
Independent Review of Integrity in Tennis

**INTERIM
REPORT**

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I EXECUTIVE SUMMARY

A INTRODUCTION

1. In early 2016, the four organisations principally responsible for governing professional tennis at the international level – the ATP, the WTA, the ITF, and the Grand Slam Board (collectively, the “International Governing Bodies”) – appointed an Independent Review Panel (the “Panel”) to address betting-related and other integrity issues facing the sport. Pursuant to its Terms of Reference, the Panel has conducted an Independent Review of Integrity in Tennis (the “Review”), addressing the nature and extent of the problem over time; the appropriateness and effectiveness of the sport’s historical and present approach to addressing it; and potential changes to improve how the sport tackles it in the future.
2. This Interim Report summarises the Panel’s preliminary conclusions and proposed recommendations. Along with this Interim Report, the Panel is simultaneously making available for consideration and comment its underlying Record of Evidence and Analysis (“REA”), which describes at greater length and in greater detail the evidence and analysis on which the preliminary conclusions and proposed recommendations in this Interim Report are based. The two documents should be read together. Although the Panel has summarised its major conclusions and recommendations, this Interim Report necessarily does not include every detail, argument, and document that can be found in the comprehensive REA.
3. The Panel regards it as important that all interested persons should have, and take, the opportunity to provide input on all aspects of the Panel’s interim findings. This Interim Report, together with the REA, is therefore being made available for consultation. Interested parties are requested to provide any comments by 25 June 2018. Submissions should be addressed to Jonathan Ellis, the Solicitor and Secretary to the Panel, at tennisirp@northridgelaw.com. The Panel will fully consider all comments submitted, before making any appropriate changes to the REA and issuing a Final Report, which will contain the Panel’s final conclusions and recommendations.
4. This Interim Report is based on the Panel’s comprehensive analysis of betting-related and other integrity issues facing professional tennis, including interviews of witnesses, examination of records and documents, and consultation with experts in various fields. With the assistance of its Secretariat and attorneys working at its direction, through this Review, the Panel has, among other things:
 - 4.1 interviewed and collected written statements from over 200 key stakeholders in professional tennis, including the International Governing Bodies, the Tennis Integrity Unit (the “TIU”), tournament organisers and directors, national federations, governmental regulators, and betting operators;
 - 4.2 conducted over 100 interviews of, and collected over 3,200 survey responses from, male and female professional tennis players at all tournament levels around the world;
 - 4.3 collected, and conducted a proportionate review of, voluminous documents from the International Governing Bodies and the TIU;
 - 4.4 consulted numerous subject-matter experts, including to conduct its player survey, to assess the relevant betting markets, to analyse the intelligence received by the TIU, and to evaluate the TIU’s handling of its caseload since 2009;
 - 4.5 received and considered proposals from the International Governing Bodies and the TIU for changes to the organisation of the sport and to the system for safeguarding integrity; and
 - 4.6 undertaken a process to afford individuals and organisations potentially subject to criticism an opportunity to make representations before publication, and considered all such representations that the Panel has received.

5. The Panel has been impressed with the level of assistance and cooperation provided to it throughout the Review. The TIU provided the Panel with full access to its documents. The Panel has been provided with all of the information it has requested from all the International Governing Bodies and from others, in a form on which the Panel can rely, save for one instance, described in Section VII.B below, where confidentiality was asserted over material concerning the circumstances in 2003 in which a player who had been under investigation retired.

B THE NATURE AND EXTENT OF THE PROBLEM

6. As illustrated by past reviews, concerns about the threat of betting-related and other breaches of integrity to professional tennis are not new. In June 2005, a report authored by Richard Ings, then the ATP's Executive Vice President for Rules and Competition, concluded that tennis faced a "clear" threat of match-fixing and warned that the sport was "at a crossroads of credibility". Following a suspicious match in Sopot, Poland that garnered significant press attention, and gave rise to an investigation by experienced sports-integrity investigators, a May 2008 "Environmental Review of Integrity in Professional Tennis" ("Environmental Review") authored by investigators Ben Gunn and Jeff Rees similarly found that "threats to the integrity of professional tennis" are "real and cannot be taken lightly".
7. Today, tennis faces a serious integrity problem. There are several reasons for this:
 - 7.1 The nature of the game lends itself to manipulation for betting purposes. There are many contingencies. There is only one player who must act. Detection is difficult, not least because at many lower level matches there are no spectators and inadequate facilities to protect players from potential corrupters. Moreover, under-performance is often attributed to 'tanking', which too often has been tolerated.
 - 7.2 The player incentive structure creates a fertile breeding ground for breaches of integrity. Only the top 250 to 350 players earn enough money to break even. Yet there are nominally 15,000 or so 'professional' players. The imbalance between prize money and the cost of competing places players in an invidious position by tempting them to contrive matches for financial reward. Players may be particularly tempted in relation to matches that they intended to 'tank' for unrelated reasons – a factor that has been aptly described as the "seeds of corruption" – or in matches that they believe they can win even while contriving to lose games, sets, or points along the way.
 - 7.3 The advent of online betting and the sale of official live scoring data have greatly exacerbated the problem. The data sale contracts have made tens of thousands of matches available for betting, creating greater opportunities for players and officials to bet or act corruptly. It is now possible to place online bets on a wide range of contingencies in matches played at levels of the sport that cannot accurately be described as professional, and at which the risk of integrity breaches, by players, officials, and others, is likely greatest.
8. The empirical evidence available to the Panel – including betting data, player interviews, and the Panel's player survey – demonstrates that while no level of professional tennis is immune from betting-related and other breaches of integrity, the problem is particularly acute and pervasive at the lower levels (made up of ITF men's \$15k and \$25k Pro Circuit events (known as "Futures") and women's \$15k and \$25k Pro Circuit events) and at the middle levels (made up of ATP Challenger and ITF women's Pro Circuit \$60k-\$100k and WTA \$125k events) of the sport, especially on the men's circuits. The Panel assesses the problem at those levels to be very significant. A TIU investigator described the extent of the problem at some lower level events as a "tsunami".
9. The evidence reviewed by the Panel has not revealed a widespread problem at higher levels of professional tennis (Tour events and Grand Slams), although there is nonetheless evidence of some issues at these levels.

10. Additional evidence – including from prior integrity reviews, past and present enforcement actions, and statements by investigators responsible for enforcing tennis’ integrity rules – generally supports these conclusions.
11. While each of these sources has limitations, they generally point to the unsurprising conclusion that the integrity problems in tennis are greatest where prize money relative to costs, prospects of advancement, public interest and attention, and financial resources of tournaments are lowest.

