review it chooses to conduct where the decision being reviewed is reversed.]

WADA, or that is reviewed by WADA but is not reversed upon review, may be appealed by the Player and/or the Player's NADO, exclusively to CAS.²⁴

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

21.4.4.7.4 A failure to render a decision within a reasonable time on a properly submitted application for grant/recognition of a TUE or for review of a TUE decision shall be considered a denial of the application thus triggering the applicable rights of review/appeal.

21.5 TESTING AND INVESTIGATIONS

21.5.1 Purpose of Testing and Investigations²⁵

21.5.1.1 Testing and investigations may be undertaken for any anti-doping purpose. They shall be conducted in conformity with the provisions of the International Standard for Testing and Investigations.

21.5.1.2 Testing shall be undertaken to obtain analytical evidence as to whether the Player has violated Regulation 21.2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in a Player's Sample) or Regulation 21.2.2 (Use or Attempted Use by a Player of a Prohibited Substance or a Prohibited Method).

21.5.2 Authority to Test

21.5.2.1 Subject to the limitations for Event Testing set out in Regulation 21.5.3, World Rugby shall have In-Competition and Out-of-Competition Testing authority over all Players specified in the Introduction to these Anti-Doping Rules (Section "Scope of these Anti-Doping Rules").

21.5.2.2 World Rugby may require any Player over whom it has Testing authority (including any Player serving a period of Ineligibility) to provide a Sample at any time and at any place.²⁶

²⁴ [Comment to Regulation 21.4.4.7.2: In such cases, the decision being appealed is World Rugby's TUE decision, not WADA's decision not to review the TUE decision or (having reviewed it) not to reverse the TUE decision. However, the time to appeal the TUE decision does not begin to run until the date that WADA communicates its decision. In any event, whether the decision has been reviewed by WADA or not, WADA shall be given notice of the appeal so that it may participate if it sees fit.]

²⁵ [Comment to Regulation 21.5.1: Where Testing is conducted for anti-doping purposes, the analytical results and data may be used for other legitimate purposes under the Anti-Doping Organisation's rules. See, e.g., Comment to Article 21.23.2.2 of the Code.]

²⁶ [Comment to Regulation 21.5.2.2: World Rugby may obtain additional authority to conduct Testing by means of bilateral or multilateral agreements with other Signatories. Unless the Player has identified a sixty (60) minute Testing window between the hours of 11:00 p.m. and 6:00 a.m., or has otherwise consented to Testing during that period, World Rugby will not test a Player during that period unless it has a serious and specific suspicion that the Player may be engaged in doping. A challenge to whether World Rugby had sufficient suspicion for Testing during this time period shall not be a defence to an anti-doping rule violation based on such test or attempted test.]

- 21.5.2.3** WADA shall have In-Competition and Out-of-Competition Testing authority as set out in Article 20.7.10 of the Code.
- 21.5.2.4** World Rugby may appoint a NADO or any other Delegated Third Party including a Union, Association or Tournament Organiser to collect Samples as part of Doping Control.
- 21.5.2.5** If World Rugby (or a Delegated Third Party under its authority, as applicable) delegates or contracts any part of Testing to a NADO directly or through a Union, that NADO may collect additional Samples or direct the laboratory to perform additional types of analysis at the NADO's expense. If additional Samples are collected or additional types of analysis are performed, World Rugby, the Union or Tournament Organiser shall be notified.

21.5.3 Event Testing

- 21.5.3.1** Except as otherwise provided below, only a single organisation shall have authority to conduct Testing at Event Venues during an Event Period. At International Events, World Rugby (or other international organisation which is the ruling body for an Event, e.g. the International Olympic Committee and including without limitation a Tournament Organiser, Union or Association as a Delegated Third Party) shall have authority to conduct Testing. At National Events, the NADO of that country shall have authority to conduct Testing. At the request of World Rugby (or other international organisation which is the ruling body for an Event), any Testing during the Event Period outside of the Event Venues shall be coordinated with World Rugby (or the relevant ruling body of the Event).
- 21.5.3.2** If an Anti-Doping Organisation, which would otherwise have Testing authority but is not responsible for initiating and directing Testing at an Event, desires to conduct Testing of Players at the Event Venues during the Event Period, the Anti-Doping Organisation shall first confer with World Rugby (or other international organisation which is the ruling body of the Event) to obtain permission to conduct and coordinate such Testing. If the Anti-Doping Organisation is not satisfied with the response from World Rugby (or other international organisation which is the ruling body of the Event), the Anti-Doping Organisation may, in accordance with the procedures described in the International Standard for Testing and Investigations, ask WADA for permission to conduct Testing and to determine how to coordinate such Testing. WADA shall not grant approval for such Testing before consulting with and informing World Rugby (or other international organisation which is the ruling body for the Event). WADA's decision shall be final and not subject to appeal. Unless otherwise provided in the authorisation to conduct Testing, such tests shall be considered Out-of-Competition tests. Results Management for any such test shall be the

responsibility of the Anti-Doping Organisation initiating the test unless provided otherwise in the rules of the ruling body of the Event.²⁷

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

- (a) Rugby World Cup Qualifying and Finals Tournaments (men's and women's);
- (b) Rugby World Cup Sevens Qualifying and Finals Tournaments;
- (c) Olympic Games Qualifying and Finals Tournaments (save with respect to Sample collection in accordance with the applicable protocols of the International Olympic Committee);
- (d) World Rugby Sevens Series and all other World Rugby Sevens series and events;
- (e) Age-grade World Rugby Championships;
- (f) Other World Rugby Tournaments;
- (g) Such other Matches or Tournaments (including without limitation Cross-Border Matches and Cross-Border Tournaments) as World Rugby shall from time to time determine; and
- (h) Such other occasions where World Rugby conducts Out of Competition Doping Controls.

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

²⁷ *[Comment to Regulation 21.5.3.2: Before giving approval to a NADO to initiate and conduct Testing at an International Event, WADA shall consult with the international organisation which is the ruling body for the Event. Before giving approval to an International Federation to initiate and conduct Testing at a National Event, WADA shall consult with the NADO of the country where the Event takes place. The Anti-Doping Organisation "initiating and directing Testing" may, if it chooses, enter into agreements with a Delegated Third Party to which it delegates responsibility for Sample collection or other aspects of the Doping Control process.]*

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

- (a) Cross-Border Matches and Cross-Border Tournaments;
- (b) International Matches; and
- (c) International Tours;

may subject to strict compliance with these Anti-Doping Rules and Guidelines be delegated to the Host Union, relevant Association or Tournament Organiser as a Delegated Third Party;

and in respect of;

- (c) International Tournaments (save as set out in Regulation 21.5.3.3 and 21.5.3.4 above); or
- (d) other Tournaments,

may, subject to strict compliance with these Anti-Doping Rules be delegated to the International Tournament Organiser or other Tournament Organiser (including an Association), as the case may be, as a Delegated Third Party.

21.5.4 Testing Requirements

21.5.4.1 World Rugby shall conduct test distribution planning and Testing as required by the International Standard for Testing and Investigations.

21.5.4.2 Where reasonably feasible, Testing shall be coordinated through ADAMS in order to maximize the effectiveness of the combined Testing effort and to avoid ineffective repetition.

21.5.5 Player Whereabouts Information

Registered Testing Pool

21.5.5.1 World Rugby may establish a Registered Testing Pool of those Players who are required to provide whereabouts information in the manner specified in the International Standard for Testing and Investigations and who shall be subject to Consequences for Regulation 21.2.4 violations as provided in Regulation 21.10.3.2. World Rugby shall coordinate with NADOs to identify such Players and to collect their whereabouts information. Any Player may be added to the Registered Testing Pool at the discretion of World Rugby in compliance with the International Standard for Testing and Investigations.

- 21.5.5.2** World Rugby shall make available through ADAMS a list which identifies those Players included in its Registered Testing Pool by name. World Rugby shall regularly review and update as necessary its criteria for including Players in its Registered Testing Pool, and shall periodically (but not less than quarterly) review the list of Players in its Registered Testing Pool to ensure that each listed Player continues to meet the relevant criteria. Players shall be notified before they are included in the Registered Testing Pool and when they are removed from that pool. The notification shall contain the information set out in the International Standard for Testing and Investigations.
- 21.5.5.3** Where a Player is included in an international Registered Testing Pool by World Rugby and in a national Registered Testing Pool by their NADO, the NADO and World Rugby shall agree between themselves which of them shall accept that Player's whereabouts filings; in no case shall a Player be required to make whereabouts filings to more than one of them.
- 21.5.5.4** In accordance with the International Standard for Testing and Investigations, each Player in the Registered Testing Pool shall do the following: (a) advise World Rugby of his whereabouts on a quarterly basis; (b) update that information as necessary so that it remains accurate and complete at all times; and (c) make himself available for Testing at such whereabouts, notwithstanding the requirements of Regulation 21.5.2.2.
- 21.5.5.5** For the purposes of Regulation 21.2.4, a Player's failure to comply with the requirements of the International Standard for Testing and Investigations shall be deemed a filing failure or a missed test, as defined in Annex B of the International Standard for Results Management, where the conditions set forth in Annex B are met.
- 21.5.5.6** A Player in World Rugby's Registered Testing Pool shall continue to be subject to the obligation to comply with the whereabouts requirements set out in the International Standard for Testing and Investigations unless and until (a) the Player gives written notice to World Rugby that he has retired or (b) World Rugby has informed him that he no longer satisfies the criteria for inclusion in World Rugby's Registered Testing Pool.
- 21.5.5.7** Whereabouts information provided by a Player while in the Registered Testing Pool will be accessible through ADAMS to WADA and to other Anti-Doping Organisations having authority to test that Player as provided in Regulation 21.5.2. Whereabouts information shall be maintained in strict confidence at all times; it shall be used exclusively for purposes of planning, coordinating or conducting Doping Control, providing information relevant to the Athlete Biological Passport or other analytical results, to support an investigation into a potential anti-doping rule violation, or to support proceedings alleging an anti-doping rule violation; and shall be destroyed after it is no longer relevant for these purposes in accordance with the

International Standard for the Protection of Privacy and Personal Information.

Testing Pool

21.5.5.8 In accordance with the International Standard for Testing and Investigations, World Rugby has established a Testing Pool, which includes Players who are subject to less stringent whereabouts requirements than Players included in World Rugby's Registered Testing Pool. World Rugby shall nominate which Unions, and the number of International Level Players from that Union who shall become part of the Testing Pool. For the avoidance of doubt, those Players who are part of the Registered Testing Pool shall not also be members of the Testing Pool. Additionally, World Rugby may add any other Player(s) to the Testing Pool at its discretion in compliance with the International Standard for Testing and Investigations.

21.5.5.9 World Rugby shall notify Players either directly or via their Unions before they are included in the Testing Pool and when they are removed. Such notification shall include the whereabouts requirements and the consequences that apply in case of non-compliance, as indicated in Regulations 21.5.5.10 and 21.5.5.11.

21.5.5.10 Players included in the Testing Pool shall provide World Rugby with at least the following whereabouts information quarterly so that they may be located and subjected to Testing:

- (a) An overnight address;
- (b) Competition / Event schedule;
- (c) Regular training activities; and
- (d) A 60-minute time slot and location during periods away from organised Team activities (e.g. during the off season, holiday or periods of injury), which will revert to a Player's normal overnight address at 6-7am unless otherwise specified by a Player.

Such whereabouts information may be filed in ADAMS to enable better Testing coordination with other Anti-Doping Organisations.

21.5.5.11 Any combination of three failures as set out below by a Player in the Testing Pool ("Testing Pool Failures") within a 12-month period shall result in World Rugby elevating the Player to World Rugby's Registered Testing Pool:

- (a) A Player's failure to provide whereabouts information in accordance with Regulation 21.5.5.10 on or before the date required by World Rugby; or
- (b) A Player's failure to provide accurate whereabouts information; or

- (c) A Player's failure to be available for Testing at the location and 60-minute timeslot specified in 21.5.5.10(d).

21.5.5.12 .For the avoidance of doubt, a Testing Pool Failure as set out in Regulation 21.5.5.11 will only count towards elevation to the Registered Testing Pool and not for the purposes of Regulation 21.2.4.

21.5.5.13 The 12-month period referred to in Regulation 21.5.5.11 above starts to run on the date that the Player commits the first Testing Pool Failure being relied upon by World Rugby for the purpose of elevating the Player to the Registered Testing Pool. It is not affected by any successful Sample collection conducted with respect to that Player during the 12-month period. However, if a Player who has committed one Testing Pool Failure does not go on to commit a further two Testing Pool Failures within 12 months of the first, at the end of that 12-month period the first Testing Pool Failure "expires" for the purpose of Regulation 21.5.5.11. For the purposes of determining whether a Testing Pool Failure has occurred within the 12-month period referred to in Regulation 21.5.5.11:

- (a) A Testing Pool Failure relating to a late and/or inaccurate filing shall be deemed to have occurred on the first day of the quarter for which the Player fails to make the required filing; the date the inaccurate filing was discovered following an unsuccessful attempt to test; or in the case of any subsequent inaccurate filing in the same quarter, following notice of the previous inaccurate filing where the Player failed to rectify that Testing Pool Failure by the deadline specified in that notice; and
- (b) A Testing Pool Failure relating to unavailability for testing in breach of Regulation 21.5.5.11(c) shall be deemed to have occurred on the date that the Sample collection was unsuccessfully attempted.

Other requirements for Players included in the Registered Testing Pool and/or the Testing Pool

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

21.5.5.15 A Player in the Registered Testing Pool must specifically be present and available for Testing on any given day in the relevant quarter for the 60-minute time slot specified for that day in his whereabouts filing, at the location that the Player has specified for that time slot in such filing. If a Player fails to remain at the nominated location for the full 60-minute period he runs the risk of a potential missed test if the DCO arrives during the 60-minute period but after the Player's departure.

- 21.5.5.16** A Player in the Testing Pool must be present and available at his nominated residence or location in accordance with Regulation 21.5.5.10(d) for Testing during his off season and during any period of the season where he is not present at scheduled Team activities due to injury, illness or for any personal or other reasons or where there is a break from scheduled Team activities.
- 21.5.5.17** It is a Player's responsibility to ensure (including by updates, where necessary) that the whereabouts information or his whereabouts filing is sufficient to enable World Rugby or its nominee, Union or NADO to locate him for Testing. Where any change in circumstances means that the information previously provided by or on behalf of the Player (whether in the initial whereabouts filing, whereabouts information or in any subsequent update) is no longer accurate or complete the Player must update his whereabouts filing or information immediately so that the information on file becomes accurate and complete.
- 21.5.5.18** A Player in a Registered Testing Pool or Testing Pool may delegate the making of some or all of his whereabouts filings or whereabouts information required under Regulation 21.5.5 to a third party such as his Union or his Team management or club provided that the third party agrees to such delegation. This may include periods of Team activity but may also include periods where the Player is not with the Team, provided the Team management or Union agrees.
- 21.5.5.19** The ultimate responsibility for providing whereabouts filing and whereabouts information (including by updates, where necessary) and being available for Testing at all times rests with the Player. When making a whereabouts filing or submitting whereabouts information, Players are solely responsible for ensuring that they provide all of the information required accurately and in sufficient detail to enable World Rugby or the Union or its nominee or NADO to locate the Player for Testing on any given day in the quarter regardless of whether the Player makes the whereabouts filing or submits whereabouts information personally or delegates it to a third party.
- 21.5.5.20** Without prejudice to Regulation 21.5.5.19 above, it shall be the responsibility of all applicable Unions to use their best efforts to assist World Rugby (and their NADO) in obtaining and providing updates of whereabouts filings and whereabouts information as changes occur and/or when requested by World Rugby and in assisting World Rugby in the implementation of its Out of Competition Testing programme.
- 21.5.5.21** World Rugby may seek to recoup from the Player and/or his Union, costs associated with any attempted Sample collection and/or the administration associated with any of the whereabouts failures derived from Regulation 21.5.5.5 or any Testing Pool Failure derived from Regulation 21.5.5.11. In the event of default or non-payment by the Player upon request, the Union of the Player shall be liable for the payment of the relevant amount. This

provision is without limitation to action pursuant to Regulation 21.12 and/or Regulation 18.

21.5.5.22 Any Union which fails to provide timely Player whereabouts filing or information as identified in Regulations 21.5.5 (whether to World Rugby and/or their NADO as applicable) and/or which results in a Testing Pool Failure in breach of in breach of Regulation 21.5.5.11(a) or (b) and/or which fails to assist World Rugby in the implementation of its Out of Competition Testing programme may be required to pay a fine and/or World Rugby's costs of any unsuccessful attempt to test in accordance with Regulation 21.12 and/or may be subject to disciplinary action in accordance with World Rugby Regulation 18.

21.5.5.23 World Rugby may, in accordance with the International Standard for Testing and Investigations, collect whereabouts information from Players who are not included within a Registered Testing Pool or Testing Pool. If it chooses to do so, a Player's repeated failure to provide requested whereabouts information on or before the date required by World Rugby or the Player's repeated failure to provide accurate whereabouts information may result in World Rugby elevating the Player to World Rugby's Registered Testing Pool or Testing Pool as applicable.

21.5.5.24 Results Management for Whereabouts Failures or Testing Pool Failures

- (a) If it appears that the conditions of a whereabouts failure are satisfied in accordance with Annex B of the International Standard for Result Management with respect to the Registered Testing Pool or the conditions for a Testing Pool Failure are satisfied in accordance with Regulation 21.5.5.11, then ordinarily no later than fourteen (14) days after the date of discovery of the apparent failure and/or receipt of the Unsuccessful Attempt Report by World Rugby, as applicable, World Rugby shall send notice in writing to the Player via his Union of the apparent whereabouts failure or Testing Pool Failure, as applicable, inviting a response within fourteen (14) days of the date of the notice. In the notice, World Rugby shall warn the Player:
 - (i) That unless the Player persuades World Rugby that there has not been any whereabouts failure or Testing Pool Failure, as relevant, then (subject to the remainder of the Results Management process set out below) an alleged whereabouts failure or Testing Pool Failure will be recorded against the Player; and
 - (ii) (If applicable) that there are other whereabouts failures or Testing Pool Failures, as relevant, that have been alleged against him in the 12-month period prior to this alleged whereabouts failure or Testing Pool Failure; and

- (iii) Of the consequences to the Player if a designee of World Rugby upholds the whereabouts failure or Testing Pool Failure, as relevant, or, in the case of a third whereabouts failure, a Judicial Officer or Judicial Committee upholds the alleged whereabouts failure(s).
- (b) Where the Player disputes the apparent whereabouts failure or Testing Pool Failure, as relevant, World Rugby must re-assess whether all of the conditions in accordance the International Standard for Result Management with respect to the Registered Testing Pool or with Regulation 21.5.5.11 with respect to Testing Pool Failures are met, as relevant. World Rugby must advise the Player and/or his Union, by letter sent ordinarily no later than fourteen (14) days after receipt of the Player's response, whether or not it maintains that there has been a whereabouts failure or Testing Pool Failure, as relevant.
- (c) If no response is received from the Player by the relevant deadline, or if World Rugby maintains (notwithstanding the Player's response) that there has been a whereabouts failure or Testing Pool Failure, World Rugby shall send notice to the Player and/or his Union that an alleged whereabouts failure or Testing Pool Failure is to be recorded against him. Further:
 - (i) In respect of Registered Testing Pool Players only, World Rugby shall at the same time advise the Player that he has the right to request an administrative review of the alleged whereabouts failure;
 - (ii) In respect of Testing Pool Players, there is no administrative review as the Testing Pool Failure will only count for the purposes of elevating the Player to World Rugby's Registered Testing Pool; and
 - (iii) Upon entry into the Registered Testing Pool, all Testing Pool Failures shall be erased and do not count for the purposes of Regulation 21.2.4.
- (d) Where it is requested by the Player, such administrative review shall be conducted by a designee of World Rugby who was not involved in the previous assessment of the alleged whereabouts failure. The review shall be based on written submissions only, and shall consider whether all of the conditions in accordance with Annex B of the International Standard for Result Management with respect to the Registered Testing Pool are met. The review shall be completed within fourteen (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 (7) days after the decision is made;

- (e) If it appears, upon such review, that the conditions in accordance with Annex B of the International Standard for Result Management with respect to the Registered Testing Pool have not been met, then the alleged whereabouts 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 whereabouts failure by the relevant deadline, or if the administrative review leads to the conclusion that all of the conditions in accordance with Annex B of the International Standard for Result Management have been met, then World Rugby shall record an alleged whereabouts failure against the Player and shall notify the Player and/or his Union and (on a confidential basis) WADA and all other relevant Anti-Doping Organisations of that alleged whereabouts failure and the date of its occurrence via ADAMS as applicable.

