

# RFU REGULATION 20 – ANTI-DOPING

## INTRODUCTION

### 20.1 RFU Position on Doping

The RFU condemns doping. It is harmful to the health of Players, totally contrary to the core values of rugby and the RFU is committed to protecting all Players' fundamental right to participate in doping free rugby.

### 20.2 Role of the Union

The RFU is a Member Union of World Rugby and as such is required to implement Anti-Doping Regulations within England Rugby that are in conformity with the World Rugby Anti-Doping Regulations.

## WORLD RUGBY ANTI-DOPING REGULATIONS

### 20.3 World Rugby Regulation 21

20.3.1 World Rugby has adopted the World Anti-Doping Code 2015 ('the Code') and implemented Code compliant Anti-Doping Regulations, known as World Rugby Regulation 21.

20.3.2 World Rugby has also incorporated Doping Control Procedural Guidelines ('the Guidelines') and the World Anti-Doping Agency ("WADA") 2016 Prohibited List (as amended from time to time) into World Rugby Regulation 21 as Schedules 1 and 2 respectively.

20.3.3 World Rugby Regulation 21, the Guidelines and the WADA 2016 Prohibited List may be amended from time to time. It is each Player's responsibility to ensure they are aware of the most current versions.

## RFU ANTI-DOPING REGULATIONS

### 20.4 Definitions

All words and definitions contained in World Rugby Regulation 21 shall have the same meaning in the RFU Anti-Doping Regulations. Other terms shall be as defined in the Code or WADA International Standards.

### 20.5 Incorporation of World Rugby Regulation 21

20.5.1 The RFU hereby adopts World Rugby Regulation 21 (including the appendices and schedules) in its entirety as its own Anti-Doping Regulations.

20.5.2 World Rugby Regulation 21, the Guidelines and the current WADA Prohibited List are available on [www.worldrugby.org](http://www.worldrugby.org), [www.englandrugby.com](http://www.englandrugby.com) and on request from the RFU Anti-Doping & Illicit Drugs Programme Manager.

20.5.3 In the event that World Rugby Anti-Doping Regulations conflict with RFU Anti-Doping Regulations, then World Rugby Anti-Doping Regulations will prevail.

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Effective from 1 August 2016

## 20.6 Authority to Regulate

- 20.6.1 The RFU Anti-Doping Regulations, including World Rugby Regulation 21, shall apply to and shall bind all Players, Player Support Personnel and other persons under the jurisdiction of the RFU. For the purposes of these RFU Anti-Doping Regulations, the definition of Player is not limited to National-Level or International-Level Players and extends to anyone playing under the jurisdiction of the RFU.
- 20.6.2 All Players, Player Support Personnel and other persons under the jurisdiction of the RFU, shall comply with the RFU Anti-Doping Regulations, including World Rugby Regulation 21, in order to be eligible to participate or assist in any event or activity organised or authorised by or held under the authority of the RFU. Accordingly, by so participating or assisting, a Player, Player Support Personnel or other Person shall be deemed to have agreed:
- (i) to be bound by and to comply strictly with these RFU Anti-Doping Regulations, including by making themselves available for In Competition and Out of Competition Doping Control on a No Advance Notice basis or otherwise;
  - (ii) to submit to the authority of the RFU, UK Anti-Doping (“UKAD”), World Rugby or other Anti-Doping Organisation as appropriate, and to submit to the exclusive jurisdiction of the panels specified in RFU Regulation 19, 20 and/or World Rugby Regulation 21; and
  - (iii) to have consented to the collection, processing, disclosure and use of their personal information (including for example whereabouts information, sample analysis results and information provided by a Person for any purpose under these RFU Anti-Doping Regulations) for the purpose of implementing these RFU Anti-Doping Regulations, provided that such use of personal information shall be in accordance with the provisions of the International Standard for the Protection of Privacy and Personal Data.

