
PROCEDURAL RULES GOVERNING TADP PROCEEDINGS BEFORE AN INDEPENDENT TRIBUNAL

- 1.1 The ITIA has contracted Sport Resolutions (www.sportresolutions.co.uk) to organise a panel of individuals with the necessary skills and experience (the **Independent Panel** or the **Panel**) from whom independent tribunals (each, an **Independent Tribunal**) may be formed to hear and determine particular matters. Sport Resolutions will act as secretariat to the Panel (working closely with the Panel member who is designated to act as Chair of the Panel) and to Independent Tribunals appointed from the Panel to hear and determine particular matters. The ITIA will compensate Sport Resolutions for its work, and (through Sport Resolutions) will compensate the Panel members for the time they spend on particular matters. However, both Sport Resolutions and the Panel members shall be independent of the ITIA, and shall carry out their responsibilities independently and impartially at all times.¹
- 1.2 These rules (the **Procedural Rules**) are effective as from 29 April 2022. Where the Tennis Anti-Doping Programme as amended from time to time (the **TADP**) confers jurisdiction on the Independent Tribunal to hear and determine a matter, then (save to the extent otherwise provided in the TADP) the Independent Tribunal will hear and determine the matter in accordance with these Procedural Rules.
- 1.3 These Procedural Rules, and proceedings before the Independent Tribunal generally, are governed by English law. The Independent Tribunal is intended to operate as an arbitral tribunal within the meaning of the Arbitration Act 1996. A person's consent to the TADP conferring jurisdiction over a dispute on the Independent Tribunal constitutes an agreement to arbitrate such dispute before the Independent Tribunal in accordance with these Procedural Rules, and proceedings before the Independent Tribunal constitute arbitration proceedings with a seat or legal place in London, England, to which the Arbitration Act 1996 applies. Subject strictly thereto, and to the provisions of the TADP and these Procedural Rules specifying how decisions of the Independent Tribunal may be appealed or otherwise challenged, the English courts shall have exclusive jurisdiction over disputes arising out of proceedings before the Independent Tribunal.
- 1.4 Unless the context otherwise requires, words in these Procedural Rules denoting any one gender include all other genders, and words denoting the singular include the plural and *vice versa*.
- 1.5 The Tennis Integrity Supervisory Board (SB) may amend these Procedural Rules from time to time. Such amendments will come into effect on the date specified by the SB.

2. JURISDICTION AND COMPOSITION OF THE INDEPENDENT TRIBUNAL

- 2.1 The Independent Tribunal has jurisdiction to hear and determine any matter referred to it in respect of which the TADP gives it jurisdiction.
- 2.2 Where a matter is referred under the TADP to the Independent Tribunal, the Chair of the Panel (or his or her designee) will appoint three members of the Panel (as specified in the TADP or otherwise as determined by the Panel Chair) to sit as the Independent Tribunal in that particular matter. The Panel Chair (or his or her designee) will designate one of the members (who should be legally qualified) to

¹ If for any reason the ITIA ceases to use Sport Resolutions to provide this service, then these Procedural Rules shall continue to apply with the replacement service provider standing in its place unless and until the SB shall decide otherwise.

chair that Independent Tribunal (the **Tribunal Chair**). The Panel Chair may choose to appoint himself or herself to sit as the chair or as a member of an Independent Tribunal.

- 2.3 Each member of the Independent Tribunal must (a) have had no prior involvement with the matter in question; and (b) act independently and impartially at all times.
- 2.4 Upon being appointed to an Independent Tribunal, each member must provide a declaration to the parties (via Sport Resolutions), disclosing any facts or circumstances known to them that might call into question their impartiality or independence in the matter in the eyes of a well-informed and fair-minded observer. If any such facts or circumstances arise thereafter, the member must provide an updated declaration to the parties.
- 2.5 Any objection to a member of an Independent Tribunal must be made to the Panel Chair without delay, and in any event within 14 days of (a) receipt of the written declaration referred to in Article 2.4; or (b) learning by any other means (including any subsequent means) of the facts or circumstances giving rise to the objection. Failure to do so will constitute a waiver of that objection. The Panel Chairman (or his or her designee) will rule on the objection.
- 2.6 If a member of an Independent Tribunal is, or becomes, unwilling or unable to hear the case, the process set out in the TADP shall apply.
- 2.7 The Panel Chair (or his or her designee) has the power, whether on the application of a party or of his or her own motion:
 - (a) to order consolidation before the same Independent Tribunal of two or more separate proceedings, and/or to order that concurrent hearings be held in relation to such proceedings; and
 - (b) to exercise any of the powers of the Independent Tribunal in relation to urgent matters that require a decision before an Independent Tribunal has been convened.
- 2.8 The Independent Tribunal will determine the case in accordance with the TADP and these Procedural Rules, with English law applying subsidiarily. Where the TADP and these Procedural Rules conflict, the TADP will prevail.
- 2.9 While the seat of all proceedings before an Independent Tribunal shall be London, England, and hearings before the Independent Tribunal shall also be held in London as a general rule, the Tribunal Chair may hold hearings elsewhere for good cause shown.
- 2.10 The parties are entitled to be represented by legal counsel and/or any other representative(s) in all proceedings before an Independent Tribunal, at their own expense.
- 2.11 The Independent Tribunal will have all powers necessary for, and incidental to, the discharge of its responsibilities under the TADP and these Procedural Rules, including (without limitation) the power, whether on the application of a party or of its own motion:
 - (a) to rule on its own jurisdiction;
 - (b) to appoint an independent expert to assist or advise it on specific issues, with the costs of such expert to be borne as directed by the Independent Tribunal;
 - (c) to expedite or to adjourn, postpone or suspend its proceedings, upon such terms as it shall determine, where fairness so requires;
 - (d) to extend or abbreviate any time-limit set in the TADP or these Procedural Rules, or by the Independent Tribunal itself, save for any limitations period or deadline for filing an appeal;