21.5.6 Retired Players Returning to Competition

21.5.6.1 If an International-Level Player or National-Level Player in World Rugby's Registered Testing Pool retires and then wishes to return to active participation in sport, the Player shall not compete in International Events or National Events until the Player has made himself available for Testing, by giving six (6) months prior written notice to World Rugby and their NADO.

WADA, in consultation with World Rugby and the Player's NADO, may grant an exemption to the six (6) month written notice rule where the strict application of that rule would be unfair to the Player. This decision may be appealed under Regulation 21.13.

Any competitive results obtained in violation of this Regulation 21.5.6.1 shall be Disqualified unless the Player can establish that he could not have reasonably known that this was an International Event or a National Event.

21.5.6.2 If a Player retires from sport while subject to a period of Ineligibility, the Player must notify the Anti-Doping Organisation that imposed the period of Ineligibility in writing of such retirement. If the Player then wishes to return to active competition in sport, the Player shall not compete in International Events or National Events until the Player has made himself available for Testing by giving six (6) months prior written notice (or notice equivalent to the period of Ineligibility remaining as of the date the Player retired, if that period was longer than six (6) months) to World Rugby and to their NADO.

21.5.6.3 A Player who has given notice of retirement to World Rugby from International Match level participation, but who continues to play the Game at or below National Event-level, and who elects to stay in World Rugby's Testing Pool, or be transferred to the Testing Pool from World Rugby's Registered Testing Pool, may resume competing at International Event-level upon notification to World Rugby via his Union.

21.5.7 Independent Observer Programme

World Rugby and the organising committees for World Rugby's Events, as well as the Unions and the organising committees for National Events, shall authorise and facilitate an Independent Observer Programme at such Events.

21.6 ANALYSIS OF SAMPLES

Samples shall be analysed in accordance with the following principles:

21.6.1 Use of Accredited, Approved Laboratories and Other Laboratories

21.6.1.1 For purposes of directly establishing an Adverse Analytical Finding under Regulation 21.2.1, Samples shall be analysed only in WADA-accredited laboratories or laboratories otherwise approved by WADA. The choice of the WADA-accredited or WADA-approved laboratory used for Sample analysis pursuant to Doping Controls under these Anti-Doping Rules shall be determined exclusively by World Rugby.²⁸

21.6.1.2 As provided in Regulation 21.3.2, facts related to anti-doping rule violations may be established by any reliable means. This would include, for example, reliable laboratory or other forensic testing conducted outside of WADA-accredited or approved laboratories.

21.6.2 Purpose of Analysis of Samples and Data

21.6.2.1 Samples and related analytical data or Doping Control information shall be analysed to detect Prohibited Substances and Prohibited Methods identified on the Prohibited List and other substances as may be directed by WADA pursuant to the monitoring programme described in Article 4.5 of the Code, or to assist World Rugby in profiling relevant parameters in a Player's urine, blood or other matrix, including for DNA or genomic profiling, or for any other legitimate anti-doping purpose.²⁹

21.6.3 Research on Samples and Data

Samples, related analytical data, and Doping Control information may be used for anti-doping research purposes, although no Sample may be used for research without the Player's written consent. Samples and related analytical data or Doping Control information used for research purposes shall first be processed in such a manner as to prevent Samples and related analytical data or Doping Control information being traced back to a

²⁸ *[Comment to Regulation 21.6.1: Violations of Regulation 21.2.1 may be established only by Sample analysis performed by a WADA-accredited laboratory or another laboratory approved by WADA. Violations of other Regulations may be established using analytical results from other laboratories so long as the results are reliable.]*

²⁹ *[Comment to Regulation 21.6.2.1: For example, relevant Doping Control-related information could be used to direct Target Testing or to support an anti-doping rule violation proceeding under Regulation 21.2.2, or both.]*

particular Player. Any research involving Samples and related analytical data or Doping Control information shall adhere to the principles set out in Article 19 of the Code.³⁰

21.6.4 Standards for Sample Analysis and Reporting

In accordance with Article 21.6.4 of the Code, World Rugby shall ask laboratories to analyse Samples in conformity with the International Standard for Laboratories and Article 4.7 of the International Standard for Testing and Investigations.

Laboratories at their own initiative and expense may analyse Samples for Prohibited Substances or Prohibited Methods not included on the standard Sample analysis menu, or as requested by World Rugby. Results from any such analysis shall be reported to World Rugby and have the same validity and Consequences as any other analytical result.³¹

21.6.5 Further Analysis of a Sample Prior to or During Results Management

There shall be no limitation on the authority of a laboratory to conduct repeat or additional analysis on a Sample prior to the time World Rugby notifies a Player that the Sample is the basis for a Regulation 21.2.1 anti-doping rule violation charge. If after such notification World Rugby wishes to conduct additional analysis on that Sample, it may do so with the consent of the Player or approval from a hearing body.

21.6.6 Further Analysis of a Sample After it has been Reported as Negative or has Otherwise not Resulted in an Anti-Doping Rule Violation Charge

After a laboratory has reported a Sample as negative, or the Sample has not otherwise resulted in an anti-doping rule violation charge, it may be stored and subjected to further analyses for the purpose of Regulation 21.6.2 at any time exclusively at the direction of either the Anti-Doping Organisation that initiated and directed Sample collection or WADA. Any other Anti-Doping Organisation with authority to test the Player that wishes to conduct further analysis on a stored Sample may do so with the permission of the Anti-Doping Organisation that initiated and directed Sample collection or WADA, and shall be responsible for any follow-up Results Management. Any Sample storage or further analysis initiated by WADA or another Anti-Doping Organisation shall be at WADA's or that

³⁰ *[Comment to Regulation 21.6.3: As is the case in most medical or scientific contexts, use of Samples and related information for quality assurance, quality improvement, method improvement and development or to establish reference populations is not considered research. Samples and related information used for such permitted non-research purposes must also first be processed in such a manner as to prevent them from being traced back to the particular Player, having due regard to the principles set out in Article 19 of the Code, as well as the requirements of the International Standard for Laboratories and International Standard for the Protection of Privacy and Personal Information.]*

³¹ *[Comment to Regulation 21.6.4: The objective of this Regulation is to extend the principle of "Intelligent Testing" to the Sample analysis menu so as to most effectively and efficiently detect doping. It is recognised that the resources available to fight doping are limited and that increasing the Sample analysis menu may, in some sports and countries, reduce the number of Samples which can be analysed.]*

organisation's expense. Further analysis of Samples shall conform with the requirements of the International Standard for Laboratories.

21.6.7 Split of A or B Sample

Where WADA, an Anti-Doping Organisation with Results Management authority, and/or a WADA-accredited laboratory (with approval from WADA or the Anti-Doping Organisation with Results Management authority) wishes to split an A or B Sample for the purpose of using the first part of the split Sample for an A Sample analysis and the second part of the split Sample for confirmation, then the procedures set forth in the International Standard for Laboratories shall be followed.

21.6.8 WADA's Right to Take Possession of Samples and Data

WADA may, in its sole discretion at any time, with or without prior notice, take physical possession of any Sample and related analytical data or information in the possession of a laboratory or Anti-Doping Organisation. Upon request by WADA, the laboratory or Anti-Doping Organisation in possession of the Sample or data shall immediately grant access to and enable WADA to take physical possession of the Sample or data. If WADA has not provided prior notice to the laboratory or Anti-Doping Organisation before taking possession of a Sample or data, it shall provide such notice to the laboratory and each Anti-Doping Organisation whose Samples or data have been taken by WADA within a reasonable time after taking possession. After analysis and any investigation of a seized Sample or data, WADA may direct another Anti-Doping Organisation with authority to test the Player to assume Results Management responsibility for the Sample or data if a potential anti-doping rule violation is discovered.³²

21.7 RESULTS MANAGEMENT: RESPONSIBILITY, INITIAL REVIEW, NOTICE AND PROVISIONAL SUSPENSIONS

Results Management under these Anti-Doping Rules establishes a process designed to resolve anti-doping rule violation matters in a fair, expeditious and efficient manner.

21.7.1 Responsibility for Conducting Results Management

21.7.1.1 Except as otherwise provided in Regulation 21.6.6, 21.6.8 and Code Article

³² *[Comment to Regulation 21.6.8: Resistance or refusal to WADA taking physical possession of Samples or data could constitute Tampering, Complicity or an act of non-compliance as provided in the International Standard for Code Compliance by Signatories, and could also constitute a violation of the International Standard for Laboratories. Where necessary, the laboratory and/or the Anti-Doping Organisation shall assist WADA in ensuring that the seized Sample and related data are not delayed in exiting the applicable country.]*

WADA would not, of course, unilaterally take possession of Samples or analytical data without good cause related to a potential anti-doping rule violation, non-compliance by a Signatory or doping activities by another Person. However, the decision as to whether good cause exists is for WADA to make in its discretion and shall not be subject to challenge. In particular, whether there is good cause or not shall not be a defense against an anti-doping rule violation or its Consequences.]

7.1, Results Management shall be the responsibility of, and shall be governed by, the procedural rules of the Anti-Doping Organisation that initiated and directed Sample collection (or, if no Sample collection is involved, the Anti-Doping Organisation which first provides notice to a Player or other Person of a potential anti-doping rule violation and then diligently pursues that anti-doping rule violation).

- 21.7.1.2** In circumstances where the rules of a NADO do not give the NADO authority over a Player or other Person who is not a national, resident, registered member or otherwise a member of a sport organisation of that country, or the NADO declines to exercise such authority, Results Management shall be conducted by World Rugby or by a third party with authority over the Player or other Person as directed by World Rugby.
- 21.7.1.3** In the event a Major Event Organisation assumes only limited Results Management responsibility relating to a Sample initiated and taken during an Event conducted by a Major Event Organisation, or an anti-doping rule violation occurring during such Event, the case shall be referred by the Major Event Organisation to World Rugby for completion of Results Management.
- 21.7.1.4** Results Management in relation to a potential whereabouts failure (a filing failure or a missed test) shall be administered by World Rugby or the NADO with whom the Player in question files whereabouts information, as provided in the International Standard for Results Management. If World Rugby determines a filing failure or a missed test, it shall submit that information to WADA through ADAMS, where it will be made available to other relevant Anti-Doping Organisations.
- 21.7.1.5** Other circumstances in which World Rugby shall take responsibility for conducting Results Management in respect of anti-doping rule violations involving Players and other Persons under its authority shall be determined by reference to and in accordance with Article 7 of the Code.
- 21.7.1.6** WADA may direct World Rugby to conduct Results Management in particular circumstances. By agreement with WADA in such cases, World Rugby may delegate Results Management to a Union, Association or Tournament Organiser as applicable as a Delegated Third Party. If World Rugby or, as applicable, the Delegated Third Party, refuses to conduct Results Management within a reasonable deadline set by WADA, such refusal shall be considered an act of non-compliance, and WADA may direct another Anti-Doping Organisation with authority over the Player or other Person, that is willing to do so, to take Results Management responsibility in place of World Rugby or, if there is no such Anti-Doping Organisation, any other Anti-Doping Organisation that is willing to do so. In such case, World Rugby shall reimburse the costs and legal fees of conducting Results Management to the other Anti-Doping Organisation designated by WADA, and a failure to reimburse costs and legal fees shall be considered an act of

non-compliance.

21.7.2 Review and Notification Regarding Potential Anti-Doping Rule Violations

21.7.2.1 Preliminary Review of Adverse Analytical Findings

The following procedure shall apply in respect of Adverse Analytical Findings:

- (a) Upon receipt of an Adverse Analytical Finding, World Rugby shall initiate a preliminary review in accordance with (b) below to determine whether: (i) an applicable TUE has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions, or (ii) there is any apparent departure from the International Standard for Testing and Investigations or International Standard for Laboratories that caused the Adverse Analytical Finding; or (iii) ingestion has occurred through a permitted route.
- (b) World Rugby or its designee (who may be a member of the Anti-Doping Advisory Committee or otherwise) shall undertake the preliminary review in accordance with the International Standard for Results Management. Such preliminary review shall, ordinarily, be completed within three (3) days. The individual(s) undertaking the preliminary review may make further enquiries or investigations as it or they consider appropriate. If the review reveals an applicable TUE or departure from the International Standard for Testing and Investigations and/or applicable provisions of the International Standard for Laboratories, or that ingestion has occurred through a permitted route, then the entire test shall be considered negative and the Player and his Union, NADO and WADA shall be informed.

21.7.2.2 Notification After Preliminary Review Regarding Adverse Analytical Findings

Where a Preliminary Review does not result in the test being considered negative World Rugby shall promptly notify the Player or other Person, and simultaneously the Player's Union, NADO and WADA, in the manner set out in Regulation 21.14.1 in accordance with the International Standard for Results Management. If the Player elects to have the B Sample analysed (or World Rugby has it analysed in any event) and the analysis confirms the A Sample analysis, the findings shall be reported to the Player, the Player's Union, his NADO and WADA in accordance with the International Standard for Results Management.

21.7.2.3 Review and Notification Regarding Other Anti-Doping Rule Violations

World Rugby shall carry out the review and notification with respect to other potential anti-doping rule violations in accordance with the International Standard for Results Management.

21.7.3 Identification of Prior Anti-Doping Rule Violations

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

21.7.4 Provisional Suspensions ³³

21.7.4.1 Mandatory Provisional Suspension after an Adverse Analytical Finding or Adverse Passport Finding

If World Rugby (including for the avoidance of doubt any Delegated Third Party) receives an Adverse Analytical Finding or an Adverse Passport Finding (upon completion of the Adverse Passport Finding review process) for a Prohibited Substance or a Prohibited Method or otherwise believes or becomes aware that an anti-doping rule violation, whether or not it involves the provision of a Sample, may have been committed, and subject to compliance with Regulation 21.7.4.3, it shall impose a Provisional Suspension on the Player or other Person promptly upon or after the review and notification required by Regulation 21.7.2.

A Provisional Suspension may be eliminated if: (i) the Player or other Person demonstrates to the Judicial Committee that the violation is likely to have involved a Contaminated Product, or (ii) the violation involves a Substance of Abuse and the Player establishes entitlement to a reduced period of Ineligibility under Regulation 21.10.2.4.1.

The Judicial Committee's decision not to eliminate a Provisional Suspension on account of the Player's assertion regarding a Contaminated Product shall not be appealable.

21.7.4.2 Provisional Suspension and Procedures During an Investigation

World Rugby or its designee may carry out investigations into the activities of any Player, other Person, Union, Association, Rugby Body or Club who it has reasonable cause to believe may have committed an anti-doping rule violation. Any such Player, other Person, Union, Association, Rugby Body or Club shall co-operate with any such World Rugby investigation. A Player, other Person, Union, Association, Rugby Body or Club under investigation

³³ [Comment to Regulation 21.7.4: Before a Provisional Suspension can be unilaterally imposed by World Rugby, the internal review specified in these Anti-Doping Rules and the International Standard for Results Management must first be completed.]

by World Rugby, a Union or Tournament Organiser for an alleged anti-doping rule violation may be Provisionally Suspended by the relevant investigating body and not allowed to participate in any aspect of the Game pending the outcome of such investigation and resolution of the case.

Without limiting the effect of this Regulation 21.7.4, solely in circumstances where World Rugby or its designee considers that further investigation is required to determine whether an anti-doping rule violation may have been committed, the following procedures shall apply, subject to such modifications and additional procedures as World Rugby may consider necessary having regard to the facts and circumstances of the particular case and other relevant circumstances:

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

21.7.4.3 Opportunity for Hearing or Appeal

Notwithstanding Regulations 21.7.4.1 and 21.7.4.2, a Provisional Suspension may not be imposed unless the Player or other Person is given: (a) an opportunity for a Provisional Hearing, either before or on a timely basis after the imposition of the Provisional Suspension; or (b) an opportunity for an expedited hearing in accordance with Regulation 21.8 on a timely basis after the imposition of the Provisional Suspension.

The imposition of a Provisional Suspension, or the decision not to impose a Provisional Suspension, may be appealed via an expedited process in accordance with Regulation 21.13.2.

21.7.4.4 Voluntary Acceptance of Provisional Suspension

Players on their own initiative may voluntarily accept a Provisional Suspension if done so prior to the commencement of a Provisional Suspension under Regulation 21.7.4.1 or 21.7.4.2 or otherwise prior to the later of: (i) the expiration of ten (10) days from the report of the B Sample (or waiver of the B Sample) or ten (10) days from the notice of any other anti-doping rule violation, or (ii) the date on which the Player first competes after such report or notice.

Other Persons on their own initiative may voluntarily accept a Provisional Suspension if done so within ten (10) days from the notice of the anti-doping rule violation.

Upon such voluntary acceptance, the Provisional Suspension shall have the full effect and be treated in the same manner as if the Provisional Suspension had been imposed under Regulations 21.7.4.1 or 21.7.4.2; provided, however, at any time after voluntarily accepting a Provisional Suspension, the Player or other Person may withdraw such acceptance, in which event the Player or other Person shall not receive any credit for time previously served during the Provisional Suspension.

21.7.4.5 If a Provisional Suspension is imposed based on an A Sample Adverse Analytical Finding and a subsequent B Sample analysis (if requested by the Player or World Rugby) does not confirm the A Sample analysis, then the Player shall not be subject to any further Provisional Suspension on account of a violation of Regulation 21.2.1. In circumstances where the Player or the Player's team has been removed from an Event based on a violation of Regulation 21.2.1 and the subsequent B Sample analysis does not confirm the A Sample finding, then, if it is still possible for the Player or team to be reinserted, without otherwise affecting the Event, the Player or team may continue to take part in the Event.

21.7.5 Results Management Decisions

Results Management decisions or adjudications by World Rugby must not purport to be limited to a particular geographic area or solely to rugby and shall address and determine without limitation the following issues: (i) whether an anti-doping rule violation was committed or a Provisional Suspension should be imposed, the factual basis for such determination, and the specific Regulations that have been violated, and (ii) all Consequences flowing from the anti-doping rule violation(s), including applicable Disqualifications under Regulations 21.9 and 21.10.10, any forfeiture of medals or prizes, any period of Ineligibility (and the date it begins to run) and any Financial Consequences.³⁴

³⁴ [Comment to Regulation 21.7.5: Results Management decisions include Provisional Suspensions.]

21.7.6 Notification of Results Management Decisions

World Rugby shall notify Players, other Persons, Signatories and WADA of Results Management decisions as provided in Regulation 21.14 and in the International Standard for Results Management.

21.7.7 Retirement from Sport³⁵

If a Player or other Person retires while World Rugby's Results Management process is underway, World Rugby retains authority to complete its Results Management process. If a Player or other Person retires before any Results Management process has begun, and World Rugby would have had Results Management authority over the Player or other Person at the time the Player or other Person committed an anti-doping rule violation, World Rugby has authority to conduct Results Management.

21.7.8 Results Management by Delegated Third Parties

21.7.8.1 Where an anti-doping rule violation arises out of a Doping Control conducted or arranged by a Delegated Third Party or a Delegated Third Party believes or becomes aware that another anti-doping rule violation may have been committed by one of its members or a Player or other Person under its jurisdiction, that Delegated Third Party shall, subject to its authority as a Delegated Third Party:

- (a) Deal with the matter in accordance with these Anti-Doping Rules; and
- (b) Notify World Rugby and the Home Union of the Player or other Person concerned.

