

**DECISION OF THE INTERNATIONAL TENNIS FEDERATION
UNDER THE 2017 TENNIS ANTI-DOPING PROGRAMME
IN THE CASE OF THOMAZ BELLUCCI**

I. Introduction

1. The International Tennis Federation (the **ITF**) is the international governing body for the sport of tennis. Further to its obligations as a signatory to the World Anti-Doping Code (the **Code**) and its responsibilities as custodian of the sport, the ITF has issued the Tennis Anti-Doping Programme (**TADP**), which sets out Code-compliant anti-doping rules applicable to players competing in '**Covered Events**' (as defined in TADP Article 1.10).
2. Thomaz Bellucci is a 29 year-old professional tennis player from Brazil. He turned professional in 2005, at the age of 17, and is currently ranked 113 in singles and 406 in doubles, having reached career-high ATP rankings of 21 in singles in 2010 and 70 in doubles in 2013. He competed in the 2016 Olympic Games in Brazil and regularly competes on the ATP World Tour, having won four competitions on that tour from 2009 to 2013.
3. By signing the ATP player consent form on 8 January 2017, thereby expressly agreeing to be bound by the TADP, and by his subsequent participation in Covered Events, Mr Bellucci has at all material times been bound by and required to comply with the provisions of the TADP.
4. In September 2017, Mr Bellucci was charged with the commission of an Anti-Doping Rule Violation (**ADRV**) under TADP Article 2.1, in that a prohibited substance and its metabolite had been found in a urine sample he provided in a drugs test conducted in July 2017. Mr Bellucci responded to the charge by admitting the ADRV and asserting that it was caused by his ingestion of vitamin preparations that, unknown to him, were contaminated with the prohibited substance in question. He contended this should be a significant factor in mitigating the consequences to be imposed on him under the TADP for his ADRV.
5. Having conducted its own investigation, the ITF has accepted Mr Bellucci's explanation of the cause of his ADRV, and on that basis has agreed that a reduced sanction should apply, namely a period of ineligibility of five months, together with disqualification of certain results. Mr Bellucci has accepted this proposed sanction and waived his right to a hearing before the Independent Tribunal. Therefore this decision is issued pursuant to TADP Article 8.1.4, which states: '**In the event that [...] the Participant admits the Anti-Doping Rule Violation(s) charged and accedes to the Consequences specified by the ITF [...], a hearing before the Independent Tribunal shall not be required. Instead the ITF shall promptly issue a decision confirming [...] the commission of the Anti-Doping Rule Violation(s) and the imposition of the specified Consequences (including, if applicable, a justification for why the maximum potential sanction was not imposed), shall Publicly Report that decision in accordance with Article 8.8, and shall send a copy of the decision to the Participant and to any other party that has a right, further to Article 12, to appeal the decision [...]**'.
6. What follows is a description of Mr Bellucci's admitted ADRV, and then an explanation of the Consequences imposed for that ADRV, including an explanation of why the maximum potential sanction applicable under the TADP was not imposed.

II. Commission of an Anti-Doping Rule Violation

7. On 18 July 2017, following his defeat in the men's singles competition at the ATP World Tour Swedish Open event in Båstad, Sweden (the **Event**), Mr Bellucci provided a urine sample for

drug testing pursuant to the TADP. The WADA-accredited laboratory in Montreal analysed that sample (reference number A3089061) and detected hydrochlorothiazide (**HCTZ**) and its metabolite (Chloraminophenamide) (the **AAF**). The Montreal laboratory estimated the concentration of HCTZ in the sample at approximately 30 ng/mL.

