

The International Cricket Council Anti-Doping Code:

Whereabouts Requirements for Out-of- Competition Testing

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ICC ANTI-DOPING CODE: WHEREABOUTS REQUIREMENTS FOR OUT-OF-COMPETITION TESTING

ARTICLE 1 INTRODUCTION

- 1.1 These ICC Whereabouts Requirements for Out-of-Competition Testing (the '**ICC Whereabouts Requirements**') have been developed in consultation with, and have been agreed by, all full members of the *ICC* and *FICA*. They will come into full force and effect on 1 August 2010. As from that date, they will be deemed incorporated into, and will form part of, the *ICC Code*, and so will be binding on *Players* and *National Cricket Federations* as if set out in full in the *ICC Code* itself.
- 1.2 The *ICC* and its members and *FICA* are committed to the detection and deterrence of doping in the sport of cricket. It is recognised that to do this effectively, it is necessary to conduct *Out-of-Competition Testing* where the *Player* selected for *Testing* gets *No Advance Notice* of the test. And for this to be possible, certain information is required about the whereabouts of the *Player* when he/she is *Out-of-Competition*.
- 1.3 For the avoidance of doubt, every *Player* is subject to *Out-of-Competition Testing* at any time or place, irrespective of whether or not he/she is required to provide information as to his/her whereabouts when *Out-of-Competition*. However, to facilitate *No Advance Notice Out-of-Competition Testing*:
- 1.3.1 *ICC Code* Article 5.3.2.1 provides that the *ICC* shall establish an *International Registered Testing Pool* (referred to hereafter as the '**IRTP**') of *Players* who have to provide the information about their whereabouts specified in Section 11 of *WADA's International Standard for Testing*; and
- 1.3.2 *ICC Code* Article 5.3.3 provides that the *ICC* may establish a *National Player Pool* (referred to hereafter as the '**NPP**') of *Players* who have to provide, and/or whose *National Cricket Federations* have to provide the whereabouts information specified in Article 2 of the *ICC Whereabouts Requirements*.
- 1.4 This document is intended to implement the provisions of Articles 5.3.2.1 and 5.3.3 of the *ICC Code* and Section 11 of *WADA's International Standard for Testing* in the sport of cricket and it shall be interpreted in a manner that gives effect to that intent. It is organised as follows:
- 1.4.1 Article 2 ('**NPP Requirements**') identifies the categories of *Players* to be included in the *NPP*, and sets out the information that those *Players* and/or their *National Cricket Federations* have to provide as to their whereabouts. It goes on to explain the process for determining whether a *Player* or *National Cricket Federation* has failed to comply with the applicable *NPP* requirements. It also explains that a *Player* in the *NPP* who fails on three occasions within a twelve month period to provide the required information (where he/she is responsible for filing such information) and/or to be where the *ICC* has been told that he/she would be when an attempt is made to test him/her, will be elevated into the *IRTP*; whereas a *National Cricket Federation* that fails on three occasions within a twelve month period to provide the required information will be fined \$10,000.
- 1.4.2 Article 3 ('**IRTP Requirements**') identifies the categories of *Players* to be included in the *IRTP*, and sets out the information that those *Players* have to provide as to their whereabouts. It goes on to explain the process for determining whether a *Player* has failed to comply with the applicable *IRTP* requirements. It also explains that a *Player* in the *IRTP* who fails on three occasions within an eighteen month period to provide the required information (and/or to be where the *ICC* has been told that he/she would be

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when an attempt is made to test him/her) commits an anti-doping rule violation under the *ICC Code* and will (for a first offence) be subject to a period of *Ineligibility* of a minimum of one year and a maximum of two years, depending upon the *Player's* degree of fault.

- 1.4.3 Article 4 (**'ICC Responsibilities'**) sets out the *ICC's* responsibilities with regard to whereabouts, including its responsibility to give *Players* access to education and support in complying with their whereabouts requirements.
- 1.5 Words appearing in this document in italicised text have the meaning given to them in the *ICC Code* or else in *Appendix 1* to this document. The comments included in this document shall be used to assist in its interpretation and implementation.
- 1.6 In accordance with Article 18.6 of the *ICC Code*, these *ICC Whereabouts Requirements* are governed by and shall be construed in accordance with English law. Strictly without prejudice to the arbitration provisions of Articles 8 and 13 of the *ICC Code*, and of Articles 2.10, 2.13, 3.10 and 3.14 of these *ICC Whereabouts Requirements*, disputes relating to these *ICC Whereabouts Requirements* shall be subject to the exclusive jurisdiction of the English courts.
- 1.7 Unless otherwise provided below, the *ICC* shall communicate with *Players* in relation to matters arising under the *ICC Whereabouts Requirements* through their *National Cricket Federations*, with a copy of all such communications also being sent to the postal address specified by the *Player* on any *Doping Control* form that he/she may have completed in relation to the *ICC Code*. Any notice sent by the *ICC* to a *Player* via his/her *National Cricket Federation* shall be deemed to have been received by the *Player* within five (5) days of the date of delivery to the *National Cricket Federation*.

ARTICLE 2 NPP REQUIREMENTS

2A. Criteria for inclusion of *Players* in the *NPP*

- 2.1 In accordance with *ICC Code* Article 5.3.3, the *NPP* shall include eleven *Players* from each of the *National Cricket Federations* ranked in the top eight men's *One Day International Match* rankings (as determined by the *ICC's* official *ODI Match* team rankings), selected as of dates specified by the *ICC* (each, an **'NPP Review Date'**) strictly in the following order:
- 2.1.1 the wicket-keeper who has played the most *One Day International Matches* for that team in the twelve months prior to the *NPP Review Date* in question;
- 2.1.2 the five highest-ranked bowlers in that team (as determined by the *ICC's* official individual *ODI Match* rankings) as at the *NPP Review Date* in question; and
- 2.1.3 the five highest-ranked batsmen in that team (as determined by the *ICC's* official individual *ODI Match* rankings) as at the *NPP Review Date* in question;

but where a *Player* who falls into one of these categories has either (a) already qualified for inclusion in an earlier category, or (b) retired from international cricket in accordance with *ICC Code* Article 1.2.2, then his/her place in the *NPP* will be taken by the next most highly-ranked *Player* in the relevant category (unless that *Player* has himself/herself already qualified for inclusion in an earlier category or retired from international cricket, in which case the next most highly-ranked *Player* in the relevant category is included, and so on), so that (subject only to Article 2.3) there are always eleven *Players* from each relevant *National Cricket Federation* in the *NPP*.

- 2.2 The ICC will review the membership of the NPP at least every six months. The first NPP Review Date will be 21 May 2010; the next one will be no more than six months later; and so on. If at an NPP Review Date any Player previously included in the NPP no longer meets the criteria set out in Article 2.1, then the ICC will change the membership of the NPP accordingly by replacing such Player with another Player identified in the manner set out in Article 2.1.
- 2.3 Notwithstanding the foregoing:
- 2.3.1 If a Player selected in the NPP subsequently retires from all formats of the sport of cricket at international level in accordance with ICC Code Article 1.2.2, he/she shall be removed from the NPP as from the date of his/her retirement and shall not be subject to the requirements of Article 2 from that date. He/she shall not be replaced in the NPP until the next NPP Review Date. However, if he/she subsequently wishes to return to play at international level, he/she shall be included in the NPP from the date that he/she next plays (as a member of a starting XI) in an International Match until the next NPP Review Date, at which point he/she shall only remain in the NPP if he/she meets the criteria set out at Article 2.1 as at that NPP Review Date.
- 2.3.2 If a Player selected in the NPP is subsequently put into the IRTP (by application of Article 3.1) or is already selected or subsequently selected for a National Registered Testing Pool, then he/she shall be removed from the NPP as of that date and shall not be subject to the requirements of Article 2 but instead shall be subject to the requirements of WADA's International Standard for Testing (as set out, in the case of the IRTP, in Article 3). He/she shall not be replaced in the NPP while he/she is in the IRTP or a National Registered Testing Pool. However, if he/she is subsequently removed from the IRTP or the National Registered Testing Pool, he/she shall be included in the NPP from the date of such removal until the next NPP Review Date, at which point he/she shall only remain in the NPP if he/she meets the criteria set out at Article 2.1 as at that NPP Review Date.

[Comment: This provision is intended to ensure that a Player does not have to meet more than one set of whereabouts requirements at any one time, while also ensuring that the ICC is always able to find that Player for purposes of Out-of-Competition Testing.]