21.7.8.2 Hearings held by a Delegated Third Party shall be adjudicated by an Operationally Independent hearing panel in accordance with Regulation 21.8.1 and the International Standard for Results Management.

21.7.9 National Sports Resolution Bodies

21.7.9.1 World Rugby may authorise a Delegated Third Party to utilise the services of a national sports resolution body provided that: (i) these Anti-Doping

Each decision by World Rugby should address whether an anti-doping rule violation was committed and all Consequences flowing from the violation, including any Disqualifications other than Disqualification under Regulation 21.10.1 (which is left to the ruling body for an Event). Pursuant to Regulation 21.15, such decision and its imposition of Consequences shall have automatic effect in every sport in every country. For example, for a determination that a Player committed an anti-doping rule violation based on an Adverse Analytical Finding for a Sample taken In-Competition, the Player's results obtained in the Competition would be Disqualified under Regulation 21.9 and all other competitive results obtained by the Player from the date the Sample was collected through the duration of the period of Ineligibility are also Disqualified under Regulation 21.10.10; if the Adverse Analytical Finding resulted from Testing at an Event, it would be the Major Event Organisation's responsibility to decide whether the Player's other individual results in the Event prior to Sample collection are also Disqualified under Regulation 21.10.1.]

³⁵ [Comment to Regulation 21.7.7: Conduct by a Player or other Person before the Player or other Person was subject to the authority of any Anti-Doping Organisation would not constitute an anti-doping rule violation but could be a legitimate basis for denying the Player or other Person membership in a sports organisation.]

Rules will be applied; (ii) the national sports resolution body is an operationally independent judicial panel; and (iii) World Rugby has full rights before the national sports resolution body, including without limitation, the rights to appear and to appeal.

21.7.10 Notification by Unions, Associations and Tournament Organisers

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

21.7.10.2 Notwithstanding the requirements of Regulation 21.7.10.1, in cases where results management is being handled by a NADO, the Union shall simultaneously when providing the initial notification in Regulation 21.7.10.1: (a) make known to World Rugby the applicable appeal provisions; (b) provide a copy of the NADO's regulations; and (c) where such regulations are not in English, provide a translation into English of the appeal provisions and, where requested, within 72 hours of such request, a translation of such other provisions as requested. In addition, the Union shall provide a full report of all hearings including (without limitation) the written decision of the hearing body(ies) of the NADO immediately following the final written decision having been made and where such decision is not in English, provide a translation within 72 hours thereof. Failure to meet the requirements set out in Regulation 21.7.10.1 and 21.7.10.2 may render a Union liable to disciplinary proceedings.

21.7.10.3 Subject to Regulations 21.5.3.5 and 21.5.3.6 where the conduct of a Doping Control results in an Adverse Analytical Finding or other anti-doping rule violation (involving a Player and/or other Person) or where an anti-doping rule violation arises other than through the conduct of a Doping Control in

respect of a Player who is not a member of the Union that conducted or was responsible for arranging the Doping Control, then that Union or Association that had jurisdiction over the Player and/or other Person (as the case may be) at the time the test was conducted or investigation into the alleged anti-doping rule violation commenced shall report the results of such Doping Controls to the Union or Association that normally exercises jurisdiction over such Player and/or Person (as the case may be) and to World Rugby.

Transfer of hearings

21.7.10.4 Pursuant to Regulation 21.7.10.3 above and subject to applicable competition rules in the case of a tournament and any applicable Delegated Third Party arrangement with World Rugby, the Player or other Person may elect to have his own Union (if he was abroad with a Union team or, if he was abroad with a Club team, the Union in which his Club was registered, at the time of the Doping Control or when the investigation into the alleged anti-doping rule violation commenced) or if his Union does not have its own anti-doping judicial panel, his Association where it has an anti-doping judicial panel, conduct the appropriate investigation and hearing procedures (and where an anti-doping rule violation is found to have been committed, impose the applicable sanctions) if, and only if in the case where there has been an Adverse Analytical Finding, the Player acknowledges in writing, that no issue will be taken at the hearing as to the:

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

The foregoing shall be without prejudice to World Rugby's Results Management rights pursuant to Regulation 21.7.8.1 and the responsibility for conducting Results Management pursuant to Regulation 21.7.1.

21.7.10.5 Where a Player or other Person elects to have his own Union or Association conduct the appropriate investigation and hearing pursuant to Regulation 21.7.10.4, such election by a Player or other Person must be confirmed to his Union or Association as applicable and World Rugby within 14 days of being notified of the Adverse Analytical Finding and/or the alleged anti-doping violation. The Player's or other Person's own Union or Association must notify the other Union and World Rugby of any such election. If a Player or other Person does not elect to have the hearing procedures carried out by his own Union or Association, then the visited Union where the Doping Control was conducted shall have jurisdiction subject to an applicable Delegated Third Party arrangement shall conduct the

investigation and hearing procedures (and where an anti-doping rule violation is found to have been committed, impose the applicable sanctions).

21.8 RESULTS MANAGEMENT: RIGHT TO A FAIR HEARING AND NOTICE OF HEARING DECISION

For any Person who is asserted to have committed an anti-doping rule violation, World Rugby shall provide a fair hearing within a reasonable time by a fair, impartial and Operationally Independent hearing panel in compliance with the Code and the International Standard for Results Management.

21.8.1 Fair Hearings

21.8.1.1 Fair, Impartial and Operationally Independent Hearing Panel

21.8.1.1.1 World Rugby's independent Judicial Panel Chairman shall, in accordance with the requirements of the International Standard for Results Management as applicable from time to time, appoint a panel of individuals comprising specialists with knowledge of doping in sport and the Code who comply with the criteria set out in this Regulation 21.8.1.1.1 (the "Anti-Doping Judicial Panel"). The Anti-Doping Judicial Panel shall be free of conflict of interest and its composition, term of office, professional experience, Operational Independence and adequate financing shall comply with the requirements of the International Standard for Results Management as in force from time to time. The Anti-Doping Judicial Panel shall comprise of such numbers as the Judicial Panel Chairman shall think fit. Members may not also be members of the Anti-Doping Advisory Committee nor may they be Council or Union/Association board members, staff members, commission members, consultants, or officials of World Rugby or of Unions, Associations or Tournament Organisers. The Judicial Panel Chairman or his designee shall, appoint Judicial Committees from members of the Anti-Doping Judicial Panel to resolve, hear and adjudicate at first instance involving any alleged breach(es) of these Anti-Doping Rules. No member of a particular Judicial Committee shall have previously considered any TUE application, Results Management decision in the same case or otherwise had any prior involvement in such case nor have the same rugby nationality (by reference to Regulation 8) as the Player or other Person alleged to have committed an anti-doping rule violation.

21.8.1.2 Hearing Process

21.8.1.2.1 When World Rugby sends a notice to a Player or other Person notifying them of a potential anti-doping rule violation, and the Player or other Person does not waive a hearing in accordance with Regulation 21.8.3.1 or 21.8.3.2, then the case shall be referred to a Judicial Committee for hearing and adjudication, which shall be conducted in accordance with the principles described in Articles 8 and 9 of the International Standard for Results

Management, this Regulation 21.8.1 and Regulation 18 or its successor regulation as in force from time to time.

21.8.1.2.2 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 package where requested by the Player); and
- (c) Be invited, together with any legal representative he may wish to appoint, to attend a hearing before the Judicial Committee to present relevant material and submissions.

The hearing before the Judicial Committee shall be held without unnecessary delay and shall be expedited where the circumstances warrant it and/or the Player or other Person requests it.

21.8.1.2.3 A Judicial Committee, appointed in accordance with Regulation 21.8.1.1.1, to hear cases involving anti-doping rule violations shall ordinarily consist of three members, comprising:

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

21.8.1.2.4 Upon appointment by the Judicial Panel Chairman (or by the relevant independent equivalent person for a Delegated Third Party which has been delegated hearing management, as applicable) to a particular Judicial Committee each member must also sign a declaration that there are no facts or circumstances known to him which might call into question their impartiality in the eyes of any of the parties, other than those circumstances disclosed in the declaration.

21.8.1.2.5 If one or more members of the Judicial Committee is/are unable or unwilling, for whatever reason, to hear the case, then the Judicial Panel Chairman may, in his absolute discretion:

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

- 21.8.1.2.6 Judicial Committees shall be in a position to conduct the hearing and decision-making process without interference (albeit with basic administrative support but no involvement in decision-making or drafting) from World Rugby or any third party. They shall be entitled to call on experts to provide specialist advice, including legal advice.
- 21.8.1.2.7 World Rugby representative(s) shall be entitled to attend and present information in relation to the alleged anti-doping rule violation.
- 21.8.1.2.8 Subject to Regulation, 21.8.1.2.5, 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 any oral hearing. The Player, or other Person shall be informed that he is required to attend any oral hearing.
 - (b) A Player, or other Person who is alleged to have committed an anti-doping rule violation shall be entitled to be represented by an official of his Union, Rugby Body/Club, or by legal counsel. Where necessary an independent interpreter shall be present at an oral hearing of the Judicial Committee.
 - (c) In the interests of time and minimising inconvenience, a Player, or other Person whose hearing is pending can be required by the Judicial Committee, prior to the hearing, to supply it with full particulars of the case that will be presented on his behalf at the hearing.
 - (d) The Judicial Committee shall have the power to postpone or adjourn proceedings.
 - (e) The Judicial Committee shall be entitled to receive such evidence as it thinks fit (including evidence in writing) notwithstanding that such 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 and/or on the call when not giving evidence.
- (h) The Judicial Committee shall endeavour to ensure that proceedings are not heard in the absence of the Player or other Person subject to the proceedings. However, the non-attendance of a Player, or other Person or his representative, after notice of the hearing has been provided, will not prevent the Judicial Committee from proceeding with the hearing in his absence. In arriving at its decision, the Judicial Committee may, however, take into account any written statement submitted by the Player or other Person or his representatives.
- (i) At any hearing the Judicial Committee will not be bound by judicial rules governing the procedure or the admissibility of evidence, however, the hearing shall be conducted in a fair manner with a reasonable opportunity for the Player or other Person who is alleged to have committed an anti-doping rule violation to submit evidence, address the Judicial Committee and present his case.
- (j) In respect of any hearing in relation to an anti-doping rule violation before a Judicial Committee the following will apply:
 - (i) The hearing shall be held in private;
 - (ii) Decisions may be made by majority; and
 - (iii) The Judicial Committee's deliberations on its decision shall take place in private.

21.8.1.2.9 The written decision of the Judicial Committee shall be advised by World Rugby (or its designee) to all parties as soon as practicable after the conclusion of the hearing. When it considers it appropriate, the Judicial Committee may deliver a short oral decision at the conclusion of the hearing with its reasons to be put in writing and communicated to the parties at a later date, or it may reserve its decision. The decision of the Judicial Committee shall be binding upon notification to the Player or other Person concerned and/or his Union subject to the right of appeal to the Post Hearing Review Body and/or the CAS as applicable.

21.8.1.2.10 In the event that the Judicial Committee establishes that an anti-doping rule violation has been committed, the Judicial Committee shall impose sanctions on the Player or other Person concerned in accordance with Regulation 21.10. The Judicial Committee shall also invalidate other Player awards including forfeiture of any medals and prizes.

- 21.8.1.2.11 A Player's or other Person's costs associated with any proceedings before a Judicial Committee dealing with an anti-doping rule violation shall ordinarily be borne by the Player or other Person, including travel/accommodation costs of the Player or other Person, his representatives and his witnesses, as well as his legal costs.
- 21.8.1.2.12 A Judicial Committee dealing with an anti-doping rule violation may, in its discretion, make an award of costs against the Player or other Person in respect of costs incurred by the Judicial Committee or other costs in relation to the investigation and/or proceedings where a sanction is imposed on the Player or other Person by the Judicial Committee.
- 21.8.1.2.13 Notwithstanding the provisions of Regulations 21.8.1.2.11 and 21.8.1.2.12 above, the Judicial Committee shall retain absolute discretion in relation to the awarding of costs associated with the case and may make such order as to costs as it sees fit.
- 21.8.1.2.14 Copies of the written decision of the Judicial Committee shall be provided by World Rugby (or its designee) to the Player or other Person and to other Anti-Doping Organisations with a right to appeal under Regulation 21.13.2.3.
- 21.8.1.2.15 Any deviation or deviations from the procedures set out in this Regulation 21.8.1 shall not invalidate any finding or decision of a Judicial Committee unless it was such as to cast real doubt on the reliability of such finding or decision.
- 21.8.1.2.16 WADA, the relevant Union and the NADO of the Player or other Person may attend the hearing as observers. In any event, World Rugby shall keep them fully apprised as to the status of pending cases and the result of all hearings.

21.8.2 Notice of Decisions

- 21.8.2.1** At the end of the hearing, or promptly thereafter, the Judicial Committee shall issue a written decision that conforms with Article 9 of the International Standard for Results Management and which includes the full reasons for the decision, the period of Ineligibility imposed, the Disqualification of results under Regulation 21.10.10 and, if applicable, a justification for why the greatest potential Consequences were not imposed.
- 21.8.2.2** World Rugby shall notify that decision to the Player or other Person and to other Anti-Doping Organisations with a right to appeal under Regulation 21.13.2.3, and shall promptly report it into ADAMS. The decision may be appealed as provided in Regulation 21.13.

21.8.3 Waiver of Hearing

- 21.8.3.1** A Player or other Person against whom an anti-doping rule violation is asserted may admit that violation at any time, waive his right to a hearing

and accept the Consequences that are mandated by these Anti-Doping Rules or (where some discretion as to Consequences exists under these Anti-Doping Rules) that have been or are asserted by World Rugby and/or in such case may enter into a Case Resolution Agreement in accordance with Regulation 21.10.8.2. Save where the parties have entered into a Case Resolution Agreement in accordance with Regulation 21.10.8.2, the Judicial Panel Chairman may appoint either a legally-qualified member of the Anti-Doping Judicial Panel or a Judicial Committee to review the matter on the papers. Where the Player or other Person admits the violation and waives his right to a hearing but wishes to make submissions in relation to sanction, the Player or other Person shall have seven (7) days from his admission and waiver of a hearing in which to make such submissions on sanction in writing. In any case World Rugby shall be entitled to make submissions in writing to the Judicial Officer or Judicial Committee as applicable.

21.8.3.2 However, if the Player or other Person against whom an anti-doping rule violation is asserted fails to dispute that assertion within twenty (20) days of receipt of the notice sent by World Rugby, then he shall be deemed to have admitted the violation and to have waived his right to a hearing. In such case the Player or other Person shall have seven (7) further days in which to make submissions in writing in relation to the sanctions to be applied. The Judicial Panel Chairman may appoint either a legally-qualified member of the Anti-Doping Judicial Panel or a Judicial Committee to review the matter on the papers and impose the Consequences as appropriate. World Rugby shall be entitled to make submissions in writing to the Judicial Officer or Judicial Committee as applicable. For the avoidance of doubt, a deemed admission cannot amount to an early admission under Regulation 21.10.8.1.

21.8.3.3 World Rugby shall notify that decision to the Player or other Person and to other Anti-Doping Organisations with a right to appeal under Regulation 21.13.2.3, and shall promptly report it into ADAMS. World Rugby shall Publicly Disclose that decision in accordance with Regulation 21.14.3.2.

21.8.4 Single Hearing Before CAS

Anti-doping rule violations asserted against International-Level Players, National-Level Players or other Persons may, with the consent of the Player or other Person, World Rugby (where it has Results Management responsibility in accordance with Regulation 21.7) and WADA, be heard in a single hearing directly at CAS.³⁶

³⁶ *[Comment to Regulation 21.8.4: In some cases, the combined cost of holding a hearing in the first instance at the international or national level, then a review or domestic appeal stage as applicable and a full rehearing of the case de novo before CAS can be very substantial. Where all of the parties identified in this Regulation are satisfied that their interests will be adequately protected in a single hearing, there is no need for the Player or other Person or Anti-Doping Organisations to incur the extra expense of two (2) hearings. An Anti-Doping Organisation may participate in the CAS hearing as an observer. Nothing set out in Regulation 21.8.4 precludes the Player or other Person and World Rugby (where it has Results Management responsibility) to waive their right to*

21.9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS

An anti-doping rule violation in Individual Sports in connection with an In-Competition test automatically leads to Disqualification of the result obtained in that Competition with all resulting Consequences, including forfeiture of any medals, points, and prizes.³⁷

21.10 SANCTIONS ON INDIVIDUALS

21.10.1 Disqualification of Results in the Event during which an Anti-Doping Rule Violation Occurs

21.10.1.1 An anti-doping rule violation occurring during or in connection with an Event may, upon the decision of the ruling body of the Event, lead to Disqualification of all of the Player's individual results obtained in that Event with all Consequences, including forfeiture of all medals, points and prizes, except as provided in Regulation 21.10.1.2.

Factors to be included in considering whether to Disqualify other results in an Event might include, for example, the seriousness of the Player's anti-doping rule violation and whether the Player tested negative in the other Competitions.³⁸

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

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

The period of Ineligibility for a violation of Regulation 21.2.1, 21.2.2 or 21.2.6 shall be as follows, subject to potential elimination, reduction or suspension pursuant to Regulation 21.10.5, 21.10.6 or 21.10.7:

21.10.2.1 The period of Ineligibility, subject to Regulation 21.10.2.4, shall be four (4) years where:

appeal by agreement. Such waiver, however, only binds the parties to such agreement and not any other entity with a right of appeal under the Code.]

³⁷ *[Comment to Regulation 21.9: Any awards received by individual players will be Disqualified. However, Disqualification of the team will be as provided in Regulation 21.11.]*

³⁸ *[Comment to Regulation 21.10.1.1: Whereas Regulation 21.9 Disqualifies the result in a single Competition in which the Player tested positive, this Regulation 21.10.1 may lead to Disqualification of all results in all Competitions during the Event.]*

- 21.10.2.1.1 The anti-doping rule violation does not involve a Specified Substance or a Specified Method, unless the Player or other Person can establish that the anti-doping rule violation was not intentional.³⁹
- 21.10.2.1.2 The anti-doping rule violation involves a Specified Substance or a Specified Method and World Rugby can establish that the anti-doping rule violation was intentional.
- 21.10.2.2** If Regulation 21.10.2.1 does not apply, subject to Regulation 21.10.2.4.1, the period of Ineligibility shall be two (2) years.
- 21.10.2.3** As used in Regulation 21.10.2, the term “intentional” is meant to identify those Players or other Persons who engage in conduct which they knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk. An anti-doping rule violation resulting from an Adverse Analytical Finding for a substance which is only prohibited In-Competition shall be rebuttably presumed to be not “intentional” if the substance is a Specified Substance and the Player can establish that the Prohibited Substance was Used Out-of-Competition. An anti-doping rule violation resulting from an Adverse Analytical Finding for a substance which is only prohibited In-Competition shall not be considered “intentional” if the substance is not a Specified Substance and the Player can establish that the Prohibited Substance was Used Out-of-Competition in a context unrelated to sport performance.⁴⁰
- 21.10.2.4** Notwithstanding any other provision in Regulation 21.10.2, where the anti-doping rule violation involves a Substance of Abuse:
- 21.10.2.4.1 If the Player can establish that any ingestion or Use occurred Out-of-Competition and was unrelated to sport performance, then the period of Ineligibility shall be three (3) months Ineligibility.

In addition, the period of Ineligibility calculated under this Regulation 21.10.2.4.1 may be reduced to one (1) month if the Player or other Person satisfactorily completes a Substance of Abuse treatment programme approved by World Rugby. The period of Ineligibility established in this

³⁹ [Comment to Regulation 21.10.2.1.1: While it is theoretically possible for a Player or other Person to establish that the anti-doping rule violation was not intentional without showing how the Prohibited Substance entered one’s system, it is highly unlikely that in a doping case under Regulation 21.2.1 a Player will be successful in proving that the Player acted unintentionally without establishing the source of the Prohibited Substance.]