8. HCTZ is a Specified Substance prohibited at all times under category S5 of the 2017 Prohibited List (diuretics and masking agents).
9. The ITF appointed an Independent Review Board to conduct a review of the file in accordance with TADP Article 7.3, in order to determine (a) whether the AAF was consistent with an applicable Therapeutic Use Exemption (**TUE**) issued to Mr Bellucci; and/or (b) whether there was any apparent departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that could have caused the AAF. The Independent Review Board confirmed unanimously that there was no applicable TUE, there were no apparent departures from either International Standard, and therefore Mr Bellucci had a case to answer for breach of TADP Article 2.1, which prohibits 'the presence of a Prohibited Substance or its Metabolites or Markers in a Player's Sample'.
10. The ITF therefore sent a formal notice of charge to Mr Bellucci on 18 September 2017, asserting that the presence of HCTZ and its metabolite in his sample A3089061 constitutes an anti-doping rule violation under TADP Article 2.1.
11. Subsequently the Montreal laboratory also analysed Mr Bellucci's sample B3089061, and confirmed the presence in that sample of HCTZ and the same metabolite (Chloraminophenamide).
12. In a letter from his counsel to the ITF dated 11 October 2017, setting out his formal response to the charge, Mr Bellucci accepted that sample number 3089061 was his, waived any right to challenge any part of the sample collection procedure or laboratory analysis in relation to sample number 3089061, instead accepted that the laboratory had accurately detected HCTZ and its metabolite in his sample, and therefore accepted that he had committed an anti-doping rule violation (because TADP Article 2.1 is a strict liability offence, i.e., it is committed by the mere presence of the substance in the sample, irrespective of whether or not he ingested it deliberately or inadvertently).

III. Imposition of Consequences

(a) How the HCTZ got into Mr Bellucci's system

13. It is a precondition of any mitigation of sanction for an Article 2.1 ADRV that the player proves on the balance of probabilities how the prohibited substance found in his sample entered his system. Otherwise, it is impossible to assess the degree of fault that the player bears for the substance being in his system.
14. In his response dated 11 October 2017, Mr Bellucci asserted that his positive test had been caused by contaminated vitamin pills. In summary:
 - 14.1 For a number of years, Mr Bellucci has consulted a biochemist [REDACTED] and a medical doctor [REDACTED] to assist with his health and physical training. One issue he consulted them about was his loss of fluids, vitamins and minerals as a result of excessive sweating during training and competition. To help address this issue, the biochemist and the doctor recommended he start taking a number of bespoke vitamin compounds to supplement his normal diet. In 2017, they provided him with

three prescriptions for such supplements, which he had filled by two different pharmacies in Brazil. Since these were bespoke compounds, the pharmacies had to collect the different ingredients on-site and mix them together to fill the prescriptions. One of these pharmacies Mr Bellucci used (at the recommendation of his biochemist and his doctor) was Body Lab Farmacia de Manipulacao Ltda in Rio de Janeiro, Brazil (**Body Lab**), which produced one of the prescribed supplements in two different batches, the first in June 2017 and the second in August 2017.

