

INTERNATIONAL RUGBY BOARD

IN THE MATTER OF THE REGULATIONS RELATING TO THE GAME

AND IN THE MATTER OF AN ALLEGED DOPING OFFENCE BY **DYLAN COETZEE (ZIMBABWE)** AND CONTRARY TO REGULATION 21 AND THE JUNIOR WORLD RUGBY TROPHY ANTI-DOPING PROGRAMME

BEFORE A BOARD JUDICIAL COMMITTEE APPOINTED PURSUANT TO REGULATION 21.20 and 21.21 CONSISTING OF:

Judicial Committee:

Dr. George Ruijsch van Dugteren (South Africa)

Dr. Gregor Nicholson (Scotland)

Graeme Mew (Canada – Chair)

ADDENDUM TO DECISION OF 31 JANUARY 2013

1. In its decision of 31 January 2013, the BJC found that the Player had committed an Anti-Doping Rule Violation and imposed a sanction of two years Ineligibility commencing 22 June 2012. However, the BJC directed that six months of that period of Ineligibility should be suspended pursuant to IRB Regulation 21.22.6. The suspension was granted on the condition that, *inter alia*:

"The Player will continue to provide without undue delay such additional assistance to the Union and Board as either may reasonably require in respect of the discovery or establishment of one or more Anti-Doping Rule Violations by AB".

2. In paragraph 45 of the BJC's decision we noted:

"...subject to the continued co-operation of the Player with the efforts of the Board to prosecute AB (which assistance might include, for example, a sworn affidavit or comprehensive witness statement), the BJC is prepared to suspend a portion of the two year period of Ineligibility that the Player would otherwise be subject to."

3. On 13 June 2013, the Board requested the BJC to reinstate the reduced sanction period. The Board's then Anti-Doping Manager, Mr. Ricketts, advised that, despite numerous efforts on the part of the Board to secure an affidavit from

the Player setting out his evidence against AB, no such affidavit has been obtained.

4. By a Minute (No. 2) dated 6 August 2013, the BJC required the Player to show cause why the suspended period of the sanction imposed on him should not be reinstated. The Player was directed that he would be required to establish that he has provided, or made reasonable efforts to provide, the continued co-operation that was anticipated. The Player was asked to provide his response by 23 August 2013 failing which the BJC would proceed on the basis of the available information.

5. The Board (through Mr. David Ho – Anti-Doping Manager, Compliance and Results) has confirmed that Minute No. 2 was sent to the Player at his last known email address and to the Union. The Union has in turn confirmed receipt and advised that a copy of the Minute was forwarded by the Union to the Player and to his parents by email. The Board and the Union have no reason to believe that the Minute has not been received by the Player.

6. No response having been received from the Player or anyone representing him, the BJC is left to decide the issue on the basis of the information set out in Mr. Ricketts' communication of 13 June 2013. That information includes copies of email correspondence between the Board, the Union, and, on at least one occasion, the Player (an email dated 10 April 2013 from the Player to the Union confirming, *inter alia*, that he had received and read the BJC's decision).

7. It is clear that numerous efforts have been made to engage with the Player with a view to obtaining an affidavit of similar evidence from him to assist the IRB in its efforts to pursue the establishment of an anti-doping rule violation by one or more other persons. The Player has not responded to those efforts and, as a result, has failed to satisfy the condition set out in the BJC's decision of 31 January 2013.

8. It is therefore directed that the suspension of a portion of the Player's term of Ineligibility is rescinded. He will therefore remain Ineligible until (and including) 21 June 2014.

9. The Player's attention is drawn to the appeal rights described in IRB Regulation 21.22.6 pertaining to a decision to reinstate any suspended period of Ineligibility. The Player should also note that this BJC's jurisdiction to make any further decision on the issue of suspension ceases after any appellate decision relating to this case or the expiration of a time within which the Player can commence an appeal.