⁴⁰ [Comment to Regulation 21.10.2.3: Regulation 21.10.2.3 provides a special definition of “intentional” which is to be applied solely for purposes of Regulation 21.10.2.]

Regulation 21.10.2.4.1 is not subject to any reduction based on any provision in Regulation 21.10.6.⁴¹

21.10.2.4.2 If the ingestion, Use or Possession occurred In-Competition, and the Player can establish that the context of the ingestion, Use or Possession was unrelated to sport performance, then the ingestion, Use or Possession shall not be considered intentional for purposes of Regulation 21.10.2.1 and shall not provide a basis for a finding of Aggravating Circumstances under Regulation 21.10.4.

21.10.3 Ineligibility for Other Anti-Doping Rule Violations

The period of Ineligibility for anti-doping rule violations other than as provided in Regulation 21.10.2 shall be as follows, unless Regulation 21.10.6 or 21.10.7 are applicable:

21.10.3.1 For violations of Regulation 21.2.3 or 21.2.5, the period of Ineligibility shall be four (4) years except: (i) in the case of failing to submit to Sample collection, if the Player can establish that the commission of the anti-doping rule violation was not intentional, the period of Ineligibility shall be two (2) years; (ii) in all other cases, if the Player or other Person can establish exceptional circumstances that justify a reduction of the period of Ineligibility, the period of Ineligibility shall be in a range from two (2) years to four (4) years depending on the Player or other Person's degree of Fault; or (iii) in a case involving a Protected Person or Recreational Player, the period of Ineligibility shall be in a range between a maximum of two (2) years and, at a minimum, a reprimand and no period of Ineligibility, depending on the Protected Person or Recreational Player's degree of Fault.

21.10.3.2 For violations of Regulation 21.2.4, the period of Ineligibility shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on the Player's degree of Fault. The flexibility between two (2) years and one (1) year of Ineligibility in this Regulation is not available to Players where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the Player was trying to avoid being available for Testing.

21.10.3.3 For violations of Regulation 21.2.7 or 21.2.8, the period of Ineligibility shall be a minimum of four (4) years up to lifetime Ineligibility, depending on the seriousness of the violation. A Regulation 21.2.7 or 21.2.8 violation involving a Protected Person shall be considered a particularly serious violation and, if committed by Player Support Personnel for violations other than for Specified Substances, shall result in lifetime Ineligibility for Player Support

⁴¹ [Comment to Regulation 21.10.2.4.1: The determination as to whether the treatment programme is approved and whether the Player or other Person has satisfactorily completed the programme shall be made in the sole discretion of World Rugby. This Regulation is intended to give World Rugby the leeway to apply its own judgment to identify and approve legitimate and reputable, as opposed to "sham", treatment programmes. It is anticipated, however, that the characteristics of legitimate treatment programmes may vary widely and change over time such that it would not be practical for WADA to develop mandatory criteria for acceptable treatment programmes.]

Personnel. In addition, significant violations of Regulation 21.2.7 or 21.2.8 which may also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional, or judicial authorities.⁴²

21.10.3.4 For violations of Regulation 21.2.9, the period of Ineligibility imposed shall be a minimum of two (2) years, up to lifetime Ineligibility, depending on the seriousness of the violation.

21.10.3.5 For violations of Regulation 21.2.10, the period of Ineligibility shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on the Player or other Person's degree of Fault and other circumstances of the case.⁴³

21.10.3.6 For violations of Regulation 21.2.11, the period of Ineligibility shall be a minimum of two (2) years, up to lifetime Ineligibility, depending on the seriousness of the violation by the Player or other Person.⁴⁴

21.10.4 Aggravating Circumstances which may Increase the Period of Ineligibility

If World Rugby establishes in an individual case involving an anti-doping rule violation other than violations under Regulation 21.2.7 (Trafficking or Attempted Trafficking), 21.2.8 (Administration or Attempted Administration), 21.2.9 (Complicity or Attempted Complicity) or 21.2.11 (Acts by a Player or Other Person to Discourage or Retaliate Against Reporting) 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 by an additional period of Ineligibility of up to two (2) years depending on the seriousness of the violation and the nature of the Aggravating Circumstances, unless the Player or other Person can establish that he did not knowingly commit the anti-doping rule violation.⁴⁵

⁴² [Comment to Regulation 21.10.3.3: Those who are involved in doping Players or covering up doping should be subject to sanctions which are more severe than the Players who test positive. Since the authority of sport organisations is generally limited to Ineligibility for accreditation, membership, and other sport benefits, reporting Player Support Personnel to competent authorities is an important step in the deterrence of doping.]

⁴³ [Comment to Regulation 21.10.3.5: Where the "other Person" referenced in Regulation 21.2.10 is an entity and not an individual, that entity may be disciplined as provided in Regulation 21.12.]

⁴⁴ [Comment to Regulation 21.10.3.6: Conduct that is found to violate both Regulation 21.2.5 (Tampering) and Regulation 21.2.11 (Acts by a Player or Other Person to Discourage or Retaliate Against Reporting to Authorities) shall be sanctioned based on the violation that carries the more severe sanction.]

⁴⁵ [Comment to Regulation 21.10.4: Violations under Regulation 21.2.7 (Trafficking or Attempted Trafficking), 21.2.8 (Administration or Attempted Administration), 21.2.9 (Complicity or Attempted Complicity) and 21.2.11 (Acts by a Player or Other Person to Discourage or Retaliate Against Reporting to Authorities) are not included in the application of Regulation 21.10.4 because the sanctions for these violations already build in sufficient discretion up to a lifetime ban to allow consideration of any aggravating circumstance.]

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

If a Player or other Person establishes in an individual case that he bears No Fault or Negligence, then the otherwise applicable period of Ineligibility shall be eliminated.⁴⁶

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

21.10.6.1 Reduction of Sanctions in Particular Circumstances for Violations of Regulation 21.2.1, 21.2.2 or 21.2.6.

All reductions under Regulation 21.10.6.1 are mutually exclusive and not cumulative.

21.10.6.1.1 Specified Substances or Specified Methods

Where the anti-doping rule violation involves a Specified Substance (other than a Substance of Abuse) or Specified Method, and the Player or other Person can establish No Significant Fault or Negligence, then the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two (2) years of Ineligibility, depending on the Player's or other Person's degree of Fault.

21.10.6.1.2 Contaminated Products

In cases where the Player or other Person can establish both No Significant Fault or Negligence and that the detected Prohibited Substance (other than a Substance of Abuse) came from a Contaminated Product, then the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two (2) years Ineligibility, depending on the Player or other Person's degree of Fault.⁴⁷

⁴⁶ [Comment to Regulation 21.10.5: This Regulation and Regulation 21.10.6.2 apply only to the imposition of sanctions; they are not applicable to the determination of whether an anti-doping rule violation has occurred. They will only apply in exceptional circumstances, for example, where a Player could prove that, despite all due care, he was sabotaged by a competitor. Conversely, No Fault or Negligence would not apply in the following circumstances: (a) a positive test resulting from a mislabelled or contaminated vitamin or nutritional supplement (Players are responsible for what they ingest (Regulation 21.2.1) and have been warned against the possibility of supplement contamination); (b) the Administration of a Prohibited Substance by the Player's personal physician or trainer without disclosure to the Player (Players are responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any Prohibited Substance); and (c) sabotage of the Player's food or drink by a spouse, coach or other Person within the Player's circle of associates (Players are responsible for what they ingest and for the conduct of those Persons to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction under Regulation 21.10.6 based on No Significant Fault or Negligence.]

⁴⁷ [Comment to Regulation 21.10.6.1.2: In order to receive the benefit of this Regulation, the Player or other Person must establish not only that the detected Prohibited Substance came from a Contaminated Product, but must also separately establish No Significant Fault or Negligence. It should be further noted that Players are on notice that they take nutritional supplements at their own risk. The sanction reduction based on No Significant Fault or Negligence has rarely been applied in Contaminated Product cases unless the Player has exercised a high level of caution before taking the Contaminated Product. In assessing whether the Player can establish the source of the Prohibited Substance, it would, for example, be significant for purposes of establishing

21.10.6.1.3 Protected Persons or Recreational Players

Where the anti-doping rule violation not involving a Substance of Abuse is committed by a Protected Person or Recreational Player, and the Protected Person or Recreational Player can establish No Significant Fault or Negligence, then the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two (2) years Ineligibility, depending on the Protected Person or Recreational Player's degree of Fault.

21.10.6.2 Application of No Significant Fault or Negligence beyond the Application of Regulation 21.10.6.1

If a Player or other Person establishes in an individual case where Regulation 21.10.6.1 is not applicable that he bears No Significant Fault or Negligence, then, subject to further reduction or elimination as provided in Regulation 21.10.7, the otherwise applicable period of Ineligibility may be reduced based on the Player or other Person's degree of Fault, but the reduced period of Ineligibility may not be less than one-half of the period of Ineligibility otherwise applicable. If the otherwise applicable period of Ineligibility is a lifetime, the reduced period under this Regulation may be no less than eight (8) years.⁴⁸

21.10.7 Elimination, Reduction, or Suspension of Period of Ineligibility or other Consequences for Reasons other than Fault

21.10.7.1 Substantial Assistance in Discovering or Establishing Code Violations⁴⁹

21.10.7.1.1 World Rugby may, prior to an appellate decision under Regulation 21.13 or the expiration of the time to appeal, suspend a part of the Consequences (other than Disqualification and mandatory Public Disclosure) imposed in an individual case where the Player or other Person has provided Substantial Assistance to an Anti-Doping Organisation, criminal authority or professional disciplinary body which results in: (i) the Anti-Doping Organisation discovering or bringing forward an anti-doping rule violation by another Person; or (ii) which results in a criminal or disciplinary body discovering or bringing forward a criminal offense or the breach of

whether the Player actually Used the Contaminated Product, whether the Player had declared the product which was subsequently determined to be contaminated on the Doping Control form.

This Regulation should not be extended beyond products that have gone through some process of manufacturing. Where an Adverse Analytical Finding results from environment contamination of a "non-product" such as tap water or lake water in circumstances where no reasonable person would expect any risk of an anti-doping rule violation, typically there would be No Fault or Negligence under Regulation 21.10.5.]

⁴⁸ [Comment to Regulation 21.10.6.2: Regulation 21.10.6.2 may be applied to any anti-doping rule violation except those Regulations where intent is an element of the anti-doping rule violation (e.g., Regulation 21.2.5, 21.2.7, 21.2.8, 21.2.9 or 21.2.11) or an element of a particular sanction (e.g., Regulation 21.10.2.1) or a range of Ineligibility is already provided in a Regulation based on the Player or other Person's degree of Fault.]

⁴⁹ [Comment to Regulation 21.10.7.1: The cooperation of Players, Player Support Personnel and other Persons who acknowledge their mistakes and are willing to bring other anti-doping rule violations to light is important to clean sport.]

professional rules committed by another Person and the information provided by the Person providing Substantial Assistance is made available to World Rugby or other Anti-Doping Organisations with Results Management responsibility; or (iii) which results in WADA initiating a proceeding against a Signatory, WADA-accredited laboratory, or Player passport management unit (as defined in the International Standard for Laboratories) for non-compliance with the Code, International Standard or Technical Document; or (iv) with the approval by WADA, which results in a criminal or disciplinary body bringing forward a criminal offense or the breach of professional or sport rules arising out of a sport integrity violation other than doping. After an appellate decision under Regulation 21.13 or the expiration of time to appeal, World Rugby may only suspend a part of the otherwise applicable Consequences with the approval of WADA.

The extent to which the otherwise applicable period of Ineligibility may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the Player or other Person and the significance of the Substantial Assistance provided by the Player or other Person to the effort to eliminate doping in sport, non-compliance with the Code and/or sport integrity violations. 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 (8) years. For purposes of this paragraph, the otherwise applicable period of Ineligibility shall not include any period of Ineligibility that could be added under Regulation 21.10.9.3.2 of these Anti-Doping Rules.

If so requested by a Player or other Person who seeks to provide Substantial Assistance, World Rugby shall allow the Player or other Person to provide the information to it subject to a Without Prejudice Agreement.

If the Player or other Person fails to continue to cooperate and to provide the complete and credible Substantial Assistance upon which a suspension of Consequences was based, World Rugby shall reinstate the original Consequences. If World Rugby decides to reinstate suspended Consequences or decides not to reinstate suspended Consequences, that decision may be appealed by any Person entitled to appeal under Regulation 21.13.

- 21.10.7.1.2 To further encourage Players and other Persons to provide Substantial Assistance to Anti-Doping Organisations, at the request of World Rugby or at the request of the Player or other Person who has, or has been asserted to have, committed an anti-doping rule violation, or other violation of the Code, WADA may agree at any stage of the Results Management process, including after an appellate decision under Regulation 21.13, to what it considers to be an appropriate suspension of the otherwise-applicable period of Ineligibility and other Consequences. In exceptional circumstances, WADA may agree to suspensions of the period of Ineligibility

and other Consequences for Substantial Assistance greater than those otherwise provided in this Regulation, or even no period of Ineligibility, no mandatory Public Disclosure and/or no return of prize money or payment of fines or costs. WADA's approval shall be subject to reinstatement of Consequences, as otherwise provided in this Regulation. Notwithstanding Regulation 21.13, WADA's decisions in the context of this Regulation 21.10.7.1.2 may not be appealed.

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

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

Where a Player or other Person voluntarily admits the commission of an anti-doping rule violation before having received notice of a Sample collection which could establish an anti-doping rule violation (or, in the case of an anti-doping rule violation other than Regulation 21.2.1, before receiving first notice of the admitted violation pursuant to Regulation 21.7) and that admission is the only reliable evidence of the violation at the time of admission, then the period of Ineligibility may be reduced, but not below one-half of the period of Ineligibility otherwise applicable.⁵⁰

21.10.7.3 Application of Multiple Grounds for Reduction of a Sanction

Where a Player or other Person establishes entitlement to reduction in sanction under more than one provision of Regulation 21.10.5, 21.10.6 or 21.10.7, before applying any reduction or suspension under Regulation 21.10.7, the otherwise applicable period of Ineligibility shall be determined in accordance with Regulation 21.10.2, 21.10.3, 21.10.5, and 21.10.6. If the Player or other Person establishes entitlement to a reduction or suspension of the period of Ineligibility under Regulation 21.10.7, then the period of Ineligibility may be reduced or suspended, but not below one-fourth of the otherwise applicable period of Ineligibility.

⁵⁰ *[Comment to Regulation 21.10.7.2: This Regulation is intended to apply when a Player or other Person comes forward and admits to an anti-doping rule violation in circumstances where no Anti-Doping Organisation is aware that an anti-doping rule violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the Player or other Person believes he is about to be caught. The amount by which Ineligibility is reduced should be based on the likelihood that the Player or other Person would have been caught had he not come forward voluntarily.]*

21.10.8 Results Management Agreements

21.10.8.1 One (1) Year Reduction for Certain Anti-Doping Rule Violations Based on Early Admission and Acceptance of Sanction

Where a Player or other Person, after being notified by World Rugby of a potential anti-doping rule violation that carries an asserted period of Ineligibility of four (4) or more years (including any period of Ineligibility asserted under Regulation 21.10.4), admits the violation and accepts the asserted period of Ineligibility no later than twenty (20) days after receiving notice of an anti-doping rule violation charge, the Player or other Person may receive a one (1) year reduction in the period of Ineligibility asserted by World Rugby. Where the Player or other Person receives the one (1) year reduction in the asserted period of Ineligibility under this Regulation 21.10.8.1, no further reduction in the asserted period of Ineligibility shall be allowed under any other Regulation.⁵¹

21.10.8.2 Case Resolution Agreement

Where the Player or other Person admits an anti-doping rule violation after being confronted with the anti-doping rule violation by World Rugby and agrees to Consequences acceptable to World Rugby and WADA, at their sole discretion, then: (a) the Player or other Person may receive a reduction in the period of Ineligibility based on an assessment by World Rugby and WADA of the application of Regulation 21.10.1 through 21.10.7 to the asserted anti-doping rule violation, the seriousness of the violation, the Player or other Person's degree of Fault and how promptly the Player or other Person admitted the violation; and (b) the period of Ineligibility may start as early as the date of Sample collection or the date on which another anti-doping rule violation last occurred. In each case, however, where this Regulation is applied, the Player or other Person shall serve at least one-half of the agreed-upon period of Ineligibility going forward from the earlier of the date the Player or other Person accepted the imposition of a sanction or a Provisional Suspension which was subsequently respected by the Player or other Person. The decision by WADA and World Rugby to enter or not enter into a case resolution agreement, and the amount of the reduction to, and the starting date of, the period of Ineligibility are not matters for determination or review by a hearing body and are not subject to appeal under Regulation 21.13.

If so requested by a Player or other Person who seeks to enter into a case resolution agreement under this Regulation, World Rugby shall allow the

⁵¹ *[Comment to Regulation 21.10.8.1: For example, if World Rugby alleges that a Player has violated Regulation 21.2.1 for Use of an anabolic steroid and asserts the applicable period of Ineligibility is four (4) years, then the Player may unilaterally reduce the period of Ineligibility to three (3) years by admitting the violation and accepting the three (3) year period of Ineligibility within the time specified in this Regulation, with no further reduction allowed. This resolves the case without any need for a hearing.]*

Player or other Person to discuss an admission of the anti-doping rule violation with it subject to a Without Prejudice Agreement.⁵²

21.10.9 Multiple Violations

21.10.9.1 Second or Third Anti-Doping Rule Violation

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

- (a) A six (6) month period of Ineligibility; or
- (b) A period of Ineligibility in the range between:
 - (i) the sum of the period of Ineligibility imposed for the first anti-doping rule violation plus the period of Ineligibility otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, and
 - (ii) twice the period of Ineligibility otherwise applicable to the second anti-doping rule violation treated as if it were a first violation.

The period of Ineligibility within this range shall be determined based on the entirety of the circumstances and the Player or other Person's degree of Fault with respect to the second violation.

21.10.9.1.2 A third anti-doping rule violation will always result in a lifetime period of Ineligibility, except if the third violation fulfils the condition for elimination or reduction of the period of Ineligibility under Regulation 21.10.5 or 21.10.6, or involves a violation of Regulation 21.2.4. In these particular cases, the period of Ineligibility shall be from eight (8) years to lifetime Ineligibility.

21.10.9.1.3 The period of Ineligibility established in Regulation 21.10.9.1.1 and 21.10.9.1.2 may then be further reduced by the application of Regulation 21.10.7.

21.10.9.2 An anti-doping rule violation for which a Player or other Person has established No Fault or Negligence shall not be considered a violation for purposes of this Regulation 21.10.9. In addition, an anti-doping rule violation sanctioned under Regulation 21.10.2.4.1 shall not be considered a violation for purposes of Regulation 21.10.9.

21.10.9.3 Additional Rules for Certain Potential Multiple Violations

21.10.9.3.1 For purposes of imposing sanctions under Regulation 21.10.9, except as provided in Regulation 21.10.9.3.2 and 21.10.9.3.3, an anti-doping rule

⁵² [Comment to Regulation 21.10.8.2: Any mitigating or aggravating factors set forth in this Regulation 21.10 shall be considered in arriving at the Consequences set forth in the case resolution agreement, and shall not be applicable beyond the terms of that agreement.]

violation will only be considered a second violation if World Rugby can establish that the Player or other Person committed the additional anti-doping rule violation after the Player or other Person received notice pursuant to Regulation 21.7, or after World Rugby made reasonable efforts to give notice of the first anti-doping rule violation. If World Rugby 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, including the application of Aggravating Circumstances. Results in all Competitions dating back to the earlier anti-doping rule violation will be Disqualified as provided in Regulation 21.10.10.⁵³

21.10.9.3.2 If World Rugby establishes that a Player or other Person committed an additional anti-doping rule violation prior to notification, and that the additional violation occurred twelve (12) months or more before or after the first-noticed violation, then the period of Ineligibility for the additional violation shall be calculated as if the additional violation were a stand-alone first violation and this period of Ineligibility is served consecutively, rather than concurrently, with the period of Ineligibility imposed for the earlier-noticed violation. Where this Regulation 21.10.9.3.2 applies, the violations taken together shall constitute a single violation for purposes of Regulation 21.10.9.1.