- 14.2 Mr Bellucci says that he took the vitamin supplements produced by Body Lab (from the June 2017 batch) during the Event, including several on the day he was required to provide a urine sample (18 July 2017), a few hours before providing that sample.
- 14.3 At the time he received the notice of charge from the ITF on 18 September 2017, the bottle of supplements that Body Lab had produced in June 2017 still had a few capsules left in it, while the bottle that Body Lab had produced in August 2017 was still sealed. Mr Bellucci personally brought those June and August 2017 vitamin supplement capsules and one other supplement that he also took during the Event (Isostar, which he had bought via Amazon) to Korva Labs in Los Angeles for testing. Following analysis, Korva Labs reported that it had found varying levels of HCTZ in a number of vitamin supplement capsules from each of the June and August 2017 bottles.
- 14.4 Mr Bellucci also provided a report from Paul Scott, president of Korva Labs, who was of the view that the amount of HCTZ found in Mr Bellucci's urine sample was consistent with the ingestion of trace amounts of HCTZ (i.e., consistent with what was found in some of the vitamin capsules) within a few hours of sample collection.
- 14.5 Mr Bellucci also submitted samples of his hair to Korva Labs, which tested them and reported them negative for steroids. He did this in an effort to rebut any suggestion that he had been using HCTZ to mask his use of other prohibited substances.
15. Mr Bellucci produced copies of the prescriptions provided to him by the biochemist and the doctor, and the ITF spoke to the biochemist to verify Mr Bellucci's account as set out above. The ITF also received a communication from Dr Perini, the pharmacist at Body Lab, who accepted that Body Lab does fill prescriptions for HCTZ, and so does have HCTZ on the premises, but denied that the vitamin preparation that was produced for Mr Bellucci could have been contaminated with HCTZ at Body Lab.
16. In the circumstances, the ITF requested that the vitamin supplement capsules that had been tested at Korva Labs be sent to the WADA-accredited laboratory in Montreal for further testing. The Montreal laboratory detected varying levels of HCTZ in those capsules, from both the June 2017 batch and the August 2017 batch. According to Prof. Christiane Ayotte, Director of the Montreal laboratory, while contamination of the vitamin capsules after manufacture could not be ruled out (as the bottles had been opened before they reached her laboratory), the variable levels of HCTZ detected by her laboratory in the capsules were consistent with contamination at the manufacturing stage. She also said that if the capsules were ingested on a regular daily basis, the levels of HCTZ detected in the capsules could have caused the AAF in this case.
17. The ITF notes that when his urine sample was collected on 18 July 2017, Mr Bellucci was asked to list on the Doping Control Form any medicines or supplements that he had taken in the previous seven days, and he did not list anything. Nevertheless, Mr Bellucci has insisted that he did take each day during the Event the vitamin pills produced by Body Lab in June 2017,

including several on the day he provided sample 3089061. That is consistent with the instructions for use on the prescriptions for the vitamin pills, and also on the label of the bottles containing the pills, as well as with the AAF itself. Mr Bellucci has apologised for his failure to declare his use of the pills on the Doping Control Form, and insisted that this non-disclosure was inadvertent and not intentional or in bad faith, but rather was due to his understanding (albeit mistakenly) that his daily consumption of vitamin pills was not something that had to be disclosed on the form. The ITF is very concerned about this omission, but in all of the circumstances of the case has decided to accept Mr Bellucci's explanation that he was indeed taking the vitamin pills daily during the Event, notwithstanding his failure to declare this on the form.

18. The ITF also points out that Mr Bellucci should not have had the vitamin capsules tested privately, but instead should have sent the sealed bottle of vitamin capsules to the ITF, or to a laboratory specified by the ITF. By doing so, he could have removed any doubt about when the vitamin pills were contaminated with HCTZ.
19. Nevertheless, in all of the circumstances of this case, and in particular in light of Prof Ayotte's opinion that the variable levels of HCTZ detected by her laboratory in the capsules were consistent with contamination at the manufacturing stage, the ITF accepts that Mr Bellucci has established that it is more likely than not that the HCTZ and its metabolite found in his urine sample 3089061 came from his ingestion of contaminated vitamin supplements on the day of the collection of his urine sample (18 July 2017) and in the days leading up to that date.

(b) Period of Ineligibility

TADP Article 10.2

20. This is Mr Bellucci's first doping offence.
21. TADP Article 10.2.1 specifies that an Article 2.1 ADRV that is 'intentional' and is a first offence attracts a mandatory four-year ban, but it also specifies that if the prohibited substance is classified as a Specified Substance, the ITF has the burden of proving that the ADRV was intentional. If it cannot do so, then TADP Article 10.2.2 provides for a two-year ban, subject to mitigation.
22. Since HCTZ is a Specified Substance, and the ITF does not have any basis to contend that the offence was 'intentional' within the meaning of TADP Articles 10.2.1, the two-year period of ineligibility prescribed by TADP Article 10.2.2 applies, subject to possible reduction in accordance with TADP Article 1.4 or Article 10.5.

TADP Articles 10.4 and 10.5

23. Proving the source of the AAF is just a necessary pre-condition to obtaining a reduction in sanction below two years. In order to get the sanction reduced, Mr Bellucci must show that he bears 'No Fault or Negligence' for the ADRV, or (alternatively) that he bears 'No Significant Fault or Negligence' for the ADRV.
24. TADP Article 10.4 provides that if a player establishes that he bears No Fault or Negligence for the anti-doping rule violation in question, the otherwise applicable period of ineligibility will be eliminated. No Fault or Negligence is defined in the TADP as follows: 'The Player or other Person establishing that he/she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he/she had Used or been

administered the Prohibited Substance or Prohibited Method or otherwise violated an anti-doping rule'.