- (e) to order any party to make any property, document or other thing in its possession or under its control available for inspection by the Independent Tribunal and/or any other party;
- (f) to allow one or more third parties to intervene or be joined in the proceedings, to make all appropriate procedural directions in relation to such intervention or joinder, and thereafter to make a single final decision or separate decisions in respect of all parties;
- (g) to order that certain preliminary and/or potentially dispositive questions (e.g. as to jurisdiction, or as to whether a condition precedent has been met) be heard and determined in advance of any other issues in the matter; and
- (h) to award interim relief or other conservatory measures on a provisional basis and subject to final determination.

2.12 Any procedural rulings may be made by the Tribunal Chair alone, unless he/she prefers to have the full Independent Tribunal make the ruling in any particular instance.

2.13 As soon as practicable after the Independent Tribunal has been convened in a particular manner, the Tribunal Chair will issue directions to the parties in relation to the procedure and timetable to be followed in the proceedings. Where he/she deems appropriate, he/she may hear from the parties (in person or by telephone or videoconference) prior to issuing such directions. In particular, the directions will:

- (a) fix the date, time and venue of the hearing;
- (b) establish a schedule for the exchange of one or more rounds of written submissions and evidence in advance of the hearing, so that each party understands in advance of the hearing the case that it has to meet; and
- (c) make any appropriate order in relation to the disclosure of relevant documents and/or other materials in the possession or control of any party.

3. HEARINGS

3.1 All hearings will be conducted on a private and confidential basis, save that the ITIA may publish the decision and/or written reasons in accordance with Article 4.3 below. Where an oral hearing is convened, only the parties to the proceedings and their representatives, witnesses and experts shall be permitted to attend, as well as the representatives of any third party/parties permitted under the TADP to attend in order to participate in and/or to observe the proceedings.

3.2 The hearing will be conducted in English. Any party wishing to rely on documents written in another language must provide certified English translations at their own cost. Any party who wishes or whose witness wishes to give oral evidence in another language must at their own cost bring, or request that the Independent Tribunal provide, an independent translator to translate that evidence into English.

3.3 The procedure to be followed at the hearing will be at the discretion of the Tribunal Chair, provided always that the hearing must be conducted in accordance with the TADP in a fair manner, with a reasonable opportunity provided for each party to present evidence (including the right to call and to question witnesses/experts), and present his/her case to the Independent Tribunal. The Independent Tribunal will have discretion as to whether to receive evidence from witnesses/experts in person, by telephone, by videoconference, or in writing, and may question a witness/expert and control the questioning of a witness/expert by a party.

3.4 Where the subject matter of or facts relating to an allegation of breach of the TADP against one or more Players or Other Persons is sufficiently linked (including, but not limited to, where there is common evidence of the ITIA or the charged Players or Other Persons) and where appropriate for the timely and efficient disposal of the proceedings, the Independent Tribunal shall have the power (on application by

any of the parties or on its own volition) to consolidate proceedings so that they are conducted together and the allegation(s) of breach may be determined at a joint hearing. In respect of such matters:

- 3.4.1 evidence adduced by or on behalf of a charged Player or Other Person shall be capable of constituting evidence against another charged Player or Other Person (and the Independent Tribunal shall give appropriate weight to such evidence);
 - 3.4.2 charged Players or Other Persons or their representatives shall be entitled to cross-examine other charged Players or Other Persons and their witnesses; and
 - 3.4.3 the Independent Tribunal may hear evidence in any order and shall have complete discretion to take matters out of order for the timely, efficient and appropriate disposal of the proceedings.
- 3.5 Unless the Independent Tribunal orders that parties may make submissions in writing only, all parties should attend hearings, along with any representative(s). The non-attendance of any party and/or his/her representative(s) at the hearing, after due notice has been given, will not prevent the Independent Tribunal from proceeding with the hearing in his/her absence, whether or not written submissions have been made by or on behalf of that party.
- 3.6 Once the parties have completed their respective submissions, the Independent Tribunal will retire to deliberate in private. The Independent Tribunal will make its decision unanimously or by majority. No Independent Tribunal member may abstain.