21.10.9.3.3 If World Rugby establishes that a Player or other Person committed a violation of Regulation 21.2.5 in connection with the Doping Control process for an underlying asserted anti-doping rule violation, the violation of Regulation 21.2.5 shall be treated as a stand-alone first violation and the period of Ineligibility for such violation shall be served consecutively, rather than concurrently, with the period of Ineligibility, if any, imposed for the underlying anti-doping rule violation. Where this Regulation 21.10.9.3.3 is applied, the violations taken together shall constitute a single violation for purposes of Regulation 21.10.9.1.

21.10.9.3.4 If World Rugby establishes that a Player or other Person has committed a second or third anti-doping rule violation during a period of Ineligibility, the periods of Ineligibility for the multiple violations shall run consecutively, rather than concurrently.

21.10.9.4 Multiple Anti-Doping Rule Violations during Ten (10) Year Period

For purposes of Regulation 21.10.9, each anti-doping rule violation must take place within the same ten (10) year period in order to be considered multiple violations.

⁵³ *[Comment to Regulation 21.10.9.3.1: The same rule applies where, after the imposition of a sanction, World Rugby discovers facts involving an anti-doping rule violation that occurred prior to notification for a first anti-doping rule violation – e.g., World Rugby shall impose a sanction based on the sanction that could have been imposed if the two (2) violations had been adjudicated at the same time, including the application of Aggravating Circumstances.]*

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

In addition to the automatic Disqualification of the results in the Competition which produced the positive Sample under Regulation 21.9, all other competitive results of the Player obtained from the date a positive Sample was collected (whether In-Competition or Out-of-Competition), or other anti-doping rule violation occurred, through the commencement of any Provisional Suspension or Ineligibility period, shall, unless fairness requires otherwise, be Disqualified with all of the resulting Consequences including forfeiture of any medals, points and prizes.⁵⁴

21.10.11 Forfeited Prize Money

If World Rugby recovers prize money forfeited as a result of an anti-doping rule violation, it shall take reasonable measures to allocate and distribute this prize money to the Players who would have been entitled to it had the forfeiting Player not competed.⁵⁵

21.10.12 Financial Consequences

21.10.12.1 Where a Player or other Person commits an anti-doping rule violation, World Rugby may, in its discretion and subject to the principle of proportionality, elect to recover from the Player or other Person costs associated with the anti-doping rule violation, regardless of the period of Ineligibility imposed.

21.10.12.2 World Rugby's recovery of costs shall not be considered a basis for reducing the Ineligibility or other sanction which would otherwise be applicable under these Anti-Doping Rules.

21.10.13 Commencement of Ineligibility Period

Where a Player is already serving a period of Ineligibility for an anti-doping rule violation, any new period of Ineligibility shall commence on the first day after the current period of Ineligibility has been served. Otherwise, except as provided below, the period of Ineligibility shall start on the date of the final hearing decision providing for Ineligibility or, if the hearing is waived or there is no hearing, on the date Ineligibility is accepted or otherwise imposed.

21.10.13.1 Delays Not Attributable to the Player or other Person

⁵⁴ *[Comment to Regulation 21.10.10: Nothing in these Anti-Doping Rules precludes clean Players or other Persons who have been damaged by the actions of a Person who has committed an anti-doping rule violation from pursuing any right which they would otherwise have to seek damages from such Person.]*

⁵⁵ *[Comment to Regulation 21.10.11: This Regulation is not intended to impose an affirmative duty on World Rugby to take any action to collect forfeited prize money. If World Rugby elects not to take any action to collect forfeited prize money, it may assign its right to recover such money to the Player(s) who should have otherwise received the money. "Reasonable measures to allocate and distribute this prize money" could include using collected forfeited prize money as agreed upon by World Rugby and its Players.]*

Where there have been substantial delays in the hearing process or other aspects of Doping Control, and the Player or other Person can establish that such delays are not attributable to the Player or other Person, World Rugby or the Judicial Committee may start the period of Ineligibility at an earlier date commencing as early as the date of Sample collection or the date on which another anti-doping rule violation last occurred. All competitive results achieved during the period of Ineligibility, including retroactive Ineligibility, shall be Disqualified.⁵⁶

21.10.13.2 Credit for Provisional Suspension or Period of Ineligibility Served

21.10.13.2.1 If a Provisional Suspension is respected by the Player or other Person, then the Player or other Person shall receive a credit for such period of Provisional Suspension against any period of Ineligibility which may ultimately be imposed. If the Player or other Person does not respect a Provisional Suspension, then the Player or other Person shall receive no credit for any period of Provisional Suspension served. If a period of Ineligibility is served pursuant to a decision that is subsequently appealed, then the Player or other Person shall receive a credit for such period of Ineligibility served against any period of Ineligibility which may ultimately be imposed on appeal.

21.10.13.2.2 If a Player or other Person voluntarily accepts a Provisional Suspension in writing from World Rugby and thereafter respects the Provisional Suspension, the Player or other Person shall receive a credit for such period of voluntary Provisional Suspension against any period of Ineligibility which may ultimately be imposed. A copy of the Player or other Person's voluntary acceptance of a Provisional Suspension shall be provided promptly to each party entitled to receive notice of an asserted anti-doping rule violation under Regulation 21.14.1.⁵⁷

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

21.10.13.2.4 In Team Sports, where a period of Ineligibility is imposed upon a team, unless fairness requires otherwise, the period of Ineligibility shall start on the date of the final hearing decision providing for Ineligibility or, if the hearing is waived, on the date Ineligibility is accepted or otherwise imposed. Any period of team Provisional Suspension (whether imposed or voluntarily

⁵⁶ *[Comment to Regulation 21.10.13.1: In cases of anti-doping rule violations other than under Regulation 21.2.1, the time required for an Anti-Doping Organisation to discover and develop facts sufficient to establish an anti-doping rule violation may be lengthy, particularly where the Player or other Person has taken affirmative action to avoid detection. In these circumstances, the flexibility provided in this Regulation to start the sanction at an earlier date should not be used.]*

⁵⁷ *[Comment to Regulation 21.10.13.2.2: A Player's voluntary acceptance of a Provisional Suspension is not an admission by the Player and shall not be used in any way to draw an adverse inference against the Player.]*

accepted) shall be credited against the total period of Ineligibility to be served.

21.10.14 Status During Ineligibility or Provisional Suspension

21.10.14.1 Prohibition Against Participation During Ineligibility or Provisional Suspension

No Player or other Person who has been declared Ineligible or is subject to a Provisional Suspension may, during a period of Ineligibility or Provisional Suspension, participate in any capacity in a Competition or activity (other than authorised anti-doping Education or rehabilitation programmes) authorised or organised by any Signatory, Signatory's member organisation, or a club or other member organisation of a Signatory's member organisation, or in Competitions authorised or organised by any professional league or any international- or national-level Event organisation or any elite or national-level sporting activity funded by a governmental agency.

A Player or other Person subject to a period of Ineligibility longer than four (4) years may, after completing four (4) years of the period of Ineligibility, participate as a Player in local sport events not sanctioned or otherwise under the authority of a Code Signatory or member of a Code Signatory, but only so long as the local sport event is not at a level that could otherwise qualify such Player or other Person directly or indirectly to compete in (or accumulate points toward) a national championship or International Event, and does not involve the Player or other Person working in any capacity with Protected Persons.

A Player or other Person subject to a period of Ineligibility shall remain subject to Testing and any requirement by World Rugby to provide whereabouts information.⁵⁸

2.10.14.2 Return to Training

As an exception to Regulation 21.10.14.1, a Player may return to train with a team or to use the facilities of a club or other member organisation of World Rugby's or other Signatory's member organisation during the shorter

⁵⁸ *[Comment to Regulation 21.10.14.1: For example, subject to Regulation 21.10.14.2 below, Ineligible Players cannot participate in a training camp, exhibition or practice organised by their Union or a Club or Rugby Body or any other team affiliated to a Union or Association. Further, an Ineligible Player may not compete in a non-Signatory professional league (e.g., the National Hockey League, the National Basketball Association, etc.), Events organised by a non-Signatory International Event organisation or a non-Signatory national-level Event organisation without triggering the Consequences set forth in Regulation 21.10.14.3. The term "activity" also includes, for example, administrative activities, such as serving as an official, director, officer, employee, or volunteer of the organisation described in this Regulation. Ineligibility imposed in one sport shall also be recognised by other sports (see Regulation 21.15.1, Automatic Binding Effect of Decisions). A Player or other Person serving a period of Ineligibility is prohibited from coaching or serving as a Player Support Person in any other capacity at any time during the period of Ineligibility, and doing so could also result in a violation of Regulation 21.2.10 by another Player. Any performance standard accomplished during a period of Ineligibility shall not be recognised by World Rugby or its Unions for any purpose.]*

of: (1) the last two months of the Player's period of Ineligibility, or (2) the last one-quarter of the period of Ineligibility imposed.⁵⁹

21.10.14.3 Violation of the Prohibition of Participation During Ineligibility or Provisional Suspension

Where a Player or other Person who has been declared Ineligible violates the prohibition against participation during Ineligibility described in Regulation 21.10.14.1, the results of such participation shall be Disqualified and a new period of Ineligibility equal in length to the original period of Ineligibility shall be added to the end of the original period of Ineligibility. The new period of Ineligibility, including a reprimand and no period of Ineligibility, may be adjusted based on the Player or other Person's degree of Fault and other circumstances of the case. The determination of whether a Player or other Person has violated the prohibition against participation, and whether an adjustment is appropriate, shall be made by the Anti-Doping Organisation whose Results Management led to the imposition of the initial period of Ineligibility. This decision may be appealed under Regulation 21.13.

A Player or other Person who violates the prohibition against participation during a Provisional Suspension described in Regulation 21.10.14.1 shall receive no credit for any period of Provisional Suspension served and the results of such participation shall be Disqualified.

Where a Player Support Person or other Person assists a Person in violating the prohibition against participation during Ineligibility or a Provisional Suspension, World Rugby shall impose sanctions for a violation of Regulation 21.2.9 for such assistance.

21.10.14.4 Withholding of Financial Support during Ineligibility

In addition, for any anti-doping rule violation not involving a reduced sanction as described in Regulation 21.10.5 or 21.10.6, some or all sport-related financial support or other sport-related benefits received by such Person will be withheld by World Rugby and its Unions.

21.10.15 Automatic Publication of Sanction

A mandatory part of each sanction shall include automatic publication, as provided in Regulation 21.14.3.

21.11 CONSEQUENCES TO TEAMS

21.11.1 Testing of Teams

⁵⁹ [Comment to Regulation 21.10.14.2: In many Team Sports and some individual sports (e.g., ski jumping and gymnastics), Players cannot effectively train on their own so as to be ready to compete at the end of the Player's period of Ineligibility. During the training period described in this Regulation, an Ineligible Player may not compete or engage in any activity described in Regulation 21.10.14.1 other than training.]

Where more than one (1) Member of a Team in a Team Sport has been notified of an anti-doping rule violation under Regulation 21.7 in connection with an Event, the ruling body for the Event shall conduct appropriate Target Testing of the team during the Event Period.

21.11.2 Team Consequences

If more than two (2) members of a team in a Team Sport are found to have committed an anti-doping rule violation during an Event Period, the ruling body of the Event shall impose an appropriate sanction on the team (e.g., loss of points, Disqualification from a Competition or Event, or other sanction) in addition to any Consequences imposed upon the individual Players committing the anti-doping rule violation.

21.11.3 Other Team Consequences⁶⁰

The ruling body for an Event, including without limitation World Rugby, may elect to establish rules for the Event which impose Consequences for Team Sports stricter than those in Regulation 21.11.2 for the purposes of the Event.

21.12 SANCTIONS BY WORLD RUGBY AGAINST UNIONS OR OTHER SPORTING BODIES

When World Rugby becomes aware that a Union or any other sporting body over which it has authority has failed to comply with, implement, uphold, and enforce these Anti-Doping Rules within that Union's jurisdiction, World Rugby has the authority and may take the following additional disciplinary actions:

21.12.1 Exclude all, or some group of, members of the Union or body from specified future Events or all Events conducted within a specified period of time.

21.12.2 Take additional disciplinary actions with respect to the Union's or body's recognition, the eligibility of their members to participate in World Rugby's activities, and/or fine that Union or body based on the following:

21.12.2.1 If four (4) or more violations of these Anti-Doping Rules or the Union or NADO's anti-doping rules (other than violations involving Regulation 21.2.4 or its equivalent) are committed by Players or other Persons affiliated with a Union during a twelve (12) month period the relevant Union shall carry out additional education activities as directed by World Rugby.

21.12.2.2 More than one Player or other Person affiliated with that Union commits an anti-doping rule violation during an International Event. In such event, that Union may be fined in an amount up to £1000 pounds sterling which may

⁶⁰ [Comment to Regulation 21.11.3: For example, the International Olympic Committee could establish rules which would require Disqualification of a team from the Olympic Games based on a lesser number of anti-doping rule violations during the period of the Games. **Error! Main Document Only.**]

be suspended if the relevant team of the Union carries out additional education activities as directed by World Rugby.

- 21.12.2.3** The Union fails to make diligent efforts to keep World Rugby informed about a Player's whereabouts after receiving a request for that information from World Rugby. World Rugby may impose a fine administratively upon the Union in an amount up to £500 pounds sterling per Player in addition to all of World Rugby's costs incurred in Testing that Union's Players. Notwithstanding the foregoing, in the event that the failures by the Union are such that World Rugby seeks to impose a fine in an amount above £500 pounds sterling per Player pursuant to this Regulation 21.12.2.3 it may do so pursuant to an order of a Judicial Officer or Judicial Committee following disciplinary action against the Union under Regulation 18 or its successor regulation as in force from time to time.
- 21.12.3** Withhold some or all funding or other financial and non-financial support from Unions which are not in compliance with these Anti-Doping Rules, International Standards (including the International Standard for Education) and/or in order to meet the amounts of any fine pursuant to Regulation 21.12.2 which have not been paid by the Union within the time period stipulated by World Rugby and/or Judicial Officer or Judicial Committee, as applicable. Similarly, World Rugby may withhold from the Union any amount not paid by a Player or other Person pursuant to Regulation 21.10.12 and the Union may seek this amount in turn from the Player or other Person under its direct jurisdiction.
- 21.12.4** Require that Union or body to reimburse World Rugby for all costs (including but not limited to laboratory fees, hearing expenses and travel) related to a violation of these Anti-Doping Rules committed by a Player or other Person affiliated with that organisation or body.
- 21.12.5** Notwithstanding Regulations 21.12.1 to 21.12.4 above, World Rugby may instigate an investigation into the compliance of any Union with these Anti-Doping Rules at any time which the Union shall facilitate. As a result of such investigation World Rugby may direct a Union to take certain action to bring itself into compliance with these Anti-Doping Rules. A failure by a Union to comply with such direction(s) within the stipulated period may give rise to disciplinary action which shall be dealt with pursuant to Regulation 18 or its successor regulation as in force from time to time.

21.13 RESULTS MANAGEMENT: APPEALS⁶¹

21.13.1 Decisions Subject to Appeal

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

21.13.1.1 Scope of Review Not Limited

The scope of review on appeal includes all issues relevant to the matter and is expressly not limited to the issues or scope of review before the initial decision maker. Any party to the appeal may submit evidence, legal arguments and claims that were not raised in the first instance hearing so long as they arise from the same cause of action or same general facts or circumstances raised or addressed in the first instance hearing.⁶²

21.13.1.2 CAS Shall Not Defer to the Findings Being Appealed

In making its decision, CAS shall not give deference to the discretion exercised by the body whose decision is being appealed.⁶³

21.13.1.3 WADA Not Required to Exhaust Internal Remedies

Where WADA has a right to appeal under Regulation 21.13 and no other party has appealed a final decision within World Rugby's process, WADA may appeal such decision directly to CAS without having to exhaust other remedies in World Rugby's process.⁶⁴

21.13.2 Appeals from Decisions Regarding Anti-Doping Rule Violations, Consequences, Provisional Suspensions, Implementation of Decisions and Authority

⁶¹ *[Comment to Regulation 21.13: The object of the Code is to have anti-doping matters resolved through fair and transparent internal processes with a final appeal. Anti-doping decisions by Anti-Doping Organisations are made transparent in Regulation 21.14. Specified Persons and organisations, including WADA, are then given the opportunity to appeal those decisions. Note that the definition of interested Persons and organisations with a right to appeal under Regulation 21.13 does not include Players, or their federations, who might benefit from having another competitor Disqualified.]*

⁶² *[Comment to Regulation 21.13.1.1: The revised language is not intended to make a substantive change to the 2015 Code, but rather for clarification. For example, where a Player was charged in the first instance hearing only with Tampering but the same conduct could also constitute Complicity, an appealing party could pursue both Tampering and Complicity charges against the Player in the appeal.]*

⁶³ *[Comment to Regulation 21.13.1.2: CAS proceedings are de novo. Prior proceedings do not limit the evidence or carry weight in the hearing before CAS.]*

⁶⁴ *[Comment to Regulation 21.13.1.3: Where a decision has been rendered before the final stage of World Rugby's process (for example, a first hearing) and no party elects to appeal that decision to the next level of World Rugby's process, then WADA may bypass the remaining steps in World Rugby's internal process and appeal directly to CAS.]*

A decision that an anti-doping rule violation was committed, a decision imposing Consequences or not imposing Consequences for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision by WADA not to grant an exception to the six (6) months' notice requirement for a retired Player to return to Competition under Regulation 21.5.6.1; a decision by WADA assigning Results Management under Article 7.1 of the Code; a decision by World Rugby not to bring forward an Adverse Analytical Finding or an Atypical Finding as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation in accordance with the International Standard for Results Management; a decision to impose, or lift, a Provisional Suspension as a result of a Provisional Hearing; World Rugby's failure to comply with Regulation 21.7.4; a decision that World Rugby lacks authority to rule on an alleged anti-doping rule violation or its Consequences; a decision to suspend, or not suspend, Consequences or to reinstate, or not reinstate, Consequences under Regulation 21.10.7.1; failure to comply with Regulation 21.7.1.4 and 21.7.1.5 of the Code; failure to comply with Regulation 21.10.8.1; a decision under Regulation 21.10.14.3; a decision by World Rugby not to implement another Anti-Doping Organisation's decision under Regulation 21.15; and a decision under Article 27.3 of the Code may be appealed exclusively as provided in this Regulation 21.13.

21.13.2.1 Appeals Involving International-Level Players or International Events

In cases arising from participation in an International Event or in cases involving International-Level Players, the decision may be appealed exclusively to CAS subject to Regulation 21.13.7 and Regulation 21.13.1.3.⁶⁵

21.13.2.2 Appeals Involving Other Players or Other Persons

In cases where Regulation 21.13.2.1 is not applicable, the decision may be appealed to an appellate body, in accordance with rules adopted by the NADO having authority over the Player or other Person or, in the absence of a NADO which is a Signatory, the National Olympic Committee of the relevant country acting as the NADO.

The rules for such appeal shall respect the following principles: a timely hearing; a fair, impartial, Operationally Independent and Institutionally Independent hearing panel; the right to be represented by counsel at the Person's own expense; and a timely, written, reasoned decision.

⁶⁵ *[Comment to Regulation 21.13.2.1: CAS decisions are final and binding except for any review required by law applicable to the annulment or enforcement of arbitral awards.]*

If no such body as described above is in place and available at the time of the appeal, the decision may be appealed to CAS in accordance with the applicable procedural rules.

