

**IN THE MATTER OF PROCEEDINGS BROUGHT BY THE INTERNATIONAL TENNIS
INTEGRITY AGENCY UNDER THE 2026 TENNIS ANTI-DOPING PROGRAMME**

Before:

Ms Grace Cheng (Chair)

Ms Cristy Cooper

Ms Lorraine Johnson

BETWEEN:

International Tennis Integrity Agency

Anti-Doping Organisation

– and –

Markéta Vondroušová

Respondent

DECISION OF THE INDEPENDENT PANEL

A. Introduction

1. Ms Markéta Vondroušová (the “**Player**”) is an experienced and decorated tennis player who won the Ladies’ Singles Competition at the 2023 Championships at Wimbledon and the silver medal at the Tokyo 2020 Olympic Games. She is 26 years old and of Czech nationality. She has been a professional player since the age of 17 and held a Women’s Tennis Association (“**WTA**”) singles ranking of 34 at the end of 2025.

2. The International Tennis Integrity Agency (“**ITIA**”) is an independent body that was established in 2021 by, *inter alia*, the International Tennis Federation (“**ITF**”) to promote, encourage, enhance, and safeguard the integrity of the ITF’s professional tennis events worldwide. Pursuant to the World Anti-Doping Code (the “**Code**”), the ITIA is the Delegated Third Party of the ITF (the international governing body for the sport of tennis and signatory to the Code), which is responsible for the management and administration of the Tennis Anti-Doping Programme (“**TADP**”). The TADP sets out Code-compliant anti-doping rules applicable to, *inter alia*, all tennis players who have a WTA ranking.
3. Together, the Player and the ITIA are henceforth referred to as the Parties (the “**Parties**”).
4. On 27 February 2026, the Player was issued with a formal notice of disciplinary charge (“**Charge**”), in accordance with 2026 TADP Article 7.13, for the commission of an Anti-Doping Rule Violation (“**ADRV**”) under 2025 TADP Article 2.3, on the basis that she refused or failed to submit to Sample collection without compelling justification, on 3 December 2025, after notification by a duly authorised Person (the “**Incident**”).
5. The Player denied the Charge on the grounds that when she was requested to submit to Sample collection on 3 December 2025, she was not properly notified since the Doping Control Officer on the day (the “**DCO**”) failed to adhere to mandatory identification and authorisation requirements. Further, the Player argued that she had a compelling justification not to submit to Testing since she was suffering from a Generalised Anxiety Disorder and Acute Stress Reaction, which significantly impaired her cognitive capacity and executive functions. This rendered the attempted Sample collection mentally and morally impossible.
6. The matter was referred to the Independent Panel. Pursuant to 2026 TADP Article 8.1 and Rule 1.1 of the Procedural Rules Governing TADP Proceedings Before an Independent Tribunal (the “**Procedural Rules**”), an Independent Tribunal (the “**Tribunal**”) was formed to hear and determine this matter. These proceedings were conducted in



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accordance with the substantive rules of the 2025 TADP (effective from 1 January 2025) and the procedural rules set out in the 2026 TADP (effective from 1 January 2026), construed in accordance with the Code, and the comments thereto, with English law applying subsidiarily.

7. The ITIA was represented by Ms Jane Mulcahy KC, of counsel, Ms Lauren Pagé, Ms Brianna Quinn, Mr Chris Lavey, and Ms Rebecca Hamilton of Bird & Bird LLP. The Player was represented by Mr Howard Jacobs and Dr Jan Exner. The Tribunal is grateful for the helpful assistance provided by counsel throughout the proceedings.
8. This is the reasoned decision (“**Decision**”) of the Tribunal, following the Operative Award that was issued on 22 June 2026 at the request of the Parties.
9. The Tribunal has carefully considered all submissions made and all material that was submitted by both Parties. Any omission to refer to any material in this Decision should not be taken as a failure to have taken such material into account and given it all due and proper consideration.

B. Procedural Background

10. Once the ITIA was notified of the Player’s potential failure to comply with the TADP, it commenced an investigation (“**Investigation**”) into the Incident, in accordance with 2025 TADP Article 7.8.1 and Annex A of the International Standard for Results Management. The following steps were taken as part of the Investigation:
 - 10.1. On 8 December 2025, Mr John Nolan (“**Investigator**”), who is an ITIA investigator, conducted an interview via Teams with the DCO, [REDACTED]. The following persons were also in attendance: (i) Ms Simona Viel (ITIA Anti-Doping Programme Manager) (“**SV**”); (ii) [REDACTED] (Chief Operating Officer



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of Professional Worldwide Controls GmbH (“**PWC**”)) (■■■■); and (iii) a German interpreter.

10.2. On 10 December 2025, the Investigator conducted an in-person interview with the Player. Mr Ben Stone (ITIA Analyst) and Mr Alfonso Leon, who was the Player’s legal counsel at the time, were also present in-person. SV attended remotely.

10.3. The ITIA received a Supplementary Report, dated 14 December 2025, which was authored by ■■■■, who is a Czech Doping Control Officer (■■■■). ■■■■ works for International Doping Tests & Management AB (“**IDTM**”) which is one of the anti-doping service providers that the ITIA works with.

10.4. On 18 December 2025, the Investigator conducted a remote interview with Mr Enric Molina, who is the Player’s agent (“**Agent**”). The interview was also attended by SV.

10.5. On 22 December 2025, the Investigator conducted a second interview with the DCO. This was done remotely and attended by SV, ■■■■, and a German interpreter.

10.6. On the same date, 22 December 2025, the Investigator also conducted a second interview with the Player. This was done remotely and was also attended by SV, as well as Dr Exner, as the Player’s legal representative.

11. In accordance with 2025 TADP Article 7.8, the ITIA referred the matter to the Independent Review Board, which considered the circumstances surrounding the Player’s refusal or failure to submit to Sample collection. It concluded that the Player had a case to answer for breach of 2025 TADP Article 2.3.

12. On 15 January 2026, the ITIA sent a formal notice (“**Pre-Charge Notice**”) to the Player, in accordance with 2026 TADP Article 7.10, notifying the Player that she may have committed an ADRV under 2025 TADP Article 2.3, on the basis that she had refused or failed to submit to Sample collection, on 3 December 2025, after notification by a duly



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authorised person. The Player was invited to respond to the Pre-Charge Notice by 29 January 2026.

13. On 29 January 2026, the Player requested further information from the ITIA and an extension of time, until 16 March 2026, to respond to the Pre-Charge Notice. On 30 January 2026, the ITIA granted the Player a time extension until 20 February 2026, and disclosed material to the Player, including transcripts of interviews that were conducted as part of the Investigation. On 2 February 2026, the ITIA provided the Player with further information to allow her to respond to the Pre-Charge Notice.
14. On 20 February 2026, the Player responded (“**Pre-Charge Notice Response**”) to the Pre-Charge Notice to confirm that she denied the Charge on the basis that she had a compelling justification for not completing the attempted Doping Control on 3 December 2025, since her actions were justified by a combination of her mental health, fear for her safety, and a breach of the DCO’s duties.
15. On 27 February 2026, the ITIA sent a formal notice of disciplinary charge (“**Notice of Charge**”) to the Player, in accordance with 2026 TADP Article 7.13, notifying the Player that she was being charged with the commission of an ADRV under 2025 TADP Article 2.3, on the basis that she refused or failed to submit to Sample collection on 3 December 2025 after notification by a duly authorised person. The Player was advised that if she wished to have a hearing before an Independent Tribunal, then she must file a written request by 19 March 2026.
16. On 2 March 2026, the Player responded (“**Response**”) to the Notice of Charge, denying the Charge and requesting that the matter be referred to an Independent Tribunal for a full hearing on the merits, pursuant to 2026 TADP Article 8. The Player maintained that no ADRV had occurred for the reasons set out in the Pre-Charge Notice Response. She reserved the right to introduce new arguments before the Tribunal.



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17. On 10 March 2026, Ms Grace Cheng was appointed as the Chair of the Tribunal (the “**Chair**”). No objection was raised by the Parties.
18. On 15 March 2026, the Parties confirmed that they had agreed proposed directions and that a preliminary meeting would not be required. On 17 March 2026, the Chair approved the procedural timetable that was agreed by the Parties and confirmed that the preliminary meeting would be vacated, upon the Parties confirming there were no further procedural or other issues that needed to be dealt with.
19. On 10 April 2026, the ITIA submitted its Opening Brief with supporting documents, in accordance with 2026 TADP Article 8.3.2.5(a).
20. On 15 April 2026, the Chair invited the Parties to comment on 2026 TADP Articles 8.1.1 and 8.2.1, which provide that the commission of at least one ADRV shall be determined by an Independent Tribunal, comprising three persons.
21. On 16 April 2026, the Parties confirmed their agreement that a Tribunal comprising three members should hear this matter. On 21 April 2026 and on 5 May 2026, Ms Lorraine Johnson and Ms Cristy Cooper were respectively appointed as the co-arbitrators in this matter. No objection was raised by the Parties to either appointment.
22. Both Parties participated fully in the proceedings and did not object to the jurisdiction or constitution of the Tribunal.
23. On 8 May 2026, the Player filed her Answer Brief with supporting documents, in accordance with 2026 TADP Article 8.3.2.5(b).
24. On 2 June 2026, the ITIA submitted its Reply Brief with supporting documents, in accordance with 2026 TADP Article 8.3.2.5(c).
25. On 9 June 2026, the ITIA and the Player both submitted additional supporting documents. In advance of the hearing, the Tribunal was provided with a Documents Bundle containing



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a total of 81 documents and an Authorities Bundle containing a total of 83 documents. The Player relied on one additional authority at the hearing, which was filed immediately after the hearing, with no objection from the ITIA.

26. On 11 June 2026, the hearing was held in London. This was a hybrid hearing and was attended by the following persons:

26.1. On behalf of the ITIA:

26.1.1. The following persons attended in-person: (i) Mr Ben Rutherford (Senior Director, Legal); and (ii) Ms Simona Viel (Anti-Doping Programme Manager).

26.1.2. The following persons attended remotely: (i) Ms Nicole Sapstead (Senior Director, Anti-Doping); (ii) Mr Adrian Bassett (Senior Director, Communications); (iii) Mr John Nolan (Senior Investigator); (iv) Ms Katy Stirling (Senior Legal Counsel); and (v) Ms Julia Lowis (Senior Legal Counsel).

26.1.3. The ITIA was represented by Ms Jane Mulcahy KC, of counsel, as well as Ms Lauren Pagé, Ms Brianna Quinn, and Ms Rebecca Hamilton of Bird & Bird LLP, all attending in-person, save for Ms Quinn who attended remotely.

26.2. On behalf of the Player:

26.2.1. The Player attended in person along with her Agent, Mr Enric Molina, and her mother, Ms Jindřiška Anderlová.

26.2.2. She was represented by Mr Howard Jacobs and Dr Jan Exner, both of whom appeared in-person and who divided the submissions and cross-examination of witnesses between them. No objection was raised by the ITIA.



