



TAS / CAS

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MEDIA RELEASE

TENNIS – ANTI-DOPING

THE COURT OF ARBITRATION FOR SPORT (CAS) UPHOLDS THE APPEAL FILED BY SIMONA HALEP AND REDUCES HER PERIOD OF INELIGIBILITY FROM 4 YEARS TO 9 MONTHS

Lausanne, 5 March 2024 – The Court of Arbitration for Sport (CAS) has issued the operative part of its decision in the appeal arbitration procedures *CAS 2023/A/10025 Simona Halep v. International Tennis Integrity Agency (ITIA)* and *CAS 2023/A/10227 International Tennis Integrity Agency (ITIA) v. Simona Halep*:

The appeal procedures before the CAS concerned two separate charges:

1. a charge which arose from a prohibited substance (Roxadustat) being detected in a urine sample collected from Simona Halep on 29 August 2022 during the US Open; and
2. a charge that Ms Halep's Athlete Biological Passport (ABP), in particular a blood sample given by Ms Halep on 22 September 2022, established use of a prohibited substance and/or prohibited method.

In its decision dated 22 September 2023, the International Tennis Federation (ITF) Independent Tribunal found Ms Halep guilty of both Anti-doping Rule Violations (ADRV) and imposed a four-year period of ineligibility on her.

In the appeal filed by Simona Halep at the CAS against the first instance Decision, Ms Halep requested that the sanction be reduced and be no longer than the period of the provisional suspension already served. In its separate appeal, the ITIA requested that the CAS sanction Ms Halep's ADRVs together as one single violation based on the violation that carried the most severe sanction, and the imposition of a period of ineligibility of between four and six years.

The CAS appeal arbitration proceedings involved intensive pre-hearing processes and a three-day hearing which took place on 7-9 February 2024 in Lausanne, Switzerland. The CAS Panel heard from many lay and expert witnesses, most of whom were present in person at the hearing.

The CAS Panel has unanimously determined that the four-year period of ineligibility imposed by the ITF Independent Tribunal is to be reduced to a period of ineligibility of nine (9) months starting on 7 October 2022, which period expired on 6 July 2023. As that period expired before the appeal procedures were even lodged with the CAS, the CAS Panel has determined it appropriate to issue the operative part of the Arbitral Award as soon as practicable, together with a comprehensive media release.

The CAS Panel has also ordered the disqualification of all competitive results achieved by Ms. Halep from 29 August 2022 (the date of her positive sample) to 7 October 2022, including forfeiture of any medals, titles, ranking points and prize money. Therefore, the appeal filed by the ITIA is dismissed and the appeal filed by Simona Halep is partially upheld (her request to backdate the start of the suspension on 29 August 2022 is dismissed).

Roxadustat charge

According to Articles 2.1 and 2.2 of the Tennis Anti-Doping Programme ("TADP"), it is each player's personal duty to ensure that no prohibited substance enters their body and players are responsible for any prohibited substances found to be present in their samples.

In this matter, a prohibited substance (i.e. Roxadustat) was found to be present in a sample collected from Ms. Halep on 29 August 2022 during the US Open. Ms. Halep did not contest liability in that she accepted that,



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by reasons of the presence of Roxadustat in her sample, she had committed anti-doping rule violations under Articles 2.1 and 2.2 of the TADP. However, she objected to the intentional nature of the infraction and argued that the positive test was the result of contamination.

Having carefully considered all the evidence put before it, the CAS Panel determined that Ms. Halep had established, on the balance of probabilities, that the Roxadustat entered her body through the consumption of a contaminated supplement which she had used in the days shortly before 29 August 2022 and that the Roxadustat, as detected in her sample, came from that contaminated product. As a result, the CAS Panel determined that Ms. Halep had also established, on the balance of probabilities, that her anti-doping rule violations were not intentional.

Although the CAS Panel found that Ms. Halep did bear some level of fault or negligence for her violations, as she did not exercise sufficient care when using the Keto MCT supplement, it concluded that she bore no significant fault or negligence.

Athlete Biological Passport (ABP) charge

With respect to the charge concerning Ms. Halep's ABP, the ITIA bore the onus of establishing (to the standard of comfortable satisfaction) that Ms. Halep had used a prohibited substance and/or prohibited method. It primarily relied on a blood sample given by Ms. Halep on 22 September 2022, the results of which it alleged demonstrated the anti-doping rule violation under Article 2.2 of the TADP.

Contrary to the reasoning of the first instance tribunal, the CAS Panel determined that it was appropriate in the circumstances to consider the results of a private blood sample given by Ms. Halep on 9 September 2022 in the context of a surgery which occurred shortly thereafter. Those results, and Ms. Halep's public statements that she did not intend to compete for the remainder of the 2022 calendar year, impacted the plausibility of the doping scenarios relied upon by the ITF Independent Tribunal. Having regard to the evidence as a whole, the CAS Panel was not comfortably satisfied that an anti-doping rule violation under Article 2.2. of the TADP had occurred. It therefore dismissed that charge.

Orders

The CAS Panel has issued the following decision:

1. The appeal filed by Simona Halep on 28 September 2023 against the decision issued on 22 September 2023 by the ITF Independent Tribunal is admissible and is partially upheld.
2. The appeal filed by the International Tennis Integrity Agency (ITIA) on 14 December 2023 against the decision issued on 22 September 2023 by the ITF Independent Tribunal is admissible and is dismissed.
3. The decision issued on 22 September 2023 by the ITF Independent Tribunal is set aside.
4. Simona Halep is found to have committed Anti-Doping Rule Violations under Articles 2.1 (presence) and 2.2 (use) of the Tennis Anti-Doping Programme 2022 as a result of the presence of a Prohibited Substance (Roxadustat) in her urine sample collected In-Competition on 29 August 2022.
5. Simona Halep is sanctioned with a period of Ineligibility of nine (9) months, commencing on 7 October 2022.
6. Credit is given to Simona Halep for her provisional suspension served since 7 October 2022.
7. All results obtained by Simona Halep in competitions taking place in the period 29 August 2022 to 7 October 2022 are disqualified, with all resulting consequences, including forfeiture of any medals, titles, ranking points and prize money.
8. The award is pronounced without costs, except for the Court Office fees of CHF 1,000 (one thousand Swiss francs) paid by each of Simona Halep in respect of her appeal and the International Tennis Integrity Agency (ITIA) in respect of its appeal, which is retained by the CAS.
9. The International Tennis Integrity Agency (ITIA) is ordered to pay Simona Halep an amount of CHF 20,000 (twenty thousand Swiss francs) as a contribution towards her legal fees and other expenses incurred in connection with these arbitration proceedings.

The reasoned award will be notified to the parties in due course. It will be published by CAS unless the parties request confidentiality.