



**DECISION OF THE INTERNATIONAL TENNIS FEDERATION
PURSUANT TO ARTICLE 8.1.4 OF THE 2017 TENNIS ANTI-DOPING PROGRAMME**

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 2017 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. This decision is issued pursuant to TADP Article 8.1.4, which provides: '**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)**'.

II. Commission of an anti-doping rule violation

3. Zeynep Sönmez (the **Player**) is a 15 year-old tennis player from Turkey. She has competed on the ITF Juniors Circuit since August 2015 and on the ITF Pro Circuit since November 2016.
4. On registration for an International Player Identification Number on 22 January 2017, the Player expressly agreed to be bound by the TADP. By virtue of that agreement, and by virtue of her subsequent participation in Covered Events, the Player is bound by and required to comply with the 2017 TADP.
5. On 24 October 2017, while competing at the Republican Girls ITF Women's Pro Circuit event held in Istanbul, Turkey (the **Event**), the Player was required to provide a urine sample (given reference number 3102687) for drug testing pursuant to the TADP. The WADA-accredited laboratory in Montreal analysed that sample and detected Modafinil and its metabolites. Modafinil is a prohibited substance under section S6a of the WADA Prohibited List (stimulants).
6. The Player does not have a TUE permitting use of Modafinil. The independent Review Board therefore decided she had a case to answer, and accordingly the ITF sent her a formal notice of charge on 9 January 2018, asserting that the presence of Modafinil (and its metabolites) in her sample constitutes an anti-doping rule violation under TADP Article 2.1. The ITF also provisionally suspended the Player as from 19 January 2018, pending resolution of that charge.
7. The Player admitted the anti-doping rule violation in her response to the charge dated 27 January 2018. She has also expressly waived any right (a) to challenge any part of the sample collection procedure or laboratory analysis in relation to her sample number 3102687; and (b) to a hearing before the Independent Tribunal to contest the charge.

III. Consequences

8. The Player has also accepted the following consequences for her anti-doping rule violation specified by the ITF, and has expressly waived her right to have the consequences determined by the Independent Tribunal at a hearing.

III.A Period of ineligibility

9. This is the Player's first anti-doping rule violation. Modafinil is not classified as a 'Specified Substance' under the TADP. As a result, TADP Article 10.2.1(a) applies, meaning that a four year period of ineligibility must be imposed unless the Player establishes that her anti-doping rule violation was not 'intentional'. TADP Article 10.2.3 explains that 'the term "intentional" [in this context] is meant to identify those Participants who cheat. The term, therefore, requires that the Participant engaged in conduct that he/she knew constituted an Anti-Doping Rule Violation or knew that there was a significant risk that the conduct might constitute or result in an Anti-Doping Rule Violation and manifestly disregarded that risk'. The jurisprudence is clear that what counts in this context is what the Player actually knew, not what she should have known.
10. The Player has provided the following explanation for her positive test:
 - 10.1 As a result of her intensive tennis training schedule (of five to six hours per day), she struggled to stay awake when studying for her school exams. She sought help from her family doctor, who referred her to another doctor specialising in child and adolescent psychiatry. The Player first consulted the specialist doctor in May 2017. He diagnosed narcolepsy and prescribed Modiwake (the brand name for Modafinil in Turkey), advising her to take it during periods of mental and physical fatigue.
 - 10.2 She took one 100 mg pill of Modiwake per day during the first week of May 2017 and on 23-26 October 2017, which was when her training and competition schedule coincided with her exams. She says that she took Modiwake only to help her with her studies, and not to enhance her sport performance. She was not aware that it contained a drug that is a Prohibited Substance under the TADP.
11. Having conducted its own investigation, the ITF has accepted the Player's explanation as to how Modafinil came to be present in her sample, in particular because she has provided (among other things) contemporaneous medical documentation to support her factual account, and the estimated concentration of Modafinil detected in her urine sample is consistent with that account.
12. Based on the evidence provided by the Player, the ITF accepts that the Player has established that she did not commit her anti-doping rule violation intentionally within the meaning of TADP Art 10.2.3. Therefore the starting point for her period of ineligibility is not four years, but rather two years pursuant to TADP Article 10.2.2. That period may be further reduced if she can establish that she bears No (or No Significant) Fault or Negligence for the presence of Modafinil in her sample.
13. The Player cannot establish that she bears No Fault or Negligence for her violation (TADP Article 10.4) because her conduct in taking medication without (i) consulting a doctor with anti-doping knowledge, (ii) informing her doctor of her anti-doping obligations and seeking his assurance that the medicine he was prescribing did not contain any substances prohibited under the TADP, or (iii) checking its ingredients for herself to ensure it did not contain any prohibited substances, was a clear departure from her duty under the TADP to use utmost caution to ensure that she did not consume any prohibited substances, including as part of any medical treatment.
14. On the other hand, the Player did at least consult a doctor; she was not self-medicating, or taking advice from someone who was not medically qualified; and the medication that caused her positive test was prescribed for her and taken by her for genuine therapeutic reasons. In addition, and more significantly for present purposes, her youth and inexperience, and the fact that she had received little (if any) anti-doping education at the time of her violation, provide some explanation for why she failed to take the further precautions listed above. As a result, the ITF accepts that the Player bears No Significant Fault or Negligence for her violation, triggering a discretion under TADP Article 10.5.2 to reduce the two year period of ineligibility by up to 50%. Weighing the above factors, if the matter