26.2.3. Mr Jacobs' summer associate, Ms Luise Wanser, attended remotely.

26.3. The following independent observers all attended remotely:

26.3.1. On behalf of the ITF, Mr Stuart Miller.

26.3.2. On behalf of the WTA, Ms Lindsay Brandon.

26.3.3. On behalf of the Czech National Anti-Doping Organisation, Mr Martin Čížek and Ms Veronika Janoušek Rudolfová.

27. There was no objection from either Party to any of the attendees at the hearing.

28. At the hearing, the Tribunal heard evidence from the following persons:

28.1. [REDACTED] (the DCO), the ITIA's fact witness, who attended in-person and gave evidence in English, with very limited assistance from [REDACTED], a German interpreter, who also attended in-person.

28.2. Professor Marco Catani, the ITIA's expert witness, who gave evidence in-person.

28.3. The Player gave evidence in-person.

28.4. Dr Philip Hopley, one of the Player's expert witnesses, who gave evidence in-person.

28.5. Dr Eric Morse, one of the Player's expert witnesses, who gave evidence remotely.

29. At the outset of the hearing, the ITIA requested that its expert witness, Professor Catani, be permitted to remain in the hearing whilst the Player's expert witnesses gave evidence. There was no objection by the Player to the ITIA's request, provided that her own expert witnesses were permitted to remain in the room whilst the ITIA's expert was giving evidence. The ITIA had no objection to this.



30. Although there was no objection from the Parties to the expert witnesses observing each other whilst giving evidence, the Tribunal noted that the usual course of conduct was that witnesses should remain outside of the hearing room until it was their turn to give evidence. Taking into account all of the facts and circumstances of this case, the Tribunal considered that it would be more appropriate for all witnesses (attending in-person or remotely) to be excluded until it was their turn to give evidence, and directed accordingly. Although the Player was also a fact witness, she remained in the hearing room at all times.
31. At the conclusion of the hearing, the Parties confirmed that they had no objections to the manner in which the proceedings had been conducted and that they were content for the Tribunal to proceed to issue the Decision in this matter.
32. The Tribunal has been helpfully assisted by Ms Astrid Mannheim (Senior Case Manager) and Ms Raffaella Prouet (Case Manager) as Secretariat from Sport Resolutions throughout the proceedings, including at the hearing, which they both attended in-person.

C. Facts

33. The DCO has worked at PWC since 2015, including as a Doping Control Officer and lead Doping Control Officer. She conducts approximately 10 to 15 controls per week, and has carried out accreditation checks and training for new Doping Control Officers for approximately 11 years. She had not tested the Player prior to the Incident.
34. On 26 November 2025, the DCO conducted a Mission Order on behalf of the ITF, directing her to carry out urine and blood tests for, *inter alia*, the Player, between the dates of 27 November 2025 to 10 December 2025. The DCO was instructed that the test need not be carried out during the Player's designated one-hour slot for Testing.



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35. At around 8:00pm on 3 December 2025, the DCO arrived at the Player's home in Prague, Czechia, being the location specified for that date in the Player's whereabouts filing, to collect Out-of-Competition urine and blood samples from her. The Player was alone at home that evening. The DCO located the apartment building ("**Building**") where the Player lived and successfully managed to contact her at around 8:05pm ("**First Exchange**") by pressing once on the button of the intercom panel ("**Intercom**"), which showed the surname of the Player next to the button.
36. During the First Exchange, the Player declined to open the door and said to the DCO that she had to call her Agent, since she did not know what was happening as she had never been tested at home outside of her 60-minute time slot before.
37. At 8:05pm, the Player attempted to call her Agent using WhatsApp which went unanswered. The Agent called her back at 8:06pm and they spoke for four minutes. The Agent then attempted to call [REDACTED] ([REDACTED]) at the WTA at 8:11pm but was unable to contact him. The Agent sent [REDACTED] a text message, asking him to call the Agent back.
38. At 8:05pm, the Player sent a text message on WhatsApp to her boyfriend, Andrew Paulson, who is also a Czech professional tennis player. The message, translated into English, read: *"So like here is ringing some cunt from the doping"*.
39. There is a dispute between the Parties as to the events that unfolded.
40. According to the ITIA:
- 40.1. During the First Exchange, the DCO checked whom she was speaking to, introduced herself by name, and explained that she was there to carry out a Doping Control for the ITF. The Player refused to open the door and said that she did not understand why she was being tested when her specified 60-minute time slot for whereabouts purposes was at 7:00am. The DCO explained that controls can be carried out at any time in the day and the Player was required to provide a Sample on request,



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including outside of her designated time slot. The Player said that she did not understand whether she could be tested at this time and needed to speak to her Agent. The DCO said that she would wait downstairs.

40.2. After approximately five minutes, the DCO rang the doorbell again, for a second time. The Player answered via the Intercom (“**Second Exchange**”) and repeated that she did not understand why she had to be tested at that time. The DCO reiterated that athletes can be tested outside their 60-minute time slot. The Player asked whether the DCO would wait two or three hours, and the DCO said that she would be willing to do so. The Player said that she was not prepared to carry out the Doping Control and said that the DCO could go home. The DCO explained that she could not do so unless either the Doping Control or the relevant paperwork was completed. The Player said that she needed more time to speak to her Agent. The DCO continued to wait outside the Building.

40.3. Approximately five minutes later, the Player came down the stairs and exited the Building with her dog, through the closed door by which the DCO was waiting. The DCO was expecting to speak to the Player again over the Intercom and was surprised to see the Player downstairs. The Player spoke face-to-face with the DCO (“**Third Exchange**”) and repeated that she did not understand why a control was being carried out in the evening when her 60-minute time slot was in the morning.

40.4. During the Third Exchange, the DCO advised the Player that it would be sensible for her to perform the Doping Control to avoid any problems and explained that the DCO could not leave without collecting a Sample or recording, in writing, the Player’s decision not to provide a Sample, and that a failure to carry out or refusal of Doping Control would have serious consequences. The DCO also read out loud to the Player the text at the top of the Form (see paragraph 43, below), which the Player waved away.



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41. According to the Player:

- 41.1. The DCO rang her doorbell five times before the First Exchange which scared her. The DCO simply introduced herself as being from 'ITF Doping', without stating the DCO's name or checking whom she was speaking to. The Player told the DCO that she had to call her Agent since she did not know what was happening as she had never been tested at home outside of her 60-minute time slot before.
- 41.2. The DCO then rang the doorbell again. The Player stated that the DCO did so eight times, ten times, or even fifteen times. The Player felt that she could not stay at home with the incessant ringing of her doorbell and decided to go downstairs to let her dog out before going to bed and also because she wanted to see who it was since the Intercom does not have a camera. The Player denied the Second Exchange took place and recalled that she only spoke with the DCO once over the Intercom.
- 41.3. When the Player exited the lift with her dog, she saw the DCO standing in the middle of the open doorway. The DCO immediately said to the Player that she must let her in to test her. The Player confirmed that she would not be letting the DCO into her apartment since she had never seen her before and did not feel safe. The Player asked the DCO why it was necessary for a one-hour time slot to be specified if she could be tested at any time of the day.
- 41.4. The DCO then handed the Form (see paragraph 43, below) to the Player without reading the text at the top of the Form out loud or otherwise explaining its contents or the consequences of signing the Form. The DCO stated that she would not leave unless the Player signed the Form. The Player did not understand the nature or significance of the Form, and did not know what she was signing. However, she felt under pressure to sign it to make the DCO leave and did so, accordingly.
- 41.5. The DCO did not show the Player any proof of identity or proof of authorisation, and did not ask the Player for any proof of identity.

42. It is not disputed between the Parties that the Player and the DCO communicated at all times in English. They fully understood each other and were able to clearly communicate with each other.
43. During the Third Exchange, the DCO completed, in handwriting, an outdated form that was previously used by PWC and which was headed 'REPORT FOR REFUSAL OR FAILING TO COMPLY' ("**Form**"). The Form contained the following text at the top of the page:
- ““Refusing or failing without compelling justification to submit to Sample collection after notification as authorized in applicable anti-doping rules, or otherwise evading Sample collection.” according to the WADA Code article 2.3 constitutes an anti-doping rule violation. According to the WADA Code and in compliance, other ADO Codes and Anti-Doping Rules, “refusing or failing to comply” is an Anti-Doping Rule Violation and may lead to a two-year period of ineligibility”.*
44. The DCO wrote in the comments box on the Form: *“The athlete don’t take the control in the evening, because the 1h-slot is in the morning (7⁰⁰)”*. The DCO then signed the Form and invited the Player to include any comments. The Player signed the Form but declined to add any comments. The DCO suggested that the Player should take a photograph of the Form using her phone and the Player did so.
45. The Player then walked away with her dog.
46. Unbeknownst to the DCO, the Player had taken a photograph ("**Photograph**") of the DCO during the Incident. The Photograph showed the DCO standing outside the Building, by the Intercom, and looking down as she was writing.
47. At 8:23pm, the Player sent a copy of the Form to her Agent on WhatsApp, immediately followed by a text message confirming, "[s]he left". At 8:25pm, the Player sent a further WhatsApp message to her Agent stating, "[t]his is completely fucked up".

48. At 8:59pm, ■■■ returned the Agent's call. The Incident was the first time that one of the Agent's athletes was tested outside of their time slot and the Agent was not aware, at the time of the Incident, that out-of-hours Testing was possible. The Agent asked ■■■ whether this was a new procedure and ■■■ explained that out-of-hours Testing was permissible and that if the Player failed to carry out the Doping Control, then this would be considered either an unsuccessful attempt or a Missed Test.

49. Later the same evening, on 3 December 2025, the Player posted the Photograph on Instagram ("**Instagram Post**") with text stating,

"Every day we are required to be home for one specific hour for doping control. I respect that rule – every single day. Tonight, however, a tester arrived at 8.15pm and told me that my declared time doesn't matter and that I must be tested right now. When I pointed out that it's outside my testing window and a serious intrusion into my privacy, I was told: "This is the life of a professional athlete."

[...] This is not about avoiding testing – it's about respect. Respect for the rules that we follow, and for the personal life we're entitled to after a long day of training and competition.

Rules should apply to everyone.

Even to those enforcing them".

50. The WTA, the ITF, and the World Anti-Doping Agency ("**WADA**") were all tagged in the Instagram Post. Although the Instagram Post was published as a 'story' which meant that it was visible for 24 hours only, screenshots of it were taken and published more widely, including forming part of the evidence that was adduced before the Tribunal.

51. On 4 December 2025 at 9:10am, the DCO completed the 'Unsuccessful Attempt Report Form' ("**Unsuccessful Attempt Report Form**"), used by PWC, confirming that the Player



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had refused the Doping Control test that the DCO attempted to carry out on 3 December 2025. The DCO recorded details of the Incident and signed the form.