4. DECISIONS

- 4.1 The Independent Tribunal will announce its decision to the parties in a written, reasoned decision, dated and signed (physically or electronically) by at least the Tribunal Chair, as soon as practicable after the hearing. A copy of the decision will also be sent to any other person/entity that has a right of appeal against the decision.
- 4.2 Where applicable, Sport Resolutions will co-ordinate with the ITIA in advance of publication of the decision which shall take place after the expiration of the appeal window.
- 4.3 Subject always to the TADP, the ITIA may publish the decision on the ITIA's website and/or otherwise as it sees fit, but otherwise the proceedings shall be confidential and no Independent Tribunal member, party, third party observer, witness, or other participant in the proceedings or recipient of the decision may disclose any facts or other information relating to the proceedings. The Independent Tribunal shall have jurisdiction to impose a sanction as it considers appropriate and proportionate in the event of a breach of this provision.
- 4.4 Decisions of Independent Tribunals shall be final and binding on all parties save where they are validly appealed in accordance with the TADP. All parties waive irrevocably any right to any other form of appeal, review or recourse by or in any court or judicial authority, insofar as such waiver may validly be made. For the avoidance of doubt, such a waiver extends to any rights that would otherwise arise under sections 45 or 69 of the Arbitration Act 1996.

5. APPEALS FROM DECISIONS OF THE INDEPENDENT TRIBUNAL

- 5.1 The CAS Code of Sports-related Arbitration will apply to any appeal proceedings arising from a decision of the Independent Tribunal. Any such appeal will be determined in accordance with the TADP, with English law applying subsidiarily. The language of the proceedings shall be English, and unless the parties agree otherwise, the CAS Panel will be a three-person panel.
- 5.2 The CAS award resolving the appeal will be final and binding on all parties, and no party will have a right of appeal against that award. All parties waive irrevocably any right to any form of appeal, review or recourse by or in any court or judicial authority in respect of such award, insofar as such waiver may

validly be made. For the avoidance of doubt, such a waiver extends to any rights that would otherwise arise under sections 45 or 69 of the Arbitration Act 1996 and to any rights of challenge arising under Swiss law that are capable of waiver.

- 5.3 The ITIA may publish the CAS award on the ITIA's website and/or otherwise as it sees fit, but otherwise the CAS proceedings shall be confidential and no CAS Panel member, party, third party observer, witness, or other participant in the proceedings or recipient of the decision may disclose any facts or other information relating to the proceedings.

6. MISCELLANEOUS

- 6.1 Any notice or other communication required to be given by a party pursuant to these Procedural Rules must be given in writing and must be sent by courier or first class post (or equivalent in the relevant country) with a copy sent by email and/or must be transmitted by email. If sent by courier or first class post (or equivalent), the notice or other communication will be deemed to have been given on the first day (other than a Saturday or Sunday) on which banks are open for business in London (a **Business Day**) after the day it is sent. If transmitted by email before midnight (London time) on a Business Day, the notice or other communication will be deemed to have been given on that Business Day. If transmitted by email on a non-Business Day, or at or after midnight (London time) on a Business Day, the notice or other communication will be deemed to have been given on the next Business Day.
- 6.2 A party's last-known residence or place of business or email will be a valid address for the purpose of any notice or other communication unless notification of a change to such address has been communicated to all parties and to the Panel Chair or the Tribunal Chair
- 6.3 Any period of time specified in these Procedural Rules will begin to run on the day following the day when a notice or other communication is given. Save where specified otherwise in the TADP, Non-Business Days occurring during the period are included in calculating the running of that period, save that if the period, so calculated, ends on a non-Business Day, then it will be deemed to end on the next Business Day.
- 6.4 Where a matter arises that is not otherwise provided for in the TADP or in these Procedural Rules, the Panel Chair or (if an Independent Tribunal has been convened) the Tribunal Chair will resolve it as he/she sees fit.
- 6.5 Any deviation from any provision of these Procedural Rules and/or any irregularity, omission, technicality or other defect in the procedures followed by the Panel Chair or by any Independent Tribunal will not invalidate any finding, procedure or decision unless it is shown to render the proceedings unreliable or to have caused a miscarriage of justice.
- 6.6 Neither the Panel Chair, nor the members of the Independent Tribunal, nor any expert appointed to assist the Independent Tribunal, will be liable to any party for any act or omission unless it is actuated by malice or bad faith.

Approved: 28 April 2022

Effective: 29 April 2022