C THE HISTORICAL APPROACH TO THE INTEGRITY PROBLEM

12. Shortly before the appointment of the Panel, there was media coverage critical of past events, as well as of the current condition of professional tennis. The Panel has not discovered any evidence demonstrating a ‘cover up’ in relation to these issues, by the International Governing Bodies, the TIU, or anyone else.
13. Historically, the approach of the International Governing Bodies and the TIU to integrity-related issues includes many instances in which the officials responsible for safeguarding tennis acted appropriately and proportionately. For example:
 - 13.1 The ATP, led by the efforts of Richard Ings, was proactive in introducing an anti-corruption code in the early 2000s. Compared to many other sports, tennis was at the forefront of efforts to address integrity issues.
 - 13.2 Following the highly publicised Sopot match in 2007, the ATP appropriately dedicated time and resources to conducting a thorough investigation.
 - 13.3 The International Governing Bodies then came together to commission the Environmental Review and, thereafter, to institute a new integrity system for professional tennis.
14. There were, however, a number of occasions where the actions taken by the sport were inappropriate or ineffective, resulting in missed opportunities. In particular:
 - 14.1 Greater attention should have been given by the ATP to a report produced by Richard Ings in 2005.
 - 14.2 In a number of cases the ATP failed to exhaust potential leads before ending investigations, including, in 2007 and 2008, with respect to its investigation of betting accounts in the names of players and coaches.
 - 14.3 When issues arose at the Grand Slam level, the Grand Slam Committee investigations, which were carried out by the ITF in connection with the Grand Slams, were at times insufficient. These entities did not have the structures and resources in place to conduct adequate investigations.
15. While limited by the historical information still available for review, the Panel saw no evidence of failures by the WTA or ITF in their handling of historic corruption allegations. Indeed, the Panel has not seen evidence of betting related corruption arising at the ITF level prior to 2009.
16. As referred to in paragraph 5 above, confidentiality was asserted over some material concerning the circumstances in 2003 in which a player who had been under investigation retired. As explained in Section VII.B below, the Panel is concerned about the circumstances of the player’s retirement and that it was unable to use that material, to address further the manner in which the investigation concluded, or how the player came to retire.

D THE APPROACH TAKEN SINCE THE CREATION OF THE TIU IN 2009

17. In 2008, the International Governing Bodies acted appropriately in working together to adopt a uniform tennis anti-corruption code (the "TACP"); to fund jointly the TIU to investigate and prosecute betting-related breaches of integrity in tennis; and to establish an education programme, the Tennis Integrity Protection Programme (the "TIPP"). The new system came into operation in January 2009. Since the TIU was established, the International Governing Bodies have consistently provided the TIU with the funding the TIU has requested.
18. The TIU's efforts to safeguard tennis integrity deserve credit in several respects. Most notably, the TIU has conducted 35 successful prosecutions over the years, it has significantly expanded its relationships in the betting industry, and it has implemented an education programme that has been applied to more than 25,000 players.
19. The Panel has not seen any evidence that the TIU acted to cover up breaches of integrity. The TIU's staff face significant challenges in attempting to combat the threats facing tennis. In the Panel's view, however, the TIU's overall approach has fallen short in a number of important respects:
 - 19.1 At the outset, the TIU missed a significant opportunity when it failed to take steps in relation to: (i) 45 matches that had been identified in the Environmental Review as warranting further review; (ii) material that it received from the International Governing Bodies relating to offences from before 2009; and (iii) material that had been downloaded, during the Sopot investigation, from the mobile phone of one of the players involved in the Sopot match.
 - 19.2 The TIU has been understaffed since its inception. It appears to have been overwhelmed by the increasing workload and to have reacted behind the curve in increasing its resources. Further, the TIU has lacked staff with important specialised skills. In particular, the TIU should have employed a betting analyst.
 - 19.3 While some of the insufficiencies in the TIU's approach are attributable in part to its inadequate resources, others are attributable to what has been, in the Panel's assessment, an overly conservative and insufficiently proactive attitude on its part as to how best to detect, investigate and prevent breaches of integrity of tennis arising around the world, using a full range of methods and in cooperation with others within the sport and law enforcement. In particular, insufficient use has been made of betting data to direct TIU investigations.
 - 19.4 When deciding whether to pursue charges, the TIU has taken an unduly restrictive approach to the disciplinary rules.
20. In 2011, the TIU's task was made more difficult by the ITF entering into a live scoring data sale agreement with Sportradar. A further agreement was entered into in 2015. Whilst these deals have generated considerable funds for the sport, they have also greatly expanded the available markets for betting on the lowest levels of professional tennis. The ITF did not appropriately assess the potential adverse effects of these agreements before entering into them.
21. Insufficient oversight has contributed to the shortcomings of the TIU's current approach. The TIU has not been subject to adequate supervision or strategic direction from the Tennis Integrity Board ("TIB"), which was established by the International Governing Bodies to oversee the TIU. This has principally arisen as a consequence of the TIB's deference to the independence of the TIU.

E PROPOSED RECOMMENDATIONS FOR CONSULTATION

22. There is no simple solution or panacea to deal with the problem now faced. Rather, what is required is a package of measures to tackle the underlying causes of the problem in the organisation of the sport; to address and limit the betting markets that ultimately drive, and give expression to, the problem; and to improve the systems for preventing and disrupting breaches of integrity, and for detecting and sanctioning them when they occur.
23. To assist the International Governing Bodies in their important endeavour to combat betting-related and other breaches of integrity in tennis, the Panel's Review has emphasised, and this Interim Report and the REA propose, a number of ways for tennis to confront and address more effectively the integrity challenges it faces. This Interim Report sets out below multiple proposed recommendations, developed further in Chapter 14 of the REA. These proposed recommendations include:

(1) Removing opportunities and incentives for breaches of integrity

- 24. Recommendation 1.** The Panel proposes that the opportunities for breaches of integrity be reduced through restrictions on the sale of official live scoring data, in particular:
- 24.1 Discontinuing the sale of official live scoring data, at least for ITF \$15k and \$25k Pro Circuit events (the lowest levels of the sport).
- 24.2 Empowering the TIU to monitor betting markets and to disrupt betting based on unofficial live scoring data at these lowest levels.
- 24.3 Empowering the TIU to impose targeted restrictions on the sale of official live scoring data in particular circumstances at all levels of the sport.
- 24.4 Imposing integrity-related contractual obligations on betting operators and data supply companies as a condition of the supply of official live scoring data.
25. The Panel considers that the maintenance of the status quo in relation to the number of matches available for betting would be disastrous for tennis. The Panel considers, pending consultation, that significant restrictions should be introduced. The Panel recognises that these proposals would have an adverse impact on the ITF's revenues, a substantial part of which is reinvested in promoting tennis at what is essentially a developmental level of the game. The Panel therefore proposes that the other International Governing Bodies should contribute greater funds to assist the ITF's critical function of developing the next generation of professional tennis players.
26. The Panel proposes eliminating betting sponsorships from tennis. Players are precluded from having such sponsorship. The same should apply to tournaments.
27. The cooperation of betting operators remains critical to the fight against corruption in tennis. In light of the Panel's recommendations, the sport and the betting industry should cooperate to ensure that betting operators play their part by, for example, not seeking to offer betting markets at the lowest levels of the sport in respect of which live scoring data are no longer to be sold. Betting operators should fully cooperate with the TIU in its efforts to bring proceedings against those who breach the integrity rules of the sport. In turn, the TIU should actively engage with betting operators.
- 28. Recommendation 2.** There should be changes to the organisation of professional tennis to address incentive problems. The Panel proposes, for consultation, that the incentives for breaches of integrity be reduced by restructuring the player pathway to ensure sufficient financial incentives and prospects for progression. That includes a more realistic approach to how many players can be considered professional.

(2) Establishing a restructured and better resourced TIU with independent Supervisory Board oversight

29. Recommendations 3 and 4. The TIU should be reorganised with independent oversight. Amongst other things, the Panel proposes that:

29.1 There should be a new, entirely independent, supervisory board for the TIU, rather than one appointed by the International Governing Bodies.