2B. Whereabouts requirements for Players in the NPP and their National Cricket Federations

- 2.4 No later than the final day of each month, using template forms provided by the ICC for the purpose, the Player in the NPP (in accordance with Article 2.7) and/or his/her National Cricket Federation (in accordance with Article 2.6) must provide the ICC with full details (location, full address, dates, times) of all periods in the following month when the Player will be with any Relevant Team for purposes of training, or playing in a Domestic Match or International Match, as well as the date(s) and full address of each place the Player will be staying overnight with the Relevant Team (collectively, the **'Cricket Information'**).

[Comment: For the avoidance of doubt: (a) a 'Domestic Match' includes all domestic cricket played by a Player for a Relevant Team irrespective of whether such 'Domestic Match' is played in his/her National Cricket Federation's jurisdiction or in another jurisdiction; and (b) where a Player is with a Relevant Team, but staying overnight at his/her home or other personal address, such home or personal address need not be filed.]

- 2.5 The Cricket Information provided must be accurate and sufficiently detailed to enable the Player to be located for Testing whenever he/she is with the Relevant Team(s). Where any change in circumstances means that any part of the Cricket Information

previously provided is no longer accurate or complete (i.e., it is not sufficient to enable the *Player* to be located for *Testing* whenever he/she is with the *Relevant Team(s)*), the *Cricket Information* previously provided must be updated so that the information on file is again accurate and complete. Such update must be made as soon as possible, and in any event prior to the relevant time of training or playing or staying overnight that is no longer accurate or complete.

2.5.1 Where the *Cricket Information* for the whole of the forthcoming month is not known as of the filing deadline for that month, the best information available must be provided, and it must then be updated as soon as better information becomes available.

2.5.2 *Cricket Information* must be provided in respect of each *Relevant Team* for which the *Player* trains or plays, or stays overnight with, in the following month. For the avoidance of doubt, however, neither the *Player* nor his/her *National Cricket Federation* is required to provide any whereabouts information for that *Player* for those days in the following month when the *Player* is not training, playing or staying overnight with any *Relevant Team*.

2.6 The *National Cricket Federation* is responsible for providing the *ICC* with the *Cricket Information* (and updating that *Cricket Information* as necessary) for those days in the following month when a *Player* in the *NPP* is going to be with a national representative team of that *National Cricket Federation* (irrespective of which format of cricket such representative team may be playing). A failure by the *National Cricket Federation* to comply with this requirement amounts to an '**NCF Filing Failure**' for the purposes of Article 2.14. The *National Cricket Federation* should also provide each *Player* in the *NPP* with a copy of each piece of *Cricket Information* that it files with respect to him/her.

2.6.1 A failure by the *National Cricket Federation* to provide complete *Cricket Information* for the following month counts as one *NCF Filing Failure* only, whether the information is incomplete and/or inaccurate as to only one *Player* or more than one *Player*.

2.6.2 The *National Cricket Federation* is not responsible for providing the *ICC* with *Cricket Information* for a *Player* in the *NPP* for those days in the following month when the *Player* will be with any *Relevant Team(s)* that is not a national representative team of the *National Cricket Federation*, unless the *National Cricket Federation* has agreed to bear that responsibility in accordance with Article 2.7.

2.6.3 The *Player* will not be liable (whether as an *NPP Player Violation* or otherwise) for any failure by the *National Cricket Federation* to comply with the requirements of Article 2.6. However, where the *National Cricket Federation* has complied with those requirements, it is that *Player's* responsibility to ensure, in accordance with Article 2.8, (a) that he/she is aware of the *Cricket Information* that the *National Cricket Federation* has filed with respect to him/her, and (b) that he/she is available for *Testing* at the times and places specified by the *National Cricket Federation* in that *Cricket Information*.

2.7 The *Player* is responsible for providing the *ICC* with the *Cricket Information* (and updating that *Cricket Information* as necessary) for those days in the following month when he/she is going to be with any *Relevant Team(s)* that is not a national representative team of a *National Cricket Federation* (irrespective of which format of cricket such *Relevant Team(s)* may be playing). The *Player* may delegate this task (or any part of it) to his/her *National Cricket Federation* if it so agrees, in which case the *National Cricket Federation* shall be responsible for filing the relevant *Cricket Information* in accordance with Article 2.6, and any failure by the *National Cricket Federation* to comply with that requirement shall be an *NCF Filing Failure* only.

Alternatively, the *Player* may undertake this task (or any part of it) him/herself, or may delegate this task (or any part of it) to another third party (i.e., to a third party other than his/her *National Cricket Federation*) if that third party so agrees, but in that case the *Player* remains personally liable for any failure to comply with the requirement. In such circumstances, a failure to comply with this requirement (whether committed by the *Player* himself/herself or by his/her third party delegate) amounts to an '**NPP Player Filing Failure**' for the purposes of Article 2.15.

2.7.1 Written notice of any such agreed delegation must be completed on the form provided by the *ICC* for that purpose, and must be filed with the *ICC*, signed by both the *Player* in question and the *National Cricket Federation* or other third party delegate.

2.7.2 Where the *Player* is seeking to delegate responsibility under Article 2.7 to his/her *National Cricket Federation*, unless and until receipt of such written notice is acknowledged by the *ICC*, the *Player* remains personally responsible for any failure to comply with Article 2.7.

2.8 Irrespective of whether it is the *National Cricket Federation* or the *Player* (or his/her third party delegate) that files particular *Cricket Information* relating to a *Player*, that *Player* must be present and available for *Testing* at the times and places specified in that *Cricket Information*. He/she is deemed to be aware of the details of the *Cricket Information* provided to the *ICC* by his/her *National Cricket Federation* and/or by any other third party on his/her behalf. A failure by a *Player* to be available for *Testing* at the times and places specified in that *Cricket Information* amounts to an '**NPP Missed Test**' for purposes of Article 2.15.

[Comment: This Article does not limit in any way the Player's obligation, under Article 5.1.2 of the ICC Code, to submit to Testing at any time and place. Instead, it is an additional consequence of his/her failure to be available for Testing at a time and place specified in his/her Cricket Information.]

2C. Determining non-compliance

2.9 A *National Cricket Federation* may only be found to have committed an *NCF Filing Failure*, and a *Player* may only be found to have committed an *NPP Player Filing Failure*, where the *ICC*, following the process set out in Article 2.10, establishes each of the following:

2.9.1 that the *National Cricket Federation* and/or the *Player* (as applicable) was duly notified (a) that the *Player* was designated for inclusion in the *NPP*; (b) of the consequent requirement to provide the *Cricket Information* (and to update that *Cricket Information* as necessary); and (c) of the consequences of failure to comply with that requirement;

2.9.2 that it was the *National Cricket Federation* (in accordance with Article 2.6) or the *Player* (in accordance with Article 2.7) that was responsible for providing the *Cricket Information* at issue;

2.9.3 that it/he/she (as applicable) failed to comply with that requirement by the applicable deadline;

[Comment: Failure to comply with the requirement to provide Cricket Information arises in the following circumstances:

(i) where no Cricket Information is provided; or

(ii) where some but not all of the required Cricket Information is provided; or

(iii) where Cricket Information is provided that is inaccurate (e.g., an address that is provided does not exist) or insufficient to enable the ICC to locate the Player for Testing (e.g., "running in the New Forest").]

