



# EUROPEAN CRICKET LEAGUE

## ANTI-DOPING RULES

\*As adapted from the the ICC Anti-Doping Code effective June 2017

**IMPORTANT WARNING**

You must be aware of the rules in this Anti-Doping Code and what constitutes an Anti-Doping Rule Violation.

You must be aware of which substances are Prohibited Substances.

This Anti-Doping Code adopts the strict liability principle.

You are responsible for all substances you ingest/use.  
Ignorance is no excuse.

You should refer any information you may have about potential AntiDoping Rule Violations to The European Cricket League or The ICC.

# ANTI-DOPING RULES

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## INTRODUCTION

The *European Cricket League (ECL)* has adopted these anti-doping rules (the “**Rules**”) to impose clear prohibitions and controls in the sport of cricket in accordance with the mandatory provisions of the World Anti-Doping Code, as part of the *ECL*’s continuing efforts to: (a) maintain the integrity of the sport of cricket; (b) protect the rights and health of all participants in the sport of cricket; and (c) keep the sport of cricket free from doping. Unless otherwise indicated, references to Articles and Appendices are to articles and appendices of the Rules. Words in italicised text in the Rules are defined terms. Their definitions are set out in Appendix 1.

## ARTICLE 1

### 1. Scope and Application

1.1. The Rules shall apply to:

- 1.1.1. all Cricketers and Cricketer Support Persons who are members of: (a) The ECL and/or National Cricket Federations (including any clubs, teams, associations or leagues who are members, affiliates or licensees of the ECL and/or National Cricket Federations);
- 1.1.2. all Cricketers and Cricketer Support Persons participating in Matches and other activities organised, convened or authorised by the *ECL* or by any of its members or affiliates or licensees (including any clubs, teams, associations or leagues), wherever held; and
- 1.1.3. any other Cricketer or Cricketer Support Person who, by virtue of a contractual arrangement or otherwise, is subject to the jurisdiction of the *ECL* for purposes of anti-doping;

whether or not such Cricketer or Cricketer Support Person is a citizen of or resident in and *ECL* competing country

**NOTE:** For the purposes of the World Anti-Doping Code, any Cricketers falling within the scope of Article 1.1 above shall be considered National-Level Players. These Rules apply solely to National-Level Players. International-Level Cricketers are governed by the ICC Code (including in relation to TUEs and appeals).

- 1.2. To be a member of the *ECL* and/or of an organisation that is a member or affiliate or licensee of the *ECL*, or to be otherwise eligible to participate (in the case of a Cricketer) or assist any participating Cricketer (in the case of a Cricketer Support Person) in any Match or other activity organised, convened or authorised by the *ECL* or any of its members or affiliates or licensees, a Cricketer or Cricketer Support Person must agree to be bound by and to comply with the Rules. Accordingly, by becoming such a member or by so participating or assisting, a Cricketer and/or Cricketer Support Person (as applicable) shall be deemed to have agreed:

- 1.2.1. to be bound by and to comply strictly with the Rules (without prejudice to any other anti-doping rules applicable to him/her), including making him/herself available upon request for Testing at all times, whether In-Competition or Out-of-Competition;
  - 1.2.2. to submit to the authority of the *ECL* and/or of the NADO (as the *ECL* and the NADO may agree between themselves) to apply, police and enforce the Rules;
  - 1.2.3. to provide all requested assistance to the *ECL* and/or the NADO (as applicable) in the application, policing and enforcement of the Rules, including (without limitation) cooperating fully with any investigation, results management exercise, and/or proceedings being conducted pursuant to the Rules in relation to any potential anti-doping rule violation(s);
  - 1.2.4. to submit to the exclusive jurisdiction of any Anti-Doping Tribunal convened under the Rules to hear and determine charges brought by the *ECL* or NADO (as applicable) and related issues arising under the Rules;
  - 1.2.5. to submit to the exclusive jurisdiction of any Appeal Panel and/or CAS panel convened under the Rules to hear and determine appeals made pursuant to the Rules; and
  - 1.2.6. further to Article 18.6, not to bring any proceedings in any court or other forum that are inconsistent with the foregoing submission to the jurisdiction of the Anti-Doping Tribunal, the Appeal Tribunal and CAS.
- 1.3. It is acknowledged that certain Cricketers and Cricketer Support Persons may also be subject to the anti-doping rules of other Anti-Doping Organisations, including (in the case of International-Level Cricketers) the ICC Anti-Doping Code (the “ICC Code”), and that the same conduct of such Cricketers and Cricketer Support Persons may implicate not only these rules but also such other anti-doping rules, including the ICC Code. The Rules are not intended to limit the responsibilities of any Cricketers and Cricketer Support Persons under the ICC Code (or any other anti-doping rules). The jurisdictional and other issues arising when the same conduct implicates the Rules and the ICC Code shall be resolved in favour of the ICC Code. The jurisdictional and other issues arising when the same conduct implicates the Rules and any other anti-doping rules shall be resolved in accordance with the World Anti-Doping Code.
- 1.4. It is the personal responsibility of each Cricketer (which may not be delegated to any other Person):
- 1.4.1. to acquaint him/herself, and to ensure that each Person (including medical personnel) from whom he/she takes advice is acquainted, with all of the requirements of the Rules, including (without limitation) being aware of what constitutes an anti-doping rule violation and what substances and methods are prohibited; and
  - 1.4.2. to comply with the Rules in all respects, including:

- 1.4.2.1. taking full responsibility for what he/she ingests and uses;
  - 1.4.2.2. ensuring that any medical treatment he/she receives does not infringe the Rules;
  - 1.4.2.3. making him/herself available for Testing at all times, whether InCompetition or Out-of-Competition;
  - 1.4.2.4. when included in a National Registered Testing Pool, providing accurate and up-to-date whereabouts information for purposes of Out-of-Competition Testing
  - 1.4.2.5. disclosing to the *ECL* and his/her NADO any decision by a non-Signatory that he/she infringed the anti-doping rules of that non-Signatory within the previous 10 years; and
  - 1.4.2.6. cooperating fully with any investigation into a potential anti-doping rule violation under the Rules.
- 1.5. It is also the sole responsibility of each Cricketer to ensure that the *ECL* is able to communicate with him/her efficiently and reliably in relation to matters arising under the Rules. To that end, each Cricketer shall be deemed to be contactable at the postal address and telephone number that he/she has specified on any Doping Control form that he/she completes in relation to Testing under the Rules and it shall be the Cricketer's responsibility to complete such contact details (the "Cricketer's Nominated Address") as necessary to ensure that he/she is contactable at the Cricketer's Nominated Address. Any notice sent by the *ECL* to a Cricketer at the Cricketer's Nominated Address shall be deemed to have been received by the Cricketer within five (5) days of the date of delivery to the Cricketer's Nominated Address.
- 1.6. A Cricketer shall continue to be bound by and required to comply with the Rules unless and until the Cricketer is deemed under the rules applicable to him/her to have retired from the sport of cricket, and the *ECL* shall continue to have jurisdiction over him/her under the Rules thereafter in respect of matters taking place prior to that point.
- 1.7. A Cricketer who retires in accordance with Article 1.6 at a time when he/she is in the National Registered Testing Pool may not resume competing in the sport unless he/she notifies the *National Cricket Federation* and/or the NADO (as applicable) in writing and makes him/herself available for unannounced Out-of-Competition Testing in accordance with Article 5.6.
- 1.8. Any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, physiotherapist, parent or any other Person working with, treating or assisting a Cricketer ("**Cricketer Support Person**") shall also be bound by and shall be required to comply with all of the provisions of the Rules.
- 1.9. It is the personal responsibility of each Cricketer Support Person (which may not be delegated to any other Person):

- 1.9.1. to acquaint him/herself with all of the provisions of the Rules, including (without limitation) being aware of what constitutes an anti-doping rule violation and what substances and methods are prohibited;
  - 1.9.2. to comply with the Rules in all respects;
  - 1.9.3. to cooperate fully with the Testing of Cricketers;
  - 1.9.4. to cooperate fully with any investigation into a potential anti-doping rule violation under the Rules or the rules of any other Anti-Doping Organisation, including the ICC;
  - 1.9.5. to use his/her influence on Cricketer values and behaviour in order to foster positive attitudes towards anti-doping in the sport of cricket;
  - 1.9.6. To disclose to his/her National Cricket Federation and NADO any decision by a non-Signatory finding that he/she infringed applicable anti-doping rules within the previous ten years; and
  - 1.9.7. not to Use or Possess any Prohibited Substance or Prohibited Method without valid justification.
- 1.10. Without prejudice to Articles 1.1 to 1.9, the *ECL* shall be responsible for promoting anti-doping awareness and education in the sport of cricket.

## ARTICLE 2

### 2. ANTI-DOPING RULE VIOLATIONS

Doping is defined as the occurrence of one or more of the following anti-doping rule violations:

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

- 2.1.1. It is each Cricketer's personal duty to ensure that no Prohibited Substance enters his/her body. A Cricketer is responsible for any Prohibited Substance or its Metabolites or Markers found to be present in his/her Sample. Accordingly, it is not necessary that intent, Fault, negligence or knowing Use on the Cricketer's part be demonstrated in order to establish an anti-doping rule violation under Article 2.1.

**NOTE:** It is not necessary that intent, Fault, negligence or knowledge on the Cricketer's part be demonstrated in order to establish an anti-doping rule violation under Article 2.1. Consequently, lack of intent, Fault, negligence or knowledge shall not be a defence to a charge that an anti-doping rule violation has been committed under Article 2.1

2.1.2. Sufficient proof of an anti-doping rule violation under Article 2.1 is established by any of the following (unless the Cricketer establishes that such presence is consistent with a Therapeutic Use Exemption granted in accordance with Article 4.4): (a) the presence of a Prohibited Substance or its Metabolites or Markers in the Cricketer's A Sample, where the Cricketer waives analysis of the B Sample and the B Sample is not analysed; (b) where the Cricketer's B Sample is analysed and the analysis of the Cricketer's B Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the Cricketer's A Sample; or (c) where the Cricketer's B Sample is split into two bottles and the analysis of the second bottle confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the first bottle.

2.1.3. Except in the case of those substances for which a quantitative reporting threshold is specifically identified in the Prohibited List, and subject to the special criteria established in the Prohibited List (and/or other International Standards) to distinguish between endogenous and exogenous production of certain substances, the presence of any quantity of a Prohibited Substance or its Metabolites or Markers in a Cricketer's Sample shall constitute an anti-doping rule violation under Article 2.1.

**2.2. Use or Attempted Use by a Cricketer of a Prohibited Substance or a Prohibited Method, unless the Cricketer establishes that such Use or Attempted Use is consistent with a Therapeutic Use Exemption granted in accordance with Article 4.4.**

2.2.1. It is each Cricketer's personal duty to ensure that he/she does not Use any Prohibited Substance or Prohibited Method. Accordingly, it is not necessary that intent, Fault, negligence or knowing Use on the Cricketer's part be demonstrated in order to establish an anti-doping rule violation of Use of a Prohibited Substance or Prohibited Method under Article 2.2.

**NOTE:** It is not necessary that intent, Fault, negligence or knowledge on the Cricketer's part be demonstrated in order to establish an anti-doping rule violation under Article 2.2. Consequently, lack of intent, Fault, negligence or knowledge shall not be a defence to a charge that an anti-doping rule violation of Use has been committed under Article 2.2.

2.2.2. Without prejudice to Article 2.2.1, it is necessary that intent on the Cricketer's part be demonstrated in order to establish an anti-doping rule violation of Attempted Use under Article 2.2.

2.2.3. The success or failure of the Use or Attempted Use of a Prohibited Substance or Prohibited Method is not material. For an anti-doping rule violation to be committed under Article 2.2, it is sufficient that the Cricketer Used or Attempted to Use a Prohibited Substance or Prohibited Method.

2.2.4. Notwithstanding Article 2.2.3, however, a Cricketer's Use of a substance Out Of-Competition that is not prohibited Out-of-Competition shall not constitute an anti-doping rule violation under Article 2.2. However, the presence of a Prohibited Substance or its Metabolites or Markers in a Sample collected InCompetition is a violation of Article 2.1, regardless of when that substance might have been administered.



**2.3. Evading Sample collection or (without compelling justification) refusing or failing to submit to Sample collection after notification as authorised in the Rules or under the World Anti-Doping Code.**

**2.4. Whereabouts Failures**

For a Cricketer in the National Registered Testing Pool, any combination of three Filing Failures and/or Missed Tests (as such terms are defined in the International Standard for Testing and Investigations) committed within a twelve-month period, whether declared by the *ECL*, *National Cricket Federation* or any other Anti-Doping Organisation with jurisdiction over the Cricketer (a **"Whereabouts Failure"**), shall constitute an anti-doping rule violation under this Article 2.4.

**NOTE:** A Filing Failure amounts to a failure to file whereabouts information in accordance with the International Standard for Testing and Investigations. A Missed Test constitutes a failure to be available for Testing at the declared whereabouts in accordance with the International Standard for Testing and Investigations.

**2.5. Tampering or Attempted Tampering with any part of Doping Control**

This Article prohibits conduct that subverts or Attempts to subvert the Doping Control process but which would not otherwise be included in the definition of Prohibited Methods. Tampering shall include, without limitation, intentionally interfering or attempting to interfere with a Doping Control official, providing fraudulent information to an Anti-Doping Organisation or intimidating or attempting to intimidate a potential witness.

**2.6. Possession of Prohibited Substances and/or Prohibited Methods.**

2.6.1. Possession by a Cricketer In-Competition of any Prohibited Substance or any Prohibited Method, or Possession by a Cricketer Out-of-Competition of any Prohibited Substance or any Prohibited Method which is prohibited Out-of-Competition, unless the Cricketer establishes that the Possession is pursuant to a Therapeutic Use Exemption granted in accordance with Article 4.4 or other acceptable justification.

2.6.2. Possession by a Cricketer Support Person InCompetition of any Prohibited Substance or any Prohibited Method, or Possession by a Cricketer Support Person Out-of-Competition of any Prohibited Substance or any Prohibited Method which is prohibited Out-of-Competition, in connection with a Cricketer, Match or training, unless the Cricketer Support Person establishes that the Possession is consistent with a Therapeutic Use Exemption granted to a Cricketer in accordance with Article 4.4 or other acceptable justification.

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

2.8. **Administration or Attempted Administration to any Cricketer In-Competition of any Prohibited Substance or Prohibited Method, or Administration or Attempted Administration to any Cricketer Out-of-Competition of any Prohibited Substance or Prohibited Method that is prohibited Out-of-Competition, unless the Cricketer or Cricketer Support Person establishes that the Administration or Attempted Administration was consistent with a Therapeutic Use Exemption granted in accordance with Article 4.4;**

2.9. **Complicity: namely assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity involving an anti-doping rule violation or any Attempted anti-doping rule violation or violation of Article 10.11.1 by another Person;**

2.10. **Prohibited Association**

2.10.1. Association by a Cricketer or other Person subject to the authority of an AntiDoping Organisation in a professional or sport-related capacity with any Cricketer Support Person who:

2.10.1.1. (if subject to the authority of an Anti-Doping Organisation) is serving a period of Ineligibility; or

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 Rules or the World Anti-Doping 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 World Anti-Doping Code-compliant rules had been applicable to such Person. The disqualifying status of such Person shall be in force for the longer of six years from the criminal, professional or disciplinary decision or the duration of the criminal, professional or disciplinary sanction imposed; or

2.10.1.3. 3 is serving as a front or intermediary for an individual described in Article 2.10.1.1 or 2.10.1.2.

