



TAS / CAS
TRIBUNAL ARBITRAL DU SPORT
COURT OF ARBITRATION FOR SPORT
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MEDIA RELEASE

TENNIS – ANTI-DOPING

MIKAEL YMER (SWEDEN) IS DECLARED INELIGIBLE FOR 18 MONTHS FOLLOWING 3 WHEREABOUT FAILURES

Lausanne, 17 July 2023 – The Court of Arbitration for Sport (CAS) has issued its decision in the appeal arbitration between the International Tennis Federation (ITF) and the Player Mikael Ymer (Sweden) following an appeal by the ITF against the decision of the Independent Tribunal appointed pursuant to the ITF Regulations, which had exonerated the Player from any sanction despite three whereabouts failures committed in twelve months. The first-instance tribunal had found that, in relation to the third whereabouts failure, which occurred on the eve of the 2021 Open International de Tennis de Roanne (France), the Doping Control Officer (DCO) did all that was required of him to locate the Player, but that no negligence could be attributed to the Player or his agent (the Player was accommodated in a different hotel than the one he had requested when making his reservation, but the Player’s agent (who updated the Player’s whereabouts on his behalf) did not receive news of that change and therefore did not make the necessary update on that occasion).

In July 2022, the ITF filed an appeal at the CAS and requested that a two-year period of ineligibility be imposed on the Player. The CAS Panel partially upheld the appeal and imposed a period of ineligibility of 18 months on the Player, starting today.

During the CAS proceedings, it was established that the Player had three whereabouts failures (22 April 2021, 10 August 2021, 7 November 2021) recorded against him in the 12 months prior to 7 November 2021. The Player accepted his first two whereabouts failures, but contested his third failure, arguing that (a) the DCO who attempted to locate the Player did not make a reasonable attempt to do so, and (b) no negligence on the part of the Player contributed to the whereabouts failure.

Following a hearing on 25 April 2023, the CAS Panel in charge of the matter deliberated and concluded that the Player failed in ensuring his compliance with the anti-doping regulations by omitting to verify his whereabouts filing for 7 November 2021, and by assuming that any discrepancy between his actual and declared whereabouts would be corrected by his agent or by the tennis authorities. The 18-month suspension, slightly lower than the sanction initially requested by the ITF, was determined in accordance with the CAS jurisprudence, based on the degree of fault of the Player. The majority of the Panel found that the degree of fault of the Player, a professional and experienced athlete, was high, although the third whereabouts failure could be described as the result of culpable negligence.