21.13.2.3 Persons Entitled to Appeal

21.13.2.3.1 Appeals Involving International-Level Players or International Events

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

21.13.2.3.2 Appeals Involving Other Players or Other Persons

In cases under Regulation 21.13.2.2, the parties having the right to appeal to the national-level appeal body shall be as provided in the NADO's rules but, at a minimum, shall include the following parties: (a) the Player or other Person who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) World Rugby; (d) the NADO of the Person's country of residence or countries where the Person is a national or license holder; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and (f) WADA.

For cases under Regulation 21.13.2.2, WADA, the International Olympic Committee, the International Paralympic Committee, and World Rugby shall also have the right to appeal to CAS with respect to the decision of the national-level appeal body.

Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the Anti-Doping Organisation whose decision is being appealed and the information shall be provided if CAS so directs.

21.13.2.3.3 Duty to Notify

All parties to any CAS appeal must ensure that WADA and all other parties with a right to appeal have been given timely notice of the appeal.

21.13.2.3.4 Appeal from Imposition of Provisional Suspension

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

21.13.2.3.5 Appeal from Decisions under Regulation 21.12

Decisions by World Rugby pursuant to Regulation 21.12 may be appealed exclusively to a World Rugby Appeal Committee by the Union and/or World Rugby. The Appeal Committee shall be appointed by the Judicial Panel Chairman (who may appoint himself to chair such Appeal Committee) in compliance with the principles set out in Regulation 21.8.1.2 and provided they have had no prior involvement in the case.

21.13.2.4 Cross Appeals and other Subsequent Appeals Allowed

Cross appeals and other subsequent appeals by any respondent named in cases brought to CAS under the Code are specifically permitted. Any party with a right to appeal under this Regulation 21.13 must file a cross appeal or subsequent appeal at the latest with the party's answer.⁶⁶

21.13.3 Failure to Render a Timely Decision by World Rugby

21.13.3.1 Where, in a particular case, World Rugby fails to render a decision with respect to whether an anti-doping rule violation was committed within a reasonable deadline set by WADA, WADA may elect to appeal directly to CAS as if World Rugby had rendered a decision finding no anti-doping rule violation. If the CAS hearing panel determines that an anti-doping rule violation was committed and that WADA acted reasonably in electing to appeal directly to CAS, then WADA's costs and attorney fees in prosecuting the appeal shall be reimbursed to WADA by World Rugby.⁶⁷

21.13.3.2 Where, in a particular case, a Delegated Third Party fails to render a decision with respect to whether an anti-doping rule violation was committed, within a reasonable deadline set by World Rugby, World Rugby may bring the case directly before a World Rugby Judicial Committee at the expense of the Delegated Third Party concerned.

21.13.4 Appeals Relating to TUEs

⁶⁶ [Comment to Regulation 21.13.2.4: This provision is necessary because since 2011, CAS rules no longer permit a Player or other Person the right to cross appeal when an Anti-Doping Organisation appeals a decision after the Player's time for appeal has expired. This provision permits a full hearing for all parties.]

⁶⁷ [Comment to Regulation 21.13.3: Given the different circumstances of each anti-doping rule violation investigation, Results Management and hearing process, it is not feasible to establish a fixed time period for World Rugby to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with World Rugby and give World Rugby an opportunity to explain why it has not yet rendered a decision.]

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

21.13.5 Notification of Appeal Decisions

World Rugby shall promptly provide the appeal decision to the Player or other Person and to the other Anti-Doping Organisations that would have been entitled to appeal under Regulation 21.13.2.3 as provided under Regulation 21.14.2.

21.13.6 Time for Filing Appeals⁶⁸

21.13.6.1 Appeals to CAS

The time to file an appeal to CAS shall be twenty-one (21) days from the date of receipt of the decision by the appealing party. The above notwithstanding, the following shall apply in connection with appeals filed by a party entitled to appeal, but which was not a party to the proceedings that led to the decision being appealed:

- (a) Within fifteen (15) days from the notice of the decision, such party/ies shall have the right to request a copy of the full case file pertaining to the decision from the Anti-Doping Organisation that had Results Management authority;
- (b) If such a request is made within the fifteen (15) day period, then the party making such request shall have twenty-one (21) days from receipt of the file to file an appeal to CAS.

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

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

⁶⁸ *[Comment to Regulation 21.13.6: Whether governed by CAS rules or these Anti-Doping Rules, a party's deadline to appeal does not begin running until receipt of the decision. For that reason, there can be no expiration of a party's right to appeal if the party has not received the decision.]*

21.13.6.2 Appeals Under Regulation 21.13.2.2

The time to file an appeal to an independent and impartial body in accordance with rules established by the NADO shall be indicated by the same rules of the NADO.

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

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

An election by World Rugby to appeal a decision under the rules of a NADO shall be taken by a representative(s) of World Rugby's Anti-Doping Advisory Committee having been provided all available documentation by the Anti-Doping Manager. For the avoidance of doubt, World Rugby may, for expediency and to comply with applicable timelines, initiate an appeal prior to the Anti-Doping Advisory Committee representative(s) making such election, provided that where no such election is subsequently forthcoming, it withdraws such appeal.

21.13.7 Appeals to the Post-Hearing Review Body

21.13.7.1 Decisions as specified in Regulation 21.13.2 may be appealed to the Post-Hearing Review Body. In circumstances where the Player or other Person has been subject to a period of Ineligibility or Provisional Suspension, Regulation 21.10.14 applies pending the decision of the Post-Hearing Review Body. WADA's right to appeal directly to CAS under Regulation 21.13.1.3 remains unaffected.

21.13.7.2 Persons entitled to appeal under Regulation 21.13.2.3 may appeal a decision to the Post-Hearing Review Body by filing a notice with the Judicial Panel Chairman (or his designee) in compliance with this Regulation 21.13.7.2 within seven (7) days from the date of notification of the respective decision. The notice of from the person seeking the post-hearing review shall specify:

- (a) The name of the person 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 notice of review is required.

21.13.7.3 Upon receipt of a valid notice under Regulation 21.13.7.2, the Judicial Panel Chairman or his designee shall, appoint a Post-Hearing Review Body from members of the Anti-Doping Judicial Panel to resolve, hear and adjudicate on appeals to the Post-Hearing Review Body. The Post-Hearing Review Body is Operationally and Institutionally Independent of World Rugby. For the avoidance of doubt no person connected to World Rugby may act as clerk to the Post-Hearing Review Body. No member of a particular Post-Hearing Review Body shall have previously considered any TUE application, Results Management decision in the same case or otherwise had any prior involvement in such case nor have the same rugby nationality (by reference to Regulation 8) as the Player or other Person alleged to have committed an anti-doping rule violation.

The Post-Hearing Review Body shall ordinarily consist of three members, comprising:

- (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 current or ex-sports administrator.

21.13.7.4 Upon appointment by the Judicial Panel Chairman (or by the relevant independent equivalent person for a Delegated Third Party which has been delegated hearing management, as applicable) to a particular Post-Hearing Review Body each member must also sign a declaration that there are no facts or circumstances known to him which might call into question their impartiality in the eyes of any of the parties, other than those circumstances disclosed in the declaration.

21.13.7.5 If one or more members of the Post-Hearing Review Body is/are unable or unwilling, for whatever reason, to conduct the review, then the Judicial Panel Chairman may in his absolute discretion:

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

21.13.7.6 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, if applicable, as it considers appropriate.

21.13.7.7 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, if applicable. 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, if applicable, as it considers appropriate.

- 21.13.7.8** The Post-Hearing Review Body shall have the power to conduct and regulate the review proceedings as it sees fit having regard to the circumstances of the case. Although the Post-Hearing Review Body is entitled to regulate its own procedure it shall conform to the procedures stated in these Anti-Doping Rules and with the procedural guidelines set out below:
- (a) The review shall be conducted in a timely fashion;
 - (b) The parties shall have the right to be represented by counsel at their own expense; and
 - (c) The decision shall be timely, written and reasoned in accordance with the International Standard for Results Management.
- 21.13.7.9** The Post-Hearing Review Body shall be entitled to call on experts to provide specialist advice, including legal advice.
- 21.13.7.10** The Post-Hearing Review Body shall have full discretionary power to hear and receive such further evidence as it thinks fit, provided it is established by the party wishing to lead such new evidence that such evidence was not, on reasonable enquiry, available at the time of the original hearing.
- 21.13.7.11** In any case where a witness required by the Post-Hearing Review Body refuses or fails to attend before the Post-Hearing Review Body, the Post-Hearing Review Body may decide whether or not to allow the evidence of that witness to be given in any other form.
- 21.13.7.12** Save where the Post-Hearing Review Body decides to hear the entire case de novo (in which circumstances the applicable first instance standards and burdens shall apply), the party seeking review shall have the burden of proving that the decision being challenged should be overturned or varied.
- 21.13.7.13** The Post-Hearing Review Body may request that a World Rugby representative attend the hearing before the Post-Hearing Review Body.
- 21.13.7.14** The decision of the Post-Hearing Review Body shall be promptly notified by World Rugby to the Player or other Person and to other Anti-Doping Organisations with a right of appeal under Regulation 21.13.2, and shall promptly be reported into ADAMS. When it considers it appropriate, the Post-Hearing Review Body may deliver a short oral decision at the conclusion of the hearing with its reasons to be put in writing and communicated to the parties at a later date, or it may reserve its decision.

21.13.7.15 Costs associated with any proceedings before the Post-Hearing Review Body shall, ordinarily, be borne by the party seeking review. The Post-Hearing Review Body shall, however, have full discretion in relation to the costs of Post-Hearing Review Body proceedings and may order any party or parties to pay some or all of the costs of proceedings under this Regulation 21.13.7 including the cost of holding the review, the cost of any interpreters and/or the legal and/or travel/accommodation costs of the members of the Post-Hearing Review Body and/or the parties.

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

21.13.7.17 Decisions of the Post-Hearing Review Body may be appealed to CAS under Regulation 21.13.

21.14 CONFIDENTIALITY AND REPORTING

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

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

Notice to Players or other Persons of anti-doping rule violations asserted against them shall occur as provided under Regulation 21.7 and 21.14.

If at any point during Results Management up until the anti-doping rule violation charge, World Rugby decides not to move forward with a matter, it must notify the Player or other Person, (provided that the Player or other Person had been already informed of the ongoing Results Management).

Notice to a Player or other Person may be sent by email and/or other means directly and/or via his Union. If the notification takes place via the Union, the Union shall confirm the notification to World Rugby.

21.14.1.2 Notice of Anti-Doping Rule Violations to NADOs and WADA

Notice of the assertion of an anti-doping rule violation to the Player's or other Person's NADO and WADA shall occur as provided under Regulation 21.7 and 21.14, simultaneously with the notice to the Player or other Person.

If at any point during Results Management up until the anti-doping rule violation charge, World Rugby decides not to move forward with a matter, it must give notice (with reasons) to the Anti-Doping Organisations with a right of appeal under Regulation 21.13.2.3.

Such notice may be sent by email and/or other means.

21.14.1.3 Content of an Anti-Doping Rule Violation Notice

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

Notification of anti-doping rule violations other than under Regulation 21.2.1 shall also include the rule violated and the basis of the asserted violation.

21.14.1.4 Status Reports

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

21.14.1.5 Confidentiality

The recipient organisations shall not disclose this information beyond those Persons with a need to know (which would include the appropriate personnel at the applicable National Olympic Committee, Union, Association as applicable, and Club or Rugby Body) until World Rugby has made Public Disclosure as permitted by Regulation 21.14.3.

21.14.1.6 Protection of Confidential Information by an Employee or Agent of World Rugby

World Rugby shall ensure that information concerning Adverse Analytical Findings, Atypical Findings, and other asserted anti-doping rule violations remains confidential until such information is Publicly Disclosed in accordance with Regulation 21.14.3. World Rugby shall ensure that its employees (whether permanent or otherwise), contractors, agents, consultants, and Delegated Third Parties are subject to fully enforceable contractual duty of confidentiality and to fully enforceable procedures for the investigation and disciplining of improper and/or unauthorised disclosure of such confidential information.

21.14.2 Notice of Anti-Doping Rule Violation or violations of Ineligibility or Provisional Suspension Decisions and Request for Files

21.14.2.1 Anti-doping rule violation decisions or decisions related to violations of Ineligibility or Provisional Suspension rendered pursuant to Regulation 21.7.6, 21.8.2, 21.10.5, 21.10.6, 21.10.7, 21.10.14.3 or 21.13.5 shall include the full reasons for the decision, including, if applicable, a justification for

why the maximum potential sanction was not imposed. Where the decision is not in English, World Rugby shall provide an English summary of the decision and the supporting reasons.

21.14.2.2 An Anti-Doping Organisation having a right to appeal a decision received pursuant to Regulation 21.14.2.1 may, within fifteen (15) days of receipt, request a copy of the full case file pertaining to the decision.

21.14.3 Public Disclosure

21.14.3.1 Where an anti-doping rule violation may have been committed, World Rugby, the Union, Association and/or Tournament Organiser concerned shall take reasonable steps to maintain confidentiality of the Player(s) or other Person(s) involved until the testing and analysis has been completed, the Judicial Committee hearing decision has been reached and the Player, or Person and his Union have been informed. Where the circumstances warrant it, the identity of the Player or other Person(s) who is formally alleged to have committed the anti-doping rule violation, may be publicly disclosed by his Union (after reasonable notice to the Player and/or other Person, his NADO, World Rugby and WADA in accordance with, and subject to compliance with, Regulation 21.7.2.2 as applicable save in cases of emergency media situations, public speculation and/or other exceptional and/or unusual cases) if non-disclosure could potentially damage the reputation of the Player or other Person's Union or Player or other Person's team always having due regard to the Player or other Person's own reputation.

21.14.3.2 No later than twenty (20) days after it has been determined in an appellate decision under Regulation 21.13.2.1 or 21.13.2.2, or an appeal has been waived, or a hearing in accordance with Regulation 21.8 has been waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, or the matter has been resolved under Regulation 21.10.8, or a new period of Ineligibility, or reprimand, has been imposed under Regulation 21.10.14.3, World Rugby must Publicly Disclose the disposition of the anti-doping matter, including the sport, the anti-doping rule violated, the name of the Player or other Person committing the violation, the Prohibited Substance or Prohibited Method involved (if any) and the Consequences imposed. World Rugby must also Publicly Disclose within twenty (20) days the results of appellate decisions concerning anti-doping rule violations, including the information described above, subject at all times to the extent permitted by applicable laws.⁶⁹

21.14.3.3 After an anti-doping rule violation has been determined to have been committed in an appellate decision under Regulation 21.13.2.1 or 21.13.2.2

⁶⁹ *[Comment to Regulation 21.14.3.2: Where Public Disclosure as required by Regulation 21.14.3.2 would result in a breach of other applicable laws, World Rugby's failure to make the Public Disclosure will not result in a determination of non-compliance with Code as set forth in Article 4.1 of the International Standard for the Protection of Privacy and Personal Information.]*

or an appeal has been waived, or in a hearing in accordance with Regulation 21.8 or where such hearing has been waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, or the matter has been resolved under Regulation 21.10.8, World Rugby, the Union, Association or Tournament Organiser as applicable may make public such determination or decision and may comment publicly on the matter.

- 21.14.3.4** 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 fact that the decision has been appealed, may be Publicly Disclosed. However, the decision itself and the underlying facts may not be Publicly Disclosed except with the consent of the Player or other Person who is the subject of the decision. World Rugby, the Union, Association or Tournament Organiser as applicable 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.
- 21.14.3.5** Publication shall be accomplished at a minimum by placing the required information on World Rugby website (and as applicable the website of the Union, Association or Tournament Organiser) and leaving the information up for the longer of one (1) month or the duration of any period of Ineligibility.
- 21.14.3.6** Except as provided in Regulation 21.14.3.1 and 21.14.3.3, no Anti-Doping Organisation, Union, or WADA-accredited laboratory, or any official of any such body, shall publicly comment on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed to, or based on information provided by, the Player, other Person or their entourage or other representatives.
- 21.14.3.7** The mandatory Public Disclosure required in Regulation 21.14.3.2 shall not be required where the Player or other Person who has been found to have committed an anti-doping rule violation is a Minor, Protected Person or Recreational Player. Any optional Public Disclosure in a case involving a Minor, Protected Person or Recreational Player shall be proportionate to the facts and circumstances of the case.

21.14.4 Statistical Reporting

World Rugby shall, at least annually, publish publicly a general statistical report of its Doping Control activities, with a copy provided to WADA.

21.14.5 Doping Control Information Database and Monitoring of Compliance

To enable WADA to perform its compliance monitoring role and to ensure the effective use of resources and sharing of applicable Doping Control information among Anti-Doping Organisations, World Rugby shall report to WADA through ADAMS Doping Control-related information, including, in particular:

- (a) Athlete Biological Passport data for International-Level Players and National-Level Players;
- (b) Whereabouts information for Players including those in Registered Testing Pools;
- (c) TUE decisions; and
- (d) Results Management decisions,

as required under the applicable International Standard(s).

21.14.5.1 To facilitate coordinated test distribution planning, avoid unnecessary duplication in Testing by various Anti-Doping Organisations, and to ensure that Athlete Biological Passport profiles are updated, World Rugby shall report all In-Competition and Out-of-Competition tests to WADA by entering the Doping Control forms into ADAMS in accordance with the requirements and timelines contained in the International Standard for Testing and Investigations.

21.14.5.2 To facilitate WADA's oversight and appeal rights for TUEs, World Rugby shall report all TUE applications, decisions and supporting documentation using ADAMS in accordance with the requirements and timelines contained in the International Standard for Therapeutic Use Exemptions.

21.14.5.3 To facilitate WADA's oversight and appeal rights for Results Management, World Rugby shall report the following information into ADAMS in accordance with the requirements and timelines outlined in the International Standard for Results Management: (a) notifications of anti-doping rule violations and related decisions for Adverse Analytical Findings; (b) notifications and related decisions for other anti-doping rule violations that are not Adverse Analytical Findings; (c) whereabouts failures; and (d) any decision imposing, lifting or reinstating a Provisional Suspension.

21.14.5.4 The information described in this Regulation will be made accessible, where appropriate and in accordance with the applicable rules, to the Player, the Player's NADO, and any other Anti-Doping Organisations with Testing authority over the Player.

21.14.6 Data Privacy

21.14.6.1 World Rugby may collect, store, process or disclose personal information relating to Players and other Persons where necessary and appropriate to conduct its Anti-Doping Activities under the Code, the International Standards (including specifically the International Standard for the Protection of Privacy and Personal Information), these Anti-Doping Rules, and in compliance with World Rugby's own privacy practices, policies and protocols and with applicable law.

21.14.6.2 Without limiting the foregoing, World Rugby shall:

- (a) Only process personal information in accordance with a valid legal ground;
- (b) Publish its Anti-Doping Privacy Statement on its website setting out how Player and Participant personal information may be processed by World Rugby and other Persons for the purpose of the implementation of these Anti-Doping Rules;
- (c) Ensure that any third-party agents (including any Delegated Third Party) with whom World Rugby shares the personal information of any Participant or Person is subject to appropriate technical and contractual controls to protect the confidentiality and privacy of such information.

21.14.6.3 Each Participant shall be deemed to understand and accept that the submission by such Participant of their information (including their personal data) to any Person, and the collection, processing, disclosure and use of such information in accordance with, and for the purposes of implementing these Anti-Doping Rules (in accordance with the International Standard for the Protection of Privacy and Personal Information and as otherwise required to implement these Anti-Doping Rules) is a condition of his membership, accreditation and/or participation in the Game to the extent World Rugby has brought this information to the Participant's attention. Accordingly, each Participant will be deemed to understand and accept that withdrawing his consent to, objecting to the disclosure of, or objecting to the processing of, his Doping Control Related Data may make anti-doping testing and procedures in accordance with these Anti-Doping Rules and/or the Code and/or equivalent anti-doping regulations, as applicable, and the International Standards impossible. In such case a withdrawal of consent or objection could be equivalent to an anti-doping rule violation whether it falls within the definition of Tampering or otherwise and which may exclude such Participant from further participation in the Game, and therefore may result in disciplinary or other sanctions being imposed upon such Participant, such as disqualification from competitions in which the Participant is scheduled to participate or the invalidation of results arising from prior competitions.