2.10.2. In order for this Article 2.10 to apply, it is necessary that (a) the Cricketer or other Person has previously been advised in writing by the *ECL, National Cricket Federation*, the ICC (in which case, the ICC shall copy such notice to the National Cricket Federation), any other Anti-Doping Organisation with jurisdiction over that Cricketer or other Person or WADA, of the Cricketer Support Person's disqualifying status and the potential Consequences of prohibited association, and (b) the Cricketer or other Person can reasonably avoid the association. The *ECL, National Cricket Federation* or other Anti-Doping Organisation with jurisdiction over the Cricketer or other Person shall also use reasonable efforts to advise the Cricketer Support Person who is the subject of the notice to the Cricketer or Cricketer Support Person that the Cricketer Support Person may, within 15 days, come forward to the *ECL, National Cricket Federation* or other Anti-Doping Organisation with jurisdiction over the Cricketer or other Person to explain that the criteria described in Articles 2.10.1.1 and 2.10.1.2 do not apply to him or her. For the avoidance of

doubt, this Article applies even when the Cricketer Support Person's disqualifying conduct occurred prior to the Effective Date.

2.10.3. The burden shall be on the Cricketer or other Person to establish that any association with the Cricketer Support Person described in Article 2.10.1.1 or 2.10.1.2 is not in a professional or sport-related capacity.

2.10.4. If the *ECL*, *National Cricket Federation* or other Anti-Doping Organisation with jurisdiction over the Cricketer or other Person becomes aware of any Cricket Support Person who meets the criteria described in Article 2.10.1.1, 2.10.1.2 or 2.10.1.3 it shall submit that information to the ICC.

## ARTICLE 3

### 3. Proof Of Doping

#### 3.1. Burdens and Standards of Proof

3.1.1. The *ECL* or NADO (as applicable) shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether the *ECL* or NADO (as applicable) has established the commission of the alleged anti-doping rule violation to the comfortable satisfaction of the Anti-Doping Tribunal, bearing in mind the seriousness of the allegation that 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.

3.1.2. Where the Rules place the burden of proof upon the Cricketer or other Person alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability.

#### 3.2. Methods of Establishing Facts and Presumptions

The Anti-Doping Tribunal shall not be bound by judicial rules governing the admissibility of evidence. Instead, facts relating to an anti-doping rule violation may be established by any reliable means, including admissions. The following rules of proof shall be applicable at the hearing:

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

- 3.2.2. 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.
- 3.2.3. *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 Cricketer or other Person who is asserted to have committed an anti-doping rule violation may rebut this presumption by establishing that a departure from the International Standard for Laboratories occurred that could reasonably have caused the Adverse Analytical Finding. In such an event, the *ECL* or *NADO* (as applicable) shall have the burden to establish that such departure did not cause the Adverse Analytical Finding.
- 3.2.4. Departures from any other International Standard or other anti-doping rule or policy set forth in the *World Anti-Doping Code*, the *ICC Code* or the Rules that did not cause an Adverse Analytical Finding or other anti-doping rule violation shall not invalidate such evidence or results. If the Cricketer or other Person who is asserted to have committed an anti-doping rule violation establishes that a departure from an International Standard or other anti-doping rule or policy occurred that could reasonably have caused an anti-doping rule violation based on an Adverse Analytical Finding or other anti-doping rule violation, then the *ECL* or *NADO* (as applicable) shall have the burden to establish that such a departure did not cause the Adverse Analytical Finding or other factual basis for the anti-doping rule violation asserted.
- 3.2.5. 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 Cricketer or other Person to whom the decision pertained of those facts, unless the Cricketer or other Person establishes that the decision violated principles of natural justice.
- 3.2.6. The *Anti-Doping Tribunal* may draw an inference adverse to the Cricketer or other Person who is asserted to have committed an anti-doping rule violation based on his/her refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person, virtually or telephonically as directed by the *Anti-Doping Tribunal*) and to answer questions from the *ECL* or the members of the *AntiDoping Tribunal*.

## ARTICLE 4

### 4. The Prohibited List

#### 4.1. The Prohibited List

##### 4.1.1. Prohibited Substances and Prohibited Methods

- 4.1.1.1. The Rules incorporate and are based upon the Prohibited List. A copy of the current version of the Prohibited List is set out at Appendix 2.

4.1.1.2. WADA may amend the Prohibited List as set out in Article 4.1 of the World Anti-Doping Code. Unless provided otherwise by WADA, amendments to the Prohibited List shall come into effect under the Rules automatically three months after publication of such amendments by WADA on its website, without requiring any further action by the *ECL*. It is the responsibility of each Cricketer and Cricketer Support Person to be familiar with the most current version of the Prohibited List.

### 4.1.2. Specified Substances

For purposes of the application of Article 10 of the World Anti-Doping Code and the Rules, all Prohibited Substances shall be considered “Specified Substances” except: (a) substances in the class of anabolic agents and hormones; and (b) those stimulants and hormone antagonists and modulators so identified on the Prohibited List. The category of Specified Substances shall not include Prohibited Methods.

## 4.2. New Classes of Prohibited Substances

In the event WADA expands the Prohibited List by adding a new class of Prohibited Substances in accordance with Article 4.1 of the World Anti-Doping Code, WADA's Executive Committee shall determine whether any or all Prohibited Substances within the new class of Prohibited Substances shall be considered Specified Substances within the meaning of Article 4.1.2.

## 4.3. Criteria for Including Substances and Methods on the Prohibited List

4.3.1. The criteria for including substances and methods on the Prohibited List are set out in Article 4.3 of the World Anti-Doping Code. Such substances and methods may be included by general category (eg anabolic agents) or by specific reference to a particular substance or method. In accordance with Article 4.3.3 of the World Anti-Doping Code, WADA's determination of the substances and methods that will be included on the Prohibited List, and its classification of substances into categories on the Prohibited List, and the classification of a substance as prohibited at all times or In-Competition only, shall be final and not be subject to challenge by a Cricketer or other Person based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a health risk or violate the spirit of sport.

4.3.2. Many of the substances on the Prohibited List may appear either alone or as part of a mixture within medications and/or supplements that may be available with or without a physician's prescription. Further, the Prohibited List encompasses substances that are not mentioned by name on the Prohibited List but are instead incorporated into the Prohibited List by category and/or by reference to ‘substances with a similar chemical structure or similar biological effect(s)’. As a result, the fact that a particular substance does not appear by name on the Prohibited List does not mean that the substance is not a Prohibited Substance. It is the Cricketer's responsibility to

determine the status of the substance. In this regard, Cricketers are reminded that, as set out in Article 2.1.1 of the Rules, they are strictly liable for any Prohibited Substances present in Samples collected from them. Cricketers must therefore ensure that Prohibited Substances do not enter or come to be present in their bodies and that Prohibited Methods are not Used.

#### 4.4. Therapeutic Use Exemptions

##### 4.4.1. Scope and Effect of TUEs

4.4.1.1. Cricketers may be granted permission to Use one or more Prohibited Substances or Prohibited Methods for therapeutic purposes in the circumstances set out in the International Standard for Therapeutic Use Exemptions. Where such permission (a “**Therapeutic Use Exemption**”, or “TUE”) has been granted, the presence in a Sample of a Prohibited Substance or its Metabolites or Markers (Article 2.1), Use or Attempted Use of a Prohibited Substance or a Prohibited Method (Article 2.2), Possession of a Prohibited Substance or Prohibited Method (Article 2.6) or *Administration* or Attempted *Administration* of a Prohibited Substance or Prohibited Method (Article 2.8) shall not amount to an anti-doping rule violation provided that such presence, Use or Attempted Use, Possession, or *Administration* or Attempted *Administration* is consistent with the provisions of a TUE granted to the Cricketer in accordance with the International Standard for Therapeutic Use Exemptions.

4.4.1.2. Subject only to the International Standard for Therapeutic Use Exemptions (which identifies limited circumstances in which a TUE may be granted retrospectively), the following Cricketers must obtain a TUE in accordance with Article 4.4.2 prior to Use or Possession or *Administration* of the Prohibited Substance or Prohibited Method in question:

- (a) any Cricketer who has been designated for inclusion in the National Registered Testing Pool; and
- (b) any other Cricketer specified from time to time by the *ECL* and/or the *NADO* (as applicable).

4.4.1.3. If a Cricketer who is not in the National Registered Testing Pool and has not otherwise been required to obtain a TUE is tested pursuant to the Rules, and that Cricketer has been Using a Prohibited Substance or Prohibited Method for which he/she is entitled to a TUE, then he/she may make a retrospective application for a TUE to the TUE Committee no later than ten (10) working days after the test is completed; provided that:

- (a) the TUE Committee may extend this deadline upon request by the Cricketer for good cause shown; and
- (b) any such TUE application shall be resolved before any Adverse Analytical Finding or Atypical Finding relating to that Cricketer's Sample is referred to the Review Board under Article 7.2 or 7.3.

#### 4.4.2. Grant of a TUE

4.4.2.1. A Cricketer requiring a TUE must apply to the TUE Committee in accordance with the TUE application process set out in the International Standard for Therapeutic Use Exemptions.

4.4.2.2. Since Cricketers are subject to Out-of-Competition Testing requirements all year round, the application must be made as soon as possible after the relevant diagnosis, and, no less than thirty (30) days before he/she needs the approval (for instance before his/her participation in a Match).

4.4.2.3. The TUE Committee will determine the TUE application in strict accordance with the criteria set out in the International Standard for Therapeutic Use Exemptions.

4.4.2.4. The TUE Committee will notify the Cricketer, the *ECL*, the *National Cricket Federation*, the NADO and the ICC in writing of the grant or denial of the Cricketer's application for a TUE. Where the Cricketer is in the National Registered Testing Pool, a copy of the decision will also be sent to WADA. A TUE will be effective as of the date it is granted and will have a specified duration as decided on a case by case basis by the TUE Committee. It shall specify the dosage(s), frequency, route and duration of *Administration* of the Prohibited Substance or Prohibited Method in question that the TUE Committee is permitting, reflecting the clinical circumstances. It may also be granted subject to such conditions or restrictions as the TUE Committee sees fit.

4.4.2.5. The application will be processed as quickly as reasonably practicable, but a Cricketer may not assume that his/her application for a TUE (or for renewal of a TUE) will be granted by a particular time, or at all. Any Use or Possession or *administration* of a Prohibited Substance or Prohibited Method before an application has been granted shall be entirely at the Cricketer's own risk.

#### 4.4.3. Expiration or Cancellation of a TUE

4.4.3.1. A TUE granted pursuant to the Rules:

- (a) shall expire automatically at the end of any term for which it was granted, without the need for any further notice or other formality;
- (b) may be cancelled by the TUE Committee if the Cricketer does not promptly comply with any requirements or conditions imposed by the TUE Committee upon grant of the TUE; or
- (c) may be withdrawn by the TUE Committee if it is subsequently determined that the criteria for grant of a TUE are not in fact met.

4.4.3.2. A Cricketer who has been granted a TUE and who wishes to continue to Use the Prohibited Substance or Prohibited Method in question after the term for which the TUE has been granted must apply prior to the end of the term for renewal of the TUE in accordance with Article 4.4.2.

4.4.3.3. Cancellation of a TUE pursuant to Article 4.4.3.1(b) or withdrawal of a TUE pursuant to Article 4.4.3.1(c) shall be made in writing and notified by the TUE Committee to the Cricketer with copies to the *ECL*, the *National Cricket Federation*, the *NADO* and the *ICC*.

4.4.3.4. In the event of an expiration, cancellation or withdrawal of the TUE pursuant to Article 4.4.3.1, the Cricketer shall not be subject to any Consequences based on his/her Use or Possession or *Administration* of the Prohibited Substance or Prohibited Method in question in accordance with the TUE at any time prior to the effective date of expiry, cancellation or withdrawal of the TUE.

#### 4.4.4. Review of Decision Granting or Denying TUE Application or Revoking or Withdrawing TUE

4.4.4.1. Where the TUE Committee denies a Cricketer's application for a TUE, or revokes or withdraws a TUE previously granted, the Cricketer may appeal against that decision to the TUE Appeal Panel in accordance with Article 13.7 on the ground that the decision does not comply with the International Standard for Therapeutic Use Exemptions. The TUE Appeal Panel will have discretion to determine the procedure to be followed on appeal.

4.4.4.2. In accordance with Article 4.4 of the World Anti-Doping Code:

- (a) if the appeal rights set out at Article 4.4.4.1 have been exhausted, then at the request of an International-Level Cricketer or a Cricketer included in the Registered Testing Pool whose application for a TUE has been denied, WADA may reverse such denial if it determines that such denial did not comply with the International Standard for Therapeutic Use Exemptions, subject to the right of the National Cricket Federation and the NADO to appeal to CAS against WADA's decision, in accordance with Article 13.7.3; and
- (b) on its own initiative, WADA may at any time reverse any grant of a TUE if it determines that such grant did not comply with the International Standard for *Therapeutic Use Exemptions*, subject to the right of the *Cricketer*, the *ECL*, the *National Cricket Federation* and the *NADO* to appeal against WADA's decision, in accordance with Article 13.7.1.

4.4.4.3. Other appeal rights in relation to TUEs are set out at Article 13.7.



4.4.4.4. Until such time as the grant or denial of a *TUE* application made pursuant to the Rules has been reversed pursuant to Article 4.4.4. 1 or Article 4.4.4.2, such grant or denial shall remain in full force and effect.

## ARTICLE 5

### 5. Testing

#### 5.1. General Principles

- 5.1.1. Testing shall only be undertaken for anti-doping purposes, i.e. to obtain analytical evidence as to the Cricketer's compliance (or non-compliance) with the Rules' strict prohibition on the presence/Use of a Prohibited Substance or Prohibited Method. The *ECL* shall be responsible for assisting the *NADO* to draw up and implement a test distribution plan for cricket played under its jurisdiction in accordance with Article 4 of the International Standard for Testing and Investigations. Where there is no *NADO*, or the *NADO* does not include sufficient Testing for cricket played under its jurisdiction in its test distribution plan, the *ECL* shall be responsible for implementing such Testing. The *ECL* will engage one or more third parties to conduct such Testing on its behalf. All such Testing shall be conducted in substantial conformity with the International Standard for Testing and Investigations and the Cricket Testing Protocols.
- 5.1.2. All Cricketers (including Cricketers serving a period of Ineligibility or a Provisional Suspension) must submit to Testing conducted on behalf of the *ECL* upon request, at any time or place, with or without notice.
- 5.1.3. For the avoidance of doubt, the *ECL* may select Cricketers for *Target Testing* so long as such *Target Testing* is not used for any purpose other than legitimate Doping Control purposes.
- 5.1.4. The *ECL* acknowledges the jurisdiction that the *World Anti-Doping Code* confers on other Anti-Doping Organisations to test Cricketers. The *ECL* shall recognise such Testing and the results thereof in accordance with Article 15 of the *World Anti-Doping Code*.
- 5.1.5. The *ECL* may authorise independent observers to observe Testing conducted on behalf of the *ECL*.

#### 5.2. In-Competition Testing

- 5.2.1. Cricketers shall be subject to Testing on behalf of the *ECL* at Matches. The selection of the Matches at which Testing is to take place shall be determined by the *ECL* and/or the *NADO* (as they may agree between themselves), and shall remain confidential except to those Persons with a reasonable need to know of such selection in order to facilitate such Testing.
- 5.2.2. A Cricketer may be notified that he/she has been selected for Testing in connection with a Match in which he/she is participating at any time from 0600 local time on the first day of the

Match in question until one hour after its completion or abandonment for whatever reason (including rain) irrespective of whether there has been any play whatsoever in the Match at the time of abandonment. Such periods (and only such periods) shall be deemed “**In-Competition**” periods for purposes of the Rules, so that, by way of example only:

5.2.2.1. the entire duration of any Match lasting more than one day will be considered to be In-Competition;

5.2.2.2. where a Match overflows into a ‘reserve’ day which has been set aside, then, for the purposes of the Rules, the In-Competition period shall continue until the completion of the Match;

5.2.2.3. where a ‘reserve’ day has been set aside for a Match, but the Match concludes prior to the commencement of play on the ‘reserve’ day, then such ‘reserve’ day will not be considered to fall within the In-Competition period; and

5.2.2.4. where any Cricketer is not selected as a member of a starting XI or as an officially designated substitute for a particular Match, then the duration of such Match will not be considered to fall within the In-Competition period relevant for that Cricketer.

5.2.3. where any Cricketer is not selected as a member of a starting XI or as an officially designated substitute for a particular Match, then the duration of such Match will not be considered to fall within the In-Competition period relevant for that Cricketer.