10. No order is made as to costs.

27 August 2013

A handwritten signature in black ink, appearing to read "Graeme Mew". The signature is written in a cursive style with a large initial "G" and a horizontal line under the "Mew" part.

Graeme Mew, Chairman

INTERNATIONAL RUGBY BOARD

IN THE MATTER OF THE REGULATIONS RELATING TO THE GAME

AND IN THE MATTER OF THE TERMS OF PARTICIPATION IN THE IRB JUNIOR WORLD CHAMPIONSHIP 2012 AND IN THE MATTER OF AN ALLEGED DOPING OFFENCE BY **DYLAN COETZEE (ZIMBABWE)** CONTRARY TO SECTION 17 OF THE TERMS OF PARTICIPATION AND REGULATION 21 .21

BEFORE A BOARD JUDICIAL COMMITTEE APPOINTED PURSUANT TO REGULATION 21.20 and 21.21 CONSISTING OF:

Judicial Committee:

Graeme Mew, Chair (Canada)
Dr. George Ruijsch van Dugteren (South Africa)
Gregor Nicholson (Scotland)

Appearances

Ben Rutherford, for the International Rugby Board

In Attendance

Dylan Coetzee (Player)
Colleen de Jong (Team Manager, Zimbabwe Under 19/20 Rugby)
Sifiso Made (CEO, Zimbabwe Rugby Union – 21 November only)
Tim Ricketts (Anti-Doping Manager, International Rugby Board – 21 November only)
Ilaria Baudo Anti-Doping Officer, International Rugby Board (29 November and 4 December)

Hearing: 21 November, 29 November and 4 December 2012 by way of Telephone Conference

REASONS FOR DECISION OF THE BOARD JUDICIAL COMMITTEE

1. When a friend gave Dylan Coetzee (the "Player") an unidentified powder and told him it was a pre-workout supplement which would help him with recovery from his training, alarms bells should have sounded with the Player.
2. At the time, the Player was preparing to take part in the IRB Junior World Rugby Trophy 2012 (the "Tournament") in which he had been selected to compete as a member of the Zimbabwe team.

3. The Player had played rugby at international level before. He was a member of the Zimbabwe team in the 2011 Junior World Trophy in Georgia.
4. As an international athlete, the Player had received the IRB's anti-doping handbook, he had attended a seminar at the tournament in Georgia and he had taken the online "Real Winner" quiz offered as part of the IRB's anti-doping educational programme. He therefore knew (and acknowledges) that he is responsible for what he consumes and that he should check with a doctor before taking any supplements or similar substances.
5. Yet despite all of this, the Player took the friend's powder without further question or caution, mixed it with water, and consumed it on multiple occasions over a number of weeks.
6. He says that he thought nothing more of it until 22 June 2012. By that time he was in Utah, USA, where the Tournament was taking place. He was notified by the Zimbabwe Rugby Union (the "Union") that following an out-of-competition doping control procedure on 15 June 2012, his Sample had yielded an adverse analytical finding for the presence of 19-Norandrosterone, a metabolite of Nandrolone. Nandrolone is classified as an anabolic androgenic steroid under Section 1a Exogenous Anabolic Androgenic Steroids on the *WADA List of Prohibited Substances and Methods 2012* (the "WADA Prohibited List"). As such, Nandrolone is a Prohibited Substance under the anti-doping regulations of both the Tournament and the International Rugby Board (the "Board" or the "IRB").
7. The Player was provisionally suspended on 22 June 2012 and has remained suspended since then. The Player was immediately removed from the team environment at the Tournament and took no further part in it.
8. The Player is now pursuing studies in agriculture management in the United Kingdom.
9. By letter dated 22 June 2012, the Union advised the IRB that the Player had confirmed that he admitted the Anti-Doping Rule Violation. The Player waived the right to have his "B" Sample analysed.
10. This Board Judicial Committee ("BJC") was appointed to hear the case against the Player. By letter dated 19 September 2012 the Player was informed of the composition of the BJC and that a hearing would be held to address the issue of the appropriate sanction to be imposed.
11. The chairman of the BJC provided directions with respect to the exchange of evidence and the provision of written submissions. A hearing date was originally set for 29 October 2012. Following consultation with all concerned parties, that hearing was subsequently adjourned to 21 November 2012. This matter was part heard on 21 November. The hearing continued on 29 November and 4 December.