- 2.9.4 (in the case of a second or third filing violation by the *National Cricket Federation* or *Player* [as applicable] in the same month) that it/he/she was given notice of the previous filing violation in accordance with Article 2.10.1, and failed to rectify it by the deadline specified in that notice; and
- 2.9.5 that the failure to comply was at least negligent. For these purposes, the *National Cricket Federation* or *Player* (as applicable) will be presumed to have committed the failure negligently upon proof that it/he/she was notified of the requirement yet failed to comply with it. That presumption may only be rebutted by the *National Cricket Federation* or *Player* (as applicable) establishing that no negligent behaviour on its/his/her part caused or contributed to the failure.
- 2.10** The results management process in respect of an apparent *NCF Filing Failure* by a *National Cricket Federation*, or an apparent *NPP Player Filing Failure* by a *Player* (collectively referred to in the remainder of this Article 2.10 as '**NPP Filing Failures**'), will be as follows:
- 2.10.1 No later than fourteen days after the date of discovery of the apparent *NPP Filing Failure*, the *ICC* must send notice of the apparent *NPP Filing Failure* to the *Player* or *National Cricket Federation* in question (if to the *Player*, then with a copy to his/her *National Cricket Federation*), inviting a response within fourteen days of receipt of the notice, and warning that unless it is persuaded that an *NPP Filing Failure* has not been committed then it will record an *NPP Filing Failure* against the *Player* or *National Cricket Federation* (as applicable). (In the notice, the *ICC* should advise the *National Cricket Federation* or *Player* [as applicable] that, in order to avoid a further violation, it/he/she must file the applicable *Cricket Information* by the deadline specified in the notice. That deadline may be set by the *ICC* but it must be no less than 24 hours after receipt of the notice).
- [Comment: Where a matter is originally pursued as an apparent NPP Missed Test, but is subsequently determined (in accordance with Article 2.11) not to amount to an NPP Missed Test, the ICC may (if so advised) pursue the matter as an NCF Filing Failure, in which case the "date of discovery of the apparent NPP Filing Failure", for purposes of this Article 2.10.1, shall be the date it is determined, in accordance with Article 2.11, that it is not an NPP Missed Test.]*
- 2.10.2 Where the alleged *NPP Filing Failure* is disputed, the *ICC* shall re-assess whether all of the requisite elements of the alleged *NPP Filing Failure* (as set out in Article 2.9) are present.
- 2.10.3 If no response is received by the relevant deadline, or if the *ICC* maintains (notwithstanding the response) that there has been an *NPP Filing Failure*, the *ICC* will advise the *Player* or *National Cricket Federation* (and in the case of a *Player*, with a copy to the *National Cricket Federation*) of that fact (and the reasons for its position) in writing as soon as possible, and that the *Player* or *National Cricket Federation* (as applicable) has the right to an administrative review of that decision, which right must be exercised within fourteen days, or else it will be deemed to have been waived.
- 2.10.4 If the right to an administrative review is exercised, all of the information that the *Player* or the *National Cricket Federation* (as applicable) wants to have taken into account in the review must be provided in writing at the time the right is exercised. Such review will be conducted by a member of the *Independent Review Board* with appropriate legal experience, to whom the *ICC* will refer any written submissions received from the *Player* or *National Cricket Federation* (as applicable), as well as its own written submissions (which it shall copy to the *Player* and the *National Cricket Federation*, as applicable). There will be no right on either side to make any further written

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submissions. The review will be based on the written submissions only, and will consider whether all of the requisite elements of the alleged *NPP Filing Failure* (as set out in Article 2.9) are present. The review should be completed within fourteen days of receipt of the request and the decision communicated as soon as possible after the decision is made.

- 2.10.5 If an administrative review is not requested, or the *Independent Review Board* member concludes following such review that all of the requisite elements of the alleged *NPP Filing Failure* are present, then the *ICC* will record an *NPP Filing Failure* against the *Player* or *National Cricket Federation* (as applicable) and will notify the *Player* or *National Cricket Federation* accordingly (in the case of a *Player*, then with a copy to his/her *National Cricket Federation*).
- 2.10.6 The recording of an *NPP Filing Failure* following the process set out above shall be final and shall not be subject to any further appeal or other challenge. If it is the third *NCF Filing Failure* or the third *NPP Player Violation* in a twelve-month period, then the consequences set out in Article 2.14 (*National Cricket Federation*) or Article 2.15 (*Player*) will automatically apply.
- 2.11** A *Player* may only be declared to have committed an *NPP Missed Test* where the *ICC*, following the process set out in Article 2.13, establishes each of the following:
- 2.11.1 that (a) the *Player* was given notice that he/she had been designated for inclusion in the *NPP*, and of the consequent filing and updating requirements, and (b) in that notice he/she was advised of his/her liability for a *NPP Missed Test* if he/she was unavailable for *Testing* at the times and locations specified in the *Cricket Information* filed with respect to him/her;
- 2.11.2 that the *DCO* attempted to test the *Player* at each location provided for that *Player* on that day in any *Cricket Information*, during the times specified for those locations in the *Cricket Information* filed with respect to him/her;
- [Comment: This requirement is designed to maximise the chances of finding the Player for testing, and to minimise the chances of an NPP Missed Test. For example, where the Cricket Information filed for a Player includes two training sessions and an overnight residence in a team hotel, than an NPP Missed Test may only be declared if the DCO has attempted to locate the Player at both training sessions and the team hotel on that day, without success.]*
- 2.11.3 that the *DCO* did what was reasonable in the circumstances (i.e., given the nature of the specified location[s]) to try to locate the *Player*, short of giving the *Player* any advance notice of the test;
- 2.11.4 that the provisions of Article 2.13 (if applicable) have been met; and
- 2.11.5 that the *Player's* failure to be available for *Testing* at the specified time(s) and location(s) was at least negligent. For these purposes, the *Player* will be presumed to have been negligent upon proof of the matters set out at sub-Article 2.11.1 to 2.11.4. That presumption may only be rebutted by the *Player* establishing that no negligent behaviour on his/her part caused or contributed to, or that, despite the player taking all reasonable steps available to him/her, there was a good reason which caused or contributed to him/her:
- (a) being unavailable for *Testing* at such time and location; and
- (b) (where he was responsible for providing the *Cricket Information* in question) failing to ensure that the *Cricket Information* in question was updated to give notice of a different location where he/she would instead be available for *Testing* on the relevant day.

- 2.12** To ensure fairness to the *Player*, where an unsuccessful attempt has been made to test a *Player* using *Cricket Information*, and is to be pursued as an *NPP Missed Test*, any subsequent attempt by the *ICC* to test that *Player* using *Cricket Information* may only be counted as an *NPP Missed Test* if that subsequent attempt takes place after the *Player* has received notice, in accordance with Article 2.13.2, of the original unsuccessful attempt.
- 2.13** The results management process in the case of an apparent *NPP Missed Test* will be as follows:
- 2.13.1 The *DCO* will file an *Unsuccessful Attempt Report*, setting out the details of the attempted test, including the date of the attempt, the location(s) visited, the exact arrival and departure times at the location(s), the steps taken at the location(s) to try to find the *Player*, including details of any contact made with third parties, and any other relevant details about the attempted test.
- 2.13.2 If it appears that all of the requisite elements of the *NPP Missed Test* (as set out at Article 2.11) are present, then, no later than fourteen days after the date of the unsuccessful attempt, the *ICC* must send notice to the *Player* (with a copy to his/her *National Cricket Federation*) of the unsuccessful attempt, attaching a copy of the *Unsuccessful Attempt Report* and inviting a response within fourteen days of receipt of the notice, and warning that unless it is persuaded that an *NPP Missed Test* has not occurred then it will record an *NPP Missed Test* against the *Player*.
- [Comment: Where a matter is originally pursued as an apparent NCF Filing Failure, but is subsequently determined (in accordance with Article 2.10) not to amount to an NCF Filing Failure, the ICC may (if so advised) pursue the matter as an NPP Missed Test, in which case the "date of the unsuccessful attempt", for purposes of this Article 2.13.2, shall be the date it is determined, in accordance with Article 2.10, that it is not an NCF Filing Failure.]*
- 2.13.3 Where the *Player* disputes the alleged *NPP Missed Test*, the *ICC* shall reassess whether all of the requisite elements of the alleged *NPP Missed Test* (as set out in Article 2.11) are present.
- 2.13.4 If no response is received by the relevant deadline, or if the *ICC* maintains (notwithstanding the response) that there has been an *NPP Missed Test*, the *ICC* will advise the *Player* (with a copy to his/her *National Cricket Federation*) of that fact (with the reasons for its position) in writing as soon as possible, and that he/she has the right to an administrative review of that decision, which right must be exercised within fourteen days, or else it will be deemed to have been waived.
- 2.13.5 If the right to an administrative review is exercised, all of the information that the *Player* wants to have taken into account in the review must be provided in writing at the time the right is exercised. Such review will be conducted by a member of the *Independent Review Board* with appropriate legal experience, to whom the *ICC* will refer any written submissions received from the *Player*, as well as its own written submissions (which it shall copy to the *Player* and his/her *National Cricket Federation*). There will be no right on either side to make any further written submissions. The review will be based on the written submissions only, and will consider whether all of the requisite elements of the alleged *NPP Missed Test* (as set out at Article 2.11) are present. The review should be completed within fourteen days of receipt of the request and the decision communicated as soon as possible after the decision is made.
- 2.13.6 If an administrative review is not requested, or the *Independent Review Board* member concludes following such review that all of the requisite

elements of the alleged *NPP Missed Test* are present, then the ICC will record an *NPP Missed Test* against the *Player* and will notify the *Player* (with a copy to his/her *National Cricket Federation*) accordingly.

- 2.13.7 The recording of the *NPP Missed Test* following the process set out above shall be final and shall not be subject to any further appeal or other challenge. If it is the *Player's* third *NPP Player Violation* in a twelve month period, then the consequences set out in Article 2.15 will automatically apply.

2D. Consequences of non-compliance

- 2.14 A *National Cricket Federation* that is found (following the process set out in Article 2.9) to have committed three *NCF Filing Failures* within any twelve month period shall be fined \$10,000 (Ten Thousand US Dollars).