### 5.3. Out-of-Competition Testing

#### 5.3.1. Ambit of Out-of-Competition Testing

5.3.1.1. Any period outside of an In-Competition period shall be deemed an “**Out-of-Competition**” period for purposes of the Rules. Any Testing of a Cricketer outside of an In-Competition period shall therefore be considered Out-of-Competition Testing for the purposes of the Rules. Save in exceptional circumstances, such Testing shall be *No Advance Notice Testing*.

5.3.1.2. Where a Sample is collected during *Out-of-Competition Testing*, there shall only be an anti-doping rule violation under Article 2.1 if analysis of the Sample establishes that a substance (or its Markers or Metabolites) that is prohibited in *Out-of-Competition Testing* - ie a substance that is listed in the section of the Prohibited List entitled “Substances and Methods Prohibited At All Times (In- and Out-of-Competition)” - is present in the Sample, or if such analysis reveals evidence of Use of a Prohibited Method.

5.3.1.3. For the avoidance of doubt, a Cricketer may be selected for Out of-Competition Testing at any time and place, whether or not he/she has been included in the National Registered

Testing Pool. The timing of Out-of-Competition Testing and the selection of Cricketers to be tested shall be at the discretion of the *ECL* and/or the NADO (as the *ECL* and the NADO may determine from time to time). Decisions relating to timing and selection of Cricketers for Out-of-Competition Testing shall remain confidential except to those with a reasonable need to know of them in order to facilitate such Testing.

### **5.4. Testing of Minor**

5.4.1. Testing of a Cricketer who is a Minor shall be conducted in accordance with Annex C of the International Standard for Testing and Investigations (Modifications for Athletes who are Minors).

5.4.2. A Minor may not participate in any cricket conducted under the jurisdiction of the *ECL* unless a parent or guardian of that Minor has consented to Testing of the Minor in accordance with Article 5.4.1. For purposes of the Rules, such consent shall be deemed from the fact that the Minor has been permitted by his/her parent or guardian to participate in the sport. Confirmation in writing of such consent may be required to be provided at any time. Where the Minor is included in the National Registered Testing Pool, such consent must be confirmed upon notification of inclusion in the pool as a pre-condition to further participation in the sport. In addition, the rules of a particular Competition may require the provision of written consent pursuant to this Article 5.4 as a pre-condition to a Minor's participation in the Competition.

### **5.5. Liability for Testing**

Although every reasonable effort will be made to avoid inconvenience to the Cricketer being tested, no liability shall arise on the part of the *ECL* or any of its respective members, directors, officers, employees, agents or representatives for any inconvenience or loss arising on the part of the Cricketer as a result of such Testing.

### **5.6. Retired Cricketers Returning to Competition**

5.6.1. If a Cricketer registered in the National Registered Testing Pool retires from cricket in accordance with Article 1.6 and then wishes to return to active participation in the sport, the Cricketer shall not compete in a Match until the Cricketer has made himself or herself available for Testing by giving six months prior written notice to his/her National Cricket Federation and NADO. WADA, in consultation with the ICC and the Cricketer's NADO, may grant an exemption to the six-month written notice period rule where the strict application of that rule would be manifestly unfair to the Cricketer. WADA's decision may be appealed pursuant to Article 13.

5.6.1.1. Any competitive results obtained in violation of Article 5.6.1 shall be Disqualified.

5.6.2. If a Cricketer retires from cricket while subject to a period of Ineligibility and then wishes to return to active participation in cricket, the Cricketer shall not compete in any Match until he/she has made himself or herself available for Testing by giving six months prior written notice (or notice

equivalent to the period of Ineligibility remaining as of the date the Cricketer retired, if that period was longer than six months) to his/her National Cricket Federation and NADO.

## ARTICLE 6

### 6. ANALYSIS OF SAMPLES

Samples collected under the Rules shall be analysed in accordance with the following principles:

#### 6.1. Use of Accredited and Approved Laboratories

For the purposes of Article 2.1, Samples shall be sent for analysis only to WADA accredited laboratories or laboratories otherwise approved by WADA. The choice of the WADA-accredited or WADA-approved laboratory used for the Sample analysis shall be determined exclusively by the *ECL* and/or the NADO (as they may agree between themselves).

#### 6.2. Purpose of Analysis of Samples

Samples shall be analysed:

- 6.2.1. 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 Program described in Article 4.5 of the World Anti-Doping Code; and/or
- 6.2.2. to assist the *ECL*/NADO in profiling relevant parameters in a Cricketer's urine, blood or other matrix, including DNA or genomic profiling, for anti-doping purposes.

Samples may be collected and stored for future analysis.

#### 6.3. Restrictions on Use of Samples

- 6.3.1. All Samples provided by a Cricketer for the purposes of Testing under the Rules shall be the property of the *ECL* or NADO (as they may agree between themselves), and the *ECL* or NADO (as they may agree between themselves) shall be entitled to determine all matters regarding the analysis and disposal of such Samples at all times in accordance with the International Standards.
- 6.3.2. No Sample may be used for research without the Cricketer's written consent. A Sample used (with the Cricketer's consent) for purposes other than as described in Article 6.2 shall have any means of identification removed so that it cannot be traced back to the Cricketer that provided it.

#### 6.4. Standards for Sample Analysis and Reporting

6.4.1. Laboratories shall analyse Samples and report results to the *ECL* in conformity with the World Anti-Doping Code and the International Standard for Laboratories.

6.4.2. The *ECL* shall pay the costs of collection and analysis of Samples under the Rules.

6.4.3. Any Adverse Analytical Findings reported by the laboratory shall be dealt with as set out in Article 7.2. Any Atypical Findings reported by the laboratory shall be dealt with as set out in Article 7.3.

## **6.5. Further Analysis of Samples**

6.5.1. Any Sample may be subject to further analysis at any time before both the A and the B Sample analytical results (or A Sample result where the B Sample analysis has been waived or will not be performed) have been communicated by the *ECL* or NADO (as may be applicable) to the Cricketer as the asserted basis for an Article 2.1 anti-doping rule violation.

6.5.2. Samples collected pursuant to the Rules may be stored and subjected to further analyses for the purposes described in Article 6.2 at any time exclusively at the direction of the *ECL* or WADA. (Any Sample storage or further analyses initiated by WADA shall be at WADA's expense.) Further analysis of Samples shall conform with the requirements of the International Standard for Laboratories and the International Standard for Testing and Investigations.

# **ARTICLE 7**

## **7. Results Management**

### **7.1. Responsibility for Results Management**

7.1.1. Results management and the investigation of potential anti-doping rule violations shall proceed pursuant to the Rules where the conduct in question:

7.1.1.1. was identified by Testing conducted pursuant to the Rules or otherwise arose in relation to the Rules; or

7.1.1.2. was identified by Testing conducted pursuant to other applicable Rules (e.g. the ICC Code) or otherwise arose in relation to those other Rules, and the Anti-Doping Organisation that issued such Rules requests or it is otherwise appropriate in all of the circumstances for the *ECL* to take jurisdiction over the matter.

7.1.2. Where responsibility for results management arises under the Rules, it shall be undertaken by the *ECL* or the *NADO* (as they may agree between them), and references below to the *ECL* shall be read accordingly.

## **7.2. Results Management for Tests Initiated by the ECL**

7.2.1. Upon receipt of an Adverse Analytical Finding, the *ECL* shall refer the matter to the Review Board, which shall conduct a review to determine whether:

7.2.1.1. the Adverse Analytical Finding is consistent with an applicable TUE that has been granted or may be granted as provided in the International Standard for TUEs; and/or

7.2.1.2. there is any apparent departure from the International Standard for Testing and Investigations or International Standard for Laboratories that caused the Adverse Analytical Finding.

7.2.2. If the Review Board determines that either: (a) the Adverse Analytical Finding is consistent with an applicable TUE that has been granted or will be granted as provided in the International Standard for TUEs; and/or (b) there has been an apparent departure from either the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Adverse Analytical Finding, then the *ECL* shall notify the Cricketer, the ICC, WADA and the National Anti-Doping Organisation of the Cricketer of that fact, and (subject to the rights of appeal set out in Article 13) the matter shall not proceed any further,

7.2.3. If the review of an Adverse Analytical Finding does not reveal that: (a) the Adverse Analytical Finding is consistent with an applicable TUE; and/or (b) there has been an apparent departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Adverse Analytical Finding, then the Anti-Doping Manager shall promptly send the Cricketer written notice (the "Notice of Charge"), copied to WADA, the ICC and his/her National Anti-Doping Organisation (who shall all be kept up to date on the status of the case), of the following:

7.2.3.1. that the Cricketer (specifying his/her name, country and competitive level) has a case to answer under Article 2;

7.2.3.2. details of the anti-doping rule violation(s) that the Cricketer is alleged to have committed, including details of the Adverse Analytical Finding (including whether it related to an InCompetition or Out-of-Competition Test and the date of Sample Collection) and a copy of the laboratory documentation package supporting such Adverse Analytical Finding

7.2.3.3. of the Cricketer's rights in respect of the analysis of the B Sample:

(a) The Cricketer shall have the right: (i) to have the laboratory analyse the B Sample to confirm the Adverse Analytical Finding in respect of the A Sample; and (ii) to attend at the laboratory (personally and/or through a representative, but at his/her own cost) to witness the opening and analysis of the B Sample. The *ECL*, the *National Cricket Federation* and the ICC may also be represented at the B Sample analysis.

- (b) The Notice of Charge may specify that the analysis of the B Sample will go ahead in any event, or it may require the Cricketer to advise the *ECL* by a specified deadline if he/she wants the B Sample analysis to go ahead. In the latter case, the Notice of Charge shall warn the Cricketer that, failing such request, the Cricketer will be deemed to have waived his/her right to analysis of the B Sample analysis, and to have accepted the accuracy of the Adverse Analytical Finding in respect of the A Sample.
- (c) ) The Notice of Charge shall specify the scheduled date, time and place for the B Sample analysis (which shall be within the time period specified in the International Standard for Laboratories), if it is to go ahead. There shall be no right to an adjournment of the date scheduled for analysis of the B Sample, instead, any such adjournment shall be at the absolute discretion of the *ECL*. In the event that neither the Cricketer nor any representative of the Cricketer attends the B Sample analysis, the laboratory shall appoint an independent witness, in accordance with the International Standard for Laboratories, to verify that the B Sample container shows no signs of tampering and that the identifying numbers correspond to those on the collection documentation.

7.2.3.4. the Consequences applicable under the Rules if it is established that the Cricketer has committed the anti-doping rule violation(s) charged (including identifying any discretion that may exist in relation to such Consequences under the Rules);

7.2.3.5. (where applicable) the matters relating to Provisional Suspension specified at Article 7.7; and

7.2.3.6. the matters specified at Article 7.8.

7.2.4. If the B Sample is analysed and the Adverse Analytical Finding in respect of the A Sample is not confirmed, then (unless the *ECL* charges the Cricketer with an anti-doping rule violation under Article 2.2) the entire test shall be considered negative and the Cricketer, WADA, the ICC and his/her National Anti-Doping Organisation shall be so informed. In such circumstances, the proceedings instituted against the Cricketer shall be discontinued, and any Provisional Suspension previously imposed shall be deemed vacated with immediate effect.

7.2.5. If the analysis of the B Sample confirms the Adverse Analytical Finding in respect of the A Sample to the satisfaction of the *ECL*, the findings shall be reported to the *Cricketer*, *WADA*, the *ICC*, *his/her National Cricket Federation* and *his/her National Anti-Doping Organisation*, and the matter shall proceed to a hearing in accordance with Article 8.

### **7.3. Results Management for Atypical Findings**

7.3.1. As provided in the International Standard for Laboratories, in certain circumstances where a Prohibited Substance that is detected in a Sample may also be produced endogenously,

laboratories are directed to report the presence of such substance as an Atypical Finding that should be investigated further.

7.3.2. If a laboratory reports an Atypical Finding in respect of a Sample collected pursuant to the Rules, the Review Board shall conduct a review to determine whether: (a) the Atypical Finding is consistent with an applicable TUE which has been granted or which will be granted as provided in the International Standard for TUEs; or (b) there is any apparent departure from the International Standard for Testing and Investigations or International Standard for Laboratories that caused the Atypical Finding.

7.3.3. If the initial review of an Atypical Finding under Article 7.3.2 reveals either: (a) that the Atypical Finding is consistent with an applicable TUE; or (b) that there is an apparent departure from the International Standard for Testing and Investigations or International Standard for Laboratories that caused the Atypical Finding, the *ECL* shall notify the Cricketer, WADA, the ICC his/her *National Cricket Federation* and the Cricketer's National Anti-Doping Organisation and (subject to the rights of appeal set out at Article 13) the matter shall not proceed any further.

7.3.4. If the initial review of an Atypical Finding under Article 7.3.2 does not reveal that the Atypical Finding is consistent with an applicable TUE or a departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Atypical Finding, the *ECL* shall conduct any follow-up investigation that may be required by the International Standards. If, once that investigation is completed, the Review Board concludes that the Atypical Finding should be considered an Adverse Analytical Finding, the *ECL* shall pursue the matter in accordance with Article 7.2.3. If not, it shall so inform the Cricketer, WADA, the ICC, his/her *National Cricket Federation* and the Cricketer's National Anti-Doping Organisation and (subject to the rights of appeal set out at Article 13) the matter shall not proceed any further.

7.3.5. Pending the outcome of the investigation, the *ECL* will keep the Atypical Finding confidential, unless one of the following circumstances exists:

7.3.5.1. If the *ECL* determines the B Sample should be analysed prior to the conclusion of its follow-up investigation, it may conduct the B Sample analysis after notifying the Cricketer, with such notice to include a description of the Atypical Finding and the information described in Article 7.2.3.3.

7.3.5.2. If the *ECL* receives a request from the ICC, the *ECL* shall so identify any such Cricketer after first providing notice of the Atypical Finding to the Cricketer.

### **7.4. Results Management for Whereabouts Violations**

7.4.1. The *ECL* shall have results management authority in relation to potential Whereabouts Failures by any Cricketer who files his/her whereabouts information with the *ECL*.



7.4.2. If a Whereabouts Failure by a Cricketer who is subject to the *ECL*'s results management authority is uncovered through an attempt to test the Cricketer by or on behalf of another Anti-Doping Organisation other than the *ECL* then the *ECL* shall procure the requisite information and assistance from that other Anti-Doping Organisation pursuant to Article I.5.2 of the International Standard for Testing and Investigations, so that the *ECL* may conduct its results management in respect of that Whereabouts Failure in accordance with Article 7.4.3. Upon request, the Cricketer shall assist the *ECL* in obtaining such information and assistance.

7.4.3. Results management in relation to potential Whereabouts Failures shall be conducted by the *ECL* in accordance with Article I.5.2 of the International Standard for Testing and Investigations (with the administrative review, if any, carried out by the Review Board) in order to determine whether all of the requirements of Article I.3.6 of the International Standard for Testing and Investigations (in the case of a Filing Failure) or all of the requirements of Article I.4.3 of the International Standard for Testing and Investigations (in the case of a Missed Test) are met.

7.4.4. Where a Cricketer who is subject to the *ECL*'s results management authority in accordance with Article 7.4.1 is declared to have three Whereabouts Failures (i.e. any combination of Filing Failures and/or Missed Tests adding up to three) in any twelve-month period, then the matter shall be referred to the Review Board to determine, in accordance with Article I.5.4 of the International Standard for Testing and Investigations, whether the Cricketer has a case to answer under Article 2.4.

7.4.5. If the Review Board determines that the Cricketer has a case to answer under Article 2.4, the Anti-Doping Manager shall promptly send the Cricketer a written Notice of Charge (copied to WADA, the ICC and his/her National Anti-Doping Organisation who shall all be kept up to date on the status of the case), amended as appropriate to confirm the following:

7.4.5.1. that the Cricketer has a case to answer under Article 2.4;

7.4.5.2. details of the facts upon which the case to answer is based, including details of the Filing Failures and/or Missed Tests alleged, and copies of any relevant documentation;

7.4.5.3. (where applicable) the matters relating to Provisional Suspension specified at Article 7.7; and

7.4.5.4. the matters specified at Article 7.8.