Anti-Doping Rule Violation Established

12. At the outset of the hearing the Player confirmed his acceptance of the Adverse Analytical Finding. Accordingly, we are satisfied that the Player has committed an Anti-Doping Rule Violation contrary to Regulation 21.2.1¹

Documentary Record

13. The BJC had before it a record which included the Doping Control form, Team Member Consent Form, a Sample Analysis Report from the Sports Medicine Research & Testing Laboratory in Salt Lake City, Utah, the Preliminary Review Report, information concerning the anti-doping outreach session conducted in Tbilisi, Georgia in June 2011 and certain correspondence between the Board and the Union and between the Player and the Union/Board.

14. The Player gave oral testimony at the hearing.

15. Written submissions were received from the Board before the hearing and oral submissions were made by the legal representative of the Board at the hearing and by the Player with the assistance of his Union.

The Facts

16. Brief reference has already been made at the outset of these reasons to the circumstances which led to the Player's Anti-Doping Rule Violation.

17. While the BJC has read the entire record and paid careful attention to the written and oral submissions and testimony, we refer only to those matters which we regard as necessary to convey our reasons for this decision.

18. The white powder which the Player was given by his friend and training partner was in a bag. Its brand name was "Deca". In this decision the friend will be referred to as "AB".

19. The Player believes that AB had bought the Deca in South Africa. The Player said that AB told him he had some "nuclear pre-workout stuff" and encouraged him to try it. The Player and AB shared the substance in conjunction with training sessions at the gym. The Player shared in the cost of the Deca (US\$30). Only one bag was purchased. The Player used three scoops two times a day for approximately two weeks towards the end of March. The Player had previously used supplements. He used whey protein and took an energy drink which he obtained from a pharmacy in South Africa. He claims that he checked with the pharmacy that this energy drink was "okay for rugby".

20. The Player claims that he has had no discussions with his teammates about what supplements they used. He was not aware of AB providing the substance to any other players. Some other players were present in the gym when the substance was taken

¹ The presence of a Prohibited Substance or its Metabolites or Markers in a Player's Sample.

but they were also taking supplements so the Player's consumption of the substance was not out of the ordinary.

21. As previously mentioned, the Player had received anti-doping education. Yet he undertook no research into Deca before using it. He says that he trusted AB. AB was a friend who he had known since primary school and a regular training partner. AB had also been involved with the Zimbabwe Junior Rugby programme. AB told the Player that he had got the powder at a pharmacy or from another supplier in South Africa (the Player seemed to be unsure about this).

22. The Player had noticed that when AB returned to Zimbabwe from two and a half months in South Africa he had got bigger. The player also soon noticed that he himself got a little bigger during the period he was taking the substance. Although he did not get "too much bigger" he grew enough that people noticed changes in his physique. He acknowledged that this was unusual but at the time he thought this was because he was training harder than previously and he did not think anything more about it. He claims that he never suspected that he might have been using a Prohibited Substance. It was only following notification of an Adverse Analytical Finding that he went online and discovered that Deca contained Nandrolone.

23. Prior to being notified of his own Adverse Analytical Finding, the Player had become aware that one of his teammates had been sent home from the Tournament for anti-doping reasons. Although the Player knew that his team mate had also had dealings with AB, the Player did not immediately call AB. However, once he learned of his own Adverse Analytical Finding he did contact him. The Player says that he was distraught and shocked when he spoke to AB. He told him that he should have checked what it was that he was giving the Player. AB apologised but apparently said little else.