52. On 5 December 2025, the Player sent a text message to ■■■, asking if he knew any laboratory to carry out Testing for Prohibited Substances. ■■■ is well known to the Player and had carried out doping control tests on the Player over a number of years.
53. ■■■ called the Player back that evening and told her that since the test attempt was conducted by PWC, rather than IDTM, there was nothing that he could do for her. He recommended that she communicate with the tennis authorities instead. ■■■ later admitted that it was a “*mistake*” for him to have called the Player and his intention was simply to inform her that there was no such laboratory in Czechia.
54. On 7 December 2025, another female Doping Control Officer from PWC arrived at the Building, at around 7:00am, and successfully carried out a Doping Control test on the Player.

D. Relevant Material

a. 2025 Tennis Anti-Doping Programme

55. The TADP is an integrity programme that is managed and enforced by the ITIA on behalf of the ITF. It applies to all Players who have a WTA ranking and provides, *inter alia*, for the following:

“ 1.3 Core responsibilities under this Programme

1.3.1 It is the personal responsibility of each Player to:

1.3.1.1 be knowledgeable of and comply with this Programme at all times;



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- 1.3.1.2** *be available for Sample collection at all times upon request, whether In-Competition or Out-of-Competition;*

[...]

2 Anti-Doping Rule Violations

*Doping is defined as the occurrence of one or more of the following (each, an **Anti-Doping Rule Violation**):*

[...]

- 2.3** *A Player evading Sample collection; or refusing or failing to submit to Sample collection without compelling justification after notification by a duly authorised Person.*

[...]

3 Proof of doping

3.1 Burdens and standards of proof

3.1.1 *The ITIA will have the burden of establishing that an Anti-Doping Rule Violation has occurred. The standard of proof will be whether the ITIA has established the commission of the Anti-Doping Rule Violation to the comfortable satisfaction of the hearing panel, bearing in mind the seriousness of the allegation that is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt.*

3.1.2 *Where this Programme places the burden of proof on the Player [...] alleged to have committed an Anti- Doping Rule Violation to rebut a presumption or establish specified facts or circumstances, then except as provided as in Articles 3.2.4 and 3.2.5 the standard of proof will be by a balance of probability.*



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[...]

3.2.5 *Departures from any other International Standard, or other anti-doping rule or policy set out in the Code or this Programme will not invalidate analytical results or other evidence of an Anti-Doping Rule Violation, and will not constitute a defence to an Anti-Doping Rule Violation; but if the Player [...] establishes a departure from one of the specific International Standards listed below, and further establishes that that departure could reasonably have caused an Adverse Analytical Finding or Adverse Passport Finding or a Whereabouts Failure based on which an Anti-Doping Rule Violation is asserted, the ITIA will have the burden of establishing that such departure did not cause the Adverse Analytical Finding or the Whereabouts Failure:*

3.2.5.1 *A departure from the ISTI relating to Sample collection or Sample handling that could reasonably have caused the Adverse Analytical Finding based on which the Anti-Doping Rule Violation is asserted, in which case the ITIA will have the burden to establish that such departure did not cause the Adverse Analytical Finding.*

[...]

5 Testing and investigations

5.4 Out-of-Competition Testing and Player whereabouts requirements

5.4.1 *Any period that is not an In-Competition Period is an 'Out-of-Competition' period for purposes of this Programme and the Code.*

5.4.1.1 *Any Sample collected pursuant to a notification given to a Player outside of an In-Competition Period will be considered to have been collected Out-of- Competition.*

5.4.1.2 *The ITIA may select any Player for Out-of-Competition Testing, whether or not they have been included in the International*



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Registered Testing Pool. The timing of such Out-of-Competition Testing will be at the discretion of the ITIA. Decisions relating to timing and selection of Players for Out-of- Competition Testing will remain confidential except to those with a reasonable need to know of them in order to facilitate such Testing.

[...]

5.4.2 International Registered Testing Pool:

5.4.2.1 *The ITIA may from time to time designate any Player or Players for inclusion in a pool of Players to be known as the '**International Registered Testing Pool**'. Any Player designated for inclusion in (or removed from) the International Registered Testing Pool will be notified of such inclusion or removal in accordance with ISTI Article 4.8.7.*

5.4.2.2 *A Player who is included in the International Registered Testing Pool is required (in each case, in accordance with ISTI Article 4.8):*

- (a) to advise the ITIA of their whereabouts on a quarterly basis;*
- (b) to update that information as necessary, so that it remains accurate and complete at all times; and*
- (c) to make themselves available for Testing at such whereabouts.*

[...]

10 Ineligibility sanctions for individuals

[...]

10.3 Imposition of a period of Ineligibility for other Anti-Doping Rule Violations

[...]



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10.3.1 *For an Anti-Doping Rule Violation under Article 2.3 or 2.5 that is the Player's [...] first doping offence, the period of Ineligibility imposed will be four years except:*

10.3.1.1 *in the case of failing to submit to Sample collection, if the Player can establish that the commission of the Anti-Doping Rule Violation was not intentional, the period of Ineligibility will be two years;*

10.3.1.2 *in all other cases, if the Player [...] can establish exceptional circumstances that justify a reduction of the period of Ineligibility, the period of Ineligibility will be in a range from two years to four years depending on the Player's [...] degree of Fault [...].*

[...]

10.5 Elimination of the period of Ineligibility where there is No Fault or Negligence

If a Player [...] establishes in an individual case that they bear No Fault or Negligence for the Anti-Doping Rule Violation, the otherwise applicable period of Ineligibility will be eliminated.

10.6 Reduction of the period of Ineligibility based on No Significant Fault or Negligence

[...]

10.6.2 Application of No Significant Fault or Negligence beyond Article 10.6.1:

In an individual case where Article 10.6.1 is not applicable, if a Player or other Person establishes that they bear No Significant Fault or Negligence for the violation, then [...] the otherwise applicable period of Ineligibility may be reduced based on the Player's [...], degree of Fault, but the reduced



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period of Ineligibility may not be less than one-half of the period of Ineligibility otherwise applicable. [...]

[...]

10.10 Disqualification of results in Competitions subsequent to Sample collection or commission of an Anti-Doping Rule Violation

Unless fairness requires otherwise, [...] any other results obtained by the Player in Competitions taking place in the period starting on the date the Sample in question was collected or other Anti-Doping Rule Violation occurred and ending on the commencement of any Provisional Suspension or Ineligibility period, will be Disqualified, with all of the resulting consequences, including forfeiture of any medals, titles, ranking points and Prize Money). [sic].

[...]

10.13 Commencement of Ineligibility period

Where a Player [...] is already serving a period of Ineligibility for an Anti-Doping Rule Violation, any new period of Ineligibility will start on the first day after the current period of Ineligibility has been served. Otherwise, the period of Ineligibility will start on the date of the final decision providing for Ineligibility [...] save as follows:

10.13.1 Delays not attributable to the Player [...]:

Where there have been substantial delays in the hearing process or other aspects of Doping Control, and the Player [...] can establish that such delays are not attributable to the Player [...], the period of Ineligibility may be deemed to have started at an earlier date, commencing as early as the date of Sample collection [...]. All competitive results achieved during the period of Ineligibility, including retroactive Ineligibility, will be Disqualified.



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10.13.2 Credit for any Provisional Suspension or period of Ineligibility served:

10.13.2.1 Any period of Provisional Suspension (whether imposed or voluntarily accepted) that has been respected by the Player [...] will be credited against the total period of Ineligibility to be served. [...]

[...]”.

b. International Standard for Testing and Investigations 2023

56. The World Anti-Doping Code ‘International Standard for Testing and Investigations’ (“**ISTI**”) is a mandatory International Standard, developed as part of the World Anti-Doping Program, which was first adopted in 2003 and initially came into effect in January 2004. It establishes mandatory standards for, *inter alia*, notifying athletes, and preparing for and conducting Sample collection. The ISTI has undergone numerous reviews and is now in its eighth version which provides, *inter alia*, for the following:

“4.8 Collecting Whereabouts Information

[...]

4.8.6 Registered Testing Pool

[...]

4.8.6.3 Anti-Doping Organizations *with authority to conduct Testing on an Athlete in a Registered Testing Pool shall conduct Out-of-Competition Testing on that Athlete using the Athlete’s Whereabouts Filing. Although Code Article 2.4 Whereabouts Requirements include the provision of a 60-minute time slot, Testing shall not be limited to the 60-minute time slot provided by the Athlete. To ensure Out-of-Competition Testing is unpredictable to the Athlete, Anti-Doping Organizations shall also consider other*



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whereabouts information provided e.g., regular activities to test the Athlete.

[...]

4.8.8 Whereabouts Filing Requirements for Athletes in a Registered Testing Pool

[...]

4.8.8.2 *The Anti-Doping Organization collecting an Athlete's Whereabouts Filings may specify a date [...] when an Athlete in a Registered Testing Pool shall file a Whereabouts Filing [...].*

4.8.8.3 *[...] the Whereabouts Filing must also include, for each day during the following quarter, one specific 60-minute time slot between 5 a.m. and 11 p.m. each day where the Athlete will be available and accessible for Testing at a specific location.*

[...]

5.3 Requirements Prior to Notification of Athletes

[...]

5.3.3 *Sample Collection Personnel shall have official documentation, provided by the Sample Collection Authority, evidencing their authority to collect a Sample from the Athlete, such as an authorization letter from the Testing Authority. DCOs shall also carry complementary identification which includes their name and photograph (i.e., identification card from the Sample Collection Authority, driver's license, health card, passport or similar valid identification) and the expiry date of the identification.*

5.3.4 *The Testing Authority or otherwise the Sample Collection Authority shall establish criteria to validate the identity of an Athlete selected to provide a*



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Sample. This ensures the selected Athlete is the Athlete who is notified. If the Athlete is not readily identifiable, a third party may be asked to identify them and the details of such identification documented.

5.3.5 The Sample Collection Authority, DCO or Chaperone, as applicable, shall establish the location of the selected Athlete and plan the approach and timing of notification, taking into consideration the specific circumstances of the sport/Competition/training session/etc. and the situation in question.

5.3.6 The Sample Collection Authority, DCO or Chaperone, as applicable, shall document Athlete notification attempt(s) and outcome(s).

[...]

5.4 Requirements for Notification of Athletes

5.4.1 When initial contact is made, the Sample Collection Authority, DCO or Chaperone, as applicable, shall ensure that the Athlete [...] is informed:

- a) That the Athlete is required to undergo a Sample collection;
- b) Of the authority under which the Sample collection is to be conducted;
- c) Of the type of Sample collection and any conditions that need to be adhered to prior to the Sample collection;
- d) Of the Athlete's rights [...]
- e) Of the Athlete's responsibilities, including the requirement to:

[...]