## **7.5. Investigations**

7.5.1. The *ECL* or NADO may gather anti-doping intelligence and conduct investigations in accordance with the World Anti-Doping Code and the International Standard for Testing and Investigations into the activities of any Cricketer or Cricketer Support Person that the *ECL* or NADO believes may have committed an anti-doping rule violation. Such intelligence gathering and

investigations may be conducted in conjunction with, and/or information or intelligence obtained in such investigations may be shared with, other Signatories and/or other relevant authorities. The *ECL/NADO* shall have discretion, where it deems appropriate, to stay its own investigation pending the outcome of investigations being conducted by other Signatories and/or other relevant authorities.

7.5.2. In the event a Cricketer or Cricketer Support Person knows or suspects that any other Cricketer or Cricketer Support Person has committed an anti-doping rule violation, the Cricketer must report such knowledge or suspicion to the Anti-Doping Manager as soon as possible. A Cricketer or Cricketer Support Person shall have a continuing obligation to report any new knowledge or suspicion regarding any anti-doping rule violation to the Anti-Doping Manager, even if the Cricketer's or Cricketer Support Person's prior knowledge or suspicion has already been reported.

7.5.3. Cricketers and Cricketer Support Person must cooperate fully with investigations conducted pursuant to this Article 7.5.

7.5.3.1. The Anti-Doping Manager may make a written demand to a Cricketer or Cricketer Support Person (a "Demand") to furnish to the Anti-Doping Manager any information regarding any suspected anti-doping rule violation, including, without limitation, a written statement setting forth the Cricketer or Cricketer Support Person's knowledge of facts and circumstances with respect to the suspected anti-doping rule violation. The Cricketer or Cricketer Support Person shall furnish such information within seven business days of the making of such Demand, or within such other time as may be set by the Anti-Doping Manager. Any information furnished to the Anti-Doping Manager shall be kept confidential except when it becomes necessary to disclose such information in furtherance of the prosecution of an anti-doping rule violation, or when such information is reported to administrative, professional, or judicial authorities pursuant to an investigation or prosecution of non-sporting laws or regulations.

7.5.3.2. Each Cricketer or Cricketer Support Person waives and forfeits any rights, defences and privileges provided by any law in any jurisdiction to withhold information requested by the Anti-Doping Manager in a Demand. If a Cricketer or Cricketer Support Person fails to produce such information, then, provided that the Review Board agrees with the Anti-Doping Manager that there is a good faith basis for the Demand, his/her eligibility to participate (or, in the case of a Cricketer Support Person) to assist in a Cricketer's participation) in Matches may be withdrawn, and he/she may be denied accreditation and access to Matches, pending compliance with the Demand.

7.5.4. If a Cricketer or Cricketer Support Person subverts or Attempts to subvert the investigation procedure (e.g. by providing false, misleading or incomplete information, by failing to report a knowledge or suspicion pursuant to Article 7.5.2 and/or by destroying potential evidence) proceedings may be brought for a violation of Article 2.5 (Tampering or Attempted Tampering).

7.5.5. Where, as the result of an investigation under this Article 7.5, *ECL* forms the view that an anti-doping rule violation may have been committed, the *ECL* shall refer the matter to the Review Board, to determine whether there is a case to answer.

7.5.6. If the Review Board determines that the Cricketer or Cricketer Support Person has a case to answer under Article 2, the Anti-Doping Manager shall promptly send the Cricketer or Cricketer Support Person a written Notice of Charge (copied to WADA, the ICC and his/her National Anti-Doping Organisation who shall all be kept up to date on the status of the case), amended as appropriate to confirm the following:

7.5.6.1. that the Cricketer or Cricketer Support Person has a case to answer under Article 2 (specifying which particular anti-doping rule violation is alleged to have been committed);

7.5.6.2. details of the facts upon which the case to answer is based, including copies of any relevant documentation;

7.5.6.3. (where applicable) the matters relating to Provisional Suspension specified at Article 7.7; and

7.5.6.4. the matters specified at Article 7.8.

## **7.6. Identification of Prior Anti-Doping Rule Violations**

Before giving a Cricketer or other Person notice of an asserted anti-doping rule violation as provided above, the *ECL* shall refer to WADA Database or other system approved by WADA and contact WADA and other relevant Anti-Doping Organisations, including the ICC, to determine whether the Cricketer or other Person has any prior anti-doping rule violations.

## **7.7. Provisional Suspension**

7.7.1. If analysis of a Cricketer's Sample results in an Adverse Analytical Finding for a Prohibited Substance or Prohibited Method that is not a Specified Substance, and a review in accordance with Article 7.2.1 does not reveal an applicable TUE or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Adverse Analytical Finding, then the *ECL* shall Provisionally Suspend the Cricketer pending the Anti-Doping Tribunal's determination of whether he/she has committed an anti-doping rule violation.

7.7.2. In any case not covered by Article 7.7.1 (for example, if the analysis of an A Sample has resulted in an Adverse Analytical Finding for a Prohibited Substance that is a Specified Substance or a Contaminated Product), where the *ECL* decides to take the matter forward as an apparent anti-doping rule violation in accordance with the provisions of this Article 7, the *ECL* may Provisionally Suspend the Cricketer or other Person pending the Anti-Doping Tribunal's determination of whether he/she has committed an anti-doping rule violation. In circumstances

where the *ECL* decides not to impose a Provisional Suspension, the Cricketer shall be offered the opportunity to accept a voluntary Provisional Suspension pending the resolution of the matter. If the Cricketer wishes to accept the offer, the Cricketer must communicate such acceptance in writing to the *ECL*.

7.7.3. Where a Provisional Suspension is imposed, whether pursuant to Article 7.7.1 or Article 7.7.2, the Cricketer or other Person shall be given either: (a) an opportunity for a Provisional Hearing before imposition of the Provisional Suspension or on a timely basis after imposition of the Provisional Suspension; or (b) an opportunity for an expedited hearing in accordance with Article 8 on a timely basis after imposition of a Provisional Suspension. Where the Cricketer or other Person is given an opportunity to challenge the imposition of a Provisional Suspension at a Provisional Hearing, the only grounds of challenge (which it shall be his/her burden to establish) shall be the following:

7.7.3.1. the charge(s) has/have no reasonable prospect of being upheld, e.g., because of a patent flaw in the case against him/her; or

7.7.3.2. the Cricketer or other Person has a strong arguable case that he/she bears No Fault or Negligence for the anti-doping rule violation(s) charged, so that any period of Ineligibility that might otherwise be imposed for such a violation is likely to be completely eliminated by application of Article 10.4;

7.7.3.3. the Cricketer is able to demonstrate to the Provisional Hearing that the anti-doping rule violation is likely to have involved a Contaminated Product; or

7.7.3.4. some other facts exist that make it clearly unfair, in all of the circumstances, to impose a Provisional Suspension prior to a full hearing on the merits of the charge(s) against the Cricketer or other Person. This ground is to be construed narrowly, and applied only in truly exceptional circumstances. For example, the fact that the Provisional Suspension would prevent the Cricketer participating in a particular Match shall not qualify as exceptional circumstances for these purposes.

7.7.4. If a Provisional Suspension is imposed based on an Adverse Analytical Finding in respect of an A Sample, and any subsequent analysis of the B Sample analysis does not confirm the A Sample analysis, then the Cricketer shall not be subject to any further Provisional Suspension on account of a violation of Article 2.1 (presence of a Prohibited Substance or its Metabolites or Markers).

7.7.5. During the period of any Provisional Suspension, a Cricketer or other Person may not play, coach or otherwise participate or be involved in any capacity in any Match or any other function, event or activity that is authorised, organised, sanctioned, recognised or supported in any way by the *ECL* or by any body that is a member of, or affiliated to, or licensed by the *ECL*. Without prejudice to the generality of the foregoing, the Cricketer or other Person may not be given accreditation for, or otherwise granted access to, any Match or any other function, event or

activity to which access is controlled by the *ECL* or by any body that is a member of, or affiliated to, or licensed by the *ECL* and any accreditation previously issued shall be withdrawn.

## **7.8. Responding to the Notice of Charge**

7.8.1. A Notice of Charge sent to a Cricketer in accordance with Article 7.2.3 or Article 7.4.5 or to a Cricketer or Cricketer Support Person in accordance with Article 7.5.6 shall also specify that, if the Cricketer or Cricketer Support Person wishes to exercise his/her right to a hearing before the Anti-Doping Tribunal, he/she must submit a written request for such a hearing so that it is received by the Anti-Doping Manager as soon as possible, but in any event within fourteen (14) days of the receipt by the Cricketer or Cricketer Support Person of the Notice of Charge. The request must also state how the Cricketer or Cricketer Support Person responds to the charge(s) and must explain (in summary form) the basis for such response.

7.8.2. If the Cricketer or Cricketer Support Person fails to file a written request for a hearing before the Anti-Doping Tribunal in accordance with Article 7.8.1 by the deadline specified in that Article, then the Cricketer or Cricketer Support Person shall be deemed:

7.8.2.1. to have waived his/her entitlement to a hearing;

7.8.2.2. to have admitted that he/she has committed the anti-doping rule violation(s) specified in the Notice of Charge; and

7.8.2.3. to have acceded to the Consequences specified in the Notice of Charge.

In such circumstances, a hearing before the Anti-Doping Tribunal shall not be required. Instead, the *ECL* shall promptly issue a public decision confirming the commission of the anti-doping rule violation(s) specified in the Notice of Charge and the imposition of the Consequences specified in the Notice of Charge.

7.8.3. Where the Cricketer or Cricketer Support Person does request a hearing in accordance with Article 7.8.1, the matter shall proceed to a hearing in accordance with Article 8.

## **7.9. Notification of Results Management Decisions**

In all cases where the *ECL* has asserted the commission of an anti-doping rule violation, withdrawn the assertion of an anti-doping rule violation, imposed a Provisional Suspension, or agreed with a Cricketer or other Person to the imposition of a sanction without a hearing, the *ECL* shall give notice thereof as set forth in Article 14.2.1 of the World Anti-Doping Code to other Anti-Doping Organisations with a right to appeal under Article 13.2.1 of the World Anti-Doping Code.

## 7. Retirement from Sport

If a Cricketer or Cricketer Support Person retires while a results management process is underway, the *ECL* retains jurisdiction to complete the results management process. If a Cricketer or Cricketer Support Person retires before any results management process has started, the *ECL*, if it has results management jurisdiction over that Cricketer or Cricketer Support Person, has authority to conduct the results management process notwithstanding the retirement.

# ARTICLE 8

## 8. RIGHT TO A FAIR Hearing

### 8.1. Hearings under the Rules

8.1.1. The *ECL* shall appoint a standing panel consisting of a President (who shall be a lawyer) and other persons with experience and expertise in anti-doping (the "**Anti-Doping Panel**"). Each panel member shall be independent of the *ECL*.

8.1.2. Where the *ECL* alleges that a Cricketer or Cricketer Support Person has committed an anti-doping rule violation, and the Cricketer or Cricketer Support Person denies the allegation, and/or disputes the Consequences to be imposed for such violation under the Rules, then the case shall be referred to an Anti-Doping Tribunal for adjudication.

8.1.3. In conjunction with the Anti-Doping Manager, the President of the AntiDoping Panel shall appoint three members from the panel (which may include the President) to sit as the Anti-Doping Tribunal to hear each case. At least one appointed member of the Anti-Doping Tribunal shall be a lawyer, and shall sit as the Chairman of the Anti-Doping Tribunal.

8.1.4. The Chairman of the Anti-Doping Tribunal shall convene a preliminary hearing with the *ECL* and its legal representatives, and with the Cricketer or Cricketer Support Person and his/her legal representatives (if any). The preliminary hearing should take place as soon as possible by telephone conference call unless the Chairman determines otherwise. The non-participation of the Cricketer or Cricketer Support Person or his/her representatives at the preliminary hearing, after proper notice of the preliminary hearing has been provided, shall not prevent the Chairman of the Anti-Doping Tribunal from proceeding with the preliminary hearing, whether or not any written submissions are made on behalf of the Cricketer or Cricketer Support Person.

8.1.5. The purpose of the preliminary hearing shall be to allow the Chairman to address any preliminary issues. In particular (but without limitation), the Chairman shall:

8.1.5.1. determine the date(s) upon which the full hearing shall be held;

8.1.5.2. establish dates reasonably in advance of the date of the full hearing at which:

- (a) the *ECL* Federation shall submit an opening brief with argument on all issues that the *ECL* wishes to raise at the hearing and a list of the witnesses that the *ECL* intends to call at the hearing (and a summary of the subject areas of the witness's anticipated testimony), and enclosing copies of the documents that the *ECL* intends to introduce at the hearing;
- (b) the Cricketer or Cricketer Support Person shall submit an answering brief, addressing the *ECL*'s arguments and setting out arguments on the issues that he/she wishes to raise at the hearing, as well as a list of the witnesses that he/she intends to call at the hearing (and a summary of the subject areas of the witness's anticipated testimony), and enclosing copies of the documents that he/she intends to introduce at the hearing; and
- (c) the *ECL* may (at its discretion) submit a reply brief, responding to the answer brief of the Cricketer or Cricketer Support Person and listing any rebuttal witnesses or documents; and

8.1.5.3. make such order as the Chairman shall deem appropriate in relation to the production of relevant documents and/or other materials between the parties; provided that (save for good cause shown) no documents and/or other materials shall be ordered to be produced in relation to any Adverse Analytical Finding beyond the documents that the International Standard for Laboratories requires to be included in the laboratory documentation pack.

8.1.6. The Cricketer or Cricketer Support Person shall be required to raise at the preliminary hearing any legitimate objection that he/she may have to any of the members of the Anti-Doping Tribunal convened to hear his/her case. Any unjustified delay in raising any such objection shall constitute a waiver of the objection. If any objection is made, the Chairman of the Anti-Doping Tribunal shall rule on its legitimacy (or, if the objection relates to the Chairman, the President of the Anti-Doping Panel shall rule).

8.1.7. If, because of a legitimate objection or for any other reason, a member of the Anti-Doping Tribunal is, or becomes, unwilling or unable to hear the case, then the Chairman of the Anti-Doping Tribunal may, at his/her absolute discretion:

8.1.7.1. rule that a replacement member of the Anti-Doping Tribunal should be appointed (in which case the President of the Anti-Doping Panel shall appoint the replacement); or

8.1.7.2. authorise the remaining members to hear the case on their own.

8.1.8. Subject to the discretion of the Chairman of the Anti-Doping Tribunal to order otherwise for good cause shown by either party, or if otherwise agreed between the parties, hearings before the Anti-Doping Tribunal shall: (a) take place at a venue specified by the *ECL*; and (b) be conducted on a confidential basis.

8.1.9. Each of the *ECL* and the Cricketer or Cricketer Support Person has the right to be present and to be heard at the hearing. Each of the *ECL* and the Cricketer or Cricketer Support Person also

has the right (at his/her or its own expense) to be represented at the hearing by legal counsel of his/her or its own choosing.

8.1.10. Subject to Article 3.2.5, the Cricketer or Cricketer Support Person may choose not to appear in person at the hearing, but rather to provide a written submission for consideration by the Anti-Doping Tribunal, in which case the Anti-Doping Tribunal shall consider the submission in its deliberations. However, the non-attendance of the Cricketer or Cricketer Support Person or his/her representative at the hearing, after proper notice of the hearing has been provided, shall not prevent the Anti-Doping Tribunal from proceeding with the hearing in his/her absence, whether or not any written submissions are made on his/her behalf.

8.1.11. The procedure followed at the hearing shall be at the discretion of the Chairman of the Anti-Doping Tribunal, provided that the hearing is conducted in a fair manner with a reasonable opportunity for each party to present evidence (including the right to call and to question witnesses by telephone or video-conference where necessary), address the Anti-Doping Tribunal and present his/her case.

8.1.12. Save where the Chairman orders otherwise for good cause shown by either party, the hearing shall be in English, and certified English translations shall be submitted of any non-English documents put before the AntiDoping Tribunal. The cost of the translation shall be borne by the party offering the document(s).