25. TADP Article 10.5.1 provides that where the prohibited substance found in the player's sample is classified as a Specified Substance under the TADP (as here), and the player can establish that he bears No Significant Fault or Negligence for its presence in his system, then the otherwise applicable two-year period of ineligibility may be reduced by between 0 and 24 months (i.e., by up to 100%, in which case there would be a reprimand only). No Significant Fault or Negligence is defined in the TADP as follows: 'The Player or other Person establishing that his/her Fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relationship to the Anti-Doping Rule Violation'. Where No Significant Fault or Negligence is found, the amount of reduction to be given depends upon the degree of the player's (not 'Significant') fault.
26. A plea of No Fault or Negligence or No Significant Fault or Negligence is assessed by considering how far the player departed from his duty under the TADP to use 'utmost caution' to ensure that he does not ingest any prohibited substances or otherwise do anything that might constitute or result in the commission of an ADRV.¹ 'The difference between the two [...] is one of degree: to establish No Fault or Negligence, the athlete must show that he took every step available to him to avoid the violation, and could not have done any more; whereas to establish No Significant Fault or Negligence, he must show that, to the extent he failed to take certain steps that were available to him to avoid the violation, the circumstances were exceptional and therefore that failure was not significant'.²
27. The CAS jurisprudence is clear that the standard of 'utmost caution' is very onerous, and requires a player to show that he 'made every conceivable effort to avoid taking a prohibited substance'.³ It follows that 'even in cases of inadvertent use of a Prohibited Substance, the principle of the Athlete's personal responsibility will usually result in a conclusion that there has been some degree of fault or negligence'.⁴
28. Mr Bellucci asserted in his response to the charge that he bears No Fault or Negligence, so that no period of ineligibility should be imposed, or (alternatively) that he bears No Significant Fault or Negligence, and that as a result a period of ineligibility not exceeding three months is appropriate. In support of this, he relies in particular on the following:
- 28.1 He has always been cautious not to ingest any prohibited substances or use any prohibited methods. In particular, he informs the doctors (and other professionals) that he consults that he is a professional tennis player and is subject to the TADP. Before using any medication or supplement, he always consults a doctor and asks him

¹ See, e.g., Kutrovsky v ITF, CAS 2012/A/2804, para 9.49 ('the athlete's fault is measured against the fundamental duty that he or she owes under the Programme and the WADC to do everything in his or her power to avoid ingesting any prohibited substance'); FIFA & WADA, CAS 2005/C/976 & 986, paras 73-75 ('The WADC imposes on the athlete a *duty of utmost caution* to avoid that a prohibited substance enters his or her body. [...] It is this standard of utmost care against which the behaviour of an athlete is measured if an anti-doping violation has been identified').

² IBAF v Luque, IBAF Anti-Doping Tribunal decision dated 13 December 2010, para 6.10.

³ Knauss v FIS, CAS 2005/A/847, para 7.3.1; WADA v NSAM et al, CAS 2007/A/1395, para 80 ('The burden is therefore shifted to the athlete to establish that he/she has done all that is possible to avoid a positive testing result').

⁴ Adams v CCES, CAS 2007/A/131, para 155.

or her to confirm that the product in question does not contain any prohibited substances.