[Comment (1): The twelve month period referred to in Article 2.14 is a 'rolling' period that starts to run each time that the National Cricket Federation commits an NCF Filing Failure. That NCF Filing Failure is then combined with any further NCF Filing Failures declared against the National Cricket Federation within twelve months of the first. Unless two further NCF Filing Failures are declared against the National Cricket Federation within twelve months of the first, however, the first NCF Filing Failure 'expires' once the twelve months has elapsed.]

Comment (2): For the avoidance of doubt, any Whereabouts Failure imposed against any Player in the IRTP is not equivalent to an NCF Filing Failure and does not count for purposes of Article 2.14.

Comment (3): In recognition of the significant costs necessary for the effective administration of the ICC Whereabouts Requirements, all fines paid to the ICC as a result of NCF Filing Failures will be used to support the ICC's anti-doping activities.]

- 2.15 A *Player* who is found (following the process set out in Article 2.9 or Article 2.10, as applicable) to have committed three *NPP Player Violations* (which may be any combination of *NPP Player Filing Failures* and/or *NPP Missed Tests* adding up to three in total) within a twelve month period shall immediately be moved up into the *IRTP* in accordance with Article 3.1.3.

[Comment (1): The twelve month period referred to in Article 2.15 is a 'rolling' period that starts to run each time that a Player commits an NPP Player Violation. That NPP Player Violation is then combined with any further NPP Player Violations declared against the Player within twelve months of the first. Unless two further NPP Player Violations are declared against the Player within twelve months of the first, however, the first NPP Player Violation 'expires' once the twelve months has elapsed.]

Comment (2): The rolling twelve month period is 'tolled' (i.e., it stops running) for the Player during any period when the Player has retired from the sport of cricket in accordance with ICC Code Article 1.2. So if the Player in the NPP retires (for example) eight months after committing an NPP Player Violation, if he/she subsequently rejoins the NPP then that previous NPP Player Violation continues to 'count' for purposes of Article 2.15 for a further four months thereafter. But if the Player leaves the NPP for any other reason, the rolling twelve month period is not 'tolled' (i.e., it does not stop running). Instead, it continues to run and if the Player subsequently rejoins the NPP then his/her prior NPP Player Violations only continue to 'count' for purposes of Article 2.15 if they were committed within the twelve months prior to the date he/she rejoins the NPP.

Comment (3): For the avoidance of doubt, any Whereabouts Failure imposed against any Player in the IRTP is not equivalent to an NPP Player Violation and does not count for purposes of Article 2.15.

Comment (4): While a single NPP Player Violation will not amount to an anti-doping rule violation under ICC Code Article 2.4, it may, if the circumstances are particularly flagrant, amount to an anti-doping rule violation under ICC Code Article 2.3 (evading Sample collection) and/or ICC Code Article 2.5 (Tampering or Attempted Tampering with Doping Control). Nothing in this document is intended to prevent the ICC from treating an NPP Player Violation as an anti-doping rule violation under one or both such Articles where the

circumstances warrant (without prejudice to the ability subsequently to rely on it as an NPP Player Violation under Article 2.15).]

ARTICLE 3 IRTP REQUIREMENTS

3A. Criteria for inclusion of *Players* in the *IRTP*

3.1 In accordance with *ICC Code* Article 5.3.2.1, the following *Players* shall be included in the *IRTP*:

3.1.1 Any *Player* who has been found to have committed an anti-doping rule violation, whether declared by the *ICC* under the *ICC Code* or by any other *Anti-Doping Organisation* with jurisdiction over the *Player* whose rules are consistent with the *Code*. Such *Player* shall be included in the *IRTP* as from the date of the decision that he/she has committed an anti-doping rule violation (irrespective of any appeal that may be filed), and shall remain in the *IRTP* until any final appeal decision or other decision exonerating the *Player* of any anti-doping rule violation, or (in the absence of any such decision) until six months after any period of *Ineligibility* imposed on the *Player* has expired, or (where no period of *Ineligibility* was imposed on the *Player*) until he/she has been in the *IRTP* for six months.

3.1.2 Any *Player* in the *NPP* who has not played (as a member of a starting XI) in either an *International Match* or a *Domestic Match* for a continuous period of three months and, at the expiry of the continuous period of three months, does not provide to the *ICC* a written declaration from the *National Cricket Federation's* Chief Medical Officer that he/she is fit to play (at that date) in an *International Match*. Such *Player* shall be included in the *IRTP* as from the date three months after he/she played his/her last *Match* (whether it was a *Domestic Match* or an *International Match*) and shall remain in the *IRTP* until the earlier of: (a) the date he/she next plays (as a member of a starting XI) in a *Domestic Match* or an *International Match*; or (b) the date he/she is able to provide to the *ICC* a written declaration from the *National Cricket Federation's* Chief Medical Officer that he/she is fit to play in an *International Match*.

[Comment (1): Where a Player in the NPP does not play (as a member of a starting XI) in an International Match or a Domestic Match for a continuous period of three months but the National Cricket Federation's Chief Medical Officer signs a written declaration that, at the expiry of the continuous period of three months, the Player is fit to play in an International Match, then he/she will not be automatically included in the IRTP pursuant to Article 3.1.2. Instead, such Player will remain in the NPP and be required to file relevant Cricket Information (as described in Article 2B) and the relevant National Cricket Federation will cooperate to the fullest extent possible with the ICC's Anti-Doping Manager's reasonable requests for assistance in locating such Player for unannounced, no advance notice Out-of-Competition Testing from time to time, such cooperation continuing until the earlier of: (a) the date that he/she next plays (as a member of a starting XI) in a Domestic Match or International Match; or (b) the date that he/she provides to the ICC a written declaration from the National Cricket Federation's Chief Medical Officer that he/she is fit to play in an International Match.

Comment (2): The three month continuous period referred to in Article 3.1.2 is a 'rolling' period that starts to run the day following the Player's last participation in an International or Domestic Match. For example, where a Player does not play in an International or Domestic Match for a period of six weeks but then plays in an International or Domestic Match, the three month continuous period starts to accumulate again.]

- 3.1.3 Any *Player* in the *NPP* who is declared (following the process set out in Article 2.10 and/or Article 2.13) to have committed three *NPP Player Violations* within any twelve month period. Such *Player* shall be included in the *IRTP* as from the date his/her third *NPP Player Violation* is declared, and shall remain in the *IRTP* until a continuous period of three months has passed in which the *Player* has not committed a *Filing Failure* or *Missed Test*.
- 3.2 Notwithstanding the provisions in Article 3.1, if a *Player* in the *IRTP* retires from all formats of the sport of cricket at international level in accordance with *ICC Code Article 1.2.2*, he/she shall be removed from the *IRTP* as from the date of his/her retirement and he/she shall not be subject to the requirements of Article 3 from that date. However, if he/she subsequently wishes to return to play at international level, he/she shall be included in the *IRTP* again from the date that he/she next plays (as a member of a starting XI) in an *International Match* for the greater of: (a) the period he/she would have remained in the *IRTP* initially but for his/her retirement; and (b) three months.
- 3.3 If a *Player* is already selected or subsequently selected for a *National Registered Testing Pool*, then he/she shall be removed from the *IRTP* as of that date and shall not be subject to the requirements of Article 3 but instead shall be subject to the requirements of *WADA's International Standard for Testing* (as set out, in the case of the *IRTP*, in Article 3). However, if he/she is subsequently removed from the *National Registered Testing Pool*, he/she may be included in the *IRTP* pursuant to Article 3.1, above.
- [Comment: This provision is intended to ensure that a Player does not have to meet more than one set of whereabouts requirements at any one time, while also ensuring that the ICC is always able to find that Player for purposes of Out-of-Competition Testing. For example, if a Player who is in the IRTP is selected for inclusion in its National Registered Testing Pool, then that Player will have to provide whereabouts information in accordance with WADA's International Standard for Testing, but he/she will no longer be in the IRTP and therefore will not have to make any Whereabouts Filings with the ICC while he/she remains in the National Registered Testing Pool. Instead, if the ICC wants to test him/her Out-of-Competition, it will make arrangements to access the whereabouts information that that Player is required to provide as a consequence of their selection in a National Registered Testing Pool.]*
- 3.4 The *ICC* will review the membership of the *IRTP* no less than monthly, to ensure that all *Players* who meet the criteria set out in Article 3.1 are included in the *IRTP* and that no *Player* who does not meet those criteria is included or remains in the *IRTP*.