8.1.13. If required by the Chairman, the *ECL* shall make arrangements to have the hearing recorded or transcribed (save for the private deliberations of the Anti-Doping Tribunal). If the Cricketer or Cricketer Support Person needs an interpreter, the *ECL* shall also arrange for an interpreter to attend the hearing. Such costs of transcription and interpretation shall be paid by the *ECL*, subject to any costs-shifting order that the Anti-Doping Tribunal may make further to Article 8.2.4.

8.1.14. Each of the ICC, the NADO, his/her's National Federation and WADA shall have the right to be kept apprised by *ECL* of the status of the proceedings before the Anti-Doping Tribunal, as well as the right to attend hearings of the Anti-Doping Tribunal as an observer.

## **8.2. Decisions of the Anti-Doping Tribunal**

8.2.1. 1 The Anti-Doping Tribunal shall announce its decision in writing, with reasons, as soon as possible after the conclusion of the hearing. That written decision will be sent without delay to the parties, WADA, the ICC and any other party that has a right, further to Article 13, to appeal the decision. The decision shall set out and explain:

8.2.1.1. with reasons, the Anti-Doping Tribunal's findings as to whether any anti-doping rule violation(s) has/have been committed;



8.2.1.2. with reasons, the Anti-Doping Tribunal's findings as to what Consequences, if any, are to be imposed including, if applicable, findings as to why the maximum potential sanction was not imposed;

8.2.1.3. with reasons, the date that such Consequences shall come into force and effect pursuant to Article 10.10; and

8.2.1.4. the rights of appeal applicable pursuant to Article 13.

8.2.2. Where possible, the Anti-Doping Tribunal shall have discretion to announce the substance of its decision to the parties prior to the issue of the written reasoned decision referred to in Article 8.2.1, in cases where a Provisional Suspension has been imposed or where it otherwise deems appropriate. For the avoidance of doubt, however: (a) the Anti-Doping Tribunal shall still be required to issue a written, reasoned decision in accordance with Article 8.2.1; and (b) the time to appeal pursuant to Article 13 shall not run until receipt of that written, reasoned decision.

8.2.3. The *ECL* shall pay the costs of convening the AntiDoping Tribunal and of staging the hearing, subject to any costs-shifting order that the Anti-Doping Tribunal may make further to Article 8.2.4.

8.2.4. The Anti-Doping Tribunal has the power to make a costs order against any party. Subject thereto, each party shall bear its own costs, legal, expert, hearing, and otherwise. No recovery of costs may be considered a basis for reducing the period of Ineligibility or other sanction that would otherwise be applicable.

8.2.5. Subject only to the rights of appeal under Article 13, the Anti-Doping Tribunal's decision shall be the full, final and complete disposition of the case and will be binding on all parties.

8.2.6. If the decision is that an anti-doping rule violation has been committed, then: (a) the decision shall be Publicly Reported in full as soon as possible, and in any event within no more than twenty (20) days of its issue in accordance with Article 14.1; and (b) after the decision is Publicly Reported, the *ECL* may also publish such other parts of the proceedings before the Anti-Doping Tribunal as the *ECL* thinks fit.

8.2.7. If the Cricketer or Cricketer Support Person is exonerated, then the decision shall not be published (save as set out in Article 14.2) and its confidentiality shall be strictly maintained by all parties.

### **8.3. Single Hearings before CAS**

Anti-doping rule violations asserted under these Rules may, with the consent of the Cricketer, the *ECL*, the ICC, WADA and any other body that would have a right to appeal a first instance decision to CAS, be heard directly at CAS, with no prior hearing before the Anti-Doping Tribunal.

#### 8.4. Agreed Sanctions

Notwithstanding any of the other provisions of these Rules, it shall be open to a Cricketer or Cricketer Support Person charged with any anti-doping rule violation(s) to admit the violation(s) charged at any time, whether or not as part of an agreement with the *ECL* on the sanction to be imposed for his/her violation(s), based on the range of sanctions set out in Article 10 for the violation(s) in question (including, in particular, Article 10.6.3). Any such discussions between the *ECL* and the Cricketer or Cricketer Support Person on this point shall take place on a “without prejudice” basis and in such a manner that they shall not delay or in any way interfere with the proceedings. Any resulting agreement shall be evidenced in writing, signed by both the *ECL*’s Chief Executive Office and the Cricketer or Cricketer Support Person, shall set out the sanction imposed on the Cricketer or Cricketer Support Person for his/her anti-doping rule violation(s), and shall include a waiver by the Cricketer or Cricketer Support Person of his/her right of appeal against the decision and the sanction (the “**Agreed Sanction**”). The Agreed Sanction will provide for the discontinuance of the proceedings on the terms thereof without the need for any further hearing. Instead, the *ECL* shall promptly issue a public decision confirming the Cricketer’s or Cricketer Support Person’s admission of the anti-doping rule violation(s) charged and the imposition of the Agreed Sanction, including an explanation (if applicable) of any mitigating factors applied. Before publishing that decision, the *ECL*’s Chief Executive Officer will provide notice of it to the ICC, WADA, and the relevant NADO.

## ARTICLE 9

### 9. AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS

An anti-doping rule violation in connection with or arising out of an In-Competition test automatically leads to Disqualification of the individual results obtained by the Cricketer’s individual performance in the Match in question, with the following consequences: (a) forfeiture of any individual medals or other prizes awarded; and (b) forfeiture of any official ranking points achieved.

## ARTICLE 10

### 10. Sanctions on Individuals

10.1. Deliberately left blank

#### 10.2. Imposition of a Period of Ineligibility for the Presence, Use or Attempted Use, or Possession of a Prohibited Substance or Prohibited Method

The period of Ineligibility imposed for a violation of Article 2.1 (presence of Prohibited Substance or its Metabolites or Markers in a Sample), Article 2.2 (Use or Attempted Use of Prohibited Substance or Prohibited Method) or Article 2.6 (Possession of Prohibited Substances and Methods) that is the Cricketer or Cricketer Support Person’s first offence shall be as follows, unless the conditions for eliminating or reducing the period of Ineligibility (as provided in Articles 10.4, 10.5 and 10.6) are met.

10.2.1. The period of Ineligibility shall be four years where:

- (a) the anti-doping rule violation does not involve a Specified Substance, unless the Cricketer or other Person can establish that the anti-doping rule violation was not intentional;
- (b) the anti-doping rule violation involves a Specified Substance and the *ECL* establishes that the anti-doping rule violation was intentional;

10.2.2. If Article 10.2.1 does not apply, the period of Ineligibility shall be two years.

10.2.3. As used in Articles 10.2 and 10.3, the term “intentional” is meant to identify those Cricketers or other Persons who cheat. The term, therefore, requires that the Cricketer or other Person engaged in conduct which he or she knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk. An anti-doping rule violation resulting from an Adverse Analytical Finding for a substance that is prohibited In-Competition only shall be rebuttably presumed to be not “intentional” if the substance is a Specified Substance and the Cricketer 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 InCompetition shall not be considered “intentional” if the substance is not a Specified Substance and the Cricketer can establish that the Prohibited Substance was Used Out-of-Competition in a context unrelated to sport performance.

### **10.3. Imposition of a Period of Ineligibility for Other Anti-Doping Rule Violations**

The period of Ineligibility imposed for anti-doping rule violations other than under Article 10.2 shall be as follows, subject to the potential reduction or suspension pursuant to Articles 10.4, 10.5 or 10.6:

10.3.1. For a violation of Article 2.3 (evading Sample collection or refusing or failing to submit to Sample collection) or Article 2.5 (Tampering or Attempted Tampering with Doping Control) that is the Cricketer or Cricketer Support Person's first offence, the period of Ineligibility imposed shall be four years, unless in the case of failing to submit to Sample collection, the Cricketer can establish that the commission of the anti-doping rule violation was not intentional (as defined in Article 10.2.3), in which case the period of Ineligibility shall be two years.

10.3.2. For a violation of Article 2.4 (Whereabouts Failures) that is the Cricketer's first offence, the period of Ineligibility imposed shall be two years subject to reduction down to a minimum of one (1) year depending on the Cricketer's degree of Fault. The flexibility between two years and one year of Ineligibility in this Article is not available to Cricketers where a pattern of last minute whereabouts changes or other conduct raises a serious suspicion that the Cricketer was trying to avoid being available for Testing.

10.3.3. For a violation of Article 2.7 (Trafficking or Attempted Trafficking) or Article 2.8 (*Administration* or Attempted *Administration* of Prohibited Substance or Prohibited Method) that is the Cricketer or Cricketer Support Person's first offence, the period of Ineligibility imposed shall be a minimum

of four years up to lifetime Ineligibility depending upon the seriousness of the violation. Provided that:

10.3.3.1. an anti-doping rule violation involving a Minor shall be considered a particularly serious violation and, if committed by a Cricketer Support Person in relation to violations other than those involving Specified Substances, shall result in lifetime Ineligibility for such Cricketer Support Person; and

10.3.3.2. significant violations of Article 2.7 or 2.8 which also violate nonsporting laws or regulations shall be reported to the competent administrative, professional or judicial authorities.

10.3.4. For a violation of Article 2.9 (Complicity) that is the Cricketer's first offence, the period of Ineligibility imposed shall be a minimum of two years, up to a maximum of four years, depending on the seriousness of the violation.

10.3.5. For a violation of Article 2.10 (Prohibited Association) that is the Cricketer's first offence, the period of Ineligibility imposed shall be two years, subject to reduction down to a minimum of one year depending on the Cricketer or other Person's degree of Fault and other circumstances of the case.

#### **10.4. Elimination of the Period of Ineligibility where there is No Fault or Negligence**

If a Cricketer or other Person establishes in an individual case that he/she bears No Fault or Negligence in respect of the anti-doping rule violation in question, then the otherwise applicable period of Ineligibility shall be eliminated.

#### **10.5. Reduction of the Period of Ineligibility based on No Significant Fault or Negligence**

10.5.1. Reduction of the Period of Ineligibility for Specified Substances or Contaminated Products for violations of Articles 2.1, 2.2 or 2.6.

##### **10.5.1.1. Specified Substances**

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

##### **10.5.1.2. Contaminated Products**

In cases where the Cricketer or other Person can establish No Significant Fault or Negligence and that the detected Prohibited Substance came from a Contaminated Product, then the period of Ineligibility shall be, at

a minimum, a reprimand and no period of Ineligibility and, at a maximum, two years of Ineligibility, depending on the Cricketer or other Person's degree of Fault.

10.5.2. If a Cricketer or other Person establishes in an individual case where Article 10.5.1 is not applicable, that he/she bears No Significant Fault or Negligence in respect of the anti-doping rule violation in question, then, subject to the further reduction or elimination as provided in Article 10.6, the otherwise applicable period of Ineligibility may be reduced based on the Cricketer 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 section may be no less than eight years.

### **10.6. Elimination, Reduction or Suspension of the Period of Ineligibility or other Consequences for Reasons other than Fault**

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

10.6.1.1. The *ECL* may, prior to a final appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of a period of Ineligibility where the Cricketer or other Person has provided Substantial Assistance to the *ECL* or other Anti-Doping Organisation, a criminal authority or a professional disciplinary body that results in: (i) the *ECL* or other Anti-Doping Organisation discovering or bringing forward an anti-doping rule violation by another Person; or (ii) that results in a criminal or disciplinary body discovering or bringing forward a criminal offence or the breach of professional rules committed by another Person and the information provided by the Person providing Substantial Assistance is made available to the Anti-Doping Organisation with results management responsibility. After a final appellate decision under Article 13 or the expiration of the time to appeal, the *ECL* may only suspend a part of the otherwise applicable period of Ineligibility with the approval of the ICC and WADA.

10.6.1.2. 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 Cricketer or other Person and the significance of the Substantial Assistance provided by the Cricketer or other Person to the effort to eliminate doping in sport.

10.6.1.3. No more than three-quarters of the otherwise applicable period of Ineligibility may be suspended under this Article 10.6.1. If the otherwise applicable period of Ineligibility is a lifetime, the non-suspended period under this Article must be no less than 8 years.

10.6.1.4. If the Cricketer or other Person fails to continue to cooperate and to provide the complete and credible Substantial Assistance upon which a suspension of the period of Ineligibility was based, the *ECL* or Anti-Doping Tribunal shall reinstate the original period of Ineligibility. A decision by the *ECL* or Anti-Doping Tribunal to reinstate a suspended period of Ineligibility or a decision not to reinstate a suspended period of Ineligibility may be appealed pursuant to Article 13.2.

10.6.1.5. To further encourage Cricketers and other Persons to provide Substantial Assistance to Anti-Doping Organisations, at the request of the *ECL* or at the request of the Cricketer or other Person who has, or has been asserted to have, committed an anti-doping rule violation, WADA may agree at any stage of the results management process, including after a final appellate decision under Article 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 Article, or even no period of Ineligibility, and/or no return of prize money or payment of fines or costs. WADA's approval shall be subject to reinstatement of sanction, as otherwise provided in this Article. Notwithstanding Article 13, WADA's decisions in the context of this Article may not be appealed by any other Anti-Doping Organisation.

10.6.1.6. If the *ECL* 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 Article 13.2.1. In unique circumstances where WADA determines that it would be in the best interests of anti-doping, WADA may authorise the *ECL* to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the Substantial Assistance agreement or the nature of Substantial Assistance being provided.

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

Where a Cricketer or other Person voluntarily admits the commission of an anti-doping rule violation before having received either: (a) notification of a Sample collection that could establish an anti-doping rule violation (in the case of an anti-doping rule violation under Article 2.1), or (b) notification of the anti-doping rule violation (in the case of any other anti-doping rule violation), and that admission is the only reliable evidence of the violation at the time of admission, then the otherwise applicable period of Ineligibility may be reduced, but not by more than half of the period of Ineligibility otherwise applicable.

### 10.6.3. Prompt Admission of an Anti-Doping Rule Violation after being Confronted with a Violation Sanctionable under Article 10.2.1 or 10.3.1.

A Cricketer or other Person potentially subject to a four year sanction under Article 10.2.1 or 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 *ECL*, and also upon the approval and at the discretion of both WADA and the ICC, 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 Cricketer or Cricketer Support Person's degree of Fault.

### 10.6.4. Application of Multiple Grounds for Reduction of a Sanction

Where a Cricketer or other Person establishes entitlement to a reduction of suspension in sanction under more than one provision of Article 10.4, 10.5 or 10.6, before applying any reduction or suspension under Article 10.6, the otherwise applicable period of Ineligibility shall be determined in accordance with Articles 10.2, 10.3, 10.4 and 10.5. If the Cricketer or other Person establishes entitlement to a reduction or suspension of the period of Ineligibility under Article 10.6, then the period of Ineligibility may be reduced or suspended, but not below one-quarter of the otherwise applicable period of Ineligibility.

## 10.7. Multiple Violations

10.7.1. For a second anti-doping rule violation, the period of Ineligibility shall be the greater of:

- (a) Six months;
- (b) One-half of the period of Ineligibility imposed for the first anti-doping rule violation without taking into account any reduction under Article 10.6; or
- (c) Twice the period of Ineligibility otherwise applicable to the second anti-doping rule violation, without taking into account any reduction under Article 10.6

The period of Ineligibility established above may then be further reduced by the application of Article 10.6.

### 10.7.2. Third Anti-Doping Rule Violation

A third anti-doping rule violation will always result in a lifetime period of Ineligibility, unless the third violation fulfils the conditions for elimination or reduction of the period of Ineligibility under Article 10.4 or 10.5 or involves a violation of Article 2.4 (Whereabouts Failures), in which case the period of Ineligibility imposed shall be from eight years to lifetime Ineligibility.

10.7.3. An anti-doping rule violation for which a Cricketer or other Person has established No Fault or Negligence shall not be considered a prior violation for the purposes of this Article.