## 20.7 In-Competition and Out-of-Competition Doping Control

- 20.7.1 All Players under the jurisdiction of the RFU may be subject to In Competition and Out of Competition Doping Control by the RFU at any time, at any location and with No Advance Notice.
- 20.7.2 All Players under the jurisdiction of the RFU may also be subject to In Competition and Out of Competition Doping Control on a No Advance Notice basis by World Rugby, WADA and any other authorised Anti-Doping Organisation.
- 20.7.3 All Players under the jurisdiction of the RFU may also be subject to Out of Competition Testing pursuant to the RFU’s Illicit Drugs Policy which is available at <http://www.englandrugby.com/governance/anti-doping/illicit-drugs-programme/regulations>. The RFU may test for Illicit Drugs irrespective of whether or not a particular Illicit Drug is classified as being prohibited In Competition only on the Prohibited List.

## **20.8 Domestic Testing Pool**

- 20.8.1 The RFU will maintain a Domestic Testing Pool of Clubs who are required to provide timely and accurate Club training information to the RFU for the purposes of locating domestic players for No Advance Notice Out of Competition testing. Such training information shall be provided to the RFU when requested in a format determined by the RFU and shall include dates, venues and times when training will take place. Clubs shall also communicate any changes to their training information to the RFU as and when necessary.
- 20.8.2 Any Club within the Domestic Testing Pool who fails to submit timely and accurate Club training information as requested after receipt of a formal written warning from the RFU during the current season shall be fined £1,000 by the RFU. Any subsequent failure by the Club to provide accurate and timely Club training information during the current season shall result in a £2,000 fine by the RFU.
- 20.8.3 Any Club within the Domestic Testing Pool whose squad are unavailable for testing (i.e. incurs a Squad No Show) through the provision of inaccurate Club training information will receive a formal written warning from the RFU to update their training information and shall be liable for the costs incurred by the RFU (or UKAD) for the Squad No Show. Any subsequent Squad No Show incurred by the club during the current season shall result in a fine of £2,000 by the RFU.

## **20.9 National Registered Testing Pool (“NRTP”)**

### **NRTP Player Whereabouts Requirements**

- 20.9.1 The RFU will assist UKAD in identifying a NRTP of Players who must file a Whereabouts Filing with the RFU and UKAD for each quarter of the calendar year, via ADAMS that contains the information set out in World Rugby Regulation 21.5.6.9.
- 20.9.2 Pursuant to World Rugby Regulation 21.5.7 a Player identified for inclusion in the NRTP shall remain in the NRTP and continue to be subject to these provisions including the obligation to provide player whereabouts information and be available for individual Out of Competition testing unless the Player gives written notice to the RFU that they have retired or until they no longer satisfy the criteria for inclusion in the NRTP and have been provided with written notice by UKAD.
- 20.9.3 A Player in the NRTP who has given written notice of retirement to the RFU may not resume competing at International Match Level unless the Player notifies the RFU at least 6 months before the Player expects to return to competition and is available for Out of Competition testing at any time during the period before their actual return to competition.
- 20.9.4 A Player in the NRTP who has given written notice of retirement to the RFU may resume competing at a level within the Domestic Testing Pool upon notification to the RFU of their intention to return to competition.

## **Whereabouts Failures**

- 20.9.5 Players in the NRTP who fail to provide complete and accurate quarterly Player whereabouts information to UKAD may incur a Filing Failure, and may consequently be in breach of World Rugby Regulation 21.2.4. Such Filing Failure shall only be declared by UKAD as the National Anti-Doping Organisation in accordance with World Rugby Regulations 21.5.6.18 and 21.5.6.26 (for the avoidance of doubt, the functions of World Rugby as detailed in those Regulations shall be read for the purposes of this Regulation 20.9.5 as being those of UKAD).
- 20.9.6 Players in the NRTP who are unavailable for testing at their specified location during their nominated hour may incur a Missed Test and may consequently be in breach of World Rugby Regulation 21.2.4. Where such testing is conducted by UKAD or its designee on the basis of the whereabouts information submitted to UKAD, a Missed Test shall be declared by UKAD in accordance with World Rugby Regulations 21.5.6.23 and 21.5.6.27 (for the avoidance of doubt, the functions of World Rugby as detailed in those Regulations shall be read for the purposes of this Regulation 20.9.6 as being those of UKAD).

