



Summary of Operation Ash

2022 – 041

5 January 2023

Investigation Summary

This report details the result of the World Anti-Doping Agency Compliance Investigation Section (“CIS”) investigation into media allegations that the International Tennis Federation (“ITF”) conducts unjustified advance notice testing (“allows players to book their own drug tests”) as part of its Athlete Biological Passport (“ABP”) program (“Allegation One”),¹ and the ITF “inflates” the number of samples it collects (“Allegation Two”).²

Background

On 18 June 2022, the British newspaper the ‘Mail on Sunday’ published an online article (the “Article”)³ which alleged that the ITF warned players before the 2022 Miami Open that they would be tested as part of the ITF’s ABP program “in the days prior” to the tournament. Moreover, the ITF had “invited” players to schedule an “appointment” (via an online portal) to provide their samples. The Article further claimed that players were similarly “warned” of ABP testing before the 2021 United States (“US”) Open and the 2019 French Open.

The Article also accused the ITF of publishing “misleading” testing data by inflating the number of tests it conducted by counting every sample collected from an athlete during an individual doping control as a separate test. For example, if a urine, blood and an ABP sample was collected from an athlete during the one Sample Collection process (*viz.* test), the ITF counted this as “three tests rather than one”.

The Article also reported that the ITF had confirmed to the Mail on Sunday that it did warn players of ABP testing “before some competitions ... once or twice a year” because this allowed the ITF to carry out more ABP tests, and therefore, gather the widest possible

¹ An ABP monitors select biological variables over time that indirectly reveal the effects of doping, rather than attempting to detect the doping substance or method itself.

² The ITF has delegated all aspects of its anti-doping program (including testing) to the International Tennis Integrity Agency since 31 December 2021 (per Article 1.1.7 – 1.1.8 of the Tennis Anti-Doping Program).

set of ABP data to work with. Moreover, because the ITF conducted ABP testing on an ongoing basis, including testing without advance notice, the effectiveness of its ABP program was not adversely impacted.

Tennis Anti-Doping Program

The ITF has delegated its anti-doping program, including Sample Collections, to the International Tennis Integrity Agency (the “ITIA”). The ITF is a signatory to the World Anti-Doping Code (the “Code”), the ITIA is not. Consequently, it is the ITF and not the ITIA that is accountable for any Code or International Standard nonconformity, including those where the responsible party is a delegated third-party (e.g., ITIA).

Allegation One

The ITF confirmed to WADA⁴ that it does (via the ITIA) “once or twice a year”, as part of its ABP program, conduct *en masse* advance notice ABP testing at some tournaments. However, all other ABP samples are collected without advance notice.

The ITF were transparent in their use of advance notice testing and openly disclosed this fact in the associated Mission Orders and on the face of the respective Doping Control Forms (“DCFs”).

The WADA APB Operating Guidelines (the “ABP Guidelines”) state that, generally, the effectiveness of the ABP to detect doping is “improved” where Sample Collections occur with no advance notice, strategically in and out of competition throughout the year.⁵ However, in line with Article 5.3.1 of the International Standard for Testing and Investigations, in “exceptional and justifiable” circumstances,⁶ a Testing Authority may conduct some advance notice testing.

³ See URL: <https://www.dailymail.co.uk/sport/sportsnews/article-10930693/Fears-tennis-gone-soft-drugs-stars-allowed-pick-times-testing.html> (last viewed 14 November 2022).

⁴ The ITF had disclosed its discrete use of mass advance notice ABP testing to WADA prior to the Article.

⁵ Per Article 2.3.1.

⁶ The notion of what is “exceptional and justifiable” is not defined but discerned from the totality of the existing circumstances.

To this end, although WADA emphasises the primacy of testing an athlete without warning, it does support the strategic and discrete use of advance notice testing as part of an overall ABP testing distribution plan, provided that such testing is balanced, that the samples collected with advance notice constitute the minority of tests in each ABP, and that an athlete is not repeatedly tested using only advance notice testing.

It is also relevant to note that based on the requirements of the WADA Technical Document for Sport Specific Analysis (“TDSSA”),⁷ the ITF is not required to implement an ABP program.⁸ However, given the benefits of an ABP program, the ITF has, much to its credit, proactively implemented such a program.⁹

Incorrect Notice Designation

The World Anti-Doping Code requires Anti-Doping Organisations (“ADOs”), like the ITF, to report every Sample Collection to WADA by entering the DCF into ADAMS¹⁰ within 21 days of Sample Collection.¹¹

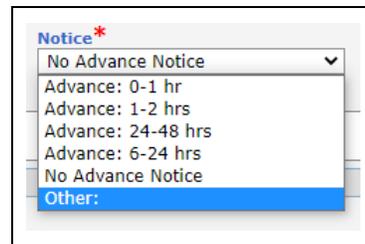
Operation Ash observed that the advance notice ABP tests that the ITF had reported to ADAMS were incorrectly designated as having been collected with no advance notice. The ADAMS entries were physically entered by a delegated third-party service provider engaged by the ITIA.

Investigations also established that when a test is reported to ADAMS the “no advance notice” designation is automatically populated as a default setting. Meaning, when creating a record in ADAMS for an advance notice test, the user must seek out the relevant field and manually change the designation from no advance notice. This was not

done by the ITF,¹² or more specifically, this was not done by the private sample collection company¹³ that the ITF had appointed as the Sample Collection Authority (“SCA”).

In terms of changing the testing notice designation within ADAMS, a user is given three options, namely: (i) no advance notice; (ii) advance notice and (iii) other. The advance notice option then presents four choices depending upon how much advance notice was given to the athlete (see below).