21.15 IMPLEMENTATION OF DECISIONS

21.15.1 Automatic Binding Effect of Decisions by Signatory Anti-Doping Organisations

21.15.1.1 A decision of an anti-doping rule violation made by a Signatory Anti-Doping Organisation, an appellate body (Article 13.2.2 of the Code) or CAS shall, after the parties to the proceedings are notified, automatically be binding beyond the parties to the proceedings upon World Rugby and all Unions

and Associations, as well as every Signatory in every sport with the effects described below:

- 21.15.1.1.1 A decision by any of the above-described bodies imposing a Provisional Suspension (after a Provisional Hearing has occurred or the Player or other Person has either accepted the Provisional Suspension or has waived the right to a Provisional Hearing, expedited hearing or expedited appeal offered in accordance with Regulation 21.7.4.3) automatically prohibits the Player or other Person from participation (as described in Regulation 21.10.14.1) in all sports within the authority of any Signatory during the Provisional Suspension.
- 21.15.1.1.2 A decision by any of the above-described bodies imposing a period of Ineligibility (after a hearing has occurred or been waived) automatically prohibits the Player or other Person from participation (as described in Regulation 21.10.14.1) in all sports within the authority of any Signatory for the period of Ineligibility.
- 21.15.1.1.3 A decision by any of the above-described bodies accepting an anti-doping rule violation automatically binds all Signatories.
- 21.15.1.1.4 A decision by any of the above-described bodies to Disqualify results under Regulation 21.10.10 for a specified period automatically Disqualifies all results obtained within the authority of any Signatory during the specified period.
- 21.15.1.2** World Rugby and all Unions and Associations shall recognise and implement a decision and its effects as required by Regulation 21.15.1.1, without any further action required, on the earlier of the date World Rugby receives actual notice of the decision or the date the decision is placed into ADAMS.
- 21.15.1.3** A decision by an Anti-Doping Organisation, a national appellate body or CAS to suspend, or lift, Consequences shall be binding upon World Rugby and all Unions and Associations without any further action required, on the earlier of the date World Rugby receives actual notice of the decision or the date the decision is placed into ADAMS.
- 21.15.1.4** Notwithstanding any provision in Regulation 21.15.1.1 however, a decision of an anti-doping rule violation by a Major Event Organisation made in an expedited process during an Event shall not be binding on World Rugby, Unions or Associations unless the rules of the Major Event Organisation provide the Player or other Person with an opportunity to an appeal under non-expedited procedures.⁷⁰

⁷⁰ [Comment to Regulation 21.15.1.4: By way of example, where the rules of the Major Event Organisation give the Player or other Person the option of choosing an expedited CAS appeal or a CAS appeal under normal CAS procedure, the final decision or

21.15.2 Implementation of Other Decisions by Anti-Doping Organisations

World Rugby and its Unions may decide to implement other anti-doping decisions rendered by Anti-Doping Organisations not described in Regulation 21.15.1.1 above, such as a Provisional Suspension prior to a Provisional Hearing or acceptance by the Player or other Person.⁷¹

21.15.3 Implementation of Decisions by Body that is not a Signatory

An anti-doping decision by a body that is not a Signatory to the Code shall be implemented by World Rugby and its Unions and Associations, if World Rugby finds that the decision purports to be within the authority of that body and the anti-doping rules of that body are otherwise consistent with the Code.⁷² This review and decision shall be taken on behalf of World Rugby by representative(s) of the Anti-Doping Advisory Committee.

21.16 STATUTE OF LIMITATIONS

No anti-doping rule violation proceeding may be commenced against a Player or other Person unless he has been notified of the anti-doping rule violation as provided in Regulation 21.7, or notification has been reasonably attempted, within ten (10) years from the date the violation is asserted to have occurred.

21.17 EDUCATION

21.17.1 World Rugby shall plan, implement, evaluate, monitor, and promote Education in line with the requirements of Regulation 21.18.2 and the International Standard for Education.

21.17.2 Each Union and Association shall within its means and in co-operation with World Rugby, its NADO, its Clubs and other constituents, plan, implement, evaluate, monitor and promote Education in line with the requirements of

adjudication by the Major Event Organisation is binding on other Signatories regardless of whether the Player or other Person chooses the expedited appeal option.]

⁷¹ *[Comment to Regulation 21.15.1 and 21.15.2: Anti-Doping Organisation decisions under Regulation 21.15.1 are implemented automatically by other Signatories without the requirement of any decision or further action on the Signatories' part. For example, when a NADO decides to Provisionally Suspend a Player, that decision is given automatic effect at the International Federation level. To be clear, the "decision" is the one made by the NADO, there is not a separate decision to be made by the International Federation. Thus, any claim by the Player that the Provisional Suspension was improperly imposed can only be asserted against the NADO. Implementation of Anti-Doping Organisations' decisions under Regulation 21.15.2 is subject to each Signatory's discretion. A Signatory's implementation of a decision under Regulation 21.15.1 or Regulation 21.15.2 is not appealable separately from any appeal of the underlying decision. The extent of recognition of TUE decisions of other Anti-Doping Organisations shall be determined by Regulation 21.4.4 and the International Standard for Therapeutic Use Exemptions.]*

⁷² *[Comment to Regulation 21.15.3: Where the decision of a body that has not accepted the Code is in some respects Code compliant and in other respects not Code compliant, World Rugby, other Signatories and National Federations should attempt to apply the decision in harmony with the principles of the Code. For example, if in a process consistent with the Code a non-Signatory has found a Player to have committed an anti-doping rule violation on account of the presence of a Prohibited Substance in the Player's body but the period of Ineligibility applied is shorter than the period provided for in the Code, then World Rugby and all other Signatories should recognise the finding of an anti-doping rule violation and the Player's NADO should conduct a hearing consistent with Regulation 21.8 to determine whether the longer period of Ineligibility provided in the Code should be imposed. World Rugby or other Signatory's implementation of a decision, or their decision not to implement a decision under Regulation 21.15.3, is appealable under Regulation 21.13.]*

Regulation 21.18.2, the International Standard for Education and any applicable World Rugby policies from time to time.

21.18 ADDITIONAL ROLES AND RESPONSIBILITIES OF UNIONS AND ASSOCIATIONS

21.18.1 All Unions and Associations and their members shall comply with the Code, International Standards, and these Anti-Doping Rules. All Unions, Associations (and Tournament Organisers) shall include in their policies, rules and programmes the provisions necessary to ensure that World Rugby may enforce these Anti-Doping Rules (including carrying out Testing) directly in respect of Players (including National-Level Players) and other Persons under their anti-doping authority as specified in the Introduction to these Anti-Doping Rules (Section “Scope of these Anti-Doping Rules”).

21.18.2 Each Union and Association shall incorporate these Anti-Doping Rules either directly or by reference into its governing documents, constitution and/or rules as part of the rules of sport that bind their members so that the Union or Association, as applicable, may enforce them itself directly in respect of Players (including National-Level Players) and other Persons under its anti-doping authority.

21.18.3 By adopting these Anti-Doping Rules, and incorporating them into their governing documents and rules of sport, Unions and Associations shall cooperate with and support World Rugby in that function. They shall also recognise, abide by, and implement the decisions made pursuant to these Anti-Doping Rules, including the decisions imposing sanctions on Persons under their authority.

21.18.4 All Unions and Associations shall take appropriate action to enforce compliance with these Anti-Doping Rules, the Code, International Standards, and these Anti-Doping Rules by inter alia:

- (a) conducting Testing only under the documented authority of World Rugby and using their NADO or other Sample collection authority to collect Samples in compliance with the International Standard for Testing and Investigations;
- (b) recognising the authority of the NADO in their country in accordance with Article 5.2.1 of the Code and assisting as appropriate with the NADO’s implementation of the national Testing programme for their sport;
- (c) analysing all Samples collected using a WADA-accredited or WADA-approved laboratory in accordance with Regulation 21.6.1;
- (d) ensuring that any national level anti-doping rule violation cases discovered by Unions are adjudicated by an Operationally

Independent hearing panel in accordance with Regulation 21.8.1 and the International Standard for Results Management.

- 21.18.5** All Unions and Associations shall establish rules requiring all Players and each Player Support Personnel who participates as coach, trainer, manager, team staff, official, medical or paramedical personnel in a Competition or activity authorised or organised by a Union or Association or one of its or their member organisations as applicable to agree to be bound by these Anti-Doping Rules and to submit to the results management authority of the Anti-Doping Organisation responsible under the Code as a condition of such participation.
- 21.18.6** All Unions and Associations shall report any information suggesting or relating to an anti-doping rule violation to World Rugby and to the relevant NADO(s) and shall cooperate with investigations conducted by any Anti-Doping Organisation with authority to conduct the investigation. Unions and must also keep World Rugby fully apprised in relation to cases in their country in accordance with Regulation 21.7.10.2.
- 21.18.7** All Unions shall have disciplinary rules in place to prevent Player Support Personnel who are Using Prohibited Substances or Prohibited Methods without valid justification from providing support to Players under the authority of World Rugby or the Union.
- 21.18.8** All Unions and Associations shall comply with the Education obligations in Regulation 21.17.2.
- 21.18.9** All Unions shall take appropriate action to inform each and every one of its members, Players and other Persons of these Anti-Doping Rules and the Union's anti-doping regulations. Unions must further inform their members, Players, and other Persons that they must comply with these Anti-Doping Rules and the anti-doping regulations of the Union under whose jurisdiction they are participating.
- 21.18.10** All Unions and Associations (and Tournament Organisers) shall assist World Rugby and, where applicable, other Unions in undertaking Doping Controls and results management processes. Any Union, Association (and/or Tournament Organiser) preventing, hindering, or otherwise obstructing the carrying out of such Doping Control shall be subject to disciplinary action by World Rugby. Any Rugby Body or Club that prevents, hinders, or otherwise obstructs the carrying out of any Doping Control shall be subject to disciplinary action by its Union.
- 21.18.11** Each Union and Association (and Tournament Organiser) is responsible for ensuring in relation to its implementation of these Anti-Doping Rules that any and all applicable data regulation clearances and medical confidentiality clearances and consents relating to, without limitation, disclosure and distribution of whereabouts information, analysis results, medical

information and findings and decisions of hearings are obtained for the benefit of and use by the Union, Association (and Tournament Organiser), World Rugby, NADO and WADA.

- 21.18.12** Each Union and Association (and Tournament Organiser) shall ensure that its disciplinary regulations and/or code of conduct allow for it to enforce Regulations 21.20.6, 21.20.8, 21.21.5, 21.21.6, 21.21.7, 21.22.3, 21.22.4 and 21.22.5 within their respective jurisdictions.

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

21.19 ADDITIONAL ROLES AND RESPONSIBILITIES OF WORLD RUGBY

- 21.19.1** In addition to the roles and responsibilities described in Article 20.3 of the Code for International Federations, World Rugby shall report to WADA on World Rugby's compliance with the Code and the International Standards in accordance with Article 24.1.2 of the Code.

- 21.19.2** Subject to applicable law, and in accordance with Article 20.3.4 of the Code, all World Rugby board members, directors, officers, employees and appointed Delegated Third Parties who are involved in any aspect of Doping Control, must sign a form provided by World Rugby, agreeing to be bound by these Anti-Doping Rules as Persons in conformity with the Code for direct and intentional misconduct.

- 21.19.3** Subject to applicable law, and in accordance with Article 20.3.5 of the Code, any World Rugby employee who is involved in Doping Control (other than authorised anti-doping Education or rehabilitation programmes) must sign a statement provided by World Rugby confirming that they are not Provisionally Suspended or serving a period of Ineligibility and have not been directly or intentionally engaged in conduct within the previous six (6) years which would have constituted a violation of anti-doping rules if Code-compliant rules had been applicable to them.

21.20 ADDITIONAL ROLES AND RESPONSIBILITIES OF PLAYERS

- 21.20.1** To be knowledgeable of and comply with these Anti-Doping Rules.
- 21.20.2** To be available for Sample collection at all times.⁷³
- 21.20.3** To take responsibility, in the context of anti-doping, for what they ingest and Use.

⁷³ [Comment to Regulation 21.20.2: With due regard to a Player's human rights and privacy, legitimate anti-doping considerations sometimes require Sample collection late at night or early in the morning. For example, it is known that some Players Use low doses of EPO during these hours so that it will be undetectable in the morning.]

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

21.20.5 To disclose to World Rugby, their Union and their NADO any decision by a non-Signatory finding that the Player committed an anti-doping rule violation within the previous ten (10) years.

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

Notwithstanding any potential breaches of this Regulation 21, failure by any Player to cooperate in full with Anti-Doping Organisations investigating anti-doping rule violations may amount to a breach of World Rugby Code of Conduct which may result in disciplinary action pursuant to Regulation 20.

21.20.7 To disclose the identity of their Player Support Personnel upon request by World Rugby or a Union or any other Anti-Doping Organisation with authority over the Player.

21.20.8 Notwithstanding any potential breaches of this Regulation 21, offensive conduct towards a Doping Control official or other Person involved in Doping Control by a Player, may amount to a breach of World Rugby Code of Conduct which may result in disciplinary action pursuant to Regulation 20.

21.20.9 To use their reasonable endeavours to complete all in-person and online anti-doping education provided to them by World Rugby, their Union, Association and/or NADO from time to time.

21.21 **ADDITIONAL ROLES AND RESPONSIBILITIES OF PLAYER SUPPORT PERSONNEL**

21.21.1 To be knowledgeable of and comply with these Anti-Doping Rules.

21.21.2 To support and cooperate with the Player Testing programme.

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

21.21.4 To disclose to World Rugby, their Union and their NADO any decision by a non-Signatory finding that they committed an anti-doping rule violation within the previous ten (10) years.

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

Notwithstanding any potential breaches of this Regulation 21, failure by any Player Support Personnel to cooperate in full with Anti-Doping

Organisations investigating anti-doping rule violations may amount to a breach of the World Rugby Code of Conduct which may result in disciplinary action pursuant to Regulation 20.

21.21.6 Player Support Personnel shall not Use any Prohibited Substance or Prohibited Method without valid justification.

Any such Use may amount to a breach of the World Rugby Code of Conduct which may result in disciplinary action pursuant to Regulation 20.

21.21.7 Player Support Personnel shall not Possess any Prohibited Substance or Prohibited Method without valid justification.

In those situations where personal Possession of a Prohibited Substance or Prohibited Method by a Player Support Person without valid justification is not an anti-doping rule violation, any such Possession may amount to a breach of the World Rugby Code of Conduct which may result in disciplinary action pursuant to Regulation 20.

21.21.8 Notwithstanding any potential breaches of this Regulation 21, offensive conduct towards a Doping Control official or other Person involved in Doping Control by a Player Support Personnel, may amount to a breach of the World Rugby Code of Conduct which may result in disciplinary action pursuant to Regulation 20.

21.21.9 To use their reasonable endeavours to complete all in-person and online anti-doping education provided to them by World Rugby, their Union, Association and/or NADO from time to time.

21.22 **ADDITIONAL ROLES AND RESPONSIBILITIES OF OTHER PERSONS SUBJECT TO THESE ANTI-DOPING RULES**

21.22.1 To be knowledgeable of and comply with these Anti-Doping Rules.

21.22.2 To disclose to World Rugby, their Union, their Association as applicable and their NADO any decision by a non-Signatory finding that they committed an anti-doping rule violation within the previous ten (10) years.

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

Notwithstanding any potential breaches of this Regulation 21, failure by any Person to cooperate in full with Anti-Doping Organisations investigating anti-doping rule violations may amount to a breach of the World Rugby Code of Conduct which may result in disciplinary action pursuant to Regulation 20.

21.22.4 Not to Use or Possess any Prohibited Substance or Prohibited Method without valid justification.

Any such Use or Possession may amount to a breach of the World Rugby Code of Conduct which may result in disciplinary action pursuant to Regulation 20.

21.22.5 Notwithstanding any potential breaches of this Regulation 21, offensive conduct towards a Doping Control official or other Person involved in Doping Control by a Person, may amount to a breach of the World Rugby Code of Conduct which may result in disciplinary action pursuant to Regulation 20.

21.23 INTERPRETATION OF THE CODE

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

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

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

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

21.23.5 Where the term “days” is used in the Code or an International Standard, it shall mean calendar days unless otherwise specified.

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

21.23.7 The Purpose, Scope and Organisation of the World Anti-Doping Programme and the Code and Appendix 1, Definitions, shall be considered integral parts of the Code.

21.24 GENERAL PROVISIONS

21.24.1 Where the term “days” is used in these Anti-Doping Rules, it shall mean calendar days unless otherwise specified.

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

- 21.24.3** These Anti-Doping Rules have been adopted pursuant to the applicable provisions of the Code and the International Standards and shall be interpreted in a manner that is consistent with applicable provisions of the Code and the International Standards. The Code and the International Standards shall be considered integral parts of these Anti-Doping Rules and shall prevail in case of conflict.
- 21.24.4** The Introduction and Appendix 1 shall be considered integral parts of these Anti-Doping Rules.
- 21.24.5** The comments annotating various provisions of these Anti-Doping Rules shall be used to interpret these Anti-Doping Rules.
- 21.24.6** These Anti-Doping Rules shall enter into force on 1 January 2021 (the “Effective Date”). They repeal World Rugby’s Anti-Doping Rules that came into effect on 1 January 2015.
- 21.24.7** These Anti-Doping Rules shall not apply retroactively to matters pending before the Effective Date. However:
- 21.24.7.1** Anti-doping rule violations taking place prior to the Effective Date count as “first violations” or “second violations” for purposes of determining sanctions under Regulation 21.10 for violations taking place after the Effective Date.
- 21.24.7.2** Any anti-doping rule violation case which is pending as of the Effective Date and any anti-doping rule violation case brought after the Effective Date based on an anti-doping rule violation which occurred prior to the Effective Date, shall be governed by the substantive anti-doping rules in effect at the time the alleged anti-doping rule violation occurred, and not by the substantive anti-doping rules set out in these Anti-Doping Rules, unless the panel hearing the case determines the principle of “lex mitior” appropriately applies under the circumstances of the case. For these purposes, the retrospective periods in which prior violations can be considered for purposes of multiple violations under Regulation 21.10.9.4 and the statute of limitations set forth in Regulation 21.16 are procedural rules, not substantive rules, and should be applied retroactively along with all of the other procedural rules in these Anti-Doping Rules (provided, however, that Regulation 21.16 shall only be applied retroactively if the statute of limitation period has not already expired by the Effective Date).
- 21.24.7.3** Any Regulation 21.2.4 whereabouts failure (whether a filing failure or a missed test, as those terms are defined in the International Standard for Results Management) prior to the Effective Date shall be carried forward and may be relied upon, prior to expiry, in accordance with the International Standard for Results Management, but it shall be deemed to have expired twelve (12) months after it occurred.
- 21.24.7.4** With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the Player or

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

21.24.7.5 For purposes of assessing the period of Ineligibility for a second violation under Regulation 21.10.9.1, where the sanction for the first violation was determined based on rules in force prior to the Effective Date, the period of Ineligibility which would have been assessed for that first violation had these Anti-Doping Rules been applicable, shall be applied.⁷⁴

21.24.7.6 Changes to the Prohibited List and Technical Documents relating to substances or methods on the Prohibited List shall not, unless they specifically provide otherwise, be applied retroactively. As an exception, however, when a Prohibited Substance or a Prohibited Method has been removed from the Prohibited List, a Player or other Person currently serving a period of Ineligibility on account of the formerly Prohibited Substance or a Prohibited Method may apply to World Rugby or other Anti-Doping Organisation which had Results Management responsibility for the anti-doping rule violation to consider a reduction in the period of Ineligibility in light of the removal of the substance or method from the Prohibited List.

21.24.7.7 These Anti-Doping Rules shall be governed by and construed in accordance with English law and, subject to the dispute resolution processes set out herein, shall be subject to the exclusive jurisdiction of the English courts.