- (ii) Produce identification in accordance with Article 5.3.4;



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(iii) *Comply with Sample collection procedures (and the Athlete should be advised of the possible Consequences of a Failure to Comply) [...].*

5.4.2 When contact is made, the DCO/Chaperone shall:

[...]

b) *Identify themselves to the Athlete using the documentation referred to in Article 5.3.3; and*

c) *Confirm the Athlete's identity as per the criteria established in Article 5.3.4. Confirmation of the Athlete's identity by any other method, or failure to confirm the identity of the Athlete, shall be documented and reported to the Testing Authority. [...]*

[...]"

a. *World Anti-Doping Code 2021*

57. The 2021 Code provides at Footnote 11 (the comment to TADP Article 2.3) that “*evading*” or “*refusing*” Sample collection contemplates intentional conduct by the athlete, and that a violation of “*failing to submit to Sample collection*” may be based on either intentional or negligent conduct by the athlete.

E. Test

58. It was agreed by the Parties that in order for an ADRV under 2025 TADP Article 2.3 to be found proven, each of the following distinct elements must be established:

58.1. The person who notified the Player was duly authorised under the TADP (“**Issue 1**”);



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58.2. The Player was notified that she was required to provide a Sample for Doping Control purposes (“**Issue 2**”); and

58.3. The Player refused to provide a Sample (“**Issue 3**”).

59. In respect of the ‘refusal’ Charge, the ITIA must in addition prove that the Player’s refusal was intentional whilst in respect of the ‘failure’ Charge, the ITIA must in addition prove that the Player’s failure was either intentional or negligent (“**Issue 4**”).
60. The ITIA accepted that the burden of proof rested upon it to prove to the comfortable satisfaction of the Tribunal that the Charge was made out. 2025 TADP Article 3.1.1 makes clear that this standard of proof is greater than a mere balance of probability but less than proof beyond a reasonable doubt, and the Tribunal is required to bear in mind the seriousness of the allegation that is made. This is the same test that was upheld in the case of *World Anti-Doping Agency (WADA) v Coetzee Wium* (CAS 2005/A/908).
61. The Player further referred to the case of *Sivasspor Kulübü v Union des Associations Européennes de Football (UEFA)* (CAS 2014/A/3625) which explained at paragraph 132 that the ‘*comfortable satisfaction*’ standard is “*a kind of sliding scale, based on the allegations at stake: the more serious the allegation and its consequences, the higher certainty (level of proof) the Panel would require to be “comfortable satisfied”*”. [sic]
62. The Player argued that since a violation of 2025 TADP Article 2.3 carries a potential maximum four-year period of Ineligibility, which is one of the most severe sanctions under the TADP, the ITIA must provide evidence of a particularly high quality and consistency to discharge its burden of proof.
63. In the event that the ITIA was successful in establishing an ADRV under 2025 TADP Article 2.3, the Player may then rely on the defence of having a ‘compelling justification’, which she must prove on the balance of probabilities, in accordance with 2025 TADP Article 3.1.2.



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64. The Tribunal does not consider that there is any controversy in the test, the standard of proof, or the burden of proof as set out at paragraphs 58 to 63, above. Therefore, it agrees that the ITIA must, in the first instance, establish that each of the elements for the Charge have been made out, to the comfortable satisfaction of the Tribunal, bearing in mind the seriousness of the Charge. In the event that it is successful in doing so, the burden of proof then falls on the Player to establish a defence on the balance of probabilities.

F. Issue 1 – Whether the DCO was duly authorised under the TADP

a. Submissions of the ITIA

65. The ITIA's position was that the DCO was properly authorised under the TADP to carry out Doping Control on the Player, on 3 December 2025, since in accordance with 2025 TADP Article 5.2.1, "*the ITIA (on behalf of the ITF) will have In-Competition and Out-of-Competition Testing authority over all of the Players specified in Article 1.2*". The Player falls within the scope of 2025 TADP Article 1.2 by virtue of having participated in Covered Events in 2025 (see 2025 TADP Article 1.2.6.2) and having a WTA ranking in the 2025 calendar year (see 2025 TADP Article 1.2.6.3).
66. The ITIA authorised PWC to conduct Sample collection on its behalf by issuing a letter of authority ("**Letter of Authority**") and Mission Order [REDACTED] ("**MO**"), both of which expressly provided for PWC, as the Sample Collection Authority, and the DCO, as the Lead DCO to carry out the Doping Control.

b. Submissions of the Player

67. Although the Player took issue with the DCO's failure to produce the Letter of Authority and asserted that she was not aware of the DCO's authority at the time of the Incident, she has not challenged the DCO's authority in these proceedings. Conversely, the Player



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has admitted to the ITIA, in interview, that upon returning home on the evening of the Incident and carrying out her own checks, she realised the DCO was legitimate.

c. Discussion

68. The Tribunal was provided with a copy of the Letter of Authority and the MO which make clear the DCO's authority to carry out the Doping Control on the Player on the evening of 3 December 2025. The DCO's authority has not been challenged by the Player in these proceedings and the Tribunal is comfortably satisfied that the DCO was properly authorised to carry out Doping Control on the Player on 3 December 2025.

G. Issue 2 – Whether the Player was properly notified

a. Submissions of the ITIA

69. The ITIA's position was that at around 8:00pm on 3 December 2025, the DCO notified the Player that she was required to provide a Sample for Doping Control purposes.
- 69.1. The DCO's evidence was clear that during the First Exchange, she had introduced herself to the Player, including stating her name and explaining that she was there to carry out a Doping Control, on behalf of the ITF.
- 69.2. It was evident from the Instagram Post; the WhatsApp messages that the Player sent to her boyfriend and to her Agent that evening; and the exchanges between the Player and the DCO during the Incident that the Player understood that she was being asked to provide a Sample for Doping Control purposes. In particular, the Player asked the DCO questions as to why she was required to provide a Sample at that specific time and did not query whether the DCO was there to collect a Sample.



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70. The ITIA submitted that all that is required to establish that ‘sufficient notification’ had been given to the Player, for the purposes of TADP 2025 Article 2.3, was for a properly authorised person to inform the Player that she was required to provide a Sample for Doping Control purposes.
- 70.1. At the initial notification stage, it was not necessary for the authorised person to immediately: (i) provide all the information set out in the ISTI; (ii) volunteer identification and authorisation; and/or (iii) request an identity document from the Player. Such steps may form a part of Sample collection but are not necessary for a valid ‘notification’, as the term is used in 2025 TADP Article 2.3.
- 70.2. The only relevant step in ISTI Article 5.4 for a valid ‘notification’ to take place is ISTI Article 5.4.1(a) which provides that “[w]hen initial contact is made, the Sample Collection Authority, DCO or Chaperone, as applicable, shall ensure that the Athlete [...] is informed [...] [t]hat the Athlete is required to undergo a Sample collection”.
- 70.3. The remainder of ISTI Articles 5.4.1 and 5.4.2 refer to additional information that should be provided by a Doping Control Officer to the athlete during the remainder of the Sample collection process, but which are not essential elements of notification with respect to an ADRV, under 2025 TADP Article 2.3.
- 70.4. In relation to the alleged failure by the DCO to ask the Player for proof of identity, the DCO did not depart from the ISTI requirement to verify the Player’s identity since she was sufficiently confident, for the purpose of initial notification that the Player was who she asserted herself to be. The DCO had relied on the Player’s verbal confirmation during the First Exchange and her own online search of the Player’s image to identify her during the Third Exchange, when they were face-to-face.
71. It was submitted that it was the Player’s own conduct in refusing or failing to submit to a Sample collection that had prevented the requisite ISTI steps from occurring.



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- 71.1. The ITIA argued that if an athlete effectively prevents a Doping Control Officer from carrying out all of the steps in the ISTI by unequivocally refusing or failing to engage with the Sample collection process, then they cannot later shift the responsibility for their refusal or failure to the notifying party, particularly where there was never any doubt that the officer was there to conduct a Doping Control test.
- 71.2. The ITIA relied on the case of *World Anti-Doping Agency (WADA) v South African National Equestrian Federation (SANEF) & Jasyn Gertenbach* (CAS 2008/A/1558) which held that “*it would be somewhat of an anomaly to allow an athlete to contest his/her refusal to submit to a sample collection on the basis that Article 5.4.1 of the International Standards was not complied with in circumstances where that athlete’s refusal was the cause of the non-compliance*” (paragraph 7.12).
72. In any event, 2025 TADP Article 3.2.5 clarifies that any departure from the ISTI will not invalidate the evidence of an ADRV.
- 72.1. The ITIA relied on the case of *World Athletics v Ethiopian National Anti-Doping Office (ENADO) & Diribe Welteji Kejelcha* (CAS 2025/A/11755) which held, at paragraph 105, that “[e]ven assuming that the identification requirements were not fully complied with, such a departure would not be causative within the meaning of Article 3.2.3 of the ADR”.
- 72.2. The only specific exceptions to 2025 TADP Article 3.2.5 relate to Sample collection or Sample handling that could reasonably have caused an Adverse Analytical Finding or Adverse Passport Finding. This cannot be applied by analogy in this case.
73. The rules and anti-doping jurisprudence were stated to be clear that once a Doping Control Officer informs an athlete that they are required to provide a Sample for Doping Control purposes, the athlete must not refuse or fail to do so.



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- 73.1. In *World Anti-Doping Agency (WADA) v International Federation of Associated Wrestling Styles (FILA) & Mohamed Ibrahim Abdelfattah* (CAS 2008/A/1470), the Doping Control Officer, who was wearing a United States Anti-Doping Agency t-shirt, had handed the wrestler an unsigned letter of authority and failed to produce their identity card. It was held, at paragraph 84, that although it was “*regrettable that the presentation of the letter was awkward and could raise doubts [...] this cannot put into question the fact that Mr Richard Brooks [...] passed the information that they were acting on behalf of WADA, which is not disputed. Consequently, Mr Abdelfattah [sic] was informed, [...] Once Mr Richard Brooks [...] validly identified themselves as official USADA agents, the Wrestler had no ground to refuse to submit to the sample collection session*”.
- 73.2. In *World Anti-Doping Agency (WADA) v Czech Anti-Doping Committee (CADC) & Remigius Machura Jr.* (CAS 2015/A/4063), a shot-putter was found to have committed an ADRV by refusing to submit to Sample collection after he answered the door to a Doping Control Officer and was told he was required to provide a Sample. The athlete said that he needed to consult his lawyer, closed the door, and did not respond to further efforts by the officer to contact him (paragraphs 99 to 101). In that case, the athlete did not object to the notification process for Testing (paragraph 100).
- 73.3. In *International Weightlifting Federation (IWF) v Yunder Beytula* (CAS 2022/ADD/49), a weightlifter was found to have committed an intentional Article 2.3 violation after he answered the door to a Doping Control Officer and his assistant, and identified them as such, but asked them to return later since he was caring for his young child. The officers informed him that they could not do so since they had already effectively notified him of the Doping Control. The athlete did not provide a Sample and retreated into his apartment and refused to open the door again, even when the officers later returned. The athlete had recognised the officer and his



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assistant, and did not challenge the fact that he had been notified of the Doping Control (paragraphs 94 to 103).