3B. Whereabouts requirements for *Players* in the *IRTP*

- 3.5 A *Player* in the *IRTP* is required to make a quarterly *Whereabouts Filing* with the *ICC*, either through *ADAMS* or manually (via fax or e-mail, using the *ICC's* template filing form), as detailed further in Appendix 2 to this document. The *Whereabouts Filing* must provide accurate and complete information about the *Player's* whereabouts during the forthcoming quarter, including identifying where he/she will be living, training and competing during that quarter, as well as specifying, for each day in the forthcoming quarter, one specific 60 minute time-slot where he/she will be available at a specified location for *Testing*. A failure to make such *Whereabouts Filing* may be pursued as a *Filing Failure* for the purposes of *ICC Code Article 2.4*.

[Comment (1): A Player fails to comply with the requirement to make Whereabouts Filings in the following circumstances:

- (i) where he/she does not make any such filing;*
- (ii) where he/she makes the filing (i.e. either the original quarterly filing or an update) but does not include all of the required information (e.g. he/she does not include the place where he/she will be residing for each day in the following quarter, or for each day*

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covered by the update, or omits to declare a regular activity that he/she will be pursuing during the quarter, or during the period covered by the update); or

(iii) where he/she includes information (whether in the original quarterly filing or an update) that is inaccurate (e.g., an address that does not exist) or insufficient to enable the Anti-Doping Organisation to locate him/her for Testing (e.g. “running in the New Forest”).]

- 3.6** Without prejudice to his/her obligation to submit to *Testing* at any time and place, a *Player* in the *IRTP* must specifically be present and available for *Testing* on any given day in a quarter for the 60 minute time-slot specified for that day in his/her *Whereabouts Filing*, at the location that the *Player* has specified for that time-slot in such filing. If the *Player* is not available for *Testing* at such location during the 60 minute time-slot specified for that day in his/her *Whereabouts Filing*, that failure may be pursued as a *Missed Test* for the purposes of *ICC Code Article 2.4*.

[Comment (1): If located for Testing, the Player must remain with the DCO until the Sample collection has been completed, even if this takes longer than the 60 minute time-slot.

Comment (2): If a Player cannot be found for Testing at a time and place outside the 60-minute time-slot, it will not be a Missed Test, but depending on the circumstances it may be pursued as a Filing Failure (for example, if the Player could not be found because the information provided in his/her Whereabouts Filing was inadequate or inaccurate), or as an anti-doping rule violation under ICC Code Article 2.3 or Article 2.5.]

- 3.7** Where any change in circumstances means that the information in a *Player's Whereabouts Filing* is no longer accurate or complete (i.e., it is not sufficient to enable the *Player* to be located for *Testing* on any given day in the relevant quarter using the information set out in the *Whereabouts Filing*), the *Player* must update his/her *Whereabouts Filing* so that the information on file is again accurate and complete. He/she must make such update as soon as possible, and in any event prior to the time of the activity and/or 60 minute time-slot (as applicable) that is no longer accurate or complete. A failure to do so will have the following consequences:

- 3.7.1** It may be pursued as a *Filing Failure*.

[Comment: Similarly, if an update is filed by the Player, but the updated information filed is incomplete, or inaccurate, or insufficient to enable the ICC to locate the Player, then it may be pursued as a Filing Failure.]

- 3.7.2** Alternatively, if as a result of such failure the *ICC's* attempt to test the *Player* during the 60 minute time-slot is unsuccessful, then the unsuccessful attempt may be pursued as a *Missed Test*.

- 3.7.3** If the circumstances so warrant, the failure may be pursued as evasion of *Sample* collection under *ICC Code Article 2.3*, and/or *Tampering* or *Attempted Tampering* with *Doping Control* under *ICC Code Article 2.5*.

[Comment: An outright failure is not a prerequisite for such action. An update of a regular activity or overnight residence may be made at any time up until the beginning of the regular activity or overnight stay. Similarly, an update of the 60 minute time-slot may be made at any time up until the beginning of the time-slot. In appropriate circumstances, however, last-minute updates by a Player may be pursued as a possible anti-doping rule violation of evading Sample collection under ICC Code Article 2.3 and/or Tampering or Attempted Tampering with Doping Control under ICC Code Article 2.5.]

- 3.7.4** In any event, the *ICC* will consider *Target Testing* of the *Player*.

- 3.8** A *Player* in the *IRTP* may choose to delegate the making of some or all of his/her *Whereabouts Filings* (and/or any updates to his/her *Whereabouts Filings*) to a third party, such as his/her personal manager, agent or relative, or his/her *National Cricket*

Federation, provided that the third party agrees to such delegation. Written notice of any agreed delegation must be filed with the *ICC*, signed by both the *Player* in question and the third party delegate, using the form(s) created by the *ICC* for that purpose. In all cases, however:

- 3.8.1 Each *Player* in the *IRTP* remains ultimately responsible at all times for making accurate and complete *Whereabouts Filings* in accordance with Article 3.5, whether he/she makes each filing personally or delegates it to a third party (or a mixture of the two). It will not be a defence to an allegation of a *Filing Failure* under *ICC Code Article 2.4* that the *Player* delegated such responsibility to a third party and that third party failed to comply with the applicable requirements.
- 3.8.2 Such *Player* remains ultimately responsible at all times for ensuring he/she is available for *Testing* at the whereabouts declared on his/her *Whereabouts Filings*, whether he/she made that filing personally or delegated it to a third party (or a mixture of the two). It will not be a defence to an allegation of a *Missed Test* under *ICC Code Article 2.4* that the *Player* delegated responsibility for filing his/her whereabouts information for the relevant period to a third party and that third party failed to comply with the applicable requirements.

3C. Determining non-compliance

3.9 A *Player* in the *IRTP* may only be declared to have committed a *Filing Failure* where the *ICC*, following the process set out in Article 3.10, can establish each of the following:

- 3.9.1 that the *Player* was duly notified (a) that he/she was designated for inclusion in the *IRTP*; (b) of the consequent requirement to make *Whereabouts Filings* (and to update *Whereabouts Filings* as necessary); and (c) of the consequences of any failure to comply with that requirement;
- 3.9.2 that the *Player* failed to make a *Whereabouts Filing* by the applicable deadline;
- 3.9.3 (in the case of a second or third *Filing Failure* in the same quarter) that he/she was given notice of the previous *Filing Failure* in accordance with Article 3.10.1, and failed to rectify that *Filing Failure* by the deadline specified in that notice; and
- 3.9.4 that the *Player's* failure to comply was at least negligent. For these purposes, the *Player* will be presumed to have committed the failure negligently upon proof that he/she was notified of the requirement yet failed to comply with it. That presumption may only be rebutted by the *Player* establishing that no negligent behaviour on his/her part caused or contributed to the failure.

3.10 The results management process in respect of an apparent *Filing Failure* by a *Player* in the *IRTP* will be as follows:

- 3.10.1 No later than fourteen days after the date of discovery of the apparent *Filing Failure*, the *ICC* must send notice of the apparent *Filing Failure* to the *Player* (with a copy to his/her *National Cricket Federation*), inviting a response within fourteen days of receipt of the notice, and warning that unless it is persuaded that a *Filing Failure* has not been committed then it will declare a *Filing Failure* against the *Player*. (In the notice, the *ICC* should advise the *Player* that, in order to avoid having another *Filing Failure* declared against him/her, he/she must file the required *Whereabouts Filing* by the deadline specified in the notice. That deadline may be set by the *ICC* but it must be no less than

24 hours after receipt of the notice and not later than the end of the month in which the notice is received).