29.2 There should be a new, entirely independent, TIU, with separate legal personality and its own premises.

29.3 The TIU should have more, and more diverse, staff to deal with the scale and nature of the integrity problem now faced in tennis.

29.4 The TIU should be properly and securely funded.

29.5 There should be an annual external audit of the TIU.

(3) Preventing breaches of integrity through education, control of access, and disruption

30. Recommendation 5. Completion of enhanced integrity training should be a condition of playing, and the training should be extended to other key participants in tennis.

31. Recommendations 6 and 7. Access to players should be controlled through, amongst other things, changes to accreditation and to the standards of facilities and security at events. Measures should be implemented to deal with rampant online abuse of players. There should be an “exclusion” procedure, and consideration should be given to the use of disruption techniques and integrity testing.

(4) Enforcing expanded integrity rules and changing its approach to investigating and punishing offenders

32. Recommendation 8. The Panel makes a number of proposals for changes in the rules, including to broaden the prohibitions on such conduct as deliberate contrivance of a match and abuse of inside information, and to strengthen cooperation and reporting obligations. The new TACP should be accompanied by a practical guidance document so that the effect of the rules can be easily understood.

33. Recommendation 9. There should be changes to the TIU’s investigative processes, including:

33.1 The TIU should have in-house betting expertise dedicated to the fight against breaches of integrity. The TIU should improve the collection of betting data from betting operators. The TIU should make greater use of betting data to support disciplinary proceedings.

33.2 The TIU should have access to independent tennis expertise dedicated to the fight against breaches of integrity. The TIU should make greater use of match footage to support disciplinary proceedings.

33.3 The TIU should improve its processes for gathering, storing and using intelligence.

33.4 The TIU should promptly clear its substantial backlog of cases.

34. Recommendation 10. The Panel further proposes a number changes to TACP disciplinary processes, to permit more expeditious and cost-effective proceedings while protecting the rights of the accused. Amongst other things, the Panel raises the possibility for consultation of a single-stage process before an independent and impartial tribunal, in place of the current two-stage process including a de novo appeal to the Court of Arbitration for Sport.

35. Recommendation 11. The Panel makes proposals for enhanced transparency of the TIU and the disciplinary process, including publication of all resolutions of proceedings.

36. Recommendation 12. There is an opportunity and need for the TIU to more effectively engage and cooperate with national federations and law enforcement agencies, as well as with other sports governing bodies and third parties, and the Panel makes recommendations to promote this.

(5) Encouraging national and international cooperation and enforcement

37. The Panel also urges national authorities to make greater use of the criminal law, where appropriate, to assist in the global fight against match-fixing, both by enacting appropriate prohibitions and by prosecuting where possible. The tennis International Governing Bodies and national federations should encourage this.

38. National authorities should also make use of mechanisms for international cooperation. The Council of Europe Convention on the Manipulation of Sports Competitions (the “Macolin Convention”) provides a useful framework for countries to deal more effectively with match-fixing at the national and international levels. The Panel urges the relevant national authorities to ratify and implement it, and recommends that the International Governing Bodies and national federations encourage this result.

II IMPETUS FOR INDEPENDENT REVIEW¹

39. Although the media had covered integrity issues in tennis for several years, scrutiny intensified on the eve of the 2016 Australian Open. In particular, on 17 January 2016, BuzzFeed News and the BBC jointly stated, in 'The Tennis Racket', that they had obtained "*secret files exposing evidence of widespread match-fixing by players at the upper level of world tennis*". The piece criticised choices made by the International Governing Bodies and the TIU following the 'Environmental Review of Integrity in Professional Tennis' in 2008². Based on a reported review of "*leaked documents from inside the sport*" as well as "*interviews across three continents with gambling and match-fixing experts, tennis officials, and players*", the piece claimed that "*the sport's governing bodies have been warned repeatedly*" about match-fixing by particular players, "*but none have faced any sanctions and more than half of them [were to] begin playing at the Australian Open*". According to the piece, "*more than 20 gambling industry officials, international police detectives, and sports integrity experts told BuzzFeed News that world tennis is failing to confront a serious problem with match-fixing*". The piece also reported that several players had been "*flagged*" repeatedly as suspected fixers by betting operators and that betting data identified a group of players who "*regularly lost matches in which heavily lopsided betting appeared to substantially shift the odds – a red flag for possible match-fixing*".
40. Expressly or implicitly, 'The Tennis Racket' asserted that:
- 40.1 tennis authorities had taken inadequate steps in the past to address match-fixing, that the TIU and its approach had been inadequate, and that tennis is still "*failing to confront a serious problem with match-fixing*";
- 40.2 tennis authorities had in the past turned, and are still now turning, a blind eye to match-fixing: "*Tennis hasn't got a problem because they don't want to have a problem*"; and
- 40.3 tennis authorities had in the past deliberately suppressed, and are now still deliberately suppressing, the extent of the problem: "*leaked files expose match-fixing evidence that tennis authorities have kept secret for years*".
41. In response, the International Governing Bodies and the TIU promptly released a joint statement "*reject[ing] any suggestion that evidence of match-fixing has been suppressed for any reason*" and reiterating their "*zero-tolerance approach to all aspects of corruption*". The statement noted that the International Governing Bodies had commissioned the Environmental Review and, consistent with the recommendations from that review, adopted a uniform anti-corruption code and created the TIU as an independent body to investigate and prosecute tennis integrity offences. The statement quoted ATP President Chris Kermode: "*Tennis remains fully committed to meeting the challenge that all sports face from corrupt betting practices. We have stringent procedures and sanctions in place to deal with any suspected corruption and have shown we will act decisively when our integrity rules are broken... We remain open and willing to upgrade any or all of the anti-corruption systems we have in place if we need to*".

¹ REA, Chapter 11.

² Ben Gunn and Jeff Rees, 'Environmental Review of Integrity in Professional Tennis' (May 2008), available at: <http://www.tennisirp.com>.

42. Following the joint press release, media coverage of suspected match-fixing continued. Further pieces expressly or implicitly asserted that *“the problem in tennis has been systemic for over a decade, and . . . largely ignored by tennis”*; that *“tennis buried”* Richard Ings’ ‘Report on Corruption Allegations in Men’s Professional Tennis (the “Ings Report”)³; that the ITF had acted inappropriately in selling live scoring data and had concealed disciplinary cases against umpires for match-fixing; that the TIU had acted incompetently in relation to a suspicious mixed doubles match at the Australian Open and in failing to deal with two Italian players under criminal investigation; and that the ATP had in the past been selective in its efforts to discipline players for betting on tennis, in order to protect prominent players.

43. While such media attention may have been the immediate impetus for this Review, the explosive growth of online betting, facilitated by the sale of official live scoring data, was a fundamental change in circumstances requiring reassessment of the existing system.

³ Richard Ings, ‘Report on Corruption Allegations in Men’s Professional Tennis’ (June 2005), available at: <http://www.tennisirp.com>.