73.4. In *International Surfing Association (ISA) v Vasco Ribeiro* (CAS 2022/ADD/56), an intentional Article 2.3 violation was upheld after a surfer who was notified of the requirement to provide a Sample, retreated into his house, and the athlete's mother later emerged to inform the Doping Control Officer that the athlete declined to provide a Sample (paragraphs 9 and 63 to 65).

74. It was submitted that the Player was highly experienced, and should have been familiar with the Doping Control process, as well as the Consequences of refusing or failing to provide a Sample when requested to do so.

74.1. The Player has been a member of the International Registered Testing Pool (“IRTP”) of elite tennis players under the TADP, since 2018. She is not only subject to Out-of-Competition testing at all times but is also required to provide whereabouts information on where she will be every day to facilitate Out-of-Competition Testing.

74.2. The 2025 TADP makes clear that “[i]t is the personal responsibility of each Player to [...] be available for Sample collection at all times upon request, whether In-Competition or Out-of-Competition” (Article 1.3.1.2) and that Players “must submit to Testing at any time or place upon request” (Article 5.2.2).

74.3. Any allegation of lack of understanding or awareness of the anti-doping rules was not credible in light of the repeated communications made by the ITIA, including on its website, social media, and e-newsletters, reminding players that they may be tested at any time and in any location, upon request. For example, the e-newsletter, dated 8 April 2025, had provided guidance to players who may be notified for Testing outside of their nominated 60-minute time slot. This had expressly stated that “[o]nce you have been notified for testing by the Doping Control Officer (DCO), you must



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provide the requested samples. [...] once notified for testing, players must provide a sample unless the DCO informs you otherwise”.

74.4. The ITIA’s ‘Any time. Any place’ posts on social media, including LinkedIn and Instagram (published on 12 February 2025) also reminded players that “[a]s part of the Tennis Anti-Doping Programme (TADP), tennis players, and their support teams, need to know that athletes can be tested at any time”.

75. The ITIA relied on the following authorities to argue that instead of refusing Doping Control, the Player should have contested the validity of Sample collection at the time of the Incident, provided a Sample under protest, and/or noted any concerns on the Form.

75.1. In *Kejelcha*, it was considered that a general warning of the possible consequences of failing to comply had been communicated to an “*experienced international athlete*”, even if the precise period of ineligibility was not stated. The tribunal emphasised at paragraph 108 that “*elite athletes are presumed to be aware of the serious consequences of refusing or failing to submit to sample collection*”.

75.2. In *World Anti-Doping Agency (WADA) v Sun Yang & Fédération Internationale de Natation (FINA)* (CAS 2019/A/6148), it was stated, at paragraph 371, that “[p]rofessional athletes are presumptively familiar with the doping control process. They are also well aware of the consequences of refusing to submit to a sample or of interfering in the process, and of the weighty sanctions that may befall should they be found guilty of an anti-doping rule violation. Mr. Sun, who has been tested at least 180 times, is certainly no exception. The Panel would expect an athlete as experienced as he to exercise the highest duty of care when disputing the validity of a Sample Collection. The Doping Control Form’s “comments” field provides just such an opportunity. In it, athletes may lodge complaints or reservations to the process—as indeed the Athlete did during a previous Sample Collection featuring the DCO (then acting as Chaperone) in October 2017, and as he was invited to do by the DCO



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on 5 September 2018. Similarly, there is nothing preventing an athlete, after sample collection, from contacting the Testing Authority in order to ensure that his concerns are addressed".

b. Submissions of the Player

76. The Player's position was that no ADRV occurred, since she was not properly notified to submit to Sample Collection on 3 December 2025, on account of the DCO failing to adhere to mandatory identification and authorisation requirements as set out in the ISTI. This was stated to amount to a breach of protocol and breach of a fundamental safeguard which was integral to the system of anti-doping to protect the safety of players.
- 76.1. The DCO failed to identify herself, pursuant to ISTI Articles 5.3.3 and 5.4.2(b). During the First Exchange, the DCO merely introduced herself as 'ITF doping' via the Intercom. During the Third Exchange, when the DCO was face-to-face with the Player, she failed to present any form of identification, despite having adequate opportunity to do so since she had time to produce and complete the Form.
- 76.2. The DCO failed to provide authorisation, pursuant to ISTI Articles 5.3.3 and 5.4.2(b). The DCO failed at all times during the Incident to present the Player with the Letter of Authority or other official documentation to evidence her authority to collect a Sample from the Player.
- 76.3. The DCO failed to identify the Player, pursuant to ISTI Article 5.3.4. The DCO failed to request the Player's identification to ensure that she was the correct individual being notified and relied exclusively on images of the Player that she had found on the Internet.
77. The Player accepted that electronic identification is satisfactory for the purposes of identification under the ISTI. However, the DCO failed to produce any form of electronic identification to the Player despite claiming to have an electronic version of her

authorisation on her iPad. She also failed to establish direct confirmation from the Testing Authority as to her authorisation, despite claiming to have the ability to facilitate a real-time verification call with PWC.

78. The Player pointed to the case of *Audunn Jónsson v International Powerlifting Federation (IPF)* (CAS 2007/A/1332), in which it was held at paragraph 26 that “[e]ven if Mr Jónsson did recognize the DCO and even if the DCO was introduced by another person provided with an identification badge it is a technical departure from the Guidelines when Mr Anton Speth did not identify himself using his official identification card provided by IPF”.
79. The Player went onto submit that under 2025 TADP Article 3.2.5, once the Player has established a departure from the ISTI, the burden of proof then shifts to the ITIA. Although an ADRV under TADP Article 2.3 is not expressly referred to in 2025 TADP Article 3.2.5, it was submitted that fairness dictates that the principle must apply by analogy, since the potential maximum period of Ineligibility for a violation of 2025 TADP Article 2.3 was higher than in a Whereabouts Failure case. Therefore, since the DCO departed from the mandatory notification and authorisation protocols under the ISTI, the burden shifted to the ITIA to prove that such departures did not cause the potential ADRV in this case.
80. It was further submitted that the ITIA cannot shift the burden of identification onto the Player by suggesting that she should have been more proactive in demanding proof of identity and authority from the DCO. Under ISTI Article 5.4.1, the duty to provide adequate identification rests solely on the DCO at the time of the first face-to-face contact. Therefore, it was the DCO’s regulatory obligation to ensure that the Player was satisfied as to the DCO’s authority, without the Player having to ask for this.

c. Discussion

81. The Tribunal has been provided with conflicting accounts of the events that occurred on the evening of 3 December 2025. It has fully considered all of the evidence before it, including (i) two written statements from the DCO, dated 9 April 2026 and 30 May 2026;



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(ii) the Player's statement dated 4 May 2026; and (iii) all of the transcripts of the interviews that were conducted by the ITIA as part of the Investigation. The Tribunal has also had the benefit of hearing oral evidence from the Player and the DCO.

82. The Tribunal considered the DCO to be an honest and straightforward witness who was measured and whose evidence was largely consistent. Similarly, the Tribunal did not consider that the Player had deliberately given a falsified account in these proceedings. However, the Tribunal noted that the Player's oral evidence aligned more closely with that of the DCO and differed from the accounts that she had previously given. In particular, the Player stated in oral evidence that she was not sure whether the Second Exchange took place rather than denying this outright; she did not specify the number of times that the DCO rang her doorbell and simply stated that the DCO had done so more than once; and the Player agreed the DCO was stood outside the Building when she came downstairs.
83. On balance, the Tribunal preferred the evidence of the DCO and accepted that during the First Exchange, she introduced herself to the Player and explained that she was there to carry out Doping Control. The Tribunal further accepted that the DCO would have gone onto show her proof of identity and authorisation if the Player had been prepared to undergo the test. The DCO confirmed that, on the evening of 3 December 2025, she had her identity card as well as a screenshot of the Letter of Authorisation stored on her iPad, and that her usual practice was to show both documents when she met with the athlete face-to-face and before entering their property. At the same time as showing her proof of identity, the DCO would also request the athlete to produce their own proof of identity. However, the DCO was unable to follow her usual practice that evening since the Intercom did not have a camera and the DCO was completely taken by surprise when the Player suddenly exited the Building and made clear that she would not be submitting to Doping Control.
84. Despite the valiant arguments put forward on behalf of the Player, the wording of 2025 TADP Article 3.2.5 is clear that departures from any 'International Standard', including the



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ISTI, will not invalidate evidence of an ADRV. The Tribunal does not accept that 2025 TADP Article 3.2.5 should apply by analogy to 2025 TADP Article 2.3, which has not been expressly referred to, nor does it accept the Player's suggestion that there is a "*lacuna*" which needs to be filled by this Tribunal. The latter point was briefly mentioned by Mr Jacobs in his Closing Submissions, but was not fully developed. It is simply not open to the Tribunal to extend TADP Article 3.2.5, by analogy or otherwise, when its wording makes clear there are very few exceptions to the provision which are expressly stated.

85. It is evident, especially from the contemporaneous evidence, that the Player understood that she was being asked to provide a Sample for Doping Control purposes. The Player has confirmed that she knows the anti-doping rules well and is aware that she can be tested at any time. On her own evidence, the DCO introduced herself as being from 'ITF Doping' and despite her assertions to the contrary, during these proceedings, the Player does not appear to have questioned the legitimacy of this, as shown in her WhatsApp communications with her boyfriend and the Agent, and the Instagram Post in which she referred to the DCO as "*a tester*". The Player's concern appeared to be that the DCO was seeking to carry out a Sample collection outside of her designated 60-minute time slot; she did not query at any time whether the DCO was there to collect a Sample, nor did she call into question either the DCO's identity or authority at any time.
86. On balance, the Tribunal is comfortably satisfied that the requirements for notification were fulfilled and that the DCO had properly notified the Player that she was required to undergo Sample collection.



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H. Issue 3 – Whether the Player refused to provide a Sample

a. Submissions of the ITIA

87. The ITIA submitted that the Player refused to provide a Sample when requested to do so and considered that this was because she did not believe that she had to provide a Sample at the time of the Incident or alternatively, she did not wish to do so.
88. The Player was stated to be “*very experienced*” and knew what was expected of her, having been notified of Doping Control, both In- and Out-of-Competition, on at least 83 occasions previously. The ITIA considered that her conduct during the Incident amounted to a refusal, since she clearly communicated that she was unwilling to provide a Sample, suggested that the DCO should leave, and voluntarily signed the Form, after the DCO explained to her the possible Consequences of her actions.
89. When signing the Form, the Player did not note down any concerns despite being invited by the DCO to do so. She could have provided a Sample under protest but did not do so. The ITIA considered that the Player’s willingness to provide a Sample several days later was irrelevant and in any event, did not convert a ‘refusal’ into a ‘failure’.
90. Alternatively, it was submitted that the Player had failed to submit to Sample collection.

b. Submissions of the Player

91. The Player denied that she had ‘refused’ the Sample collection and submitted that this should properly be characterised as a ‘failure to submit’ since her actions were a “*direct manifestation of a clinical pathology, rather than a deliberate decision to bypass the rules*”. There was no intent by the Player to evade Doping Control.
92. The Player relied on the case of *William Brothers v Fédération Internationale de Natation (FINA)* (CAS 2016/A/4631) which held, at paragraph 95, that the term “*failing to submit*” more properly serves as an “umbrella” concept to describe all types of actions or situations



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which result from the fact of not having submitted to a test; whereas “*refusal to submit*” is a subcategory of this broader category and does not always mean there is intent to cheat.