## **Consequences of Whereabouts Failures**

- 20.9.7 Any Player in the NRTP and/or in the World Rugby International Registered Testing Pool (established pursuant to World Rugby Regulation 21.5.6.2) who commits a total of three (3) Whereabouts Failures (which may be any combination of Filing Failures and/or Missed Tests adding up to three (3) in total) within a 12 month period (irrespective of which Anti-Doping Organisation(s) has/have declared the Whereabouts Failures in question) shall be considered to have committed an anti-doping rule violation in accordance with World Rugby Regulation 21.2.4. The applicable period of ineligibility pursuant to World Rugby Regulation 21.10.3.2 shall be two years, subject to a reduction down to a minimum of one year, depending on the Player's degree of Fault.
- 20.9.8 It is recognised that a Player may be in both the NRTP and the World Rugby Testing Pool (established pursuant to World Rugby Regulation 21.5.6.3, as opposed to the World Rugby International Registered Testing Pool). In those circumstances Whereabouts Failures will only be counted by the body which has declared the Whereabouts Failure (that is, a Whereabouts Failure committed by a Player pursuant to his obligations as a member of the World Rugby Testing Pool shall not automatically be regarded as a Whereabouts Failure pursuant to his obligations as a member of the NRTP, and vice versa). For the avoidance of doubt, a Player may have Whereabouts Failures in both Pools if they are declared separately by both of the bodies responsible for declaring them, but which will not be aggregated.

## **20.10 Therapeutic Use Exemptions**

- 20.10.1 Any Player subject to Testing who is not in the World Rugby Registered Testing Pool or Testing Pool, and who is seeking a Therapeutic Use Exemption (TUE) pursuant to World Rugby Regulation 21.4.4 shall submit their TUE request directly to UKAD. TUE requests will be determined by

UKAD and evaluated in accordance with the International Standard for TUEs.

- 20.10.2 Players must submit complete and accurate TUE requests to UKAD in accordance with the TUE forms and guidance notes available on the UKAD website ([www.ukad.org.uk](http://www.ukad.org.uk)) or on request from the RFU Anti-Doping & Illicit Drugs Programme Manager.

### **20.11 Investigations**

- 20.11.1 Where a Player, Player Support Personnel or other Person knows or suspects that any other Player, Player Support Personnel or other Person has committed an Anti-Doping Rule Violation, they shall have an obligation to report such knowledge or suspicion to the RFU as soon as possible. They shall also have a continuing obligation to report any new knowledge or suspicion regarding any Anti-Doping Rule Violation to the RFU. Failure to comply with any of the foregoing without reasonable justification may be treated as misconduct under the RFU's Discipline Regulations and/or Rules and may be sanctioned accordingly.
- 20.11.2 Players, Player Support Personnel and other Persons must cooperate fully with investigations conducted pursuant to this Regulation 20.11. Failure or refusal to do so without reasonable justification may be treated as Misconduct and sanctioned accordingly.
- 20.11.3 If the Player, Player Support Personnel or other Person subverts or attempts to subvert the investigation process (for example, but not limited to, providing false, misleading, inaccurate or incomplete information, and/or by destroying potential evidence), proceedings may be brought against him or her for violation of World Rugby Regulation 21.2.5 (Tampering or Attempted Tampering) or 21.2.9 (Complicity) or misconduct and sanctioned accordingly.

### **20.12 Disciplinary Process**

- 20.12.1 This Regulation shall apply where an Anti-Doping Rule Violation may have been committed by a Player, Player Support Personnel or a person under the jurisdiction of the RFU.
- 20.12.2 The RFU Legal and Governance Director has the power to impose a provisional suspension pursuant to World Rugby Regulation 21.7.9 and the Player, Player Support Personnel or other person alleged to have committed a breach of World Rugby Regulation 21 shall be notified accordingly. For the avoidance of doubt, this power may be exercised before any determination on case to answer is made pursuant to Regulation 20.12.3.
- 20.12.3 UKAD shall review any potential Anti-Doping Rule Violation and confirm whether the Player, Player Support Personnel or other person has a case to answer. The decision of UKAD shall be communicated, via the RFU, to the person alleged to have committed the Anti-Doping Rule Violation.
- 20.12.4 The RFU shall (if UKAD has determined there is a case to answer) bring a charge in relation to an alleged breach of World Rugby Regulation 21. Where

- a charge is brought, the RFU shall, subject to Regulation 20.18, instruct the National Anti-Doping Panel (“NADP”) to appoint an independent Panel to hear the case. The Player, Player Support Personnel or other person charged shall be sent a notification of the hearing. All hearings in such a case shall be carried out in accordance with the hearing procedures set out in World Rugby Regulation 21.8.
- 20.12.5 Nothing in Regulation 20.12 shall prevent the RFU from bringing a charge against a Player, Player Support Personnel or other person for breach of any other RFU Rule or Regulation.