ADAMS Screenshot 1



Given the ITF had given the players more than 48 hours advance notice, the correct designation was “other”. Once the designation of “other” is selected (see below) the user must then provide the notification details which in this case should have been something to the effect of “advance notice given - greater than 48 hours”.¹⁴

ADAMS Screenshot 2



⁷ Per Article 3.3 and Appendix 1.

⁸ The TDSSA is intended to ensure that the Prohibited Substances within the scope of the TDSSA and other tools that support the detection of Prohibited Substances such as the ABP are subject to an appropriate and consistent level of use, analysis and adoption by all ADOs that conduct Testing in those sports or disciplines deemed at risk. Compliance with the TDSSA is mandatory under the Code.

⁹ The effectiveness of the TDSSA (and the current Minimal Level of Analysis for Sports and Disciplines of Olympic and IOC Recognized International Federations) is scheduled for review in 2023 by the WADA Strategic Testing Expert Advisory Group.

¹⁰ ADAMS is the “Anti-Doping Administration and Management System”, a Web-based database management tool for data

entry, storage, sharing, and reporting designed to assist stakeholders and WADA in their anti-doping operations.

¹¹ Per Article 14.5.1.

¹² In respect of the 2022 Miami Open, for example, 143 out-of-competition ABP samples had the wrong notice designation entered in ADAMS.

¹³ The International Doping Test and Management (Organization).

¹⁴ Notably, in October 2022, WADA updated the ADAMS module for testing notice designation. The update has simplified the designation choices to either advance notice of no advance notice. If the former is checked, the user must then enter the reason for the advance notice and the notification date and time.

Although the designation error entries were made by a third-party service provider, the ITF, as the Code Signatory, remains responsible. That said, the failure to record the correct notice designation in ADAMS does not appear intentional and was mitigated by the fact that the correct designation was clearly recorded on the respective Mission Orders and associated DCFs.

Incorrect Test Type

During the 2022 Miami Open, the ITF reported collecting 31 in-competition samples. However, Operation Ash observed (and the ITIA has confirmed) that of those 31 samples, 30 were collected out-of-competition and therefore, incorrectly marked as in-competition.¹⁵ In explanation, the ITF said the error was most likely caused by Doping Control Officer confusion. In any event, as the Testing Authority, it was incumbent upon the ITF to ensure that the correct test type was recorded for every sample collected.

Operation Ash has confirmed that although the wrong test type had been recorded in ADAMS, all 30 samples had been appropriately analysed to ensure that no Prohibited Substances were present.¹⁶

Conclusion

The WADA ABP Science and Medicine Department (the “ABP Department”) considers that in the specific circumstances of this case the ITF has likely conducted permissible advance notice ABP testing.

The ITF incorrectly designated some advance notice ABP testing as no advance notice testing. These errors appear to have been the consequence of an unintentional administrative oversight.

The ITF incorrectly marked 30 samples collected out-of-competition during the 2022 Miami Open as in-competition samples. This error also appears to have been an unintentional error.

¹⁵ Per the Code, the term in-competition is defined as “the period commencing at 11:59 p.m. on the day before a Competition in which the Athlete is scheduled to participate through the end of such Competition and the Sample collection process related to such Competition”.

¹⁶ This being a relevant consideration because some substances are only prohibited in-competition.

That said, the final determination of these matters resides within the jurisdiction of the WADA Compliance Review Committee.

ABP Operating Guidelines

The ABP Guidelines make clear the primacy of no advance notice ABP testing and targeted testing based on APMU¹⁷ recommendations.¹⁸ These guidelines, however, provide no guidance on the use of advance notice ABP testing, despite the clear view within the ABP Department that such testing is, in certain circumstances, appropriate and valuable. The ABP Guidelines would benefit from the inclusion of information on the issue of advance notice ABP testing.

Allegation Two

As previously stated, ADOs, like the ITF, must report every “test” into ADAMS via the associated DCF.¹⁹ Each DCF entered lists those samples (e.g., urine, blood, ABP) collected from a specific athlete during the Sample Collection.

Operation Ash did not find evidence that the ITF had “inflated” the number of samples it had collected. In any event, since publication of the Article, the ITF has included on the ITIA website an explanation that its testing figures “outline the number of *samples* taken from players [and] not the number of *tests*” conducted because “multiple samples” can be taken from a player during the one test.²⁰

Conclusion

The ITF has accurately recorded its Sample Collection figures in ADAMS.

Case Finalization Meeting

In accordance with the investigative practice of the WADA Intelligence and Investigation Department (“WADA I&I”), on 13 December 2022, the Deputy

¹⁷ Athlete Passport Management Unit.

¹⁸ Per Article 2.3.1.

¹⁹ Per Article 14.5.1.

²⁰ Per URL: <https://www.itia.tennis/news/itia-news/q2-update-2022/>.

Director of WADA I&I met with the ITF and ITIA in relation to the findings of Operation Ash. In accepting the findings both the ITF and ITIA assured WADA that they were committed to ensuring the accuracy of all future ADAMS reporting. Moreover, the ITIA had addressed the ADAMS reporting issues with the responsible third-party service provider. The ITIA also indicated it would implement a quality control 'spot-check' on future Sample Collections to ensure accurate ADAMS reporting.

Recommendations

Operation Ash recommends the following:

1. A copy of this report be provided to WADA's President, Director General and Chief Operating Officer for their information.
2. A copy of this report be provided to the WADA ABP (Science and Medicine) Department for its information.
3. A copy of this report be provided to the WADA Compliance Taskforce, and to the Compliance, Rules, and Standards Department for their information.
4. A copy of this report be provided to the WADA ADAMS Team for its information.



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