### 10.7.4. Additional Rules for Certain Potential Multiple Violations

10.7.4.1. For purposes of imposing sanctions under Article 10.7, an anti-doping rule violation will only be considered a second violation if the *ECL* can establish that the Cricketer or Cricketer Support Person committed the second anti-doping rule violation after he/she received notice pursuant to Article 7, or after the *ECL* made reasonable efforts to give such notice, of the first anti-doping rule violation. If the *ECL* cannot establish this, the violations shall be considered together as one single first violation for sanctioning purposes, and the sanction imposed shall be based on the violation that carries the more severe sanction.

10.7.4.2. If, after the imposition of a sanction for a first anti-doping rule violation, the *ECL* discovers facts involving a second anti-doping rule violation by the Cricketer or other Person that occurred prior to notification of the first violation, then an additional sanction shall be imposed based on the sanction that could have been imposed if the two violations had been adjudicated at the same time. Results in all Matches dating back to the earlier anti-doping rule violation will be Disqualified in accordance with Article 10.8.

#### 10.7.5. Multiple Anti-Doping Rule Violations during a Ten-Year Period

Any prior anti-doping rule violation shall only be taken into account for the purposes of Article 10.7 if it took place within a period of ten years prior to the anti-doping rule violation under consideration.

### **10.8. Disqualification of Individual Results Obtained in Matches Subsequent to Sample Collection or Commission of an Anti-Doping Rule Violation**

In addition to the automatic Disqualification, pursuant to Article 9, of the Cricketer's individual results obtained by the Cricketer's individual performance in the Match which produced the Adverse Analytical Finding, all other individual results of the Cricketer obtained from the date that the Sample in question was collected (whether In-Competition or Out-of-Competition), or other anti-doping rule violation occurred, through to the commencement of any Provisional Suspension or Ineligibility period, shall (unless the Anti-Doping Tribunal determines that fairness requires otherwise) be Disqualified with all of the resulting Consequences, including: (a) forfeiture of any individual medals or other prizes awarded; and (b) forfeiture of any official ranking points.

**NOTE:** The lack of any evidence that the Cricketer's performance was enhanced during subsequent Matches shall not of itself be sufficient to trigger the Anti-Doping Tribunal's discretion under Article 10.8.

### **10.9. Allocation of Anti-Doping Tribunal/CAS Cost Awards and Forfeited Prize Money**

The priority for repaying Anti-Doping Tribunal/CAS cost awards and forfeited prize money shall be: first, payment of costs awarded by the Anti-Doping Tribunal/CAS; second, reimbursement of the expenses of the *ECL* in relation to its results management in the case. For the avoidance of doubt, forfeited prize money will not be allocated to other Cricketers.

### **10.10. Commencement of Ineligibility Period**

Except as provided below, the period of Ineligibility shall commence on the date that the decision imposing the period of Ineligibility is issued or, if the hearing is waived or there is no hearing, on the date the Ineligibility is accepted or otherwise upheld.

10.10.1. Where there have been substantial delays in the hearing process or other aspects of Doping Control not attributable to the Cricketer or other Person, the period of Ineligibility may be deemed to have started at an earlier date, commencing as early as the date of last occurrence of the anti-doping rule violation (which, in the case of an Article 2.1 violation, would be on the date of Sample



collection), taking into account any such period of delay. All competitive results achieved during the period of Ineligibility, including retroactive Ineligibility, shall be Disqualified.

10.10.2. Where the Cricketer or other Person promptly (which means, in any event, before the Cricketer competes again) admits the anti-doping rule violation after being confronted with it by the *ECL*, the period of Ineligibility subsequently imposed on him/her may be back-dated so that it is deemed to have commenced as far back as the date of last occurrence of the anti-doping rule violation (which, in the case of an Article 2.1 violation, would be on the date of Sample collection). However, this discretion to back-date is subject to the following limit: the Cricketer or Cricketer Support Person must actually serve at least one-half of the period of Ineligibility going forward from the date the Cricketer or other Person accepted the imposition of a sanction, the date of the hearing decision imposing a sanction, or the date the sanction is otherwise imposed. This Article shall not apply where the period of Ineligibility has already been reduced under Article 10.6.3

10.10.3. Any period of Provisional Suspension served by the Cricketer or other Person (whether imposed in accordance with Article 7.7 or voluntarily accepted by the Cricketer or Cricketer Support Person) shall be credited against the total period of Ineligibility that may be ultimately imposed. If a period of Ineligibility is served prior to a decision that is subsequently appealed, then the Cricketer 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. To get credit for any period of voluntary Provisional Suspension, however, the Cricketer or other Person must have given written notice of the acceptance of the Provisional Suspension at the beginning of such period to the *ECL* and must have respected the Provisional Suspension in full. A copy of the Cricketer or other Person's voluntary acceptance of a Provisional Suspension shall be provided promptly to the Cricketer or other Person's *ECL*, NADO, the ICC and WADA. 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 the Cricketer's or other Person's status during such period.

### 10.11. Status During Ineligibility

#### 10.11.1. Prohibition against Participation during Ineligibility

10.11.1.1. No Cricketer or other Person who has been declared Ineligible may, during the period of Ineligibility, play, coach or otherwise participate or be involved in any capacity in: (a) a Match or any other function, Event or activity (other than authorised anti-doping education or rehabilitation programs) authorised, organised, sanctioned, recognised or supported in any way by the *ECL* or by any body that is a member of, or affiliated to, or licensed by the *ECL*; (b) any Match or any other function, Event or activity authorised or organised by any professional league or any international or national level tournament/Event organisation (whether or not the party authorising or organising the Match or event in question is a Signatory, any club or other body that is a member of, or affiliated to, or licensed by, a Signatory or a Signatory's member organisation); (c) any elite or national-level sporting activity

funded by a government agency; or (d) 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. Without prejudice to the generality of the foregoing, such Cricketer or other Person shall not, during any period of Ineligibility, be given accreditation for, or otherwise granted access to, any Match, function, event or activity of the type referred to in this Article and any such accreditation previously issued shall be withdrawn. In addition, the *ECL* shall take all steps within its power to have the period of Ineligibility recognised and enforced by all other relevant parties, including all other Signatories pursuant to Article 15 of the World Anti-Doping Code.

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

10.11.1.3. A Cricketer or other Person who is subject to a period of Ineligibility shall remain subject to Testing during that period and must provide whereabouts information upon request for that purpose. If a Cricketer or other Person commits an anti-doping rule violation during a period of Ineligibility (including but not limited to an anti-doping rule violation under Article 2.1), this shall be treated as a separate anti-doping rule violation under the Rules.

### 10.11.2. Return to Training

As an exception to Article 10.11.1, a Cricketer may return to train with a team or to use the facilities of a club or other member organisation of a Signatory's member organisation during the shorter of: (i) the last two months of the Cricketer's period of Ineligibility; or (ii) the last one-quarter of the period of Ineligibility imposed.

### 10.11.3. Violation of the Prohibition of Participation during Ineligibility

Where a Cricketer or other Person who has been declared Ineligible violates the prohibition against participation during such period of Ineligibility, a new period of Ineligibility shall be added to the end of the original period of Ineligibility. The new period of Ineligibility equal in length to the original period of Ineligibility may be adjusted based on the Cricketer or other Person's degree of Fault and other circumstances of the case. The determination of whether the prohibition against participation whilst Ineligible has been violated, 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, and such decision shall be subject to appeal in accordance with Article 13. In any case, any results obtained by the Cricketer as a result of such participation shall be automatically Disqualified with all resulting consequences, including forfeiture of any individual medals, individual titles, individual ranking points and individual prizes obtained in that Match or other

tournament/event and the non-inclusion of the Cricketer's performance statistics in that Match or other tournament/event towards individual averages and/or records. Where a Cricketer Support Person or other Person assists a Person in violating the prohibition against participation during Ineligibility, the *ECL* shall, where it has jurisdiction over that Cricketer Support Person or other Person, impose sanctions for a violation of Article 2.9 (Complicity) for such assistance.

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

In addition, for any anti-doping rule violation not involving a reduced sanction as described in Articles 10.4 and 10.5, some or all sport-related financial support or other sport-related benefits received by the Cricketer or other Person may be withheld by the *ECL* and/or NADO responsible for such financial support or other benefits.

#### **10.12. Automatic Publication of Sanction**

In accordance with Article 14, a mandatory part of each sanction imposed under this Article 10 shall include automatic publication.

#### **10.13. Reinstatement Testing**

10.13.1. As a condition of reinstatement, a Cricketer who is subject to a period of Ineligibility must respect the conditions of Article 10.11.1.3, failing which, the Cricketer shall not be eligible for reinstatement until he/she has made him/herself available for Testing (by notifying the *ECL* in writing) for a period of time equal to the period of Ineligibility remaining as at the date that he/she first stopped making him/herself available for Testing except that in the event that a Cricketer retires while subject to a period of Ineligibility, the conditions set out in Article 5.6 shall apply.

10.13.2. During such remaining period of Ineligibility, a minimum of two (2) tests must be conducted on the Cricketer. The *ECL* shall be responsible for conducting the necessary tests, but tests by any Anti-Doping Organisation may be used to satisfy the requirement. The results of such Tests shall be reported to the ICC. In addition, immediately prior to the end of the period of Ineligibility, upon request a Cricketer must undergo Testing by the *ECL* for the Prohibited Substances and Methods that are prohibited in Out-of-Competition Testing.

10.13.3. Once the period of Ineligibility has expired, and the Cricketer or Cricketer Support Person has fulfilled the conditions of reinstatement, then provided that the Cricketer or Cricketer Support Person has paid in full all amounts forfeited under the Rules, and has satisfied in full any award of costs made against him/her by any Anti-Doping Tribunal and/or by the CAS following any appeal made pursuant to Article 13, the Cricketer or Cricketer Support Person will become automatically re-eligible to participate (or assist the participation of a Cricketer) and no application by the Cricketer or Cricketer Support Person will be necessary.

## ARTICLE 11

### 11. Consequences for teams

11.1. Where, in any period of twelve months, more than one member of a team has been notified of a possible anti-doping rule violation under Article 7, the *ECL* shall conduct appropriate Target Testing of Cricketers in that team.

11.2. Without limitation to Article 11.1, if more than two members of a team are found to have committed an anti-doping rule violation during a Match or Competition, this shall be treated as misconduct pursuant to the *ECL* disciplinary rules for which an appropriate sanction shall be imposed on the team as may be considered appropriate having due regard to the circumstances of such anti-doping rule violations (e.g., loss of points, Disqualification from the Match or Competition, or other sanction). For the avoidance of doubt, such sanction shall be in addition to any Consequences imposed upon the individual Cricketer(s) committing the anti-doping rule violation.

## ARTICLE 12

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## ARTICLE 13

### 13. Appeals

#### 13.1. Decisions Subject to Appeal

Decisions made under the Rules may be challenged solely by appeal as set out in this Article 13 (or as otherwise provided in the Rules, the World Anti-Doping Code or International Standards). Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise.

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

13.2.1. The following decisions -- a decision that an anti-doping rule violation was (or was not) committed, a decision imposing Consequences (or not imposing Consequences) for an anti-doping rule violation; a decision that a charge cannot go forward for procedural reasons (including, for example, because too much time has passed); a decision that the *ECL* or a hearing panel lacks jurisdiction to rule on an alleged anti-doping rule violation or its Consequences; a decision not to pursue an Adverse Analytical Finding or an Atypical Finding as an anti-doping rule violation under Article 7.2 or 7.3; a decision not to bring a charge after an investigation under Article 7.5; (subject to Article 13.2.2) a decision to impose a Provisional Suspension as a result of

a Provisional Hearing; the *ECL* failure to comply with Article 7.7 of the Rules; a decision to suspend, or not suspend, a period of Ineligibility, or to reinstate, or not reinstate, a suspended period of Ineligibility under Article 10.6.1; a decision by WADA not to grant an exception to the six months' notice requirement for a retired Cricketer to return to competition under Article 5.6.1; a decision by WADA assigning rights management authority under World Anti-Doping Code Article 7.1, may be appealed by any of the following parties exclusively as provided in this Article 13:

13.2.1.1. the Cricketer or other Person who is the subject of the decision being appealed;

13.2.1.2. the *ECL*;

13.2.1.3. the NADO;

13.2.1.4. the National Anti-Doping Organisation(s) of the Person's country of residence, country of nationality, and country where he/she is licensed to participate in sport (if different from the NADO);

13.2.1.5. the ICC;

13.2.1.6. any other Anti-Doping Organisation under whose rules a sanction could have been imposed for the anti-doping rule violation in question; and

13.2.1.7. WADA.

In the absence of any such appeal, such decisions shall be final and binding on all of the above Persons.

13.2.2. The only Person who may appeal a decision to impose a Provisional Suspension is the Cricketer or Cricketer Support Person affected by the Provisional Suspension.

13.2.3. Subject to Article 13.6, an appeal pursuant to Articles 13.2.1 or 13.2.2 shall be made as follows:

13.2.3.1. In a case arising from participation in an ICC Event or involving an International-Level Cricketer, the appeal shall be made to CAS, following the procedures set out in CAS's Code of Sports-related Arbitration (as amended by Article 13.9 of the Rules), save that the standard of review shall be as follows:

- (a) The scope of review on appeal before CAS includes all issues relevant to the matter and is expressly not limited to the issues or scope of review before the initial decision maker; and
- (b) in making its decision, CAS need not give deference to the discretion exercised by the body whose decision is being appealed

### **13.3. Filing an Appeal with the Appeal Panel**

13.3.1. A party who wishes to appeal a decision pursuant to Article 13.2.1 to an Appeal Panel must lodge notice of the appeal with the President of the AntiDoping Panel (c/o the Anti-Doping Manager), specifying the grounds of the appeal, within fourteen (14) days of the date of receipt of the reasoned decision of the Anti-Doping Tribunal that is being challenged on appeal.

13.3.2. An appellant who was not a party to the proceedings that led to the decision being appealed shall have the right to a copy of the record of the proceedings that led to the decision. If such request is made, then the *ECL* shall supply the record to such party as soon as reasonably practicable.

13.3.3. The Appeal Panel shall hear and determine all issues arising from any matter which is appealed to it pursuant to the Rules in accordance with the following standard of review:

13.3.3.1. Where required in order to do justice (e.g., to cure procedural errors), the appeal shall take the form of a rehearing de novo, i.e., the Appeal Panel shall hear the matter over again, from the beginning, without being bound in any way by the decision being appealed.

13.3.3.2. In all other cases, the appeal shall not take the form of a de novo hearing. Instead the appellant shall be required to establish that the decision being appealed was made in error.

### **13.4. Convening an Appeal Panel**

13.4.1. Where a notice of appeal is filed in accordance with Article 13.3.1, the President of the Anti-Doping Panel, in conjunction with the Anti-Doping Manager, shall appoint three (3) members from the Anti-Doping Panel (which may include the President) to sit as the Appeal Panel to hear and determine the appeal. Each Anti-Doping Panel member appointed to the Appeal Panel shall be independent of the *ECL* and shall not have sat as part of the first instance Anti-Doping Tribunal. At least one appointed member of the Appeal Panel shall be a lawyer, and shall sit as Chairman of the Appeal Panel.

13.4.2. The parties to the appeal shall be advised of the identities of the appointed members of the Appeal Panel and asked if they have any legitimate objection to any of those members hearing and determining the appeal. Any unjustified delay in raising any such objection shall constitute a waiver of the objection. If such objection is made, the Chairman of the Appeal Panel shall rule on its legitimacy (or, if the objection relates to the Chairman, the President of the Anti-Doping Panel shall rule).

13.4.3. If, because of a legitimate objection or for any other reason, a member of the Appeal Panel appointed to hear a particular appeal is, or becomes, unwilling or unable to hear the appeal, then the Chairman of the Appeal Panel may, at his/her absolute discretion: (a) rule that a replacement member of the Appeal Panel should be appointed (in which case the President of the Anti-Doping

Panel shall appoint the replacement); or (b) authorise the remaining members of the Appeal Panel to hear (or to continue to hear) the appeal on their own.

### **13.5. Proceedings before the Appeal Panel**

13.5.1. The provisions of Articles 8.1 and 8.2, applicable to proceedings before the Anti-Doping Tribunal, shall apply *mutatis mutandis* (ie with changes deemed to have been made as required to reflect the different context) to proceedings before the Appeal Panel.