went to a hearing the ITF would expect the Independent Tribunal to impose a period of ineligibility in the region of 15 months. Given the considerable time and expense saved by reaching an agreed outcome rather than having a disputed hearing, the ITF is willing to reduce that by a further three months, to 12 months.

15. Due to her prompt admission of her anti-doping rule violation, the Player is entitled to the benefit of TADP Article 10.10.3(b), such that her 12 month period of ineligibility will be deemed to have started running from 24 October 2017 (the date of collection of her sample) and so will expire at midnight on 23 October 2018.
16. During her period of ineligibility, the Player's status will be as set out under TADP Article 10.11, i.e., she may not 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 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 she be given accreditation for or otherwise granted access to any Event referred to at points (i) and (ii). In accordance with TADP Article 10.11.1(b)(ii), the Player may use the facilities of a club or other member organisation of a Signatory's member organisation in the last two months of her period of ineligibility.

III.B. Disqualification of results

17. The results obtained by the Player at the Event and in subsequent events (on both the ITF Juniors Circuit and ITF Pro Circuit) are disqualified pursuant to TADP Articles 9.1 and 10.8, and the points and prize money she won at those events are forfeited in accordance with the same provisions. The Player is required to pay the forfeited prize money to the ITF by no later than 23 October 2018, as a condition of reinstatement following her period of ineligibility.

III.C Costs

18. Each party shall bear its own costs of dealing with this matter.

III.D Publication

19. In accordance with TADP Article 8.8.5, this decision will be publicly reported, including by being posted on the ITF's website.

IV. Rights of appeal

20. This decision constitutes the final decision of the ITF in this matter, within the meaning of TADP Article 8.8.2, and for purposes of triggering the appeal rights set out in TADP Article 12.2.1.
21. Further to TADP Article 12.2.1, each of WADA and the Turkish Anti-Doping Commission has a right to appeal against this decision to the Court of Arbitration for Sport in Lausanne, Switzerland, in accordance with the procedure set out at TADP Article 12.6.
22. As part of this resolution of the matter, the Player has waived her right to appeal against or otherwise challenge any aspect of this decision (both as to the finding that the Player 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. However, if an appeal is filed with the CAS against this decision either by WADA or the Turkish Anti-Doping Commission, the Player will be entitled (if so advised) to exercise her right of cross-appeal in accordance with TADP Article 12.6.3.

London, 3 April 2018