

**DECISION OF THE INTERNATIONAL TENNIS FEDERATION
PURSUANT TO ARTICLE 7.14 OF THE 2022 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 2021 Tennis Anti-Doping Programme (the **TADP** or the **Programme**),¹ which sets out Code-compliant anti-doping rules applicable to players competing in '**Covered Events**' (as defined in TADP Appendix 1).²
2. Elizaveta Demina (the **Player**) is a 20-year-old tennis player who is a national of and resident in Russia. She has competed on the ITF World Tennis Tour (in both singles and doubles competitions) since 2021. When she registered online for an International Player Identification Number (IPIN) in 2018 and subsequent years, the Player expressly agreed to be bound by and to comply with the Programme. By virtue of that agreement, and by virtue of her participation in ITF World Tennis Tour events (which fall within the definition of '**Covered Events**' under the TADP), the Player became bound by and was required to comply with the 2021 TADP.
3. The ITF charged the Player with the commission of an Anti-Doping Rule Violation under the TADP and has proposed certain Consequences based on its analysis of the degree of fault that the Player bears for that violation. The Player has admitted the Anti-Doping Rule Violation charged and acceded to the Consequences proposed. The ITF therefore issues this decision further to 2022 TADP Article 7.14, which provides:

'7.14.1 At any time prior to a final decision by the Independent Tribunal, the [ITF] may invite the Player or other Person to admit the Anti-Doping Rule Violation(s) charged and accede to specified Consequences [...]

7.14.2 In the event that the Player or other Person admits the Anti-Doping Rule Violation(s) asserted and accedes to the Consequences specified by the [ITF] [...], the [ITF] will promptly issue a reasoned decision confirming [...] the commission of the Anti-Doping Rule Violation(s) and the imposition of the specified Consequences [...], will send notice of the decision to the Player or other Person and to each Interested Party, and will Publicly Disclose the decision in accordance with Article 8.6. [...]

7.14.3 Any decision issued by the [ITF] in accordance with Article 7.14.2 that an Anti-Doping Rule Violation has been committed [...] will address and determine (without limitation): (1) the factual basis of the decision that an Anti-Doping Rule Violation was committed; and (2) all of the Consequences to be imposed for such Anti-Doping Rule Violation, including the reasons for imposing the Consequences specified.'

¹ The Programme has, as from 1 January 2022, been superseded by the 2022 Tennis Anti-Doping Programme (the 2022 TADP or the 2022 Programme). The ITF has delegated all aspects of Doping Control and Education under the 2022 Programme to the International Tennis Integrity Agency, save for certain matters arising prior to the Effective Date (such as results management in respect of this case).

² Any term in this Decision that begins with a capital letter and is not otherwise defined in this Decision has the meaning given to it in the Programme.

II. The Player's commission of an Anti-Doping Rule Violation

4. On 23 November 2021, while competing at the WTT W15 Kazan (Tatarstan Open) tournament held in Kazan, Russia, from 22 to 28 November 2021 (the **Event**), the Player was required to provide a urine sample for drug testing pursuant to the TADP. The Player was 20 years old at the time. The sample she provided was assigned reference number 3169754 and split into an A sample and a B sample, which were sealed in tamper-evident bottles and transported to the WADA-accredited laboratory in Montreal (the **Laboratory**) for analysis. The Laboratory detected in the A sample the presence of Meldonium. Meldonium is a metabolic modulator prohibited at all times under Section S4 of the 2021 WADA Prohibited List in the category of Hormone and Metabolic Modulators. It is not a Specified Substance. The Player did not have a Therapeutic Use Exemption permitting Use of Meldonium.
5. The Adverse Analytical Finding reported by the Laboratory in respect of the A sample was considered by an independent Review Board in accordance with TADP Article 7.4. The Review Board did not identify any apparent departures from the applicable sample collection or sample analysis procedures that could have caused this Adverse Analytical Finding, and therefore decided that the Player had a case to answer for breach of TADP Article 2.1 and/or TADP Article 2.2.
6. Accordingly, on 11 January 2022, the ITF sent the Player a pre-charge Notice explaining that Meldonium was present in her sample collected on 23 November 2021 and that she may therefore have committed Anti-Doping Rule Violations under TADP Article 2.1 (Presence of a Prohibited Substance in her sample) and/or TADP Article 2.2 (Use of a Prohibited Substance). The ITF's Notice requested a response by 21 January 2022. Given that Meldonium is not classified as a Specified Substance under the TADP, the Player was further informed that she would be subject to a mandatory provisional suspension under TADP Article 7.12.1, effective from 21 January 2022. The Player was informed of her right to apply to the Chairman of the Independent Panel for the prevention/lifting of such provisional suspension.
7. In the meantime, on 18 January 2022, the B-sample analysis took place, confirming that the sample contained Meldonium.
8. On 22 January 2022, the Player replied, notifying the ITF that she denied the Use of Meldonium and suggesting that the results may be a consequence of medicine she was taking during a bout of illness in early-to-mid November 2021.
9. On 28 January 2022, the ITF formally charged the Player with the commission of Anti-Doping Rule Violations under TADP Articles 2.1 and/or 2.2. TADP Article 2.1 is a strict liability offence that is established simply by proof that a Prohibited Substance was present in the sample, i.e., the ITF does not have to prove how the substance got into the Player's system or that the Player took the substance intentionally (or even knowingly).
10. On 16 February 2022, the Player replied to the Charge Letter, admitting that she had ingested Mildronate (the trade name for Meldonium) in August 2021, and therefore admitting that she had committed the TADP Articles 2.1 and/or 2.2 Anti-Doping Rule Violations with which she was charged.