13.5.2. Appeal hearings pursuant to this Article 13 should be completed expeditiously. Save where all parties agree or fairness requires, the appeal hearing shall be commenced no later than forty (40) days after the date of the reasoned decision being appealed.

13.5.3. Each of the ICC, the NADO and WADA, if not party to the appeal, shall have the right to be kept apprised by *ECL* of the status of the appeal, as well as the right to attend hearings of the Appeal Panel as an observer.

13.5.4. Decisions of the Appeal Panel may only be challenged by WADA or the ICC, by appeal to CAS in accordance with the provisions of Article 13.9. Subject thereto, such decisions shall be the full, final and complete disposition of the appeal and will be binding on all of the parties identified in Article 13.2.1.

### **13.6. Appeals by WADA or the ICC**

13.6.1. Notwithstanding any other provision of the Rules, where WADA or the ICC has a right of appeal under the Rules against a decision, and no other party has appealed against that decision, WADA or the ICC may appeal such decision directly to CAS without having first to exhaust any other remedy, including (without limitation) without having to appeal to an Appeal Panel.

13.6.2. Where WADA or the ICC considers that the *ECL* has failed within a reasonable deadline to make a decision with respect to whether an anti-doping rule violation was committed, both WADA and the ICC shall have a right of appeal to CAS as if the *ECL* had rendered a decision finding no anti-doping rule violation. If CAS determines that an anti-doping rule violation was committed and that WADA or the ICC acted reasonably in electing to appeal directly to CAS, then the reasonable costs of WADA or the ICC incurred in pursuing the appeal shall be reimbursed to WADA or the ICC by the *ECL*.

### **13.7. Appeals Relating to TUEs**

13.7.1. The Cricketer, the *ECL* and/or the NADO may appeal a decision by the TUE Committee on the Cricketer's TUE application, in whole or in part, to the TUE Appeal Panel, on the ground that the decision does not comply with the International Standard for Therapeutic Use Exemptions.

Alternatively, an International-Level Cricketer may appeal any such decision to CAS in accordance with Article 13.9.

13.7.2. If the TUE Appeal Panel upholds a Cricketer's appeal in whole or in part, the *ECL*, the NADO and/or WADA may appeal that decision to CAS in accordance with Article 13.9.

13.7.3. Decisions by WADA reversing the grant or denial of a TUE further to Article 4.4.4 may be appealed exclusively to CAS by the Cricketer, the *ECL* or the NADO, in accordance with Article 13.9, or by the ICC in accordance with the ICC Code.

### **13.8. Time for Filing Appeals/Appeals Procedure**

13.8.1. The time to file an appeal to the Appeal Panel or to CAS (as applicable) shall be twenty-one (21) days from the date of receipt of the written decision by the appealing party.

13.8.2. Article 13.8.1 notwithstanding, the following shall apply in connection with appeals filed by a party that was not a party to the proceedings that led to the decision subject to appeal:

13.8.2.1. Within ten (10) days from receipt of the written, reasoned decision, such party/ies shall have the right to request from the body that issued the decision a copy of the file on which such body relied.

13.8.2.2. If such a request is made within the ten-day period, then the party making such request shall have twenty-one (21) days from receipt of the file to file an appeal.

13.8.3. Articles 13.8.1 and 13.8.2 notwithstanding, the filing deadline for an appeal filed by WADA shall be the later of:

13.8.3.1. Twenty-one (21) days after the last day on which any other party in the case could have appealed; and

13.8.3.2. Twenty-one (21) days after WADA's receipt of a copy of the file on which the body that issued the decision relied.

13.8.4. All parties with a right to appeal pursuant to this Article 13, if not joined as a party to the appeal, shall have the right to be kept apprised of the status and outcome (with reasons) of the appeal, as well as the right to attend appeal hearings as an observer.

13.8.5. If the decision on appeal is that an anti-doping rule violation has been committed, then: (a) the decision shall be publicly reported in full as soon as possible, and in any event no more than twenty (20) days of its issue; and (b) after the decision is publicly reported, the *ECL* may also publish such other parts of the proceedings before the Appeal Panel as the *ECL* thinks fit.



13.8.6. If the decision on appeal is that an anti-doping rule violation has not been committed, then the decision shall not be published (save as set out in Article 14.2) and its confidentiality shall be strictly maintained by all parties.

### **13.9. Appeals to CAS**

In all appeals to CAS pursuant to this Article 13:

13.9.1. CAS's Code of Sports-related Arbitration shall apply, save as amended below.

13.9.2. Cross appeals and other subsequent appeals by any respondent named in cases brought to CAS under the Rules are specifically permitted. Any party with a right to appeal under this Article 13 must file a cross appeal or subsequent appeal at the latest with the party's answer.

13.9.3. Any party entitled to appeal under this Article 13 may, within 15 days of receipt of the decision, request a copy of the full case file pertaining to that decision. Where such information is not forthcoming from the decision making body upon request, any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the parties to the decision being appealed, and the information shall be provided if CAS so directs.

13.9.4. The governing law shall be English law and the appeal shall be conducted in English, unless the parties agree otherwise.

13.9.5. The decision of CAS shall be final and binding on all parties, and no right of appeal shall lie from the CAS decision. Subject to Article 14.1, the CAS decision shall be Publicly Reported by the *ECL* within 20 days of receipt.

## **ARTICLE 14**

### **14. Public Disclosure**

14.1. Neither the *ECL*, the National Anti-Doping Organisation, the ICC or WADA shall publicly identify Cricketers whose Samples have resulted in Adverse Analytical Findings, or Cricketers or other Persons who have been alleged to have violated other Articles of the Rules, until the Cricketer or other Person has been sent a Notice of Charge in accordance with Article 7. Once it is decided in a hearing in accordance with Article 8 or 13 that a violation of the Rules has been established, publication of that decision shall be determined in accordance with Articles 8.2.6, 8.2.7 and 13.9.5, save that where the Cricketer or other Person found to have committed an anti-doping rule violation is a Minor, Public Reporting of the decision will be optional and shall be proportionate to the facts and circumstances of the case. The *ECL* shall also, within the time period for publication, send all first instance and appeal decisions to WADA and the ICC. Publication shall be accomplished at a minimum by placing the required information on the *ECL*'s website and leaving the information up for the longer of one month or the duration of any period of Ineligibility.

- 14.2. In any case under the Rules where it is determined, after a hearing or appeal, that the Cricketer or other Person did not commit an anti-doping rule violation, the decision may be Publicly Disclosed only with the consent of the Cricketer or other Person who is the subject of the decision. The *ECL* 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 Cricketer or other Person may approve.
- 14.3. The *ECL* shall use its reasonable endeavours to ensure that persons under its control do not publicly identify Cricketers whose Samples have resulted in Adverse Analytical Findings or Atypical Findings, or Cricketers or other Persons who have a Provisional Suspension imposed on them, or are alleged to have committed an anti-doping rule violation under the Rules, unless and until the Cricketer or other Person has been sent a Notice of Charge in accordance with Article 7. However, the *ECL* in its discretion may at any time disclose to other organisations such information as the *ECL* may consider necessary or appropriate to facilitate administration or enforcement of the Rules, provided that each organisation provides assurance satisfactory to the *ECL* that the organisation will maintain all such information in confidence. The *ECL* nor any *ECL* official, will not comment publicly on the specific facts of a pending case (as opposed to general description of process and science) except in response to public comments attributed to the Cricketer or Cricketer Support Person involved in the case or his/her representatives.
- 14.4. Where the ICC, a Cricketer or other Person's NADO or the *ECL* receives information in respect of any proceedings conducted pursuant to Article 7, 8 or 13, they shall not disclose such information beyond those Persons with a need to know until the *ECL* has made Public Disclosure in accordance with Article 14.1 above.
- 14.5. All communications with a laboratory in relation to Testing carried out under the Rules must be conducted in such a way that the laboratory is not advised of the identity of the Cricketer(s) involved, save where required as part of the investigation of a potential case and/or the presentation of evidence to an Anti-Doping Tribunal.
- 14.6. Details of all Testing carried out under the Rules, i.e. date of test, name of Cricketer tested, and whether the test was In-Competition or Out-of-Competition, shall, wherever possible, be entered onto the WADA Database as soon as possible after such tests have been conducted, and made available via that database to the Cricketer, WADA and other Anti-Doping Organisations that have jurisdiction to test Cricketers, so that duplication of anti-doping efforts may be avoided.
- 14.7. Whereabouts information provided by a Cricketer pursuant to Article 5.3.2 shall be entered onto the WADA Database and/or otherwise shared with WADA and with other Anti-Doping Organisations with jurisdiction to test the Cricketer, on the basis that it shall be maintained in the strictest confidence at all times, it shall be used by WADA and other Anti-Doping Organisations only for Doping Control purposes, and it shall be destroyed when no longer relevant for such purposes.

- 14.8. All Cricketers and Cricketer Support Person shall be deemed to have agreed, for purposes of applicable data protection and other laws and for all other purposes, to have consented to the collection, processing, disclosure and use of information relating to them, including personal information relating to them, in accordance with the provisions of the International Standard for the Protection of Privacy and otherwise as required to implement the Rules.

## ARTICLE 15

### 15. Recognition of Decisions

- 15.1. The Testing, hearing results and other decisions (including Provisional Suspension decisions) made under the ICC Code or recognised by the ICC under Article 15 of the ICC Code shall be applicable worldwide and shall be recognised and respected by the *ECL* and its member and affiliate and licensee organisations and all those subject to the Rules automatically upon notice of the same, without the need for further formality. The *ECL* shall take all steps within its power to give full force and effect within its jurisdiction to such Testing, TUEs, hearing results and other decisions made or recognised under the ICC Code.
- 15.2. The Testing, hearing results and other decisions (including Provisional Suspension decisions) made under the anti-doping rules of any other Signatory to the World AntiDoping Code that are consistent with the World Anti-Doping Code and are within the Signatory's authority shall be applicable worldwide and shall be recognised and respected by the *ECL* and its member and affiliate and licensee organisations and all those subject to the Rules automatically upon notice of the same, without the need for further formality
- 15.3. The Testing, hearing results and other decisions (including Provisional Suspension decisions) of any non-Signatory whose applicable rules are otherwise consistent with the World Anti-Doping Code shall also be recognised and respected by the *ECL*, its member and affiliate and licensee organisations and all those subject to the Rules automatically upon notice of the same, without the need for any further formality.

## ARTICLE 16

### 16. STATUTE OF LIMITATIONS

No anti-doping rule violation proceeding may be commenced under the Rules against a Cricketer or other Person unless such Cricketer or other Person has been notified of the anti-doping rule violation as provided in Article 7, or notification has been reasonably attempted, within ten years from the date that the anti-doping rule violation is asserted to have occurred.

## ARTICLE 17

### 17. Statistical Reporting

The *ECL* shall report to the ICC at the end of every calendar year the results of all Doping Controls conducted under the Rules, sorted by Cricketer and identifying each date on which the Cricketer was tested, the entity conducting the test, and whether the test was In-Competition or Out-of-Competition. The ICC may periodically publish such data, save that (unless specifically agreed by the *ECL* in question) the identity of the Cricketers tested shall not be published.

## ARTICLE 18

### 18. AMENDMENT AND INTERPRETATION OF THE RULES

- 18.1. The Rules may be amended from time to time by the *ECL*. Such amendments shall come into effect on the date specified by the *ECL*.
- 18.2. The Rules shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes of any Signatory or government.
- 18.3. The headings used for the various Articles of the Rules are for the purpose of guidance only and shall not be deemed to be part of the substance of the Rules or to inform or affect in any way the language of the provisions to which they refer.
- 18.4. The Rules have been adopted pursuant to the applicable provisions of the World AntiDoping Code and shall be interpreted in a manner that is consistent with the World Anti-Doping Code. The comments annotating various provisions of the World AntiDoping Code shall (if necessary) be used to assist in the understanding and interpretation of the Rules
- 18.5. The Rules shall come into full force and effect on 1st March 2019. They shall not apply retrospectively to matters pending before the Effective Date; provided, however, that:
  - 18.5.1. Any case pending prior to the Effective Date, or brought after the Effective Date but based on acts or omissions that occurred before the Effective Date, shall be governed by the anti-doping rules in force at the time of the anti-doping rule violation occurred, save that (i) Articles 10.7.5 and 16 of the Rules shall apply retroactively (unless in the case of Article 16, the statute of limitations under the predecessor version of the Rules has already expired by the Effective Date, in which case Article 16 shall not apply); and (ii) the Anti-Doping Tribunal may decide to apply other provisions from the Rules as well where doing so benefits the Cricketer or other Person alleged to have committed the anti-doping rule violation based on the principle of *lex mitior*.
  - 18.5.2. Subject always to Article 10.7.5, anti-doping rule violations committed under rules in force prior to the Effective Date shall be taken into account as prior violations for purposes of determining sanctions under Article 10.7 and especially Article 10.7.5. If the sanction for the first offence was determined based on predecessor versions of the Rules then, for the purposes of Article 10.7.1, that sanction shall be disregarded and instead the sanction that would have been imposed for the first violation if rules compliant with the current version had applied will be used.
- 18.6. Subject to Article 18.2, the Rules are governed by and shall be construed in accordance with English law (subject to the application of any mandatory provisions of the law of Spain)

## APPENDIX 1

### Definitions

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 entity, consistent with the International Standard for Laboratories and related Technical Documents, that identifies in a Sample the presence of a Prohibited Substance or its Metabolites or Markers (including elevated quantities of endogenous substances) or evidence of the Use of a Prohibited Method.

Anti-Doping Manager. An appointee of the ECL with supervisory responsibilities in relation to the Rules, or his/her designee.

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

Anti-Doping Panel. As defined in Article 8.1.1.

Anti-Doping Tribunal. A panel of three persons (subject to Article 8.1.7) appointed by the ECL consisting of a Chair (who shall be legally qualified), and other lawyers and/or a medical expert and/or a technical expert with experience in anti-doping, to perform the functions assigned to the Anti-Doping Tribunal under the Rules. Each member of the Anti-Doping Tribunal shall be independent of the ECL, which may provide reasonable compensation and reimbursement of expenses to such members.

Appeal Panel. A panel of three persons (subject to Article 13.4.3) appointed in accordance with Article 13.4, and consisting of a Chair (who shall be legally qualified), and other lawyers and/or a medical expert and/or a technical expert with experience in anti-doping, to perform the functions assigned to the Appeal Panel under the Rules. Each member of the Appeal Panel shall be independent of the ECL, which may provide reasonable compensation and reimbursement of expenses to such members.

*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 entity which requires further investigation as provided by the International Standard for Laboratories or related technical documents prior to the determination of an Adverse Analytical Finding.

*CAS.* The Court of Arbitration for Sport in Lausanne, Switzerland.

*Competition.* A series or combination of any number of individual Matches played as part of a league, knock-out or other tournament or event.

*Consequences of Anti-Doping Rule Violations ("Consequences").* An anti-doping rule violation may result in one or more of the following: (a) Disqualification means the Cricketer's individual results in a particular Match are invalidated, with all resulting consequences, including: (i) forfeiture of any individual medals or other prizes awarded; and (ii) forfeiture of any official ranking points achieved; (b) Ineligibility means the Cricketer or other Person is barred on account of an anti-doping rule violation for a specified period of time from participation in any Competition or other activity or funding as provided in Article 10.11.1.1 of the Rules; (c) Provisional Suspension means the Cricketer or other Person is temporarily barred from participating in the sport of cricket pending a decision on the allegation that he/she has committed an anti-doping rule violation; (d) Financial Consequences means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and (e) Public Disclosure or Public Reporting means the dissemination or distribution of information to the general public or Persons beyond Persons entitled to earlier notification in accordance with Article 14.

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

*Cricketer.* Any Person who competes at any level in the sport under the jurisdiction of the *ECL*; save that for purposes of Article 2.8, a Cricketer is any Person who participates at any level in any sport under the authority of any Signatory, government or other sports organisation accepting the World Anti-Doping Code.

*Cricketer's Nominated Address.* As defined in Article 1.5.

*Cricketer Support Person.* As defined in Article 1.8.