- 3.10.2 Where the *Player* disputes the alleged *Filing Failure*, the *ICC* shall re-assess whether all of the requisite elements of the alleged *Filing Failure* (as set out in Article 3.9) are present.
- 3.10.3 If no response is received by the relevant deadline, or if the *ICC* maintains (notwithstanding the response) that there has been a *Filing Failure*, the *ICC* will advise the *Player* (with a copy to his/her *National Cricket Federation*) of that fact (and the reasons for its position) in writing as soon as possible, and that he/she has the right to an administrative review of that decision, which right must be exercised within fourteen days, or else it will be deemed to have been waived.
- 3.10.4 If the right to an administrative review is exercised, all of the information that the *Player* wants to have taken into account in the review must be provided in writing at the time the right is exercised. Such review will be conducted by a member of the *Independent Review Board* with appropriate legal experience, to whom the *ICC* will refer any written submissions received from the *Player*, as well as its own written submissions (which it shall copy to the *Player* and his/her *National Cricket Federation*). There will be no right on either side to make any further written submissions. The review will be based on the written submissions only, and will consider whether all of the requisite elements of the alleged *Filing Failure* (as set out in Article 3.9) are present. The review should be completed within fourteen days of receipt of the request and the decision communicated as soon as possible after the decision is made.
- 3.10.5 If an administrative review is not requested, or the *Independent Review Board* member concludes following such review that all of the requisite elements of the alleged *Filing Failure* are present, then the *ICC* will record a *Filing Failure* against the *Player* and will notify the *Player* (with a copy to his/her *National Cricket Federation*) accordingly. If it is the *Player's* third *Whereabouts Failure* in eighteen months, then Article 3.14 will apply.
- 3.10.6 If at any point in the process it is determined that a *Filing Failure* should not be recorded against the *Player*, notice of that decision (with reasons) must be sent to *WADA* and any other party/ies with a right of appeal under *ICC Code* Article 13, and may be appealed by any of them in accordance with that Article.
- 3.11** A *Player* in the *IRTP* may only be declared to have committed a *Missed Test* where the *ICC*, following the process set out in Article 3.13 (or such other *Anti-Doping Organisation* as attempted the test, following a similar process), can establish each of the following:
- 3.11.1 that (a) the *Player* was given notice that he/she had been designated for inclusion in the *IRTP*, and of the consequent filing and updating requirements; and (b) in that notice, he/she was advised of his/her liability for a *Missed Test* if he/she was unavailable for *Testing* on any day during the 60 minute time-slot specified in his/her *Whereabouts Filing* at the location specified for that time-slot;
- 3.11.2 that a *DCO* attempted to test the *Player* on a given day in the quarter, during the 60 minute time-slot specified in the *Player's Whereabouts Filing* for that day, by visiting the location specified for that time-slot;

[Comment: If a *Player* is not available for *Testing* during his/her specified 60 minute time-slot at the location specified for that time-slot for that day, he/she

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will be liable for a Missed Test even if he/she is located later that day and a Sample is successfully collected from him/her.]

- 3.11.3 that during that specified 60 minute time-slot, the *DCO* did what was reasonable in the circumstances (i.e., given the nature of the specified location) to try to locate the *Player*, short of giving the *Player* advance notice of the test;

[Comment: Guidance as to what is reasonable in the circumstances can be found in WADA's Guidelines for Implementing an Effective Athlete Whereabouts Program.]

- 3.11.4 that the provisions of Article 3.13 (if applicable), have been met; and

- 3.11.5 that the *Player's* failure to be available for *Testing* at the specified location during the specified 60 minute time-slot was at least negligent. For these purposes, the *Player* will be presumed to have been negligent upon proof of the matters set out at Articles 3.11.1 to 3.11.4. That presumption may only be rebutted by the *Player* establishing that no negligent behaviour on his/her part caused or contributed to him/her (a) being unavailable for *Testing* at such location during such time-slot; and (b) failing to update his/her most recent *Whereabouts Filing* to give notice of a different location where he/she would instead be available for *Testing* during a specified 60 minute time-slot on the relevant day.

[Comment: The following non-exhaustive guidance may be helpful:

- (i) The Player is responsible for ensuring that he/she is available for Testing at the location and time specified for the 60 minute time-slot.*
- (ii) It is not an acceptable excuse that the Player did not know an attempt was being made to test him/her because the doorbell was not working, or that the Player did not hear the doorbell because he/she was wearing headphones, or in the shower.*
- (iii) A car accident or medical emergency might be sufficient excuse, if it meant that the Player was unable to be at his/her specified location for the 60 minute time-slot and that he/she was unable to update his/her Whereabouts Filing to reflect where he/she would be instead.]*

- 3.12** To ensure fairness to the *Player*, where an unsuccessful attempt has been made to test him/her during one of the 60 minute time-slots specified in his/her *Whereabouts Filing*, any subsequent attempt to test that *Player* (by the same or any other *Anti-Doping Organisation*) may only be counted as a *Missed Test* against that *Player* if that subsequent attempt takes place after the *Player* has received notice, in accordance with Article 3.13.2, of the original unsuccessful attempt.

- 3.13** Where the test in question was attempted by another *Anti-Doping Organisation* with testing jurisdiction over the *Player*, that *Anti-Doping Organisation* shall manage the results of the apparent *Missed Test* and report its conclusions to the *ICC* in accordance with the provisions of Section 11 of the *International Standard for Testing*, and the *ICC* will recognise any *Missed Test* declared by that *Anti-Doping Organisation* in accordance with the same Section 11. Where the test was attempted on behalf of the *ICC*, however, the results management process in the case of an apparent *Missed Test* by a *Player* in the *IRTP* will be as follows:

- 3.13.1 The *DCO* will file an *Unsuccessful Attempt Report*, setting out the details of the attempted test, including the date of the attempt, the location visited, the exact arrival and departure times at the location, the steps taken at the location to try to find the *Player*, including details of any contact made with third parties, and any other relevant details about the attempted test.

- 3.13.2 If it appears that all of the requisite elements of the *Missed Test* (as set out at Article 3.11) are present, then (no later than fourteen days after the date of the unsuccessful attempt) the *ICC* must send notice to the *Player* (with a copy to his/her *National Cricket Federation*) of the unsuccessful attempt, attaching a copy of the *Unsuccessful Attempt Report* and inviting a response within fourteen days of receipt of the notice, and warning that unless it is persuaded that a *Missed Test* has not occurred then it will record a *Missed Test* against the *Player*.
- 3.13.3 Where the *Player* disputes the alleged *Missed Test*, the *ICC* shall re-assess whether all of the requisite elements of the alleged *Missed Test* (as set out in Article 3.11) are present.
- 3.13.4 If no response is received by the relevant deadline, or if the *ICC* maintains (notwithstanding the response) that there has been a *Missed Test*, the *ICC* will advise the *Player* (with a copy to his/her *National Cricket Federation*) of that fact (with the reasons for its position) in writing as soon as possible, and that he/she has the right to an administrative review of that decision, which right must be exercised within fourteen days, or else it will be deemed to have been waived.
- 3.13.5 If the right to an administrative review is exercised, all of the information that the *Player* wants to have taken into account in the review must be provided in writing at the time the right is exercised. Such review will be conducted by a member of the *Independent Review Board* with appropriate legal experience, to whom the *ICC* will refer any written submissions received from the *Player*, as well as its own written submissions (which it shall copy to the *Player* and his/her *National Cricket Federation*). There will be no right on either side to make any further written submissions. The review will be based on the written submissions only, and will consider whether all of the requisite elements of the alleged *Missed Test* (as set out at Article 3.11) are present. The review should be completed within fourteen days of receipt of the request and the decision communicated as soon as possible after the decision is made.
- 3.13.6 If an administrative review is not requested, or the *Independent Review Board* member concludes following such review that all of the requisite elements of the alleged *Missed Test* are present, then the *ICC* will record a *Missed Test* against the *Player* and will notify the *Player* (with a copy to his/her *National Cricket Federation*) accordingly. If it is the *Player's* third *Whereabouts Failure* in eighteen months, then Article 3.14 will apply.
- 3.13.7 If at any point in the process it is determined that a *Missed Test* should not be recorded against the *Player*, notice of that decision (with reasons) must be sent to *WADA* and any other party/ies with a right of appeal under *ICC Code* Article 13, and may be appealed by any of them in accordance with that Article.
- 3.14** Where three *Whereabouts Failures* are declared against a *Player* in the *IRTP* within an eighteen month period, the results management process under *ICC Code* Article 2.4 will be as follows:
- 3.14.1 The *Player* will have the right to have the charge that he/she has committed an anti-doping rule violation under *ICC Code* Article 2.4 determined at a full evidentiary hearing conducted in accordance with *ICC Code* Article 8. The hearing panel will not be bound by any determination made during the results management process, whether as to the adequacy of any explanation offered for a *Whereabouts Failure* or otherwise. Instead, the burden will be on the

party bringing the charge to establish all of the requisite elements of each alleged *Whereabouts Failure*.

[Comment (1): Nothing in Article 3.14.1 is intended to prevent the ICC challenging an argument raised on the Player's behalf at the hearing on the basis that it could have been but was not raised at an earlier stage of the results management process.]

Comment (2): If the hearing panel decides that one (or two) alleged Whereabouts Failures have been established to the required standard, but that the third alleged Whereabouts Failure has not, then no ICC Code Article 2.4 anti-doping rule violation will be found to have occurred. However, if the Player then commits one (or two) further Whereabouts Failures within the relevant eighteen month period, new proceedings may be brought based on a combination of the Whereabouts Failure(s) established to the satisfaction of the hearing panel in the previous proceedings (in accordance with ICC Code Article 3.2.3) and the Whereabouts Failure(s) subsequently committed by the Player.]