24. Following that initial telephone conversation, the Player did not attempt any contact with AB again because he was too angry. He did briefly encounter AB at a shopping centre in Harare at the end of August 2012 but the doping incident was not discussed.

25. Soon after that encounter, the Player received a letter from Mr. Ricketts, who had heard from Ms. de Jong that the Player might have pertinent information in relation to AB which could lead to a consideration of a reduction in the otherwise applicable sanction for the Player's Anti-Doping Rule Violation pursuant to the "Substantial Assistance" provisions of the Regulation. The letter from Mr. Ricketts set out "conditions" which the Player would be required to satisfy in order to be potentially eligible to be considered for a possible reduction in sanction on the basis of having provided Substantial Assistance. Those "conditions" were summarised as follows:

- (a) Provide a signed written statement which fully discloses all information possessed by the Player in relation to Anti-Doping Rule Violations (expressed in the plural so that the Player would be required to disclose all information he possessed in relation to any and all Anti-Doping Rule Violations, not just with respect to his own circumstances); and

- (b) Fully co-operate with the investigation and adjudication of any case related to that information, including, for example, presenting testimony to a hearing if requested to do so by the Board, the Union or other Anti-Doping Organisation or Judicial Committee; and
- (c) The information provided must be credible and must comprise an important part of any case which is initiated or, if not case is initiated, must have provided a sufficient basis upon which a case could have been brought; and
- (d) The Substantial Assistance must result in the Board discovering or establishing an anti-doping rule violation by another Person or result in a criminal or disciplinary body discovering or establishing a criminal offence or a breach of professional rules by another Person.

26. The Player responded via Ms. de Jong on 26 September 2012 indicating:

"I am willing to co-operate with the IRB. I do know [AB] bought the substance from South Africa not knowing exactly where from but I can do my best to fine [sic] out..."

27. On 4 October 2012, Mr. Ricketts wrote back to the Player repeating the request that he focus on the four points summarised in his previous letter and suggesting that in putting his statement together the Player might wish to consider a number of points and questions which Mr. Ricketts listed.

28. The Player had not responded to Mr Ricketts when the hearing began. The Player reported at the hearing that he had made other efforts to contact and engage AB in dialogue about what had occurred. Following the encounter in the shopping centre there had been one telephone or Skype call in September or early October. He then saw AB at the end of October. He said he did not have cross words for him.

29. It was the Player's understanding that AB was principally resident in South Africa and that he only visited Zimbabwe from time to time and was, in fact, based in South Africa. At the time of the hearing in November 2012, however, the Player believed that AB was visiting Zimbabwe. He provided a Zimbabwe mobile telephone number for AB.

30. To give the Player an opportunity to obtain further information, the hearing was adjourned.

31. The Player was in fact able to contact AB by telephone and/or Skype on 26 November 2012. Following that conversation he wrote to Mr. Ricketts providing answers to the questions Mr. Ricketts had asked previously. Further information was provided through the Player's oral testimony at the hearing.

32. Following the conclusion of the hearing there has continued to be e-mail traffic relating to the possible involvement of AB. On 20 December 2012, Ms. de Jong advised Mr. Ricketts that (apparently utilising information provided by the Player) she

had spoken to AB on the phone and that AB had acknowledged receipt of correspondence from Mr. Ricketts concerning a possible anti-doping rule violation.

33. On 10 January 2013, Ms. de Jong reported that while she had not been able to meet with AB – he had postponed (cancelled) two meetings that had been scheduled. - she had spoken to AB the previous night. He had provided her with a location (rather than an address) that he was based at (with no internet connection). Ms. de Jong indicated that she anticipated having further contact with AB.