III APPOINTMENT OF THE PANEL, TERMS OF REFERENCE, AND SCOPE OF REVIEW⁴

44. Less than two weeks after the publication of ‘The Tennis Racket’, the International Governing Bodies announced this Independent Review of Integrity in Tennis. Adam Lewis QC (from the United Kingdom) was appointed to lead the three-person Panel⁵. Mr Lewis selected the remaining two members of the Panel, Beth Wilkinson (from the United States)⁶ and Marc Henzelin (from Switzerland)⁷. Jonathan Ellis (from the United Kingdom) was appointed as the Solicitor and Secretary to the Panel, and he heads the Panel’s Secretariat (Northridge Law LLP)⁸. The members of the Panel are lawyers entirely separate and independent from the International Governing Bodies as well as from the Secretariat.
45. The International Governing Bodies set out the Panel’s mission in the ‘Terms of Reference’, which charge the Panel with reviewing the appropriateness and effectiveness of the TACP, TIU, and TIPP and recommending changes for improvement. The matters to be covered by the Panel’s Review include:
- 45.1 *“The rules governing and protecting the integrity of the actions of participants in tennis, including the rules of the TACP”;*
- 45.2 *“The mechanisms for investigation and the enforcement of those rules, including through the TIU”;*
- 45.3 *“Whether investigation and the enforcement of the rules through those mechanisms has been carried out appropriately”;*
- 45.4 *“The relationships with law enforcement agencies, betting operators and other relevant bodies”;*
- 45.5 *“The level of independence of the TIU”;*
- 45.6 *“The level of resources allocated to the TIU”;*
- 45.7 *“The level of transparency in investigation and the enforcement of the rules”;* and
- 45.8 *“The approach to the education of participants in tennis, including through the TIPP”.*
46. Additionally, *“the [Panel] shall be entitled to review and report on . . . relevant matters that occurred before the adoption of the TACP and creation of the TIU”;* *“the significance of the roles of the bodies outside of tennis, including international and state bodies and law enforcement agencies, betting operators and other relevant bodies”;* and *“any other matter that it considers to be relevant arising out of its review”.* The International Governing Bodies specifically asked the Panel to address past events, including concerning their performance and the performance of the TIU, as part of this Review.

⁴ REA, Chapter 1.

⁵ Mr Lewis, of Blackstone Chambers, is a barrister specialising in Public Law, EU Law, and Sports Law. He regularly appears before the English and European courts and in arbitral tribunals, including the Court of Arbitration for Sport in Lausanne, Switzerland. He also sits as an arbitrator in sports disputes. Mr Lewis previously worked for law firms in both Washington, D.C. and Brussels, as well as in the cabinet of a European Commissioner.

⁶ Ms Wilkinson, of Wilkinson Walsh + Eskovitz LLP, serves as lead trial counsel in federal and state cases involving, among other things, sports and entertainment, white collar crime, antitrust, mass tort and product liability, and class action litigation. She represents various U.S. professional and college sports leagues and associations. Ms Wilkinson also represents clients in front of the Department of Justice, Congress, and other government agencies. She is a former Assistant United States Attorney and a former Counsel to the Deputy Attorney General.

⁷ Mr Henzelin, of Lalive SA, serves as lead counsel in transnational and domestic litigation, involving, among other things, international and economic criminal law, commercial and banking litigation, asset recovery, mutual legal assistance in criminal matters and extradition, and public international law. He also leads private investigations. Mr Henzelin previously served as an acting Judge at the Cour de Cassation of Geneva and of the criminal and commercial sections of the Court of Appeal.

⁸ The Secretariat comprises a number of solicitors who are specialists in sports law. The IRP has also received substantial assistance from attorneys at Wilkinson Walsh + Eskovitz LLP, especially Sean Eskovitz, and at Lalive SA especially Giulio Palermo, as well as from various experts and consultants, described herein.

47. Accordingly, the factual ambit of this Review is behaviour that throws into doubt the genuineness of the competition and outcomes in professional tennis matches, because a player has decided not to try to win the match, or part of it. Also included in the factual ambit are tennis participants using or providing inside information for betting purposes; betting by participants; encouraging or facilitating betting by others; delay in entering or manipulation of scoring by officials; sponsorship of players and others by betting operators; inappropriate provision of accreditation and sale of wildcards; failure to report corrupt approaches and to cooperate and assist in investigations; and association with known corruptors. Other breaches of integrity in the broadest sense, such as doping or other forms of cheating to win, are not covered. Nor does this Review include other behaviour aimed at increasing the chances of winning by impermissible means, such as on-court coaching or violating equipment rules.
48. The Panel's task is to assess the integrity system in place and its operation. It is not, and could not be, the task of the Panel to evaluate whether there have been specific breaches of integrity by particular individuals. That can only be determined by a disciplinary process. Nothing in the Interim Report or in the REA is or should be taken as concluding or suggesting that there has been such a breach of integrity, in the absence of a disciplinary decision that has already reached this conclusion.
49. Nor is it the task of the Panel to determine whether any past decision or action of any person or organisation satisfied any public law or private law legality standard or test, or was in breach of contract or tortious. The Panel is not a court or arbitration panel charged with resolving a dispute as to such legality. The Panel is charged with assessing what happened in the past, based on the available information, and whether in the Panel's opinion it was appropriate and effective. This does not mean, however, that the Panel is assessing the legality of any decision or action by reference to any contractual or tortious or irrationality or unreasonableness standard or test. Nothing in this Interim Report or in the REA is or should be taken as concluding or suggesting that any decision or action satisfied, or failed to satisfy, any such public law or private law legality standard or test, or was or was not in breach of contract or tortious.
50. The Panel bears in mind the environmental and factual circumstances at the time. The Panel also acknowledges that it necessarily has the benefit of hindsight, that matters may appear different now than they did at the time, and that points of view as to what may be the right decision or action to take may vary. Indeed, through the evidence gathering and representation process, the Panel received comments and responses regarding many of the matters addressed in this Interim Report; that evidence is set out in further detail in the REA, to which the reader is referred and which should be read together with this Interim Report. The Panel further notes that faded, or hardened, witness recollection and the nature of the Review, which does not involve an adversarial process, mean that on occasion it is not possible or appropriate to seek to resolve direct conflicts in the evidence.
51. In conducting this Review, the Panel has had the authority to require document productions from the International Governing Bodies and the TIU, interview individuals, engage experts, and enter into confidentiality agreements. The Panel also has broad discretion to "*make such recommendations as it considers appropriate*" in this Interim Report and in the Final Report that will follow. The Terms of Reference also required the Panel to notify any individuals or organisations whom the Panel intends to criticise in its report and to give these individuals or organisations a reasonable opportunity to respond; that representation process is described further below. For their part, the International Governing Bodies committed to cooperate with the Panel's Review, to make the outcomes and recommendations of the Review publicly available, and to implement and fund all of the Panel's recommended actions.

IV THE INDEPENDENT REVIEW PROCESS⁹

52. The Panel accepted, and has pursued, its mandate in this matter without any pre-set agenda or pre-determined conclusions. Since March 2016, the Panel has conducted an extensive review of betting-related and other integrity issues facing professional tennis.
53. The Panel has been impressed with the level of assistance and cooperation provided. As far as the Panel can determine, and with the single exception noted in Section VII.B below, the Panel has been provided with all of the information it has requested, in a form on which the Panel can rely.
54. The findings and recommendations set forth in this report, and in the accompanying REA, are based on the evidence provided to it through this Review. The Panel recognises, however, that there might be other evidence that it was not provided with or did not discover.