3.14.2 The ICC may not necessarily be the *Anti-Doping Organisation* that charges the *Player* with an anti-doping rule violation under ICC Code Article 2.4:

- (a) Where two or more of the *Whereabouts Failures* were declared by an *Anti-Doping Organisation* that had the *Player* in its *Registered Testing Pool* at the time of those failures, then that *Anti-Doping Organisation* will be the *Responsible ADO* for purposes of bringing proceedings against the *Player* under Code Article 2.4.
- (b) If not (for example, if the *Whereabouts Failures* were declared by three different *Anti-Doping Organisations*), then the *Responsible ADO* for these purposes will be the *Anti-Doping Organisation* whose *Registered Testing Pool* the *Player* was in as of the date of the third *Whereabouts Failure*.

3.14.3 The *Responsible ADO* will have the right to receive, from any other *Anti-Doping Organisation* that has recorded one of the alleged *Whereabouts Failures*, such further information about that alleged *Whereabouts Failure* as the *Responsible ADO* may reasonably require in order to assess the strength of the evidence of such alleged *Whereabouts Failure* and to bring proceedings under Code Article 2.4 in reliance thereon. If the *Responsible ADO* decides in good faith that the evidence in relation to such alleged *Whereabouts Failure(s)* is insufficient to support such proceedings under Code Article 2.4, then it may decline to bring proceedings based on such alleged *Whereabouts Failure(s)*. Any decision by a *Responsible ADO* that a declared *Whereabouts Failure* should be disregarded for lack of sufficient evidence will be communicated to the other *Anti-Doping Organisation* and to WADA, will be without prejudice to WADA's right of appeal under Code Article 13, and in any event will not affect the validity of the other *Whereabouts Failures* alleged against the *Player* in question.

3.14.4 Where the *Responsible ADO* fails to bring proceedings against a *Player* under Code Article 2.4 within thirty days of WADA receiving notice of that *Player's* third alleged *Whereabouts Failure* in any eighteen month period, then it will be deemed that the *Responsible ADO* has decided that no anti-doping rule violation was committed, for purposes of triggering the appeal rights set out at Code Article 13 (in particular Article 13.2).

3D. Consequences of non-compliance

3.15 The commission by a *Player* in the *IRTP* of any combination of three *Filing Failures* and/or *Missed Tests* within an eighteen month period (whether declared by the ICC or by another *Anti-Doping Organisation* with jurisdiction over the *Player*) shall constitute an anti-doping rule violation under ICC Code Article 2.4.

[Comment (1): The eighteen month period referred to in Article 3.15 is a 'rolling' period that starts to run each time that a Player commits a Whereabouts Failure. That Whereabouts Failure is then combined with any further Whereabouts Failures declared against the Player within eighteen months of the first. Unless two further Whereabouts Failures are declared to have been committed by the Player within eighteen months of the first, the first Whereabouts Failure 'expires' once the eighteen month period has elapsed.

Comment (2): The eighteen month period is 'tolled' (i.e., it stops running) during any period when the Player has retired from the sport of cricket in accordance with ICC Code Article 1.2. So if the Player retires eight months after committing a Whereabouts Failure, if he/she subsequently rejoins the IRTP then that previous Whereabouts Failure continues to 'count' for purposes of Article 3.15 for a further ten months thereafter. But if the Player leaves the IRTP for any other reason, the eighteen month period is not 'tolled' while he/she is out of the IRTP. Instead, it continues to run and if the Player subsequently rejoins the IRTP then his/her prior Whereabouts Failures only continue to 'count' for purposes of Article 3.15 if they were committed within the eighteen months prior to the date he/she rejoined the IRTP.

Comment (3): For the avoidance of doubt, neither an NPP Player Violation nor an NCF Filing Failure is equivalent to a Whereabouts Failure and so neither 'counts' for purposes of Article 3.15.

Comment (4): While a single Whereabouts Failure will not amount to an anti-doping rule violation under ICC Code Article 2.4, it may, if the circumstances are particularly flagrant, amount to an anti-doping rule violation under ICC Code Article 2.3 (evading Sample collection) and/or ICC Code Article 2.5 (Tampering or Attempted Tampering with Doping Control). Nothing in this document is intended to prevent the ICC from treating a Whereabouts Failure as an anti-doping rule violation under one or both such Articles where the circumstances warrant, without prejudice to the ability subsequently to rely on it as a Whereabouts Failure under ICC Code Article 2.4, and vice versa.]

3.16 A finding (following the process set out in Article 3.14) that a *Player* has committed an anti-doping rule violation under *ICC Code* Article 2.4 has the following consequences under the *ICC Code* (without prejudice to any additional provisions of the *ICC Code* that may also apply in such circumstances):

- 3.16.1 Imposition of a period of *Ineligibility* of a minimum of one year and a maximum of two years, depending upon the *Player's* degree of fault, in accordance with *ICC Code* Article 10.3.2 (first offence), or imposition of a longer period of *Ineligibility*, in accordance with *ICC Code* Article 10.7 (second or subsequent offence).
- 3.16.2 Unless fairness requires otherwise, *Disqualification* of all individual results obtained by the *Player* from the date of the third *Whereabouts Failure* through to the date of commencement of any *Ineligibility* period, with all of the resulting consequences, including forfeiture of any medals, points and prizes, in accordance with *ICC Code* Article 10.8.

ARTICLE 4 ICC RESPONSIBILITIES

4.1 The *ICC* is responsible for:

- 4.1.1 notifying each *Player* who is included in the *IRTP* or the *NPP* of the fact that he/she has been included in the *IRTP* or *NPP* (as applicable), of these *ICC Whereabouts Requirements* with which he/she must comply as a result, and of the potential consequences if he/she fails to do so;
- 4.1.2 providing an opportunity for all *Players* to be: (a) educated and provided with guidance and supporting materials about how to comply with their whereabouts responsibilities; and (b) given the contact details of the *ICC's*

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Anti-Doping Manager (or other member of the ICC's anti-doping team), who will be available to address specific queries that a *Player* may have;

- 4.1.3 conducting results management in accordance with Article 2 in respect of:
 - (a) any apparent *NCF Filing Failure*; and
 - (b) any apparent *NPP Player Violation*;
- 4.1.4 conducting results management in accordance with Article 3 in respect of:
 - (a) any apparent *Filing Failure* on the part of an *IRTP Player*; and
 - (b) any apparent *Missed Test* in respect of an *IRTP Player*, where the unsuccessful attempt to test the *Player* was made on behalf of the *ICC*; and
- 4.1.5 (unless the *International Standard for Testing* gives such responsibility to another *Anti-Doping Organisation*) bringing disciplinary proceedings against a *Player* in the *IRTP* under *ICC Code* Article 2.4 in the circumstances set out in Article 3.14.

4.2 For the avoidance of doubt, notwithstanding Article 4.1.2:

- 4.2.1 it remains the *Player's* personal responsibility to make himself/herself aware of his obligations under the *ICC Code*, and of what he/she must do in order to comply with these *ICC Whereabouts Requirements*), including making use of the resources referred to in Article 4.1.2 (as well as any other resources made available to him/her through his/her *National Cricket Federation*). If a *Player* fails to make himself/herself aware of his/her obligations under the *ICC Code* (including these *ICC Whereabouts Requirements*), whether through failing to read documentation made available to him/her, failing to attend any training session made available to him/her, failing to contact the ICC's anti-doping team, or failing to contact the member of his/her *National Cricket Federation* with responsibility for anti-doping issues, with any queries or concerns that he/she has, or otherwise, then such failure will be at the *Player's* risk and will not constitute a valid defence to any allegation of a violation of the *ICC Code* or of these *ICC Whereabouts Requirements*.
- 4.2.2 each *National Cricket Federation* is responsible for ensuring that each of its *Players* in the *NPP* and each *Relevant Team* within its jurisdiction has access to the template forms to be used to submit *Cricket Information* to the *ICC*. In addition, such template forms will be available on the anti-doping section of the *ICC's* website at all times.

APPENDIX 1 – Definitions

Cricket Information: As defined in Article 2.4.

DCO (Doping Control Officer): An official who has delegated responsibility for the on-site management of a *Sample Collection Session*.

Domestic Match: A 'First-Class Match', as defined in the ICC Classification of Official Cricket, whatever the jurisdiction in which such 'First-Class Match' is played.

Doping Control Station: The location where the *Sample Collection Session* will be conducted.

FICA: The Federation of International Cricketers' Associations.

ICC Whereabouts Requirements: As defined in Article 1.1.

International Standard for Testing: The document of that name issued by WADA.