Discussion

34. The presumptive sanction for a first Anti-Doping Rule Violation involving the presence in a player's Sample of a Prohibited Substance is a period of Ineligibility of two years.²

35. It is possible for the two year sanction to be reduced if the player can establish, on a balance of probabilities, the existence of "Exceptional Circumstances". In this case, the only category of Exceptional Circumstances that would apply is in relation to the rendering by the Player of "Substantial Assistance". In that regard, Regulation 21.22.6 (clause 22.6 of the Tournament Programme) provides as follows:

"The Judicial Committee ... may prior to the final appellate decision under Regulation 21.27 or the expiration of the time to appeal, suspend part of the period of Ineligibility imposed in an individual case where the Player or other Person has provided Substantial Assistance to the Judicial Committee ... criminal authority or professional disciplinary body which results in the Board discovering or establishing an anti-doping rule violation by another Person or which results in a criminal or disciplinary body discovering or establishing a criminal offence or a breach of professional rules by another Person. After a final appellate decision under Regulation 21.27 or the expiration of the time to appeal, the Judicial Committee ... may only suspend a part of the applicable period of Ineligibility with the approval of WADA and the Board. The extent to which the otherwise applicable period of Ineligibility may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the Player or other Person and the significance of the Substantial Assistance provided by the Player or other Person to the effort to eliminate doping in sport. No more than three quarters of the otherwise applicable period of Ineligibility may be suspended. If the otherwise applicable period of Ineligibility is a lifetime, the nonsuspended period under

² Regulation 21.22.1

The period of Ineligibility imposed for a violation of Regulation 21.2.1 (Presence of Prohibited Substance or its Metabolites or Markers), Regulation 21.2.2 (Use or Attempted Use of a Prohibited Substance or Prohibited Method) and Regulation 21.2.6 (Possession of Prohibited Substances and Methods) shall be as follows, unless the conditions for eliminating or reducing the period of Ineligibility, as provided for in Regulations 21.22.3, 21.22.4, 21.22.5.1, 22.6, 21.22.7 and/or 21.22.8 or the conditions for increasing the period of Ineligibility, as provided in Regulation 21.22.9, are met:

First violation: Two years.

this Regulation must be no less than eight years. If the Judicial Committee ... suspends any part of the period of Ineligibility under this Regulation 21.22.6, the Judicial Committee ... shall promptly provide a written justification for its decision to each Anti-Doping Organisation having a right to appeal the decision. If the Judicial Committee ... subsequently reinstates any part of the suspended period of Ineligibility because the Player or other Person has failed to provide the Substantial Assistance which was anticipated, the Player or other Person may appeal the reinstatement pursuant to Regulation 21.27.2.

36. The corresponding provision of the WADA Code, Article 10.5.3, contains a commentary, the pertinent portions of which provide as follows:

"The co-operation of Athletes, Athlete Support Personnel and other Persons who acknowledge their mistakes and are willing to bring other anti-doping rule violations to light is important to clean sport. Factors to be considered in assessing the importance of the Substantial Assistance would include, for example, the number of individuals implicated, the status of those individuals in the sport, whether a scheme involving Trafficking under Article 2.7 or administration under Article 2.8 is involved and whether the violation involved a substance or method which is not readily detectable in Testing. The maximum suspension of the Ineligibility period shall only be applied in very exceptional cases. An additional factor to be considered in connection with the seriousness of the anti-doping rule violation is any performance-enhancing benefit which the Person providing Substantial Assistance may be likely to still enjoy. As a general matter, the earlier in the results management process the Substantial Assistance is provided, the greater the percentage of the otherwise applicable period of Ineligibility may be suspended.

.....

If a portion of the period of Ineligibility is suspended, the decision shall explain the basis for concluding the information provided was credible and was important to discovering or proving the anti-doping rule violation or other offense.

.....

If any condition upon which the suspension of a period of Ineligibility is based is not fulfilled, the Anti-Doping Organization with results management authority shall reinstate the period of Ineligibility which would otherwise be applicable".

37. Counsel for the IRB submitted that the Player has only provided assistance with a great deal of coaching and encouragement from both the Board and BJC.