A INTERVIEWS WITH TENNIS STAKEHOLDERS

55. The Panel interviewed numerous stakeholders in professional tennis (in addition to players), including:
 - 55.1 current and former representatives of the International Governing Bodies with responsibility for all the diverse elements of the regulation of tennis related to integrity;
 - 55.2 current representatives of national tennis federations, including the USTA, the Lawn Tennis Association, Tennis Australia, the French Tennis Federation, the Italian Tennis Federation, the Spanish Tennis Federation, and the Uruguayan Tennis Federation. In addition, the Panel gave national federations the opportunity to provide input at the ITF AGM in 2016 and invited comment from the national federations regarding integrity in tennis and their relationship with the TIU. In total, the Panel received responses or input from a diverse group of 25 national federations, including at least one federation from each of the six continents;
 - 55.3 tournament organisers and directors, including officials from Egypt, Germany, Turkey, and the United States;
 - 55.4 professional referees and umpires, including officials at tournaments in Egypt, Italy, Spain, Turkey, the United States, and Uruguay;
 - 55.5 officials, experts and investigators involved in previous reviews of integrity in tennis or investigations, including Richard Ings, Albert Kirby, Ben Gunn, Paul Scotney, Paul Beeby, Mark Phillips and John Gardner;
 - 55.6 current and former TIU employees, including the past Director of Integrity, Jeff Rees; the current Director of Integrity, Nigel Willerton; the TIU's current investigators, Dee Bain, Jose De Freitas, Michael Mahon Daly, and Simon Cowell; the TIU's Information Manager, Phil Suddick; and the TIU's Education and Training Manager, Matthew Perry;
 - 55.7 a number of betting companies. The Panel also invited comment from every betting operator with which the TIU has a Memorandum of Understanding;
 - 55.8 companies that collect and sell match data to betting companies, including Sportradar, IMG, and Perform Group;

⁹ REA, Chapter 1, Section E.

- 55.9 betting oversight and enforcement units for other sports including the Hong Kong Jockey Club and UEFA;
 - 55.10 betting regulators in several countries, including the UK Gambling Commission;
 - 55.11 the European Commission;
 - 55.12 law enforcement in several countries, including the Victoria Police, the Office of the Racing Integrity Commissioner, the Australian National Integrity of Sports Unit, Italian prosecutors, and others; and
 - 55.13 journalists, including authors of 'The Tennis Racket'.
56. The interviews conducted by the Panel were designed to determine the factual basis on which the issues fall to be examined. The Panel's questioning of witnesses was robust and fair, though some witnesses may have found the process difficult. Where possible, the Panel has endeavoured to corroborate witness accounts, through its questioning of other witnesses and its review of documents. As the Panel questioned more witnesses and reviewed additional documents, the Panel's understanding of the facts evolved.

B INTERVIEWS WITH PLAYERS AND THE PLAYER SURVEY

57. Representatives of the Panel interviewed approximately 115 male and female tennis players at tournaments around the world, including Chile, China, Egypt, France, Italy, Spain, Turkey, the United States, and Uruguay. Those players ranged from competitors at the lowest ITF events to top players at the ATP and WTA World Tour events and the Grand Slams, and all levels in between. The Panel was pleased by the willingness of players to take time out of their schedules to attend interviews and by the candid responses they gave in answering the questions put to them.
58. With the assistance of Westat, a statistical survey research firm, the Panel administered an online survey to players in March 2017. Informed by its in-person player interviews, the Panel drafted the survey questions with the assistance of Dr Nancy Mathiowetz, an expert in survey design and methodology. The online, confidential, and anonymous survey included questions about, among other things, players' first-hand knowledge of betting, match-fixing, and sharing of inside information for betting purposes. Invitations to take the survey were sent by email to all active ITF, WTA and ATP players, and a link to the survey was posted on those organisations' respective player portals. In early 2017, the survey was also administered in-person at ATP Tour-level events in the United States; at these events, players were approached by Westat interviewers in the player lounge area or by tour officials in the locker rooms, handed an iPad, and asked to complete the survey. 3,218 responses were received and analysed, from 1,981 players on the men's circuit and 1,237 players on the women's circuit.

C DOCUMENT REVIEW

59. The International Governing Bodies provided the Panel with extensive documentation for review. In all, approximately 115,000 documents were produced by the International Governing Bodies, totalling an estimated 1.5 million pages. These documents predominantly covered the period from 2003 through the announcement of the Panel in January 2016. The Panel also received approximately 66,000 documents from the TIU, totalling an estimated 1.2 million pages. Additional documents were provided to the Panel on an ad hoc basis or upon request.
60. The Panel also engaged two former sports disciplinary officers, qualified criminal barristers specialising in such investigations and prosecutions, to examine the contents of, and to report to the Panel on, the approach taken in the TIU's case files from 2009 through 2016.

D EXPERT CONSULTANTS

61. Pursuant to the Terms of Reference, the Panel consulted various additional experts to advise and assist in this Review, including:
- 61.1 FTI Consulting (Betting Data Consultant). The Panel engaged FTI to review the data on betting alerts and other intelligence that had been provided to the TIU since 2009. FTI analysed that data to identify, among other things, trends over time and the frequency of alerts and intelligence generated by tournament type, location, round, player, ranking, age, gender, and nationality. The FTI team consisted of six individuals from the Data and Analytics practice.
 - 61.2 Paul Leyland of Regulus Partners (Betting Consultancy) and Patrick Jay (Betting Expert). The Panel sought input from Mr Leyland of Regulus Partners, a strategic consultancy focused on international gambling, and Mr Jay, a former senior gaming executive for the Hong Kong Jockey Club, Ladbrokes, and IG Index. Mr Leyland and Mr Jay assisted in the Panel's appreciation of global betting markets, online betting on tennis, the various ways in which betting can present integrity issues for the sport, the nature of unusual and suspicious betting patterns, and the various indicia of match-fixing.
 - 61.3 Nancy Mathiowetz (Survey Consultant). The Panel engaged Dr Nancy Mathiowetz for assistance in the design, implementation, and analysis of the player survey. Dr Mathiowetz is a former American Statistical Association/National Science Foundation Fellow at the Bureau of Labor Statistics and Special Assistant to the Associate Director, Statistical Design, Methodology, and Standards at the U.S. Census Bureau. She is currently a Professor Emerita at the University of Wisconsin-Milwaukee.
 - 61.4 Westat, Inc. (Survey Data Administrator). The Panel engaged Westat, an independent survey research firm, to provide front-end data collection for the online and in-person player survey.
62. While these consulting experts assisted in various aspects of the Review, the Panel is responsible for the contents of this Interim Report and the accompanying REA.

E PROPOSALS FROM THE INTERNATIONAL GOVERNING BODIES AND THE TIU

63. During the course of this Review, and often in light of questions put to them by the Panel and discussions in Panel interviews, the International Governing Bodies and the TIU advanced proposals for changes to the current organisation of tennis as well as to the existing system for safeguarding integrity. While more limited than the Panel's proposed recommendations, these proposals have formed a useful indication of the sport's own evaluation of the difficulties currently faced. Also during the course of the Review process, the International Governing Bodies and the TIU have begun to make some changes concerning matters addressed by the Panel, most notably in relation to the number of TIU staff and the structure of the professional sport.

F REPRESENTATION PROCESS

64. Pursuant to the Terms of Reference, the Panel undertook a process to afford individuals and organisations potentially subject to criticism an opportunity to make representations before publication.
65. The representation process was extensive, resulting in a substantial delay in the publication of this Interim Report. The representation process began in July 2017. All responses, bar one, were received in August and September 2017. The final set of representations was received from Jeff Rees, the former Director of the TIU, in October 2017. Mr Rees then requested that he be provided with a revised notification setting out the Panel's analysis of matters relating to him, in light of the representations then received, and that he be given an opportunity to make further representations in response. The Panel agreed to Mr Rees' request and provided him with a further opportunity to make representations. As a consequence of the approach taken with Mr Rees, a number of other parties were offered the same opportunity to make further representations. These final representations were received in late February 2018.