- 28.2 In this case, he consulted a reputable biochemist and doctor (both of whom are consulted by a number of athletes in Brazil). After performing several tests, they prescribed a number of bespoke vitamin compounds for genuine therapeutic reasons. He informed them that he is subject to the TADP and so must not ingest any prohibited substances. They confirmed to him that their prescriptions did not contain any prohibited substances. Mr Bellucci also checked the prescriptions for himself against the Prohibited List, and did not find any matches.
- 28.3 Copies of the relevant prescriptions (signed and dated by the biochemist and doctor) have been provided to the ITF. They specify the ingredients of the vitamin compounds, and list only substances that are permitted under the TADP, and no prohibited substances. In particular, they do not list HCTZ as an ingredient of any of the vitamin compounds.
- 28.4 On the recommendation of the biochemist and doctor, Mr Bellucci sent the prescriptions to be filled by Body Lab, which states that it operates under protocols approved by the Brazilian Health Surveillance Agency, and which is used by a large number of Brazilian athletes.
29. The ITF acknowledges these points, but weighs against them the following countervailing factors:
- 29.1 It has long been well-known that supplements may be contaminated with substances that are not listed as a named ingredient. The CAS has clearly stated that any player who takes a supplement assumes the risk that it is contaminated with one or more prohibited substances, and so cannot plead No Fault or Negligence under TADP Article 10.4.⁵ The same is also set out in the comment to Code Article 10.4, which states: '[No Fault or Negligence would not apply in the following circumstances: \(a\) a positive test resulting from a mislabeled or contaminated vitamin or nutritional supplement \(Athletes are responsible for what they ingest \(Article 2.1.1\) and have been warned against the possibility of supplement contamination\)](#)'.
- 29.2 These principles apply whether the supplement is an off-the-shelf product produced in bulk by a manufacturer, or a bespoke compound mixed at a local pharmacy. For example, in [FINA v Cielo Fihlo and CBDA](#), CAS 2011/A/2495, the athletes were Brazilian swimmers who were prescribed caffeine pills by their doctor. They had those pills made up by a reputable pharmacy, which inadvertently contaminated those caffeine pills with furosemide during the production process. This was a very high profile case, in Brazil and elsewhere. Following [Cielo](#), Mr Bellucci was on specific notice that there was a risk that using bespoke vitamin formulations that required the pharmacy to mix different ingredients carried a risk of inadvertent contamination during production, even if a reputable pharmacy was used. He therefore could not assume that by following the advice of his doctor and biochemist, and sending their prescriptions to the pharmacy they recommended to be filled, he was avoiding the risk of such contamination. To the contrary, he is deemed to have voluntarily assumed that risk.

⁵ See [FINA v Cielo](#), CAS 2011/A/2495, award dated 29 July 2011, para 8.8.

29.3 Furthermore, in [REDACTED] 2016 a sample collected from [REDACTED] tested positive for HCTZ, which [REDACTED] blamed on contamination of vitamin pills prescribed by the same biochemist and doctor and produced by the same pharmacy (Body Lab), and for which he received a [REDACTED] ban.⁶ Mr Bellucci says that he was not aware of the specific circumstances of [REDACTED]'s case, because the specific details were not publicly reported, and neither [REDACTED] nor the biochemist or doctor they shared told him about them. However, even if Mr Bellucci was not actually aware, he certainly ought to have known. Mr Bellucci and [REDACTED] consult the same biochemist and medical doctor for the prescription of vitamin pills, and used the same pharmacy (Body Lab) to produce those vitamin pills. Therefore, if he was using 'utmost caution', when he heard that [REDACTED] had tested positive for a prohibited substance, Mr Bellucci would have questioned [REDACTED] and the doctor and biochemist they shared to find out how he had tested positive, so that Mr Bellucci could take precautions to ensure he did not suffer the same fate. If he had questioned them, he would have known that [REDACTED] blamed his positive test on contamination at Body Lab, and so could have avoided using it in the future. By failing to do any of this, Mr Bellucci clearly failed to use 'utmost caution'.