### **20.13 Post-Hearing Review Procedure**

- 20.13.1 **Before any appeal is commenced in accordance with RFU Regulation 20.14, the post-decision review procedure set out in World Rugby Regulation 21.13.8 must be exhausted**, provided that such review respects the principles set forth in World Rugby Regulation 21.13.2.2 (except as provided in World Rugby Regulation 21.13.1.3).
- 20.13.2 For that purpose, the RFU shall instruct the NADP to appoint an independent Post-Hearing Review Body. The Post Hearing Review Body shall be constituted and shall apply procedures in accordance with World Rugby Regulation 21.13.8.1 to 21.13.8.15 and 21.25.1.
- 20.13.3 The parties having the right to refer a case to the Post-Hearing Review Body shall be the Player or other person subject to the decision being reviewed, the RFU, World Rugby, UKAD and WADA. The written decision of the Post-Hearing Review Body shall be notified to World Rugby within 72 hours of it being communicated to the Player or the person concerned.
- 20.13.4 Any request for a Post-Hearing Review must be lodged with the RFU Head of Discipline within **7 days** from the date of notification of the written decision and must be in the prescribed form as set out in World Rugby Regulation 21.13.8.2.

### **20.14 Appeals following a decision of the Post-Hearing Review Body**

- 20.14.1 The ultimate appellate body from any decision specified by World Rugby Regulation 21.13.2 is the Court of Arbitration for Sport (“CAS”).
- 20.14.2 In all cases, 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) UKAD; (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.
- 20.14.3 The time limits for filing an appeal to CAS are set out in World Rugby Regulation 21.13.7.

## **20.15 Challenging a decision regarding the Domestic Testing Pool**

In the case of alleged breaches of Regulations 20.8.1 to 20.8.3 above, the Club shall have the right to appeal any decision of the RFU to administratively impose a fine to an RFU Appeal Panel within 14 days of the notification of the written decision in accordance with RFU appeal procedures set out in RFU Regulation 19. Appeals may only be made in relation to disputes as to the facts of whether a breach has occurred and may not be brought in relation to the level of any fine imposed.

## **20.16 General**

Any deviation from these Anti-Doping Regulations shall not invalidate any finding, decision or Adverse Analytical Finding unless such deviation(s) is such as to cast material doubt on any finding, decision or Adverse Analytical Finding.

## **20.17 Prohibition on Private Testing for Illicit Drugs**

The independent private testing/screening of Players for prohibited substances and/or Illicit Drugs (as defined in the RFU Illicit Drugs Policy) by a Club or a Player (or by a third party with a Club and/or Player's knowledge) for whatever reason is prohibited.

## **20.18 Prompt Admission of an Anti-Doping Rule Violation after being confronted with a violation sanctionable under World Rugby Regulation 21.10.2.1 or Regulation 21.10.3.1**

- 20.18.1 A Player or other Person potentially subject to a four-year sanction under World Rugby Regulation 21.10.2.1 or 21.10.3.1 (for evading or refusing Sample Collection or Tampering with Sample Collection), by promptly admitting the asserted anti-doping rule violation after being confronted by the RFU, and also upon the approval and at the discretion of both WADA, UKAD and the RFU, may receive a reduction in the period of Ineligibility down to a minimum of two years, depending on the seriousness of the violation and the Player or other Person's degree of Fault.
- 20.18.2 Where the RFU has proposed a reduction in the period of ineligibility under Regulation 20.18.1, and the Player or other Person has agreed to it, that period of ineligibility shall be imposed administratively by the RFU Legal and Governance Director and need not be ratified by the NADP.
- 20.18.3 If the Player or other Person concerned does not agree to the period of ineligibility imposed by the RFU Legal and Governance Director within 14 days of notification of the proposal, then the charge shall be determined by the NADP.