III. Consequences

III.A Period of Ineligibility

(a) How the Meldonium got into the Player's system

During the course of correspondence with the ITF, the Player admitted that she took Mildronate (Meldonium) over two weeks in August 2021 to aid her recovery following a period of intense training.

(b) TADP Article 10.2

11. This is the Player's first doping violation.³
12. TADP Article 10.2.1 specifies that a TADP Article 2.1 violation that is 'intentional' and is a first offence attracts a mandatory four-year ban. If the Prohibited Substance in question is classified as a non-Specified Substance (as here), TADP Article 10.2.1 also specifies that the player has the burden of proving that the violation was not 'intentional'. If the player can do so, then TADP Article 10.2.2 provides for a two-year period of ineligibility, subject to mitigation. TADP Article 10.2.3 explains that in this context 'the term 'intentional' is meant to identify those Players or other Persons who engage in conduct that they 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.⁴
13. The Player has not attempted to rebut the presumption of intentional Use of Meldonium. Accordingly, a four-year period of ineligibility is the starting point in this case.

(c) TADP Article 10.8.1

14. TADP Article 10.8.1 provides for a one-year reduction to the otherwise applicable period of ineligibility where a player provides an early admission of the anti-doping violation(s) and accepts the default consequences:

'Where the [ITF] sends a Player [...] a Charge Letter for an Anti-Doping Rule Violation that carries an asserted period of Ineligibility of four or more years (including any period of Ineligibility asserted under Article 10.4), if the Player or other Person admits the violation and accepts the asserted period of Ineligibility no later than 20 days after receiving the Charge Letter, they will receive a one year reduction in the period of Ineligibility asserted by the [ITF]. Where the Player or other Person receives the one year reduction in the asserted period of Ineligibility under this Article 10.8.1, no further reduction in the asserted period of Ineligibility will be allowed under any other Article.'

15. The ITF sent the Player the formal Notice of charge on 28 January 2022, and the Player admitted the charge(s) and accepted the default consequences 19 days later, on 16 February 2022. Accordingly, the Player is able to benefit from the one-year reduction to the otherwise applicable four-year period of ineligibility, pursuant to TADP Article 10.8.1.

³ While the Player has here committed two Anti-Doping Rule Violations (i.e., in respect of both presence and Use of Meldonium), TADP Article 10.9.4.1 confirms they should be treated as one violation for the purposes of sanction because the Player did not receive notice of the second violation after having received notice of the first violation.

⁴ ITF v Sharapova, Independent Tribunal decision dated 6 June 2016, para 77 ('It is clear from the wording of article 10.2.3 that whether conduct is intentional is to be judged on the actual knowledge of the player, not on the basis of what she ought to have known or understood') and para 71 ('the concession that the player did not know that she was taking a Prohibited Substance resolves both elements of article 10.2.3. On neither basis was the conduct of the player intentional').

16. The Player is therefore subject to a three-year period of ineligibility, backdated to 21 January 2022 to give the Player credit for time served while provisionally suspended, in accordance with TADP Article 10.13.2. Therefore, the Player's period of ineligibility will expire at midnight on 20 January 2025 (subject always to the requirement that the Player be available for Testing during her period of ineligibility in order for her to be deemed to have satisfactorily served her period of ineligibility, failing which 2022 TADP Article 10.16.1 will apply and the Player will not be eligible for reinstatement until she has made herself available for Testing (by notifying the ITIA and ITF in writing) for a period of time equal to the period of Ineligibility remaining as at the date the Player first stopped making herself available for Testing).

III.B Disqualification of results

17. The Player's results in both the women's singles and women's doubles Competitions at the Event are automatically disqualified in accordance with TADP Articles 9.1 and 10.1 (including forfeiture of any medals, titles, ranking points and Prize Money received as a result of participation in that event).
18. The Player competed in two Events between the date of sample collection (23 November 2021) and the date of her provisional suspension under TADP Article 7.12.1, which came into effect on 21 January 2022. The general rule is that results obtained by the Player in that period will be disqualified pursuant to TADP Article 10.10, unless fairness requires otherwise. The Player has not asserted that the general rule should not apply, nor does the ITF consider that it should not apply. Accordingly, the Player's results obtained in the women's singles Competition at the WTT W15 Giza from 13 to 19 December 2021 and both the women's singles and women's doubles Competitions at the WTT W15 Giza 2 from 20 to 26 December 2021 are disqualified with all of the resulting consequences.

III.C Costs

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

III.D Publication

20. In accordance with 2022 TADP Articles 7.14.2 and 8.6, this decision will be publicly reported by being posted on the ITF's website.

III.E Acceptance by the Player

21. The Player has accepted the consequences proposed above by the ITF for her Anti-Doping Rule Violation, and has expressly waived her right to have those consequences determined by the Independent Tribunal at a hearing.

IV. Rights of appeal

22. This decision constitutes the final decision of the ITF, resolving this matter pursuant to 2022 TADP Article 7.14.
23. Further to 2022 TADP Article 13.2, each of WADA and RUSADA has a right to appeal against this decision to the CAS in Lausanne, Switzerland, in accordance with the procedure set out at TADP Article 13.9.
24. 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 2022 TADP Article 13.2 or otherwise. However, if an appeal is filed with the CAS against this decision either by WADA or RUSADA, the Player will be entitled (if so advised) to exercise her right of cross-appeal in accordance with 2022 TADP Article 13.9.4.

London, 30 March 2022