66. In preparing this Interim Report and the REA, the Panel has fully considered all of the representations received. Those representations have informed the Panel's views. Due to the length of some of those representations, the Panel has endeavoured to summarise them in the REA, including quoting directly many of the key substantive points raised, rather than in this Interim Report. Readers should therefore refer to the REA for a more complete recitation of the representations provided to the Panel.

G CONFIDENTIALITY OF INFORMATION

67. The TIU provided the Panel with full access to its documents, including unrestricted access to its electronic files.
68. The Panel has also been provided with all of the information it has requested from all the International Governing Bodies and from others, in a form on which the Panel can rely, save for one instance, described in Section VII.B below, where confidentiality was asserted over material.
69. The Panel has borne in mind the need to protect the privacy and reputations of players and others who have not been the subject of completed disciplinary proceedings. Accordingly, the Panel has anonymised the cases described in the Interim Report and the REA unless a case involved a completed, and reported, successful disciplinary proceeding or has already been described in previously published documents.

H CONSULTATION PROCESS

70. Upon publication of this Interim Report with the REA, the Panel will engage in a consultation process on the factual findings, evaluative conclusions, and proposed recommendations contained therein. The consultation process provides an invaluable opportunity for all concerned to ensure that all relevant input is provided, including any evidence or reasoning that displaces the Panel's interim evaluative conclusions. In addition, there may be unanticipated consequences of the Panel's proposed recommendations for particular groups, and there may be alternative proposals for change that have not yet been drawn to the Panel's attention.
71. The Panel will receive input on consultation from any concerned individual or organisation. Interested parties are invited to provide any comments by 25 June 2018. Submissions should be addressed to Jonathan Ellis, the Solicitor and Secretary to the Panel, at tennisirp@northridgelaw.com.
72. Following its consideration of the submissions received on the consultation process, the Panel will produce a Final Report with its final factual findings, evaluative conclusions, and recommendations.

V PRIOR REVIEWS OF INTEGRITY IN TENNIS

73. Two prior integrity reviews are particularly relevant to a proper understanding of the current betting-related integrity issues facing tennis, and their persistence in the sport: (1) the Ings Report; and (2) the Environmental Review.

A 2005 INGS REPORT¹⁰

74. Richard Ings was the head of the ATP's Anti-Doping Program and its Executive Vice President for Rules and Competition from 2000 to 2005. In the months before he left the ATP, Mr Ings drafted a report to capture his accumulated knowledge of various corruption and match-fixing allegations surrounding professional tennis. Although Mr Ings spoke to ATP players and officials about the subject matter of the report, he did not notify other executives at the ATP of his work until after he had completed the report in June 2005. The Ings Report is now available with the REA, suitably anonymised.
75. As noted above, Mr Ings found that men's professional tennis faced a "clear" threat of corruption. He traced that threat to the sport's acceptance of deliberate underperformance, or "tanking", as a relatively common practice. Mr Ings determined that the general acceptance of tanking, coupled with the "explosion" of online betting on tennis in the early 2000s, presented players and bettors alike with an opportunity for corrupt financial gain. Mr Ings further found that the prevailing "climate of silence . . . and apathy" toward corruption made it difficult to address this growing problem. As support for his conclusions, Mr Ings catalogued admissions by professional tennis players to match-fixing, betting on tennis, being offered financial inducements by bettors, and cultivating friendships with bettors. Mr Ings also attached as an appendix a "full list of matches with unusual betting patterns", which included 37 matches from 2002 to 2005. While the Ings Report stated that "to date this inquiry has not determined that any individual competing or associated with any of these matches has violated any ATP Rules", it also noted that inquiries into those matches were ongoing and left open the possibility of further investigation. Ultimately, Mr Ings warned that tennis was "at a crossroads of credibility that [could] only be resolved with a resolute commitment from the players, their support teams and their elected leadership to eradicate underperformance, corruption and corrupt individuals from the game".
76. The Ings Report set out 20 recommendations to combat the threat of corruption in tennis. Many of those recommendations focused on educating players about the dangers of corruption, improving security at tournament venues, and enhancing the International Governing Bodies' enforcement capabilities. But other significant recommendations in the Ings Report suggested addressing the incentives that drove player underperformance, including the implementation of a ranking system that would "make every match count".
77. Gayle Bradshaw, who became the ATP's Executive Vice President, Administrator, Rules and Competition in 2005, told the Panel that although the ATP did not respond directly to the Ings Report, it did in the following three years implement changes that at least partially addressed all but two of the Ings Report's 20 recommendations. The ATP's response, however, did not significantly reduce, much less eliminate, the "clear" threat of corruption that the Ings Report observed, as demonstrated by the ensuing Environmental Review in 2008.

¹⁰ REA, Chapter 7, Section A(4).

B 2008 ENVIRONMENTAL REVIEW¹¹

78. Approximately three years after the Ings Report, the International Governing Bodies formally commissioned another comprehensive review. In the wake of a suspicious, and high profile, August 2007 match played in Sopot, Poland between Nikolay Davydenko and Martin Vassallo Arguello, the International Governing Bodies engaged Ben Gunn, the Chairman of the British Horseracing Authority's Security Review Board, and Jeff Rees, the former head of the International Cricket Council's anti-corruption unit, to review "*the threats to the integrity of professional tennis worldwide*". During their review, Mr Gunn and Mr Rees interviewed 95 tennis stakeholders and analysed a variety of statistics, documents, and other materials. In addition, they reported to have examined 73 matches that had been flagged for suspicious betting patterns, including 45 matches "*arising out of the Sopot Match*" that "*warrant[ed] further review*" because of "*specific concerns from a betting perspective*".
79. The ensuing Environmental Review, which was completed in May 2008, concluded that "*professional tennis is not institutionally or systematically corrupt*". But Mr Gunn and Mr Rees found "*strong intelligence indications*" that certain groups of players, such as young players in the lower levels of the sport, were "*vulnerable to corrupt approaches*". Mr Gunn and Mr Rees attributed this vulnerability to several factors, including the one-on-one nature of the sport, which makes matches easier to fix because only one player needs to be compromised; the fact that each match comprises a series of discrete actions, which allows a player to manipulate a match without affecting the ultimate outcome; and the liquidity of the betting markets, which facilitates larger and more frequent payoffs for corrupt actors. Like Richard Ings, Mr Gunn and Mr Rees found substantial evidence that betting-related corruption was already impacting professional tennis: "*A large majority of current and former players we interviewed claimed to 'know of' approaches to players being invited to 'throw matches' presumably for corrupt betting purposes*".
80. The Environmental Review proposed 15 recommendations to safeguard tennis against corruption-related threats. In line with the Ings Report, the Environmental Review proposed 11 recommendations designed to create an environment that discourages corruption and to enhance anti-corruption enforcement. Among the recommendations were that: (1) the International Governing Bodies should study matches that do not count toward players' rankings and, if that study shows that those matches "*are vulnerable to the integrity of tennis, then careful consideration should be given to the Ranking Rules being changed to make each match count*"; and (2) the International Governing Bodies should review the "*current accreditation procedures*" for tennis events.
81. The remaining recommendations, which Mr Gunn and Mr Rees described as "*crucial*", proposed creating (1) a "*Uniform Anti-Corruption Programme*"; to harmonise the various regulations and codes of conduct governing professional tennis; and (2) a new "*Integrity Unit*"; to investigate integrity-related offences. In their Environmental Review, however, Mr Gunn and Mr Rees disagreed about the appropriate model for the new Tennis Integrity Unit. Mr Gunn advocated a seven-person unit, with full-time positions for an Intelligence Analyst, a Betting Analyst, and a manager to exercise day-to-day oversight over intelligence and investigations. In contrast, Mr Rees proposed a smaller, five-person unit, to include an Information Manager but no Betting Analyst. These competing models reflected, at least in part, the investigators' disparate assessments of the threat then facing tennis and their differing views as to the importance of betting data and the use to which it could be put. Echoing Mr Ings' comments from three years earlier, Mr Gunn took the view that tennis was "*potentially at a crossroads*". By contrast, Mr Rees adopted the view, which he ascribed to the "*majority of interviewees*", that "*the overall threat to the sport from betting related corruption was minimal*". The International Governing Bodies ultimately hired Mr Rees as the TIU's first Director of Integrity and adopted his proposed model.