29.4 In addition, according to the CAS jurisprudence, Mr Bellucci is also at fault for failing to disclose the supplements that he was taking at the Event (including the vitamin compounds at issue here) on his Doping Control Form.⁷

30. Based on the foregoing, Mr Bellucci cannot sustain his plea of No Fault or Negligence. However, the same Code comment quoted above goes on to say: 'However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction under Article 10.5 based on No Significant Fault or Negligence'. The ITF accepts that the elements relied on by Mr Bellucci are all mitigating factors, and together warrant a finding that Mr Bellucci's fault was not 'significant' within the meaning of Article 10.5.1, and justifies a substantial reduction from the two-year starting point. Mr Bellucci is to be deemed to have accepted the risk that the vitamin supplements mixed to his bespoke prescription by the Body Lab might be contaminated with a prohibited substance. He is necessarily more at fault than [REDACTED] (because he was on greater notice than [REDACTED]), and therefore must receive a longer ban than [REDACTED], but still it can be significantly less than two years.

31. If the issue of consequences were to be contested and therefore a hearing before the Independent Tribunal was required, the ITF would be asking the Independent Tribunal to consider imposing a ban in the region of eight months. The ITF's practice is to give a player credit of three months for agreeing an outcome that avoids the need for a hearing and so saves time and money for use elsewhere in the fight against doping in tennis. Therefore, the ITF has proposed, and Mr Bellucci has acceded to, a period of ineligibility of five months.

(c) Start date of period of Ineligibility

32. TADP Article 10.10.3 states that '[t]he period of Ineligibility shall start on the date that the decision is issued', subject to three narrow exceptions.

⁶ [REDACTED]

⁷ See e.g. Kutrovsky v ITE, CAS 2012/A/2804, para 9.52.4.

33. The first exception (credit for any period of Provisional Suspension imposed by the ITF or voluntarily accepted by Mr Bellucci, pursuant to TADP Article 10.10.3(a)) does not apply here, because the ITF did not impose a provisional suspension on Mr Bellucci, and nor did he accept a voluntary provisional suspension. Since 21 September 2017, he has voluntarily sat out competition pending resolution of this matter, but because he declined to formally accept a voluntary provisional suspension, he could have returned to competition at any time, and TADP Article 10.10.3(a) is clear that he cannot get any credit for this period: 'To get credit for any period of voluntary Provisional Suspension, [...] the Participant must have given notice at the beginning of such period to the ITF, [...] and must have respected the Provisional Suspension in full. No credit against a period of Ineligibility shall be given for any time period before the effective date of the Provisional Suspension or voluntary Provisional Suspension, regardless of the Participant's status during such period. [...]'. This implements Code Article 10.11.3.3, which states: 'No credit against a period of Ineligibility shall be given for any time period before the effective date of the Provisional Suspension or voluntary Provisional Suspension regardless of whether the Athlete elected not to compete or was suspended by his or her team'.
34. However, in accordance with TADP Article 10.10.3(b), Mr Bellucci is entitled to credit for his admission of his ADRV promptly after being confronted with it by the ITF. Furthermore, in accordance with TADP Article 10.10.3(c), Mr Bellucci is entitled to be credited for delays in results management that are not attributable to him. In both cases, this permits backdating as far back as to the date of sample collection. In the case of Article 10.10.3(b), only half of the total ban can be backdated in this way (i.e., half must still run from the date of the decision); but this limitation does not apply in the case of Article 10.10.3(c). In all of the circumstances, the start of the ban is back-dated by two and a half months pursuant to Article 10.10.3(b) and by a further six weeks pursuant to Article 10.10.3(c). As a result, the ban is deemed to have started on 1 September 2017, meaning that the ban will expire at midnight on 31 January 2018.
35. During his period of ineligibility, Mr Bellucci's status is as set out in TADP Article 10.11, i.e., in summary he is not entitled to play, coach or otherwise participate in any capacity in (i) any Covered Event; (ii) any other Event or Competition, or activity (other than authorised anti-doping education or rehabilitation programmes) authorised, organised or sanctioned by the ITF, the ATP, the WTA, any National Association or member of a National Association, or any Signatory, Signatory's member organisation, or club or member organisation of that Signatory's member organisation; (iii) any Event or Competition authorised or organised by any professional league or any international or national-level Event or Competition organisation; or (iv) any elite or national-level sporting activity funded by a governmental agency; nor will he be given accreditation for or otherwise granted access to any Event referred to at points (i) and (ii).
36. In accordance with TADP Article 10.11.1(b)(ii), Mr Bellucci may use the facilities of a club or other member organisation of a Signatory's member organisation in the last two months of his period of ineligibility.