International Tour Match: Any cricket match of any format and duration in length played between a representative team of a *National Cricket Federation* and any domestic, guest or invitational team.

IRTP: The *International Registered Testing Pool*.

Match: An *International Match*, *Domestic Match* or an *International Tour Match*.

National Registered Testing Pool: A pool of *Players* established at national level by any organisation with appropriate and effective jurisdiction over such *Players*, each of whom, as a consequence of such selection, have to comply with the whereabouts requirements of Section 11 of the *International Standard for Testing*.

NCF Filing Failure: As defined in Article 2.6.

NPP: The *National Player Pool*.

NPP Filing Failure: As defined in Article 2.10.

NPP Player Filing Failure: As defined in Article 2.7.

NPP Missed Test: As defined in Article 2.8.

NPP Player Violation: An *NPP Player Filing Failure* or an *NPP Missed Test*.

NPP Review Date: As defined in Article 2.1.

ODI Match or One Day International Match: As defined by Section 33 (ICC Classification of Official Cricket) of the ICC's Operating Manual.

Relevant Team: A team that plays *International Matches* or *Domestic Matches*, whatever the jurisdiction(s) in which it plays those *Matches*.

Responsible ADO: The *Anti-Doping Organisation* with responsibility for a particular whereabouts matter, as specified in clause 11.5 of the *International Standard for Testing*.

Sample Collection Session: All of the sequential activities that directly involve the *Player* from notification until the *Player* leaves the *Doping Control Station* after having provided his/her *Sample(s)*.

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Unsuccessful Attempt Report: A detailed report of an unsuccessful *Testing* attempt.

Whereabouts Failure: A *Filing Failure* or *Missed Test*.

Whereabouts Filing: Information provided by or on behalf of a *Player* in an *International Registered Testing Pool* that sets out the *Player's* whereabouts during the following quarter, in accordance with Article 3.1 of this document.

APPENDIX 2 – IRTP Whereabouts Requirements

1.1 Before the first day of each quarter (i.e. 1 January, 1 April, 1 July and 1 October, respectively) a *Player* in the *IRTP* must file a *Whereabouts Filing* that contains at least the following information:

- (a) a complete mailing address where correspondence may be sent to the *Player* for formal notice purposes. Notwithstanding Article 1.7, above, any notice or other item mailed to that address will be deemed to have been received by the *Player* five working days after it was deposited in the mail;

[Comment: For these purposes, the Player should specify an address where he/she lives or otherwise knows that mail received there will be immediately brought to his/her attention.]

- (b) details of any disability of the *Player* that may affect the procedure to be followed in conducting a *Sample Collection Session*;

- (c) specific confirmation of the *Player's* consent to the sharing of his/her *Whereabouts Filing* with other *Anti-Doping Organisations* having authority to test him/her;

[Comment: This can be done one time only, sufficient for future quarters, through ADAMS.]

- (d) for each day during the following quarter, the full address of the place where the *Player* will be residing, i.e., sleeping overnight (e.g., home, temporary lodgings, hotel, etc);

[Comment: If circumstances change after the Player has filed his/her Whereabouts Filing, so that the Player will be residing at a different place on one or more nights than the place(s) specified in his/her Whereabouts Filing, the Player should update his/her Whereabouts Filing to identify where he/she will now be residing, in accordance with Article 1.3, below.]

- (e) for each day during the following quarter, the name and address of each location where the *Player* will train, work or conduct any other regular activity (e.g. school), as well as the usual time-frames for such regular activities; and

[Comment: This requirement applies only to regular activities, i.e. activities that are part of the Player's regular routine. For example, if the Player's regular routine includes training at the gym, the pool and the track, and regular physio sessions, then the Player should provide the name and address of the gym, track, pool and physio in his/her Whereabouts Filing, and then set out his/her usual routine, e.g. "Mondays: 9-11 gym, 13-17 gym; Tuesdays: 9-11 gym, 16-18 gym; Wednesdays: 9-11 track, 3-5 physio; Thursdays: 9-12 gym 16-18 track; Fridays: 9-11 pool 3-5 physio; Saturdays: 9-12 track, 13-15 pool; Sundays: 9-11 track, 13-15 pool". However, if the Player runs once a week, but the day varies from week to week depending on the weather or other variables, that does not qualify as a 'regular activity' and does not have to be disclosed on the Player's Whereabouts Filing.

If the Player is not currently training, he/she should specify that in his/her Whereabouts Filing and detail any other routine that he/she will be following in the forthcoming filing period, e.g. his/her rehab routine, or other routine, and identify the name and address of each location where that routine is conducted and the time-frame during which it is conducted.

If the Player changes his/her regular schedule during the quarter (permanently, rather than just as a 'one-off'), he/she should update his/her Whereabouts Filing to reflect the change, in accordance with Article 1.3, below. For example, if he/she changes his/her schedule so that instead of going to the gym every morning from 10am to

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noon, he/she goes every afternoon from 2pm to 4pm, then he/she should update his/her Whereabouts Filing to reflect that change.

On the other hand, if the Player simply departs from his/her regular schedule on a 'one-off' basis, he/she does not need to update his/her Whereabouts Filing to reflect that. For example, if he/she usually goes to the gym every morning from 10am to noon, but on one particular day in the quarter he/she goes to the gym not between 10am and noon but instead between 3pm and 4pm, no update is necessary to reflect that.]

- (f) the Player's competition schedule for the following quarter, including the name and address of each location where the Player is scheduled to compete during the quarter and the date(s) on which he/she is scheduled to compete at such location(s).

- 1.2** The *Whereabouts Filing* must also include, for each day during the following quarter, one specific 60 minute time-slot between 6am and 11pm each day where the Player will be available and accessible for *Testing* at a specific location.

[Comment: The Player can choose which location to identify for this 60 minute time-slot. It could be the Player's place of residence, training or competition, or it could be another location. A failure to be available for Testing at the specified location during the specified time-slot will be pursued as an apparent Missed Test.

If circumstances change so that the Player will no longer be at that location at that time, he/she should update his/her Whereabouts Filing to identify a new time-slot and/or a new location for the original time slot, in accordance with Article 1.3, below.]

- 1.3** It is the Player's responsibility to ensure (including by updates if necessary) that he/she provides all of the information required accurately and in sufficient detail to enable any *Anti-Doping Organisation* wishing to do so to locate the Player for *Testing* on any given day in the quarter, including but not limited to during the 60 minute time-slot specified for that day in the *Whereabouts Filing*.

[Comment: The ICC will make ADAMS available to the Player and will also provide other electronic filing form(s) or paper form(s) to use in making a Whereabouts Filing.

When specifying a location in his/her Whereabouts Filing (whether in his/her original quarterly filing or in an update), the Player must provide sufficient information to enable the DCO to find the location, to gain access to the location, and to find the Player at the location. Similarly, specifying a location that the DCO cannot access (e.g. a "restricted-access" building or area) is likely to result in an unsuccessful attempt to test the Player and therefore a Whereabouts Failure.

Where a Player does not know precisely what his/her whereabouts will be at all times during the forthcoming quarter, he/she must provide his/her best information, based on where he/she expects to be at the relevant times, and then update that information as necessary when he/she learns more. So, for example:

(i) If a Player knows that during the second week of the first month of the following quarter, he/she will be in Mumbai, staying at his/her team's official hotel while preparing for and then competing in a Test Match, but does not yet know which hotel is the official hotel, he/she should put "Team hotel, Mumbai, India, further details to be advised" as the place where he/she will be residing that week, and designate that same location and an hour when he/she will be in the hotel room (e.g. 6am to 7am) for the 60 minute time-slot for that day. Thereafter, as soon as the Player is advised of the name and address of the team hotel, he/she should update his/her Whereabouts Filing with those details. Once he/she has further details of his/her schedule while in Mumbai, he/she should consider whether he/she wants to designate a new time and/or location for the 60 minute time-slot or leave the original filing as is.

(ii) If a Player will generally be at home during the next quarter, will be away at some point during the quarter, but is not sure when, where or for how long, then for the whole of the relevant period he/she should put down as the residence address (and, at his/her election, as the location for the 60 minute time-slot) the place where he/she will be staying if he/she

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does not go away. As soon as the Player receives the details of the trip, he/she must update his/her Whereabouts Filing to reflect those details.]

- 1.4** Any *Player* who provides fraudulent information in his/her *Whereabouts Filing*, whether in relation to his/her location during the specified daily 60 minute time-slot, or in relation to his/her whereabouts outside that time-slot, or otherwise, thereby commits an anti-doping rule violation under *ICC Code Article 2.3* (evading *Sample collection*) and/or *ICC Code Article 2.5* (*Tampering or Attempted Tampering with Doping Control*).