38. Given that the Anti-Doping Rule Violation came to light in June 2012 and was immediately acknowledged at that time, the Player's Substantial Assistance has indeed come rather late in the day. As the commentary to Article 10.5.3 indicates, "the earlier in the results management process the Substantial Assistance is provided, the greater the percentage of the otherwise applicable period of Ineligibility may be suspended".

39. Furthermore, the IRB submits that any reduction in sanction should be minimal at best because:

- a) of the seriousness of the Anti-Doping Rule Violation committed by the Player, namely the use of anabolic steroids for the purpose of performance enhancement; and
- b) the identification of one supplier does little to assist "the effort to eliminate doping in sport".

40. In the case of *IRB and SARU v. Jacques Van Staden* (2012), a decision of a post-hearing review body of the South Africa Rugby Union, a judicial committee had initially reduced the otherwise applicable sanction for an Anti-Doping Rule Violation on grounds of "Substantial Assistance" by the player where, in fact, only limited information had been provided as to how the player's Anti-Doping Rule Violation had come about. The player had not, in fact, identified the "friend" who had procured the Prohibited Substance then used by the player. He had only promised to co-operate with any investigation that might be conducted in the future.

41. The post-hearing review body noted that the first part of Regulation 21.22.6 is only engaged where the Player has provided Substantial Assistance. Only once that threshold had been passed could a judicial committee impose a period of suspension on the condition that the player would at some future date provide additional Substantial Assistance.

"63. Regulation 21.22.6 provides an incentive for players to furnish information and co-operation which will enable the violation or series of violations, and to take steps against such persons.

64. A player found guilty of a violation may thus have part of the period of ineligibility suspended, provided he meets with the requirements clearly specified in Regulation 21.22.6.

65. The right to suspend part of the period of Ineligibility in the first part of the Regulation is expressly granted only in cases "where the Player or other person has provided substantial assistance."...

42. The assistance provided must be "substantial". In the *Van Staden* case the post-hearing review committee concluded that the assistance provided by the player to date was not sufficiently substantial to meet the threshold established by the regulation:

"50. Insofar as anyone was implicated, it appears to have been restricted to the assistant coach of an unspecified rugby club.

Insufficient information was provided which could lead to uncovering any scheme involving trafficking or the administration of the substance in question. The violation involved a substance which appears to be readily detectable (and according to the Player, even rather long after its use).

51. The information supplied by the Player in the present manner does not in this body's view, satisfy the requirements set by the definition of "Substantial Assistance".

52. Nor did the information supplied result in the Board discovering or establishing an anti-doping rule violation by another person, or in a criminal or disciplinary body discovering or establishing a criminal offence or a breach of professional rules by another person....

54. The "assistance" provided by the Player furthermore appears to thus far have had no effect on the effort to eliminate doping in sport and given its lack of particularity does not in this body's view constitute credible evidence on which any such steps could be taken. "

43. In the present case we are satisfied that the Player, albeit with some encouragement, has met the threshold test set out in Regulation 21.22.6. His evidence has enabled the Board to identify AB as someone against whom an allegation of both supplying and using a Prohibited Substance could be credibly made. Because the Board has in its possession evidence (both from the Player and from his team mate) in relation to AB, there would appear to be a basis for the Board to take action against AB for not only his actions in connection with this Player's Anti-Doping Rule Violation but, also, in respect of at least one other anti-doping rule violation by a player in Zimbabwe.

44. At this juncture, it needs to be emphasised that an anti-doping rule violation on the part of AB has not been established. AB has been contacted by the Board and by the Union and has agreed to meet with the Union's representative (although to date, he has not done so). It would not be appropriate for this BJC to pre-judge whether or not the Board will be able to establish an anti-doping rule violation. What is important for present purposes is whether the assistance provided by the Player has substantially assisted the Board's investigation of the actions of AB to the point where the prosecution of anti-doping charges against AB is a realistic and credible possibility.