(d) Disqualification of results

37. TADP Article 9.1 provides for the automatic disqualification of the results obtained by Mr Bellucci in the competition at the Event where his sample was collected that subsequently tested positive. Meanwhile TADP Article 10.1 provides that the results he obtained in any other competitions that he played in at the Event are also disqualified. (There is an exception applicable in cases of No Fault or Negligence, but this is not one of those cases).

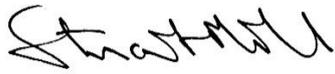
38. Therefore, all of the points and prize money that Mr Bellucci won at the Event are forfeit, including prize money of €4,875 that he won in the men's singles competition (he did not earn any ATP-ranking points in singles) and the 90 ATP-ranking points and prize money of €3,720 that he won in the men's doubles competition.
39. The results of Mr Bellucci's doubles partner at the Event (Andre Sa) also fall to be disqualified, further to TADP Article 9.2.2, unless Mr Sa shows that he was not implicated in Mr Bellucci's ADRV and that their results in the doubles competition were not likely to have been affected by the ADRV. The ITF considers that Mr Sa will be able to make this showing and therefore does not propose to disqualify his results in the doubles competition at the Event.
40. The results that Mr Bellucci obtained in events in which he competed between the date of sample collection (18 July 2017) and the date that he stopped competing (21 September 2017) shall also be disqualified under TADP Article 10.8, 'unless fairness requires otherwise'. However, decisions of the Independent Tribunal have made clear that this discretion is to be exercised 'in the round', i.e., in a manner that leads to a result that meets the justice of the case overall, having regard to the circumstances of the case and the other sanctions being imposed on the player in question.⁸ In the specific circumstances of this case, the ITF will only apply TADP Article 10.8 to Mr Bellucci's results from competitions in which he played during his period of (retroactive) ineligibility, i.e., from 1 September 2017 on, and so the results obtained by Mr Bellucci subsequent to the Event but prior to 1 September 2017 will not be disqualified. Since Mr Bellucci did not play again after losing in the men's singles competition at the US Open on 30 August 2017, this means there are no further results to be disqualified under TADP Article 10.8.
41. In accordance with TADP Article 10.12, Mr Bellucci is required to pay the forfeited prize money totalling €8,595 to the ITF by no later than 31 January 2018. He is not permitted to return to competition until he pays that amount in full.
42. Each of the ITF and Mr Bellucci shall bear the legal costs that they have incurred in this matter.

IV. Conclusion

43. This decision constitutes the final decision of the ITF in this matter, within the meaning of TADP Article 8.8.2, for the purposes of the appeal rights set out in TADP Article 12.2.1. In accordance with TADP Article 8.8.5, this decision will be disclosed publicly, including on the ITF's website.
44. Each of WADA and the Autoridade Brasileira de Controle de Dopagem (**ABCD**) has a right under TADP Article 12.2.1 to appeal against this decision to the Court of Arbitration for Sport in Lausanne, Switzerland (the **CAS**), in accordance with the procedure set out at TADP Article 12.6.
45. As part of his acceptance of the consequences set out above, Mr Bellucci has waived his right to appeal against or otherwise challenge this decision (both as to the finding that Mr Bellucci has committed an anti-doping rule violation and as to the imposition of the consequences set out above), whether pursuant to TADP Article 12.2.1 or otherwise, save that if an appeal is filed with the CAS against this decision either by WADA or ABCD, Mr Bellucci will be entitled to exercise his right of cross-appeal in accordance with TADP Article 12.6.3.

⁸ See, e.g., ITF v Koubek, Independent Tribunal decision dated 18 January 2005, para 95, appeal dismissed, CAS 2005/A/823.

Dated: 4 January 2018

A handwritten signature in black ink, appearing to read 'Stuart Miller', written in a cursive style.

Stuart Miller

ITF Senior Executive Director, Integrity
and Development