93. The present case was also compared to that of *United States Anti-Doping Agency v Jonathan Page* (AAA No. 77 190 16 09 JENF), where the charge was classified as a “*failure to submit*” even though the athlete’s inability to report for Testing resulted from a “*confluence of personal circumstances – both emotional and physical*”, which was ultimately found to constitute a ‘compelling justification’.
94. The ITIA noted that *Page* was not a case where the athlete was notified by a DCO that they were required to provide a Sample, therefore the athlete in that case could not have ‘refused’ the request.

c. Discussion

95. Although the ITIA has referred to a large number of authorities, the Tribunal considered them to be of limited utility, since whether there has been a refusal in this matter is a question of fact, which must be determined on the specific facts of this particular case.
96. The Tribunal considers that the contemporaneous evidence clearly points to the Player’s refusal to submit to Doping Control on the evening of 3 December 2025. Although it was not yet clear at the time of the First Exchange or even the Second Exchange that the Player was refusing to submit to Sample collection, by the time of the Third Exchange, she made this abundantly clear by signing the Form and walking away from the DCO.
97. On balance, the Tribunal is comfortably satisfied that the Player refused to submit to Doping Control on the evening of 3 December 2025.



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I. Issue 4 – Whether the Player’s refusal was intentional or negligent

a. Submissions of the ITIA

98. The ITIA considered the Player’s refusal to submit to Sample collection to be ‘intentional’ which should be given its natural and ordinary meaning, i.e. ‘deliberate’, as held in the cases of *UK Anti-Doping (UKAD) v Paul Bird* (SR/NADP/177/2018) at paragraphs 60 and 62 and *International Association of Athletics Federations (IAAF) v Kipyegon Bett* (SR/Adhocsport/178 & 212/2018) at paragraph 62.
99. It was submitted that the Player deliberately undertook actions that resulted in a refusal to provide a Sample, including challenging the DCO’s authority to test her outside of her specified 60-minute time slot; taking no action to facilitate the Sample collection process; and signing the Form to terminate the test attempt before walking away.
100. Alternatively, if the Player’s conduct was not intentional (which was not accepted), it was considered to be significantly negligent at the very least, since the Player failed to comply with her duties under the TADP to be aware of the rules and to provide, on request, a Sample at any time and at any location.

b. Submissions of the Player

101. The Player denied that her failure to submit to Sample collection was intentional and submitted that this constituted an involuntary symptom of her Acute Stress Reaction and a reaction to a perceived threat and procedural violation by the DCO. The fact that she subsequently contacted local Sample collection personnel of her own initiative to request an immediate test was confirmation that she did not intend to evade Doping Control.

c. Discussion

102. The Tribunal considers that the contemporaneous evidence shows the Player to have deliberately refused to submit to Sample collection, when requested to do so. She was



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aware that she was being asked to undergo Testing. Her WhatsApp communications with her boyfriend and Agent that evening and in particular, the Instagram Post, showed that she had refused to do so, solely due to her erroneous belief at the time that she could only be tested within her designated 60-minute time slot.

103. On balance, the Tribunal is comfortably satisfied that the Player's refusal to submit to Doping Control was intentional.

J. Defence of compelling justification

a. Submissions of the ITIA

104. The ITIA submitted that the essential elements of both a 'refusal' and a 'failure' Charge, under 2025 TADP Article 2.3, were all present in this case. Since the ITIA established the four requisite elements of 2025 TADP Article 2.3 had been breached, the burden then shifted to the Player to prove, on the balance of probabilities, that there was a 'compelling justification' for her refusal or failure to provide a Sample (*World Anti-Doping Agency (WADA) v Comitato Olimpico Nazionale Italiano (CONI), Federazione Italiana Giuoco Calcio (FIGC), Daniele Mannini, Davide Possanzini*, (CAS 2008/A/1557) at paragraph 73).

105. The ITIA was aware of only three cases (all predating 2009) where a compelling justification plea was upheld and considered that none of those cases supported the Player's claim that this has been made out in the present case. The Player had failed to meet the relevant requirements for a 'compelling justification' on the basis of the "*limited evidence*" that had been provided which focused on a combination of the Player suffering from an Acute Stress Reaction at the time of the Incident, injury-related stress, lack of sleep, and safety concerns.

106. The ITIA made the following observations:



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106.1. Whether a ‘compelling justification’ exists needs to be determined objectively rather than by reference to the Player’s own perception (*Viktor Troicki v International Tennis Federation (ITF)* (CAS 2013/A/3279), paragraph 9.15; *UK Anti-Doping (UKAD) v Ryan Bailey* (SR/NADP/885/2017), paragraph 40).

106.2. The test was whether it remained “*physically, hygienically and morally possible*” for the Sample to be provided (*Brothers*, paragraph 77 quoted *Laura Dutra de Abreu Mancini de Azevedo v Fédération Internationale de Natation (FINA)* (CAS 2005/A/925), paragraph 75) with the reason for refusal having to be “*exceptional, indeed, unavoidable*” (*Nathan Jones v The Welsh Rugby Union Limited (WRU)* (NADP 120026) at paragraph 57).

106.3. Claims of ‘compelling justification’ have been repeatedly rejected, even in situations of extreme stress and pre-existing mental health conditions. The following authorities were relied upon:

106.3.1. *Brothers* – although it was found that the athlete’s decision to refuse the test was made under “*mounting stress, perhaps under extreme stress*” and it was “*even possible that the Appellant experienced the onset of “panic” in the classical sense of that term*”, the Panel in that case was unwilling to make a finding that the athlete had experienced a “*complete loss of his cognitive senses, being unable to think and to rationalize with a concomitant loss of control*” (paragraph 84).

106.3.2. *Ribeiro* – it was held, at paragraph 56, that the athlete showed “*a rationality of thought and action*” which was not “*consistent with a loss of voluntary control of his cognitive faculties and actions*”.

106.4. It was submitted that the phrase ‘compelling justification’ needs to be narrowly construed; otherwise the TADP would become impossible to enforce. The following authorities were relied upon:



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106.4.1. *Coetzee Wium v International Paralympic Committee (IPC)* (AP/IPC/383) – it was held at paragraph 3 of the IPC Management Committee’s Reasoning for Decision that “*an efficient out-of-competition testing programme can only work if the boundaries of “compelling justification” are kept extremely narrow. Only truly exceptional circumstances should be allowed to justify refusal to submit to testing*”.

106.4.2. *Mannini* – it was held at paragraph 80 that “[b]y using the qualification “*compelling*”, the wording of Article 2.3 underscores the strictness with which the justification needs to be examined”.

107. The ITIA accepted that the Player may have suffered from a Generalised Anxiety Disorder but did not accept that she suffered from an Acute Stress Reaction at the time of the Incident. It was submitted that no, or very limited, weight should be attributed to the evidence of Dr Mladkova and Dr Žukov (see paragraph 112, below) since they were not made available for cross-examination. In any event, the ITIA considered that the experts relied upon by the Player did not consistently articulate the degree of impact of the alleged conditions on the Player’s cognitive and other abilities. The ITIA further submitted that the Player failed to present any contemporaneous evidence in support of her alleged difficulties or otherwise show that she had sought professional help prior to the date of the Incident.

108. The ITIA relied on its own expert, Professor Catani, who produced an Expert Psychiatric Report, dated 2 June 2026, in which he concluded that the Player may have suffered with symptoms indicating Generalised Anxiety Disorder at the time of the Incident, but that the evidence did not establish that she suffered from an Acute Stress Reaction since she maintained a high level of executive and cognitive functioning during and around Doping Control. His opinion was that the retrospective nature of the diagnoses made by experts which the Player relied upon (and lack of any contemporaneous evidence to support them) presented inherent clinical risks which needed to be treated with caution.



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109. Therefore, the ITIA considered that it had remained physically, hygienically and morally possible for the Player to provide a Sample, but she had voluntarily and deliberately declined to do so. The ITIA invited the Tribunal to make a finding that the Player committed an ADRV under 2025 TADP Article 2.3 in that she refused or failed to provide a Sample after valid notification, on 3 December 2025, without compelling justification.

b. Submissions of the Player

110. The Player's position was that she had a 'compelling justification' not to submit to Sample collection since she suffered from a Generalised Anxiety Disorder and Acute Stress Reaction at the time of the Incident, which significantly impaired her cognitive capacity and decision-making capabilities, rendering the attempted Sample collection by the DCO mentally and morally impossible.

111. The Player agreed with the test propounded by the ITIA and further agreed that the phrase 'compelling justification' must be interpreted 'restrictively'. The Player referred to the case of *Brothers*, in which examples were provided at paragraph 78 of what may amount to a 'compelling justification', i.e., *"if the athlete were to faint unconscious on the floor upon seeing the DCO's needle, or if he were stone drunk or would experience an epileptic fit at the time of the test. Even a refusal to submit to the test because the athlete must rush his expectant wife to hospital might qualify as a "compelling justification"*". It was emphasised at paragraph 79 that *"[e]xamples of this kind in which it is established that an athlete is deprived of his rationality and cognitive senses will, in most cases, be sufficient to ground the excuse of "compelling justification". These situations present physical and moral hindrances to going ahead with the test"*.

112. The Player relied on reports from the following four experts:

112.1. Dr Tereza Mládková ("**Dr Mládková**"), Psychiatrist – Dr Mládková prepared a report following a medical examination carried out on the Player on 12 February 2026. She concluded that the Player suffered from: (i) an Acute Stress Reaction that was



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related to the Incident; and (ii) a Generalised Anxiety Disorder, which developed over the year preceding the Incident. Dr Mládková's opinion was that the Player's behaviour at the time of the Incident was influenced by acute stress caused by a feeling of threat, and that a long-term accumulation of various stressors had led to the Player's ability to fully recognise the significance and implications of the Form being temporarily impaired.