21.24.7.8 World Rugby may amend these Anti-Doping Rules from time to time.

21.25 WORLD RUGBY ANTI-DOPING ADVISORY COMMITTEE

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

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

⁷⁴ *[Comment to Regulation 21.24.7.5: Other than the situation described in Regulation 21.24.7.5, where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date and the period of Ineligibility imposed has been completely served, these Anti-Doping Rules may not be used to re-characterise the prior violation.]*

21.25.3 Members of the Anti-Doping Advisory Committee may sit on World Rugby's TUE Committee but not on the Judicial Panel. The Judicial Panel Chairman or his nominee may be invited to attend and/or speak at Anti-Doping Advisory Committee meetings on specific topics.

21.25.4 The Anti-Doping Advisory Committee and/or World Rugby shall be entitled to call on experts to provide specialist advice, undertake certain activities and assist in the implementation of these Anti-Doping Rules.

21.25.5 Representative(s) of the Anti-Doping Advisory Committee shall carry out the review and take the decision set out in Regulation 21.15.3 in relation to decisions arising from non-Signatory bodies.

21.26 EXCEPTIONAL/UNFORESEEN CIRCUMSTANCES

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

21.26.2 It is the responsibility of each Union and Association to ensure that in such circumstances it is able by reference to its anti-doping regulations or otherwise, to effect and/or recognise such Provisional Suspension of the Players or other Person(s) concerned.

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

APPENDIX 1 DEFINITIONS⁷⁵

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

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

Adverse Analytical Finding: A report from a WADA-accredited laboratory or other WADA-approved laboratory that, consistent with the International Standard for Laboratories, establishes in a Sample the presence of a Prohibited Substance or its Metabolites or Markers or evidence of the Use of a Prohibited Method.

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

Aggravating Circumstances: Circumstances involving, or actions by, a Player or other Person which may justify the imposition of a period of Ineligibility greater than the standard sanction. Such circumstances and actions shall include, but are not limited to: the Player or other Person Used or Possessed multiple Prohibited Substances or Prohibited Methods, Used or Possessed a Prohibited Substance or Prohibited Method on multiple occasions or committed multiple other anti-doping rule violations; a normal individual would be likely to enjoy the performance-enhancing effects of the anti-doping rule violation(s) beyond the otherwise applicable period of Ineligibility; the Player or Person engaged in deceptive or obstructive conduct to avoid the detection or adjudication of an anti-doping rule violation; or the Player or other Person engaged in Tampering during Results Management. For the avoidance of doubt, the examples of circumstances and conduct described herein are not exclusive and other similar circumstances or conduct may also justify the imposition of a longer period of Ineligibility.

Anti-Doping Activities: Anti-doping Education and information, test distribution planning, maintenance of a Registered Testing Pool, managing Athlete Biological Passports, conducting Testing, organising analysis of Samples, gathering of intelligence and conduct of investigations, processing of TUE applications, Results Management, monitoring and enforcing compliance with any Consequences imposed, and all other activities related to anti-doping to be carried out by or on behalf of an Anti-Doping Organisation, as set out in the Code and/or the International Standards.

⁷⁵ [Comment to Definitions: Defined terms shall include their plural and possessive forms, as well as those terms used as other parts of speech.]

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

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

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

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

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

CAS: The Court of Arbitration for Sport.

Code: The World Anti-Doping Code.

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

Consequences of Anti-Doping Rule Violations (“Consequences”): A Player's or other Person's violation of an anti-doping rule may result in one or more of the following: (a) Disqualification means the Player's results in a particular Competition or Event are invalidated, with all resulting Consequences including forfeiture of any medals, points and prizes; (b) Ineligibility means the Player or other Person is barred on account of an anti-doping rule violation for a specified period of time from participating in any Competition or other activity or funding as provided in Regulation 21.10.14; (c) Provisional Suspension means the Player or other Person is barred temporarily from participating in any Competition or activity prior to the final decision at a hearing conducted under Regulation 21.8; (d) Financial Consequences means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and (e) Public Disclosure means the dissemination or distribution of information to the general public or Persons beyond those Persons entitled to earlier notification in accordance with Regulation 21.14. Teams in Team Sports may also be subject to Consequences as provided in Regulation 21.11.

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

Decision Limit: The value of the result for a threshold substance in a Sample, above which an Adverse Analytical Finding shall be reported, as defined in the International Standard for Laboratories.

Delegated Third Party: Any Person to whom World Rugby delegates any aspect of Doping Control or anti-doping Education programmes including, but not limited to, third parties or other Anti-Doping Organisations that conduct Sample collection or other Doping Control services or anti-doping Educational programmes for World Rugby, or individuals serving as independent contractors who perform Doping Control services for World Rugby (e.g., non-employee Doping Control officers or chaperones). This definition does not include CAS.

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

Doping Control: All steps and processes from test distribution planning through to ultimate disposition of any appeal and the enforcement of Consequences, including all steps and processes in between, including but not limited to Testing, investigations, whereabouts, TUEs, Sample collection and handling, laboratory analysis, Results Management, and investigations or proceedings relating to violations of Regulation 21.10.14 (Status During Ineligibility or Provisional Suspension).

Education: The process of learning to instill values and develop behaviours that foster and protect the spirit of sport, and to prevent intentional and unintentional doping.

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

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

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

Fault: Fault is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing a Player's or other Person's degree of Fault include, for example, the Player's or other Person's experience, whether the Player or other Person is a Protected Person, special considerations such as impairment, the degree of risk that should have been perceived by the Player and the level of care and investigation exercised by the Player in relation to what should have been the perceived level of risk. In assessing the Player's or other Person's degree of Fault, the circumstances considered must be specific and relevant to explain the Player's or other Person's departure from the expected standard of behaviour. Thus, for example, the fact that a Player would lose the opportunity to earn large sums of money during a period of Ineligibility, or the fact that the Player only has a short time left in a career, or the timing

of the sporting calendar, would not be relevant factors to be considered in reducing the period of Ineligibility under Regulation 21.10.6.1 or 21.10.6.2.⁷⁶

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

In-Competition: The period commencing at 11:59 p.m. on the day before a Competition in which the Player is scheduled to participate through the end of such Competition and the Sample collection process related to such Competition. Provided, however, WADA may approve, for a particular sport, an alternative definition if an International Federation provides a compelling justification that a different definition is necessary for its sport; upon such approval by WADA, the alternative definition shall be followed by all Major Event Organisations for that particular sport.⁷⁷

Independent Observer Programme: A team of observers and/or auditors, under the supervision of WADA, who observe and provide guidance on the Doping Control process prior to or during certain Events and report on their observations as part of WADA's compliance monitoring programme.

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

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

Institutional Independence: Hearing panels on appeal shall be fully independent institutionally from the Anti-Doping Organisation responsible for Results Management. They must therefore not in any way be administered by, connected or subject to the Anti-Doping Organisation responsible for Results Management.

International Event: An Event or Competition where the International Olympic Committee, the International Paralympic Committee, an International Federation, a Major Event Organisation, or another international sport organisation is the ruling body for the Event or appoints the technical officials for the Event.

International-Level Player: Players who compete in sport at the international level, as defined by each International Federation, consistent with the International Standard for Testing and Investigations. For the sport of rugby, International-Level Players are defined as set out in the Scope section of the Introduction to these Anti-Doping Rules.⁷⁸

⁷⁶ *[Comment to Fault: The criteria for assessing a Player's degree of Fault is the same under all Regulations where Fault is to be considered. However, under Regulation 21.10.6.2, no reduction of sanction is appropriate unless, when the degree of Fault is assessed, the conclusion is that No Significant Fault or Negligence on the part of the Player or other Person was involved.]*

⁷⁷ *[Comment to In-Competition: Having a universally accepted definition for In-Competition provides greater harmonization among Players across all sports, eliminates or reduces confusion among Players about the relevant timeframe for In-Competition Testing, avoids inadvertent Adverse Analytical Findings in between Competitions during an Event and assists in preventing any potential performance enhancement benefits from substances prohibited Out-of-Competition being carried over to the Competition period.]*

⁷⁸ *[Comment to International-Level Player: Consistent with the International Standard for Testing and Investigations, World Rugby is free to determine the criteria it will use to classify Players as International-Level Players, e.g., by ranking, by participation in particular International Events, by type of license, etc. However, it must publish those criteria in clear and concise form, so that Players are able to ascertain quickly and easily when they will become classified as International-Level Players. For example, if the criteria include participation in certain International Events, then World Rugby must publish a list of those International Events.]*

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

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

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

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

Metabolite: Any substance produced by a biotransformation process.

Minimum Reporting Level: The estimated concentration of a Prohibited Substance or its Metabolite(s) or Marker(s) in a Sample below which WADA-accredited laboratories should not report that Sample as an Adverse Analytical Finding.

Minor: A natural Person who has not reached the age of eighteen (18) years.

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

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

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

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

No Fault or Negligence: The Player or other Person's establishing that he 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 or otherwise violated an anti-doping rule. Except in the case of a Protected Person or Recreational Player, for any violation of Regulation 21.2.1, the Player must also establish how the Prohibited Substance entered the Player's system.

No Significant Fault or Negligence: The Player or other Person's establishing that any Fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relationship to the anti-doping rule violation. Except in the case of a Protected Person or Recreational Player, for any violation of Regulation 21.2.1, the Player must also establish how the Prohibited Substance entered the Player's system.

Operational Independence: This means that (1) board members, staff members, commission members, consultants and officials of the Anti-Doping Organisation with responsibility for Results Management or its affiliates (e.g., member federation or confederation), as well as any Person involved in the investigation and pre-adjudication of the matter cannot be appointed as members and/or clerks (to the extent that such clerk is involved in the deliberation process and/or drafting of any decision) of hearing panels of that Anti-Doping Organisation with responsibility for Results Management and (2) hearing panels shall be in a position to conduct the hearing and decision-making process without interference from the Anti-Doping Organisation or any third party. The objective is to ensure that members of the hearing panel or individuals otherwise involved in the decision of the hearing panel, are not involved in the investigation of, or decisions to proceed with, the case.

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

Participant: Any Player or Player Support Person.

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

Player: Any Person who competes in rugby at the international level (as defined by World Rugby) or the national level (as defined by each NADO). An Anti-Doping Organisation has discretion to apply anti-doping rules to a Player who is neither an International-Level Player nor a National-Level Player, and thus to bring them within the definition of "Player". In relation to Players who are neither International-Level nor National-Level Players, an Anti-Doping Organisation may elect to: conduct limited Testing or no Testing at all; analyse Samples for less than the full menu of Prohibited Substances; require limited or no whereabouts information; or not require advance TUEs. However, if a Regulation 21.2.1, 21.2.3 or 21.2.5 anti-doping rule violation is committed by any Player over whom an Anti-Doping Organisation has elected to exercise its authority to test and who competes below the international or national level, then the Consequences set forth in the Code must be applied. For purposes of Regulation 21.2.8 and 21.2.9 and for purposes of anti-doping information and Education, any Person who participates in sport under the authority of any Signatory, government, or other sports organisation accepting the Code is a Player.⁷⁹

⁷⁹ *[Comment to Player: Individuals who participate in sport may fall into one of five categories: 1) International-Level Player, 2) National-Level Player, 3) individuals who are not International- or National-Level Players but over whom the International Federation or NADO has chosen to exercise authority, 4) Recreational Player, and 5) individuals over whom no International Federation or NADO has, or has chosen to, exercise authority. All International- and National-Level Players are subject to the anti-doping rules of the Code, with the precise definitions of international and national level sport to be set forth in the anti-doping rules of the International Federations and NADOs.]*

Player Support Personnel: Any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent, or any other Person working with, treating or assisting a Player participating in or preparing for sports competition.

Possession: The actual, physical Possession, or the constructive Possession (which shall be found only if the Person has exclusive control or intends to exercise control over the Prohibited Substance or Prohibited Method or the premises in which a Prohibited Substance or Prohibited Method exists); provided, however, that if the Person does not have exclusive control over the Prohibited Substance or Prohibited Method or the premises in which a Prohibited Substance or Prohibited Method exists, constructive Possession shall only be found if the Person knew about the presence of the Prohibited Substance or Prohibited Method and intended to exercise control over it. Provided, however, there shall be no anti-doping rule violation based solely on Possession if, prior to receiving notification of any kind that the Person has committed an anti-doping rule violation, the Person has taken concrete action demonstrating that the Person never intended to have Possession and has renounced Possession by explicitly declaring it to an Anti-Doping Organisation. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a Prohibited Substance or Prohibited Method constitutes Possession by the Person who makes the purchase.⁸⁰

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

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

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

Protected Person: A Player or other natural Person who at the time of the anti-doping rule violation: (i) has not reached the age of sixteen (16) years; (ii) has not reached the age of eighteen (18) years and is not included in any Registered Testing Pool and has never competed in any International Event in an open category; or (iii) for reasons other than age has been determined to lack legal capacity under applicable national legislation.⁸¹

⁸⁰ *[Comment to Possession: Under this definition, anabolic steroids found in a Player's car would constitute a violation unless the Player establishes that someone else used the car; in that event, World Rugby must establish that, even though the Player did not have exclusive control over the car, the Player knew about the anabolic steroids and intended to have control over them. Similarly, in the example of anabolic steroids found in a home medicine cabinet under the joint control of a Player and spouse, World Rugby must establish that the Player knew the anabolic steroids were in the cabinet and that the Player intended to exercise control over them. The act of purchasing a Prohibited Substance alone constitutes Possession, even where, for example, the product does not arrive, is received by someone else, or is sent to a third-party address.]*

⁸¹ *[Comment to Protected Person: The Code treats Protected Persons differently than other Players or Persons in certain circumstances based on the understanding that, below a certain age or intellectual capacity, a Player or other Person may not possess the mental capacity to understand and appreciate the prohibitions against conduct contained in the Code. This would include, for example, a Paralympic Player with a documented lack of legal capacity due to an intellectual impairment. The term "open category" is meant to exclude competition that is limited to junior or age group categories.]*

Provisional Hearing: For purposes of Regulation 21.7.4.3, an expedited abbreviated hearing occurring prior to a hearing under Regulation 21.8 that provides the Player with notice and an opportunity to be heard in either written or oral form.⁸²

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

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

Recreational Player: A natural Person who is so defined by the relevant NADO; provided, however, the term shall not include any Person who, within the five (5) years prior to committing any anti-doping rule violation, has been an International-Level Player (as defined by each International Federation consistent with the International Standard for Testing and Investigations) or National-Level Player (as defined by each NADO consistent with the International Standard for Testing and Investigations), has represented any country in an International Event in an open category or has been included within any Registered Testing Pool or other whereabouts information pool maintained by any International Federation or NADO.⁸³

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

Registered Testing Pool: The pool of highest-priority Players established separately at the international level by International Federations and at the national level by NADOs, who are subject to focused In-Competition and Out-of-Competition Testing as part of that International Federation's or NADO's test distribution plan and therefore are required to provide whereabouts information as provided in Regulation 21.5.5 and the International Standard for Testing and Investigations.

Results Management: The process encompassing the timeframe between notification as per Article 5 of the International Standard for Results Management, or in certain cases (e.g., Atypical Finding, Athlete Biological Passport, whereabouts failure), such pre-notification steps expressly provided for in Article 5 of the International Standard for Results Management, through the charge until the final resolution of the matter, including the end of the hearing process at first instance or on appeal (if an appeal was lodged).

Sample or Specimen: Any biological material collected for the purposes of Doping Control.⁸⁴

⁸² [Comment to Provisional Hearing: A Provisional Hearing is only a preliminary proceeding which may not involve a full review of the facts of the case. Following a Provisional Hearing, the Player remains entitled to a subsequent full hearing on the merits of the case. By contrast, an "expedited hearing", as that term is used in Regulation 21.7.4.3, is a full hearing on the merits conducted on an expedited time schedule.]

⁸³ [Comment to Recreational Player: The term "open category" is meant to exclude competition that is limited to junior or age group categories.]

⁸⁴ [Comment to Sample or Specimen: It has sometimes been claimed that the collection of blood Samples violates the tenets of certain religious or cultural groups. It has been determined that there is no basis for any such claim.]

Signatories: Those entities accepting the Code and agreeing to implement the Code, as provided in Article 23 of the Code.

Specified Method: See Regulation 21.4.2.2.

Specified Substance: See Regulation 21.4.2.2.

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

Substance of Abuse: See Regulation 21.4.2.3.

Substantial Assistance: For purposes of Regulation 21.10.7.1, a Person providing Substantial Assistance must: (1) fully disclose in a signed written statement or recorded interview all information he possesses in relation to anti-doping rule violations or other proceeding described in Regulation 21.10.7.1.1, and (2) fully cooperate with the investigation and adjudication of any case or matter related to that information, including, for example, presenting testimony at a hearing if requested to do so by an Anti-Doping Organisation or hearing panel. Further, the information provided must be credible and must comprise an important part of any case or proceeding which is initiated or, if no case or proceeding is initiated, must have provided a sufficient basis on which a case or proceeding could have been brought.

Tampering: Intentional conduct which subverts the Doping Control process but which would not otherwise be included in the definition of Prohibited Methods. Tampering shall include, without limitation, offering or accepting a bribe to perform or fail to perform an act, preventing the collection of a Sample, affecting or making impossible the analysis of a Sample, falsifying documents submitted to an Anti-Doping Organisation or TUE Committee or hearing panel, procuring false testimony from witnesses, committing any other fraudulent act upon the Anti-Doping Organisation or hearing body to affect Results Management or the imposition of Consequences, and any other similar intentional interference or Attempted interference with any aspect of Doping Control.⁸⁵

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

Team Sport: A sport in which the substitution of players is permitted during a Competition.

Technical Document: A document adopted and published by WADA from time to time containing mandatory technical requirements on specific anti-doping topics as set forth in an International Standard.

⁸⁵ *[Comment to Tampering: For example, this Regulation would prohibit altering identification numbers on a Doping Control form during Testing, breaking the B bottle at the time of B Sample analysis, altering a Sample by the addition of a foreign substance, or intimidating or attempting to intimidate a potential witness or a witness who has provided testimony or information in the Doping Control process. Tampering includes misconduct which occurs during the Results Management and hearing process. See Regulation 21.10.9.3.3. However, actions taken as part of a Person's legitimate defense to an anti-doping rule violation charge shall not be considered Tampering. Offensive conduct towards a Doping Control official or other Person involved in Doping Control which does not otherwise constitute Tampering shall be addressed in the disciplinary rules of sport organisations.]*

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

Testing Pool: World Rugby's principal whereabouts and testing pool comprising International-Level Players who are eligible to be part of World Rugby's Out of Competition Testing programme and who are not part of World Rugby's Registered Testing Pool.

Therapeutic Use Exemption (TUE): A Therapeutic Use Exemption allows a Player with a medical condition to use a Prohibited Substance or Prohibited Method, but only if the conditions set out in Regulation 21.4.4 and the International Standard for Therapeutic Use Exemptions are met.

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

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

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.

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

WADA: The World Anti-Doping Agency.

Without Prejudice Agreement: For purposes of Regulation 21.10.7.1.1 and 21.10.8.2, a written agreement between an Anti-Doping Organisation and a Player or other Person that allows the Player or other Person to provide information to the Anti-Doping Organisation in a defined time-limited setting with the understanding that, if an agreement for Substantial Assistance or a case resolution agreement is not finalized, the information provided by the Player or other Person in this particular setting may not be used by the Anti-Doping Organisation against the Player or other Person in any Results Management proceeding under the Code, and that the information provided by the Anti-Doping Organisation in this particular setting may not be used by the Player or other Person against the Anti-Doping Organisation in any Results Management proceeding under the Code. Such an agreement shall not preclude the Anti-Doping Organisation, Player or

other Person from using any information or evidence gathered from any source other than during the specific time-limited setting described in the agreement.

These definitions supersede any other definitions of these terms in these Regulations for the purposes of application to these Anti-Doping Rules. All other terms which are capitalised in these Anti-Doping Rules and not defined herein shall have the meanings ascribed to them in Regulation 1.

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