*Demand.* As defined in Article 7.5.3.1.

*Disqualification.* See Consequences, above

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

ECL. The European Cricket League

Effective Date. As defined in Article 18.5.

Event. A series of individual Competitions conducted together under one ruling body

Event Period. For the purposes of the World Anti-Doping Code, the Event Period shall be deemed to start and end at the same time as the In-Competition period as set out in Article 5.2.2.

Event Venue. For the purposes of the World Anti-Doping Code, those venues so designated by the ruling body for the Match or 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 Cricketer or other Person's degree of Fault include, for example, the Cricketer's or other Person's experience, whether the Cricketer or other Person is a Minor, special considerations such as impairment, the degree of risk that should have been perceived by the Cricketer and the level of care and investigation exercised by the Cricketer in relation to what should have been the perceived level of risk. In assessing the Cricketer or other Person's degree of Fault, the circumstances considered must be specific and relevant to explain the Cricketer's or other Person's departure from the expected standard of behaviour. Thus, for example, the fact that a Cricketer would lose the opportunity to earn large sums of money during a period of Ineligibility, or the fact that the Cricketer only has a short time left in his or her career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of Ineligibility under Article 10.5.1 or 10.5.2.

Filing Failure. As defined in the International Standard for Testing and Investigations.

Financial Consequences. See Consequences above.

ICC. The International Cricket Council or its designee.

ICC Code. As defined in Article 1.3.

ICC Events. Each of the following: (a) the ICC Cricket World Cup; (b) the ICC World Twenty20; (c) the ICC Under 19 Cricket World Cup; (d) the ICC Women's Cricket World Cup; (e) the ICC Champions Trophy; (f) the ICC World Cup Qualifying Tournament; (g) the ICC World Twenty20 Qualifying Tournament; and (h) any other event organised or sanctioned by the ICC from time to time, provided that the ICC has given at least three months' notice to all teams participating in such event that it is to be deemed an ICC Event for the purposes of the Rules.

In-Competition. The period described in Article 5.2.2.

Ineligibility. See Consequences, above.

International-Level Cricketer. Any cricketer who participates or who has previously participated at any point in time (whether as a member of a starting XI or as an officially designated substitute) in an International Match, as that term is defined in the ICC Code.

International Registered Testing Pool or IRTP. As defined in Article 5.3.2.1.

International Standard. A standard adopted by WADA in support of the World Anti-Doping Code, as revised from time to time, such revisions becoming effective in relation to the Rules on the date specified by WADA, without the need for any further action by the ECL. The 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 presence and/or Use of a Prohibited Substance or Prohibited Method.

Match. A match between two cricket teams, of any format and duration, that is organised, convened or authorised by the ECL or any of its members or affiliates or licensees.

Metabolite. Any substance produced by a biotransformation process.

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

Missed Test. As defined in the International Standard for Testing and Investigations.

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

National Cricket Federation. The Cricket federation of a player and/or official in the ECL that is recognised by the ICC as the entity governing the sport of cricket in his/or her registered country

National Level Player. As defined in Article 1.1.



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

National Registered Testing Pool. As defined in Article 5.3.2.1.

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

No Fault or Negligence. The Cricketer or other Person establishing that he/she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he/she had Used or been administered the Prohibited Substance or Prohibited Method or otherwise violated an anti-doping rule. Except in the case of a Minor, for any violation of Article 2.1, the Cricketer must also establish how the Prohibited Substance entered his or her system

No Significant Fault or Negligence. The Cricketer or other Person establishing that his/her Fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relationship to the anti-doping rule violation. Except in the case of a Minor, for any violation of Article 2.1, the Cricketer must also establish how the Prohibited Substance entered his or her system.

Notice of Charge. As defined in Article 7.2.3.

Out-of-Competition. The period(s) described in Article 5.3.1.1.

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

Possession. 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/Method or the premises in which a Prohibited Substance/Method exists); provided, however, that if the Person does not have exclusive control over the Prohibited Substance/Method or the premises in which a Prohibited Substance/Method exists, constructive Possession shall only be found if the Person knew about the presence of the Prohibited Substance/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.

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 substance, so described on the Prohibited List.

Provisional Hearing. For purposes of Article 7.7, an expedited abbreviated hearing occurring prior to a hearing under Article 8 that provides the Cricketer or other Person with notice and an opportunity to be heard in either written or oral form.

Provisional Suspension. See Consequences, above.

Review Board. A standing panel appointed by the ECL or NADO, consisting of persons with medical, technical and/or legal experience in anti-doping, to perform the functions assigned to the Review Board in the Rules. Further persons may be co-opted onto the Review Board on a case-by-case basis, where there is a need for their specific expertise and/or experience. Each member of the Review Board panel shall be independent of the ECL, which may provide reasonable compensation and reimbursement of expenses to such members.

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

Signatories. Those entities signing the World Anti-Doping Code and agreeing to comply with the World Anti-Doping Code, including the International Olympic Committee, International federations, International Paralympic Committee, National Olympic Committees, National Paralympic Committees, Major Event Organisations, National Anti-Doping Organisations, and WADA.

Specified Substances. As defined in Article 4.1.2.

Substantial Assistance. For purposes of Article 10.6.1, a Person providing Substantial Assistance must: (a) fully disclose in a signed written statement all information that he/she possesses in relation to anti-doping rule violations; and (b) fully cooperate with the investigation and adjudication of any case related to that information, including, for example, presenting testimony at a hearing if requested to do so by the ECL, an Anti-Doping Organisation or hearing panel. Further, the information provided must be credible and must comprise an important part of any case that is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.

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

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

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

**Trafficking.** Selling, giving, administering, 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 Cricketer or other Person subject to the jurisdiction of an Anti-Doping Organisation to any third party; provided, however, that this definition shall not include: (a) the actions of bona fide medical personnel involving a Prohibited Substance used for genuine and legal therapeutic purposes or other acceptable justification; or (b) actions involving Prohibited Substances which are not prohibited in Out-ofCompetition Testing unless the circumstances as a whole demonstrate such Prohibited Substances were not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

**TUE.** As defined in Article 4.4.1.

**TUE Appeal Panel.** A panel appointed by the *ECL* or the NADO and composed of at least three physicians with experience in the care and treatment of Cricketers and sound knowledge of clinical and exercise medicine, to perform the functions assigned to the TUE Appeal Panel under the Rules.

**TUE Committee.** A panel appointed by the *ECL* or the NADO and composed of at least three physicians with experience in the care and treatment of Cricketers and a sound knowledge of clinical and exercise medicine, to perform the functions assigned to the TUE Committee under the Rules. In all cases involving a Cricketer with a disability, one of the physicians must have experience with the care and treatment of Cricketers with disabilities.

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

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

**WADA Database.** An on-line database, with a state-of-the-art security system, maintained by WADA for purposes of collating anti-doping information, currently known as the Anti-Doping *Administration* and Management System (ADAMS).

**Whereabouts Failures.** As defined in Article 2.4.

**World Anti-Doping Code.** The version of the World Anti-Doping Code issued by WADA and coming into force as from 1 January 2015.

## APPENDIX 2

### The prohibited List

At any given time, the current version of the Prohibited List is available on the anti-doping section of The World Anti-Doping (WADA) website at the following address:

[https://www.wada-ama.org/sites/default/files/wada\\_2019\\_english\\_prohibited\\_list.pdf](https://www.wada-ama.org/sites/default/files/wada_2019_english_prohibited_list.pdf)

**IMPORTANT NOTE:** the Prohibited List is updated annually, with effect from 1 January each year. All Cricketers and Cricketer Support Person should therefore review the new Prohibited List (available on the ECL's website) each year in the lead up to 1 January to ensure that anything they ingest or use, as well as any medical treatment they receive, does not give rise to an anti-doping rule violation under the Rules.

## APPENDIX 3

### The cricket testing protocols

The following protocols are designed to supplement the International Standard for Testing and Investigations as necessary to reflect the specificities of cricket. They are not intended to amend or contradict the International Standard for Testing and Investigations. In the event of any conflict between these protocols and the International Standard for Testing and Investigations, the latter shall prevail.

In addition to the definitions set out in Appendix 1, for the purposes of this Appendix 3, the following definitions will also apply:

Doping Control Officer (DCO) means any official who has delegated responsibility for the on-site management of Sample collection at a Match.

Lead DCO means the DCO with overall responsibility for coordinating the on-site management of Sample collection at a Match.

NCF Representative means the Anti-Doping Manager (or his/her appointed designee) or any other ECL representative duly authorised to carry out the duties set out in this Appendix 3.

Team Manager means the manager of a cricket team participating in a Match (or his/her designated representative).

### 1. The selection of Cricketers for In-Competition Testing (ISTI Article 4.4.1)

- 1.1. Pursuant to Article 5.1.1 of the Rules and Article 4 of the International Standard for Testing and Investigations, the *ECL* shall be responsible for assisting the NADO to draw up a test distribution plan for domestic cricket played in the *ECL*'s jurisdiction. One element of that plan will be In-Competition Testing at Matches.
- 1.2. At those Matches at which In-Competition Testing is selected to take place, the Cricketers that will be required to provide Samples for Testing will be selected at random in accordance with the following procedure:
  - 1.2.1. Prior to or during the commencement of any day's play in a Match, the Match Referee (or the NCF Representative where he/she is present) will convene a selection meeting in the doping control station or such other venue as he/she may deem appropriate.
    - 1.2.1.1. The following individuals must attend the selection meeting: (a) the Match Referee (or the NCF Representative where he/she is present); and (b) the Team Manager of each of the two teams participating in the Match (or any representative appointed by the Team Manager in circumstances when the Team Manager is unable to attend).
    - 1.2.1.2. In addition, the Lead DCO (where he/she is present at the time of the selection meeting) may attend the selection meeting.
    - 1.2.1.3. Unless otherwise agreed by the Match Referee (or the NCF Representative), no other individuals shall be present at the selection meeting.
  - 1.2.2. At the selection meeting, the Match Referee (or the NCF Representative) will provide a set of cards numbered one (1) to eleven (11) to each Team Manager.
  - 1.2.3. Each Team Manager will simultaneously place his/her cards face down on a flat surface so as only to expose the reverse side of the cards, which should be blank. He/she may then rearrange those cards until he/she is completely satisfied that they are randomly set out and do not contain any identifying marks or features.
  - 1.2.4. Once both Team Managers have confirmed that they are happy with the lay-out of their cards, they shall, in turn, and without revealing the numbers written on the face-down side of the cards, select two (2) cards from the opposite Team Manager's cards. Immediately upon selection of the opposition's cards, both Team Managers must, without revealing the numbers written on the face-down side of the cards, sign the reverse side of the two (2) cards that have been selected. The two (2) cards selected by each Team Manager will thereafter represent the two (2) Cricketers from the opposition team that are required to provide a Sample for Testing at the Match.
  - 1.2.5. Then, in turn, and without revealing the number written on the face-down side of the card, each Team Manager will select a third card from the remaining cards in the opposite Team Manager's selection. Immediately upon selection of the third card, both Team Managers must, without

revealing the number written on the face-down side of the card, sign the reverse side of the third card, again, and mark it with the capital letter 'R'. The third card selected by each Team Manager will thereafter represent the additional Cricketer from each team that is to be the designated 'Reserve' Cricketer who may be notified and called upon to provide a Sample for Testing at the Match if either of the two Cricketers selected from the same team cannot be notified because of exceptional circumstances, such as where a selected Cricketer might have been taken to hospital during the Match and prior to notification of his/her selection for Testing.

- 1.2.6. Once the random selection of the cards is complete, the Match Referee (or the ICC Representative) will then, without revealing the numbers written on the face-down sides of the cards, place the three (3) selected cards for each team (ie including the 'Reserve') into separate sealed envelopes and mark the name of the relevant team on each of the envelopes.
- 1.2.7. If, at any point in the procedure detailed in paragraphs 1.2.2 – 1.2.6, above, the numbers of the selected cards are revealed (whether inadvertently or otherwise) to either of the Team Managers, the selection process will automatically become void and the Match Referee (or the NCF Representative) will require the entire process to be repeated.
- 1.2.8. Once the selection process is complete, each envelope will be kept in the secure possession of the Match Referee (or the NCF Representative) until it is passed to the Lead DCO at the earliest opportunity. The Lead DCO should also obtain a copy of the official team sheet from the Match Referee at the earliest opportunity. The Match Referee should ensure that the official team sheet identifies the participating Cricketers with numbers 1 – 11. Where that is not the case (for example because it identifies them by shirt number, or where no numbering identification is provided), the Match Referee should allocate the numbers 1 – 11 (in consecutive order) to each of the participating Cricketers in each team, so that the Cricketers selected for Testing can be accurately identified.
- 1.2.9. The Lead DCO shall determine when the envelope should be opened (such determination to be strictly at his/her discretion) and, once opened, he/she will then identify by comparing the numbers on the selected cards against the declared batting order numbers (and not the Cricketers' shirt numbers) on the official team sheet those Cricketers that have been selected for Testing at that Match.
- 1.2.10. At the appropriate time, the Lead DCO will arrange for the nominated chaperones to notify those Cricketers that have been selected for Testing. Where, because of exceptional circumstances, one of the selected Cricketers cannot be notified, then the Cricketer from the same team as that of the Cricketer that has been selected but cannot be notified, whose number corresponds with the card marked 'R', will be selected for Testing instead and will be notified accordingly.

- 1.2.11. The Lead DCO will retain the signed selection cards and team sheets in a secure location and permit either Team Manager to inspect them as soon as all of the selected Cricketers have been notified.

## **2. Collection of Samples (ISTI Article 6.3.3 and Annex G)**

- 2.1. Those persons authorised to be present during the Sample collection session at any International Match are:
- 2.1.1. the Lead DCO and his/her assistants (including other DCOs);
  - 2.1.2. the persons identified at ISTI Article 6.3.3; and
  - 2.1.3. the Anti-Doping Manager and/or his/her designee(s).
- 2.2. If a Sample collected from a Cricketer does not have a Suitable Specific Gravity for Analysis (as defined in the ISTI), the DCO shall inform the Cricketer that he/she is required to provide a further Sample or Samples, until a Sample that has a Suitable Specific Gravity for Analysis is provided. (See ISTI Annex G). To facilitate this, the Cricketer should fully void his/her bladder when providing a Sample, and shall remain under continuous observation until he/she is ready to provide another Sample. In the meantime, the Cricketer should avoid unnecessary hydration (drinking liquids).

## **3. Storage of Samples and documentation (ISTI Article 8.3)**

- 3.1. Storage of Samples prior to dispatch from collection site (ISTI Article 8.3.1):
- 3.1.1. The Lead DCO is responsible for ensuring that all Samples are stored in a manner that protects their identity, integrity and security whilst at the collection site.
  - 3.1.2. The Lead DCO shall keep the Samples secured and under his/her control until they are passed to a third party (eg the laboratory, or a courier to take them to the laboratory). Samples must not be left unattended unless they are locked away in a refrigerator or cupboard, for example. In the absence of a secure area where the Samples may be left, the Lead DCO shall keep the Samples under his/her control. Access to Samples shall be restricted at all times to authorised personnel and a detailed record of where the Samples are stored and who has custody of them and/or is permitted access to the Samples shall be kept by the Lead DCO.
  - 3.1.3. Where possible, Samples shall be stored in a cool environment and warm conditions should be avoided. In the case of blood Samples, these should preferably be stored in a refrigerator or cool box. Variations in temperatures should not exceed 2-8 degrees Celsius. Any variations in temperature should be recorded by the Lead DCO who shall report the same to the ECL.
- 3.2. Secure handling of documentation for each Sample (ISTI Article 8.3.2):

3.2.1. The Lead DCO is responsible for ensuring that the documentation for each Sample is securely handled after completion.

3.2.2. Those parts of the Sample collection documentation that identify the Cricketer and can be used to identify which Cricketer provided a particular Sample shall be kept separately from the Samples themselves. Where a separate secure storage site is available at the collection site itself (lockable and/or accessible only by authorised personnel), the documentation may be stored there. Otherwise, it shall be kept by the Lead DCO and taken away from the site overnight.