45. Accordingly, subject to the continued co-operation of the Player with the efforts of the Board to prosecute AB (which assistance might include, for example, a sworn affidavit or a comprehensive witness statement), the BJC is prepared to suspend a portion of the two year period of Ineligibility that the Player would otherwise be subject to.

46. We are required, in determining how much of the sanction should be suspended, to take into account the seriousness of the Anti-Doping Rule Violation.

47. In the present matter, the Anti-Doping Rule Violation committed by the Player is a serious one. He systematically used an anabolic steroid during which time he observed

changes in his physique. There can be no question that he used the substance (whether he knew what it was or not) in order to enhance his sport performance. He was as best recklessly indifferent when he failed to inquire into what Deca contained.

48. Although Regulation 21.22.6 would allow us to suspend up to three quarters of the period of Ineligibility, given the seriousness of the Player's anti-doping rule violation and the delay between the time the Player became aware of his positive test and his rendering of assistance, we have concluded that the maximum reduction in sanction should be 25% or 6 months.

Decision

49. On 15 June 2012 the Player committed an anti-doping rule violation, namely the presence in his bodily Sample of 19-Norandrosterone. 19-Norandrosterone is a metabolite of Nandrolone and/or precursors, an anabolic androgenic steroid under Section 1 of the *WADA Prohibited List 2012*.

50. The sanction imposed for this anti-doping rule violation is a period of Ineligibility of two years, commencing 22 June 2012 (the date upon which the Player was notified of the Adverse Analytical Finding and provisionally suspended). Six months of that period of Ineligibility will be suspended pursuant to IRB Regulation 21.22.6. The suspension shall be on the following conditions:

- a) The Player will continue to provide without undue delay such additional assistance to the Union and the Board as either may reasonably require in respect of the discovery or establishment of one or more Anti-Doping Rule Violations by AB;
- b) The Player does not engage in any activity that would contravene the terms of the sanction of Ineligibility imposed on him during the non-suspended term;
- c) The Player does not commit any other anti-doping rule violation.

51. It follows, therefore, that the Player's period of Ineligibility shall end on 21 December 2013, subject to his compliance with the conditions of the suspended period of Ineligibility,

52. In the event of any breach of the conditions set out above, the Board shall be at liberty to apply to the BJC for the reinstatement of all or some of the 6 month suspended period of Ineligibility.

53. The Player's attention is drawn to IRB Regulation 21.22.13 which provides, *inter alia*, that:

"No Player...who has been declared Ineligible may, during the period of Ineligibility, participate in any capacity in a match and/or tournament (international or otherwise) or activity (other than authorised anti-doping education or rehabilitation programmes) authorised or organised by the Board or any Union or Tournament Organiser. Such participation includes but is limited to coaching,

officiating, selection, team management, administration or promotion of the Game, playing, training as part of a team or squad, or involvement in the Game in any other capacity in any Union in membership of the IRB".

The full text of Regulation 21.22.13 concerning status during Ineligibility should be consulted.

Costs

54. If the Board wishes us to exercise our discretion in relation to costs pursuant to Regulation 21.21.10 written submissions should be provided to the BJC via Mr. Ricketts by 17:00 Dublin time on 8 February 2013. Any responding written submissions from the Player to be provided by no later than 17:00 Dublin time on 15 February 2013.

Review

55. This decision is final, subject to referral to a Post Hearing Review Body (Regulation 21.25) or an appeal, where the circumstances permit, to the Court of Arbitration for Sport (Regulation 21.27). In this regard, attention is also directed to Regulation 21.24.2, which sets out the process for referral to a Post-Hearing Review Body, including the time within which the process must be initiated.

31 January 2013

A handwritten signature in black ink, appearing to read 'Graeme Mew', with a horizontal line underneath the name.

Graeme Mew, Chairman