- 112.2. Dr Ilja Žukov ("**Dr Žukov**"), Associate Professor of Psychiatry – Dr Žukov prepared a Forensic Statement, dated 20 April 2026, following his own psychiatric examination of the Player. He confirmed that he was "[i]n complete agreement with Dr. Mládková" that at the time of the Incident, the Player "*was undoubtedly suffering from an... Acute stress reaction, which influenced her behaviour in a fundamentally and forensically significant manner*" resulting in her judgment being temporarily impaired.
- 112.3. Dr Eric Morse ("**Dr Morse**"), Sports Psychiatrist and Psychiatric Consultant – Dr Morse prepared an expert opinion dated 30 April 2026 following an interview he carried out with the Player on 14 April 2026. He concluded that "[t]he... *stressors/triggers, combined with her diagnoses of Acute Stress Reaction and Generalised Anxiety Disorder, influenced [the Player's] mental capacity and cognitive functioning, sending her into a fight or flight response, impairing her decision-making capabilities at the time of the attempted test*".
- 112.4. Dr Philip Hopley ("**Dr Hopley**"), Consultant Psychiatrist – Dr Hopley interviewed the Player on 24 April 2026, by Zoom, and prepared a report dated 6 May 2026 in which he concluded that "[t]he combined impact of [Generalised Anxiety Disorder] and an *Acute Stress reaction would have had a significantly detrimental impact on [the Player's] emotional stability and regulation, her cognitive capacity, her perception of events, her behavioural responses and her decision making*". He confirmed that he agreed with the conclusions of Dr Mládková, Dr Žukov and Dr Morse regarding the Player's mental condition and the impact on her behaviour at the time of the Incident.



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c. Discussion

113. The Tribunal has attributed minimal weight to the evidence of Dr Mládková, Dr Žukov and Dr Morse for the following reasons:

113.1. Dr Žukov's Forensic Statement confirmed that he was "*able and willing to prepare a proper expert opinion [...] after compiling all available material related to the [Incident]*". However, no such "*proper expert opinion*" appears to have been produced and none was provided to the Tribunal.

113.2. Dr Morse confirmed in oral evidence at the hearing that he did not make any diagnosis of the Player and was unable to do so.

113.3. No explanation was provided for the non-attendance of Dr Mládková and Dr Žukov at the hearing. Neither of them were made available for cross-examination.

114. That leaves Professor Catani and Dr Hopley. Whilst Dr Hopley was an impressive witness, the Tribunal had some reservations about his unwavering approach and the steadfast manner in which he remained tied at all times to his position that the Player suffered from an Acute Stress Reaction, even when presented with contemporaneous documents during the hearing that were not previously provided to him. Professor Catani similarly maintained his position that the Player did not suffer from an Acute Stress Reaction but accepted that she may have suffered from a level of anxiety at the time of the Incident.

115. The Tribunal has taken regard of the fact that the psychiatric diagnoses made of the Player were all retrospective and after the Player had received the Pre-Charge Notice. There was no evidence that the Player sought medical intervention for any cognitive impairments at any time surrounding the Incident. However, even taking the Player's evidence at its highest, the Tribunal considers that the Player's diagnosis of Acute Stress Reaction is unlikely to meet the high threshold required for a 'compelling justification' to be met.



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116. The Tribunal notes that although Dr Hopley has opined that the combined impact of a Generalised Anxiety Disorder and an Acute Stress Reaction would have had “a *significantly detrimental impact on [the Player’s] emotional stability and regulation, her cognitive capacity, her perception of events, her behavioural responses and her decision making*”, he omitted to state how, or the extent to which, she would have been affected.
117. More importantly, the experts relied on by the Player did not suggest that the level of her cognitive functioning at the time of the Incident was such that she was deprived of her rationality or that she suffered a complete loss of her cognitive senses to the extent that this was in any way comparable to the examples set out in the *Brothers* case. Although Dr Žukov was of the opinion that the Player’s “*judgment and ability to anticipate were eliminated by the presence of an acute stress reaction*” and that her cognitive and control abilities at the time of the Incident “*can undoubtedly be described as practically non-existent*”, the Tribunal has given little weight to his evidence since he confirmed that he had not prepared a “*proper expert opinion*”.
118. Whilst the Tribunal accepts that the Player would have undoubtedly suffered a degree of anxiety and stress at the time of the Incident, it is not accepted that this reached the high threshold required for a ‘compelling justification’ to be made out, since the evidence shows that it remained “*physically, hygienically and morally possible*” for her to have provided a Sample.

K. Sanction

119. The ITIA submitted that the essential elements of both a ‘refusal’ and a ‘failure’ Charge under 2025 TADP Article 2.3 were all present in this case, and the Player failed to establish a defence of compelling justification. Therefore, the Charge should be upheld.
120. The ITIA invited the Tribunal to impose the following sanctions:



120.1. A four-year period of Ineligibility calculated in accordance with 2025 TADP Article 10.3.1, starting on the date of the Tribunal's decision in accordance with 2025 TADP Article 10.13; and

120.2. The results obtained by the Player in Competitions between 3 December 2025 and the date of the Tribunal's decision are to be maintained on the basis of fairness, in accordance with 2025 TADP Article 10.10.

121. It was the ITIA's position that the Player deliberately refused or failed to provide the requested Samples. Therefore, it was submitted that the starting point was a four-year period of Ineligibility, which was consistent with the sanction for presence or Use of a Prohibited Substance or Prohibited Method, since any lesser sanction would provide an incentive to simply refuse to provide Samples, rather than run the risk of being caught (*Azevedo*, at paragraph 91; *New Zealand Rugby League Incorporated v Barry Tawera and The New Zealand Sports Drug Agency* (SDT/12/04) at paragraph 32).

a. Lack of Fault or Negligence

i. Submissions of the Player

122. It was submitted on behalf of the Player that since her failure to submit to Sample collection was not intentional, the starting point under 2025 TADP Article 10.3.1.1 was a period of Ineligibility of two years, subject to further elimination or reduction based on her degree of Fault which was considered to be minimal.

123. Alternatively, if the Tribunal were to determine that the Player committed an ADRV, it was submitted that she bore No Fault or Negligence for failing to submit to Sample collection since her actions were a "*direct manifestation of a clinical pathology, rather than a deliberate decision to bypass the rules*". Therefore, any period of Ineligibility should be eliminated, pursuant to 2025 TADP Article 10.5.



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124. Further, in the alternative, it was submitted that if the Tribunal were to find that some degree of Fault exists, the Player's Fault or Negligence was not significant under 2025 TADP Article 10.6.2 and her culpability was at the absolute minimum.

124.1. The Player relied on the case of *Troicki*, in which it was held that the player did not bear significant Fault due to, *inter alia*, various actions and omissions of the Doping Control Officer, which led the player to believe that he had received the officer's assurance that even if he did not submit a blood Sample on that day, he would not commit an offence.

124.2. It was submitted that similar to the *Troicki* case, in the present matter, any Fault of the Player was not significant and was mitigated by the DCO's departures from the ISTI. Therefore, any period of Ineligibility should be reduced to the minimum applicable level of 12 months.

ii. Submissions of the ITIA

125. The ITIA considered that if the Player's misconduct was characterised as a negligent failure, then the starting point was a two-year period of Ineligibility, which may either be eliminated entirely, if the Player establishes that she bore No Fault or Negligence (2025 TADP Article 10.5) or reduced to between 12 and 24 months based on the Player's degree of Fault, if the Player establishes No Significant Fault or Negligence (2025 TADP Article 10.6.2).

126. The Tribunal was reminded of the definition of the term 'Fault', which is set out in 2025 TADP Appendix One, as "*any breach of duty or any lack of care appropriate to a particular situation*". In assessing a player's degree of Fault, the circumstances considered must be specific and relevant to explain their departure from the expected standard of behaviour. Factors to be taken into consideration in assessing a player's degree of Fault include, *inter alia*, their experience; the degree of risk that should have been perceived by the



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player; and the level of care and investigation exercised by the player in relation to what should have been the perceived level of risk.

127. The ITIA did not accept that any such justification for a reduction in sanction has been established. The Player's actions on 3 December 2025 departed significantly from the expected standard of behaviour which demonstrated that she acted with significant Fault. The Player was an experienced professional tennis player, who knew she was being asked to provide a Sample but deliberately did not do so. Therefore, the four-year period of Ineligibility applicable to a first violation of TADP Article 2.3 must be imposed.

iii. Discussion

128. The Tribunal has already determined that the 'refusal' Charge has been made out and therefore, 2025 TADP 10.3.1.1 does not apply in this case.

129. As above, the Tribunal considers that the Player was aware that she was being asked to undergo Testing but deliberately refused to submit to Sample collection when requested to do so. The Tribunal considers that even bearing in mind the level of anxiety and stress that she was suffering at the time, the Player's actions on 3 December 2025 departed significantly from the expected standard of behaviour. Therefore, the Tribunal does not consider that the Player bore No Fault or No Significant Fault, and declines to order any elimination or reduction in the period of Ineligibility, pursuant to 2025 TADP Articles 10.5 or 10.6.2.

b. Exceptional circumstances

i. Submissions of the Player

130. The Player submitted that if the Tribunal were to find that her conduct amounted to a refusal, the starting point of Ineligibility should be reduced to two years for exceptional circumstances, under 2025 TADP Article 10.3.1.2. The Player relied on the *Brothers* case,



which held, at paragraph 115, that “[t]o sanction the Appellant with a four-year period of ineligibility would [...] ignore the extraordinary circumstances of this case. It would ignore the impact of his difficult medical history and the fact of his past anxiety attacks”.

131. The Player repeatedly affirmed her understanding that as a professional tennis player, she had a responsibility to submit to Doping Control, which could take place at any time, and she sees this as being “*part of our job*”. She has “*never missed one test*”; “*never had any doping*”; and “*have no problem doing it like anytime, anywhere [...] I have no problems with testing*”. However, she did not know or suspect, and could not reasonably have known or suspected, even with the exercise of utmost caution, that she had committed an ADRV since this requires a baseline of cognitive stability which was lacking at the time of the Incident.
132. The Player explained that “[t]he real problem was the whole experience: an unknown woman at night, alone, no Czech officers, no proper introduction, no ID shown, no authorisation shown, and no request for my ID”. The Incident was very different to most of her previous Out-of-Competition tests, which would usually be done between 7:00am to 8:00am by two Czech individuals whom she knows well and who would produce their identification documents and also ask for her documents in turn. She emphasised that it was “*scary*” to be alone, in the dark, with a person whom she did not know and whom she considered suspicious, and the Incident was a situation where her fear and Acute Stress Reaction took over, and she was not able to process what was happening rationally.
133. The contrast between the Incident and the Doping Control conducted a few days later, on 7 December 2025 was highlighted, when another female Doping Control Officer, also from PWC, and whom the Player also believed to be German, arrived during the Player’s designated time slot in the morning. Identity verification of both the officer and the Player was carried out once the officer was inside the Player’s apartment. The Player stated that the difference between this visit and the Incident was that, “*in the night it’s like I was alone. It’s a bit more scary*” and added that her boyfriend was also at home during the second



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officer's visit, whereas at the time of the Incident, he was not to be home for another two hours and she did not have anyone else nearby whom she could contact.

134. The Player relied on the following which were stated to be exceptional circumstances:

134.1. Threats and harassment: the Player and her family have been subjected to frequent, longstanding and severe online harassment, including death threats and hate speech. This has forced her into a state of chronic hyper-vigilance such that she instinctively associates any unexpected sound or visitor with a potential threat.