¹¹ REA, Chapter 8, Section B.

VI NATURE AND EXTENT OF THE INTEGRITY PROBLEM IN TENNIS

82. To some degree, all professional sports face threats to integrity, often driven by betting. As both the Ings Report and the Environmental Review observed, and as the Panel has also found, however, distinctive aspects of tennis make it particularly susceptible to match-fixing and related breaches of integrity. Indeed, as the Ings Report remarked, *“if a sport could have been invented with the possibility of corruption in mind, that sport would be tennis”*. Since these prior reviews, tennis has only become more vulnerable as the opportunities to bet on tennis have multiplied with the International Governing Bodies’ sale of official live scoring data for betting purposes. Although it is impossible to quantify the full extent of the problem with great precision, because much of it is deliberately hidden, there is ample evidence that betting-related breaches of integrity have persisted and grown in professional tennis, particularly at the lower and middle levels of the men’s game.

A THE SUSCEPTIBILITY OF PROFESSIONAL TENNIS TO BREACHES OF INTEGRITY¹²

83. The imbalance between prize money and costs is foremost among the several circumstances that render professional tennis vulnerable to breaches of integrity. The vast majority of nominally professional players, of whom there are as many as 15,000, are unable to make a living through competition. While players ranked in the top 100, and possibly down to around 150, can generally earn a living from prize money and sponsorships, at the lower rungs of the sport the available money is small and the costs are high. An ITF review in 2014 determined that the *“break even”* point – the ranking where a player earned as much money from professional tennis as he or she spent on costs – was 336 and 253 in the worldwide rankings for men and women, respectively. Those figures do not include coaching costs, and the real break even point is likely at a higher ranking than these figures suggest. Accordingly, of the thousands of players currently playing professional tennis, most belong to the constant underclass who cannot make a living by competing. While a lucky few may receive national federation assistance, most players must be funded by parents and other backers.
84. A comparison of the costs and available prize money for players at the lowest level of professional tennis – ITF Men’s Futures and ITF Women’s \$15k or \$25k Pro Circuit events – underscores this point. The ITF’s review in 2014 demonstrated that the average costs of playing professional tennis, excluding coaching, were \$38,800 for men and \$40,180 for women. On the other hand, the winner of a singles tournament at that level is unlikely to receive more than \$4,000. As a result, a player at that lowest level would need to win at least ten tournaments in a year just to break even, without any accounting for coaching. By comparison, at the ATP World Tour level, the loser in a first-round singles event will typically earn over \$10,000.
85. Those financial challenges are compounded by stagnation at the middle and lower levels as well as the inadequacy of the player pathway. Of the many thousands of nominally professional players, only a handful have the ability and perseverance to advance through the ranks and the various levels of tennis. The others reach a point beyond which they will not progress, yet many remain in the sport, becoming disillusioned.

¹² REA, Chapter 4, Section A(4) and Chapter 14, Section A.

86. In these circumstances, some players, or their financial backers, are tempted to use betting to secure the funding they need to continue. Players may “*self-fund*” by betting on themselves to lose a match which they are happy to lose in any event so that they may move on to another tournament; or they may bet on specific contingencies, such as themselves to lose a particular game or set, which they then ensure that they do. Or they may provide inside information as to their intentions, fitness, or form to others, such as their backers. Such low-level activity may not only breed a culture of acceptance that such behaviour is harmless and acceptable, but also may escalate into fixing matches to facilitate larger-scale betting by others.
87. The low quality of the tournament facilities at the lower and middle levels of tennis fail effectively to counteract breaches of integrity. Each year, there are over 1,000 ITF Men’s and Women’s events and approximately 150 men’s ATP Challenger events, all over the world. In contrast to the more lucrative ATP and WTA World Tour events, most of these tournaments are played at small venues and attract few, if any, public spectators. While these events are required to have an accreditation system and to limit access to player-only areas, as a practical matter there is often little or no segregation of the players, who are often within eyesight or earshot of non-accredited individuals. This facilitates corrupt approaches and allows bettors to obtain inside information about players. Moreover, the absence of security and spectators reduces opportunities to deter and detect improper activities. And at ITF \$15k and \$25k events, the level of officiating is generally lower, and there is often only a single chair umpire acting as on-court official, sometimes without the support of a line umpire.
88. Moreover, the subtlety of tennis, in which a small margin of effort, or lack of effort, can decide a point, game, set, or match, renders deliberate underperformance by an individual player difficult to detect. Even when a player may be suspected of underperforming, that underperformance may be attributed to “*tanking*” for reasons unrelated to betting.
89. In addition, each point, game, and set presents a unique opportunity to bet. A player can throw a point, game, or set, or engage in a specific action such as a double fault or sequence of point losses, even without altering the ultimate outcome of a match. A player need not lose the match to make money from fixing.
90. Structural aspects of professional tennis compound these vulnerabilities by incentivising and tolerating a culture of deliberate underperformance for reasons unconnected with betting. Players perceive on occasion that in light of the low level of prize money relative to costs, they are better served by losing a match than by winning it – if, for example, they wish to move on to, or rest for, an upcoming, more lucrative tournament. Some players act on that perception. The crowded professional tennis schedule (with final rounds of one event regularly overlapping qualification rounds for the next event) and the distribution of prize money also contribute to this phenomenon, in particular when a player is competing in a less lucrative doubles competition after having been eliminated from the singles draw, or when a more lucrative national level “*money match*” is available.
91. In addition, withdrawal penalties may discourage a player from simply leaving a tournament, and instead incentivise the player to take the court and lose. While withdrawal penalties do not apply if a player is deemed “*unfit to play*”, a player typically must visit the doctor at the tournament to establish this and, after incurring the cost of traveling to the tournament, may be incentivised to play even when too injured to compete. That phenomenon has also arisen when, despite injuries that render them unfit to compete, players take to the court because the prize money for losing in the first round at certain events (such as the Grand Slams) represents too large a proportion of their annual income to be foregone. A similar situation arises when players stay in a tournament just long enough to secure appearance fees.