134.2. Safety and security: the Player's state of chronic hyper-vigilance is exacerbated by the fact that her residence is in an area with a high crime rate, with incidents of car theft in the vicinity of the Building. Although the Player accepted that she lived in a "*nice area*", she explained that her apartment was easily identifiable and there were no cameras in or around the Building, and no security.

134.3. Attack on Petra Kvitová: the Player's fear was further compounded by her memory of the attack on another Czech tennis player, Petra Kvitová in December 2016 in her own home, by a person posing as a utility worker ("**Attack**"). The Player stated that the DCO's visit resembled and reminded her of the Attack.

134.4. Stress caused by injury and sleep deprivation: the Player also suffers from chronic pain from a long-term shoulder injury which significantly diminishes her psychological resilience. As a result, the Player has suffered from long-term sleep disorders which makes her vulnerable. The Player relied on a letter dated 20 February 2026 from [REDACTED], a psychotherapeutic counsellor, confirming that the Player attended a therapeutic session in February 2026, following her sleep disturbance and heightened anxiety.

135. The Player raised concerns about Doping Control which she suggested was shared by other players. She relied on a report that was prepared by Mr Jacobs, dated 2 June 2017,



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which stated that concerns have been raised by other players regarding their personal safety when being subjected to Out-of-Competition testing at their homes.

ii. Submissions of the ITIA

136. The ITIA accepted that in the case of an intentional refusal, if an athlete establishes exceptional circumstances that justify a reduction, then the period of Ineligibility may be reduced from four years, to as low as two years, depending on the athlete's degree of Fault.
137. The ITIA emphasised the importance of Out-of-Competition Testing with no advance notice being the cornerstone of the TADP. Athletes can be checked every day of the week according to WADA regulations, with controls for athletes who are part of the IRTP taking place between 6:00am and 11:00pm (ISTI Article 4.5.5). The ITIA explained that the purpose of the whereabouts system and 60-minute time slots were not to establish a narrower window for Testing but instead, to obtain information from certain athletes that can be used to co-ordinate an effective Testing programme.
138. The ITIA did not accept that there were any exceptional circumstances in this case or that any reduction in sanction was appropriate. In particular:
- 138.1. The ITIA did not accept the Player's characterisation of the safety and security risks in the area where she lives. Prague consistently ranks as one of the safest cities in Europe, and the area in which the Player lives was noted to be relatively crime-free.
- 138.2. The comparison with the Attack was stated to be an exaggeration, which bore no resemblance to the Incident.
- 138.3. The Player expressed no safety concerns when communicating with her boyfriend or Agent at the time of the Incident, or indeed when communicating with the DCO. Her act of walking downstairs with her small Italian Greyhound which she described



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as being “*not much of a scary dog*” which would result in her coming face-to-face with the DCO, was entirely inconsistent with identifying a potential threat. It was also inconsistent with the Player’s behaviour during a separate incident in September 2025 when she had also been home alone. At that time, she locked herself in the bedroom after someone had pressed her doorbell at around 10:00pm.

139. The ITIA considered that if the Player had genuine concerns about the legitimacy of the DCO’s notification specifically or the Sample collection attempt more generally, then she should have raised those concerns immediately, including asking the DCO for proof of identity and/or authorisation or asking the DCO for the tennis-specific security passcode. She could also have waited for her Agent to properly investigate the situation and accurately advise her. She did not do any of these things. All of the contemporaneous evidence demonstrated that the Player’s only concern, at the time of the Incident, was with the DCO attempting to carry out Doping Control outside of her one-hour time slot.

140. The ITIA relied on the case of *Brianna McNeal v World Athletics* (CAS 2021/A/7983 & 8059) in which it was held, at paragraph 266 that the expression ‘exceptional circumstances’ must be interpreted restrictively and “*with the greatest possible care, so as only to include very unusual or abnormal situations*”. The ITIA submitted that the DCO did not depart from the ISTI, and it was the Player’s own conduct which prevented the DCO from completing the Sample collection. It was considered that the Player did not suffer an Acute Stress Reaction at the time of the Incident and that even if she may have been suffering from symptoms of a Generalised Anxiety Disorder, that condition could not have caused her to have refused or failed to submit to Sample collection, but otherwise to have acted normally.

iii. Discussion

141. Whilst the ITIA has gone to great lengths to set out the importance of Out-of-Competition Testing, and the Player has in turn raised concerns with the process, the Tribunal reminds



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itself that its role in this matter is not to determine whether Out-of-Competition Testing is applicable or even desirable in this case but rather, it is required simply to determine whether the Player has complied with the rules, as set out in the TADP.

142. The Tribunal also reminds itself that the term ‘exceptional circumstances’ must be interpreted restrictively. The case of *McNeal* is instructive that this must only include very unusual or abnormal situations. Whilst the Tribunal accepts that the circumstances surrounding the Doping Control attempt on the evening of 3 December 2025, together with the Player’s mental state at the time would have led to a degree of anxiety, this is not considered to be comparable to the history of “*severe illnesses*” and documented mental health conditions suffered by the athlete in the *Brothers* case, or otherwise to be such as to render the Incident falling within 2025 TADP 10.3.1.2.

c. Proportionality

i. Submissions of the Player

143. The Player submitted that even if the requirements for an intentional refusal were met, a four-year period of Ineligibility was disproportionate since this would effectively end the Player’s tennis career.

144. The Player relied on the case of *National Federation of Sportspersons’ Associations and Unions (FNASS) and Others v France* (48151/11 and 77769/13), before the European Court of Human Rights, to argue that the whereabouts system and Out-of-Competition Testing system constitute an interference with the right to respect for private life, as protected by Article 8 of the European Convention of Human Rights.

145. The Player further relied on the case of *David Meca-Medina and Igor Majcen v Commission of the European Communities* (C-519/04 P), which was heard by the European Court of Justice (as it was then known) to argue that anti-doping rules restrict the rights of athletes under European Union law and must be proportionate.



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146. Consequently, the Player submitted that it would be disproportionate to find an ADRV and impose a sanction in a situation where her judgment was effectively eliminated and her rationality deprived.

ii. Submissions of the ITIA

147. The ITIA considered that there was no basis to introduce a proportionality assessment when WADA and other anti-doping stakeholders have determined that it is essential from a policy perspective that a strong and meaningful sanction is imposed if an athlete breaches their obligation to provide a Sample for Doping Control purposes on request.

iii. Discussion

148. The Tribunal has every sympathy with the Player in the present case. She is clearly a very accomplished and decorated player who has worked very hard to get to where she is today. The Player also has a clean record and has no prior ADRVs. This is a very unfortunate matter in which the Player made a decision in the heat of the moment to refuse Doping Control, in a state of stress and anxiety, with significant Consequences.

149. However, it is not for this Tribunal to determine the fairness, or otherwise, of any sanction that the ITIA has determined and expressly stipulated, in compliance with the Code, should be imposed for a breach of the TADP. The Tribunal considers that there is no scope for any arguments of proportionality regarding sanction in this case and dismisses any such arguments accordingly.

d. Commencement of Ineligibility Period

150. The ITIA submitted that, in accordance with 2025 TADP Article 10.13, the period of Ineligibility should start on the date of the Tribunal's decision and there was no basis to justify any backdating pursuant to 2025 TADP Articles 10.13.1 or 10.13.2, since the Player did not accept a voluntary Provisional Suspension following receipt of the Pre-Charge



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Notice or thereafter, pursuant to 2026 TADP Article 7.12.6.1. Pursuant to 2026 TADP Article 7.12.2.2, the ITIA has not imposed a Provisional Suspension on the Player who has not voluntarily accepted any Provisional Suspension. The Player has remained free to compete pending determination of the Charge and therefore, she cannot be granted any credit for time that she has not played.

151. The Player did not dispute this, and the Tribunal agrees that the period of Ineligibility should start on the date of the Operative Award, being 22 June 2026, when the Tribunal's decision was communicated to the Parties.

e. Disqualification of results

152. The Player relied on 2025 TADP Article 10.10 to argue that, if she was found to have committed any ADRV, then fairness in this case requires that the results she obtained in Competitions held during the period commencing on the date of any ADRV and ending at the start of any period of Ineligibility should not be Disqualified.

153. The ITIA noted that no Prohibited Substances were detected in Samples collected from the Player on 7 December 2025 (four days after the Incident) or on 3 May 2026. It was accepted that 'fairness requires otherwise' than Disqualification of the Player's results obtained between the date of the Incident and the date of the Operative Award, being 22 June 2026.

154. The Tribunal agrees there should be no Disqualification of any results obtained by the Player between the date of the Incident and the date of the Operative Award, and directs accordingly.



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L. Costs

155. The Player invited the Tribunal to order the ITIA to pay a contribution of her costs. It was clarified that the Player was not seeking to impart any element of bad faith on the ITIA.
156. The ITIA submitted that the Tribunal should dismiss the Player's request, noting that awarding costs against the ITIA risks having a chilling effect on the robust discharge of its duties as a regulator, to the detriment of the public interest in clean sport.
157. The Tribunal considers that whilst it has the power under 2026 TADP Article 8.5.4 to make a costs order against any party, where it is proportionate to do so, the Player has not established any reasons for this and the Tribunal does not consider that there is any good basis to do so in this case.
158. The Tribunal is satisfied that the costs of convening the Independent Tribunal and of staging the hearing shall be borne entirely by the ITIA, being the default position. Each Party shall bear its own costs incurred in bringing or defending the Charge, as the case may be.

M. Right of Appeal

159. This decision may be appealed to the Court of Arbitration for Sport ("**CAS**"), located at Palais de Beaulieu, Avenue des Bergières 10, CH-1004 Lausanne, Switzerland (procedures@tas-cas.org), in accordance with 2026 TADP Article 13.2.1.
160. TADP Article 13.8.1.1 sets the deadline to file an appeal to the CAS, which is 21 days from the date of receipt of this Decision.



N. Conclusion

161. The Tribunal finds the Charge proven and that the Player has committed an Anti-Doping Rule Violation pursuant to 2025 TADP Article 2.3 on the basis that she refused to submit to Sample collection on 3 December 2025 after notification by a duly authorised Person, with no compelling justification.
162. The Player shall be subject to a period of Ineligibility of four (4) years commencing on the date of the Tribunal's Operative Award, being 22 June 2026. There shall be no Disqualification of any of the Player's results achieved during the period between 3 December 2025 and the date of the Operative Award, i.e. 22 June 2026.
163. Subject to the right of appeal set out at paragraph 159 above, this Decision is final and binding on all Parties with no further right of appeal or challenge to any further body.
164. Each Party shall bear its own costs incurred in bringing or defending the Charge, as the case may be. The costs of convening the Tribunal shall be borne by the ITIA in its entirety.



Ms Grace Cheng
(Chair)



Ms Cristy Cooper



Ms Lorraine Johnson

On behalf of the Independent Panel

21 July 2026
London, UK

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