92. Because deliberate underperformance is frequent in tennis, corrupt play is more difficult to detect. In addition, as recognised in the Ings Report, deliberate underperformance sows the “*seeds of corruption*” by promoting a culture of tanking. It is a smaller step for players who already intend not to compete vigorously, to bet on themselves to lose or to pass on information about their plans, than it is for players who always compete to win. Moreover, inside information about a player’s intentions to lose may leak out, and result in betting. Even a player who underperforms for reasons unrelated to any financial inducement may foster a perception that professional tennis has been corrupted by betting. Yet a player who deliberately underperforms for reasons unconnected with betting is not treated as having committed any offence under the TACP, and the International Governing Bodies rarely apply their Codes of Conduct to penalise players for failing to use “*best efforts*”.
93. Finally, as the prior reviews have observed, the use of a “*best of*” ranking system for both men’s and women’s singles provides little disincentive to deliberate underperformance. Under this system, a male player’s best 18 tournaments in a rolling year count towards his ranking, while a female player’s best 16 tournaments in a rolling year count towards her ranking. As a result, a player who competes in a greater number of tournaments – as most do – may not suffer any adverse ranking impact from underperformance. In other words, not every match counts.

B THE GROWTH OF ONLINE BETTING ON TENNIS AND THE SALE OF OFFICIAL LIVE SCORING DATA¹³

94. In recent years, the proliferation of opportunities to bet on tennis has greatly exacerbated the threat described above. At its simplest, more betting opportunities create more opportunities to fix matches, or parts of them, for financial gain. But the explosion of betting on tennis has also intensified the threat of breaches of integrity because of the range of bets that are now available. While betting in the past was largely limited to the outcome of tennis matches played at the most important tournaments, in many parts of the world today, websites allow for the placement of bets on a wide range of contingencies in each of the tens of thousands of matches played every year, at all levels of tennis. And the fact that such betting opportunities are now widely available at the lower levels of the sport, the most susceptible to breaches of integrity, means that the integrity threat facing tennis has grown at a rate greater than if it had been driven solely by the increase in available matches for betting.
95. Two developments primarily account for the increased opportunities to bet on tennis. First, the internet has significantly increased the popularity of sports betting generally, leading bettors and betting operators to expand their focus from more traditional betting sports, such as horse racing and soccer, to other sports like tennis. Today, tennis is assessed to be the fourth largest global betting market in terms of the total amount bet – behind only football (soccer), horseracing, and cricket.
96. Second, in the past several years, the ATP, WTA, and ITF have entered into contracts to sell live scoring data for almost all their events. The ATP and WTA agreed to sell their live scoring data to Enetpulse in 2011, and the ITF agreed to sell its live scoring data to Sportradar in 2012. While generating millions of dollars in revenue annually, those contracts have permitted betting operators to offer a far broader range of bets on a far greater number of tennis matches, especially at the lowest level of ITF events. Before this data became available, betting operators could not offer in-play markets unless they entered into a data sales agreement with an individual tournament, they sent scouts to an event, a match was available on a live broadcast, or scores were capable of being instantly ‘scraped’ from the internet.

¹³ REA, Chapter 3; Chapter 14, Section A(f).

97. The available evidence suggests that betting operators created online betting markets for ATP Challenger events in this way before 2011. In particular, as early as 2003, betting operators set out to use ATP Challenger events to fill the time gaps in their offerings at times when there were no available Tour events on which to create betting markets. In light of the demand for betting on tennis, and the inevitability of such time gaps, it is likely that the ATP Challengers and their WTA and ITF mid-level equivalents (which cater principally to players ranked between approximately 150 and 350) would once again be subject to such action even without live scoring data. Indeed, the ATP considered that its sale of official live scoring data to Challenger matches was beneficial to the protection of integrity because it allowed the sport to ensure the quality of the data, and to require integrity-related assistance from the betting operators to whom it was sold, in circumstances where betting markets would arise anyway.
98. The ITF considered that its sale of data was similarly justified. In this regard the Panel has been provided with evidence that there was betting on ITF matches before the ITF data deal in 2012. The ITF informed the Panel that a number of tournaments in Turkey, Italy, Germany, France, and Sweden had individual data deals. Sportradar informed the Panel that it offered coverage on over 7,000 ITF Pro Circuit matches in 2011. This coverage was, at least in part, due to the individual data deals that Sportradar had in place with tournaments.
99. Nevertheless, the Panel has seen little empirical evidence that betting was widespread on the lowest levels of ITF tournaments before the ITF data deal in 2012. The ITF did not provide evidence of any match-fixing allegations arising in relation to the ITF Pro Circuit before the establishment of the TIU in 2009. Furthermore, in the period from 2009 to 2011, the TIU only received three alerts in relation to matches played at the ITF level. If betting had been widespread, the Panel would have expected the ITF/TIU to have received a much larger number of alerts during these periods.
100. The growth in coverage at the ITF level following the data deal in 2012 is clear. In 2013, the year after the first ITF-Sportradar contract, 40,000 matches at ITF Men's Futures and Women's \$15k and \$25k events were made available to the betting market. By 2016, that number had increased to over 60,000 matches. The number of alerts received by the TIU has also greatly increased over this period, from 15 alerts being received in 2013, to 240 and 185 alerts being received in 2016 and 2017, respectively.
101. In the Panel's assessment there is a strong causal connection between the sale of official live scoring data to the lowest levels and the growth in betting on matches at those levels. Further, there is insufficient reliable evidence to conclude that if official live scoring data were not available, betting markets on a large number of ITF matches would definitely be created in a way that could not be effectively deterred.

C EVIDENCE AS TO INCIDENCE AND LOCATION OF BREACHES OF INTEGRITY IN TENNIS¹⁴

102. The precise scope of the integrity problem facing professional tennis is difficult to quantify, not only because corrupt activity is by its nature deliberately concealed and often evades detection, but also because some of the indicators of such activity may have innocent explanations. The extent of potential breaches of integrity that are not reported and are not otherwise capable of being quantified likely varies across the levels of the sport. At the lowest levels of professional tennis, there are few or no observers and breaches of integrity are less likely to be detected.
103. Nonetheless, the available evidence is largely consistent in revealing that betting-related corruption and other breaches of integrity have taken firm root in professional tennis, in particular at the lower and middle levels of the men's game, and may well be increasing and spreading.

D DATA STORED IN THE TIU DATABASE

104. The first source of available evidence is the TIU's records, which includes the alerts and intelligence that the TIU received from 2009 through to the end of 2017. These data (collectively referred to as "Match Specific Alerts") include: (1) suspicious betting patterns for specific matches reported by betting operators to the TIU ("Betting Match Alerts"); and (2) possible breaches of integrity for specific matches reported to the TIU by, amongst others, players and other tennis participants, members of the public (including bettors), and the media ("Other Match Alerts"). The tally of Match Specific Alerts is likely to be both under-inclusive, as it necessarily reflects only what has come to light, and over-inclusive, because Match Specific Alerts do not all reflect actual breaches. While it would be a mistake to draw any direct conclusions about the extent and distribution of integrity issues in tennis solely from Match Specific Alerts, Betting Match Alerts, or Other Match Alerts, these data at least provide some relevant quantitative information to be considered with other available evidence.
105. Pursuant to Memoranda of Understanding ("MoUs"), many, but not all, betting operators commit to provide the TIU with Betting Match Alerts if they detect suspicious or unusual betting activity on a tennis match. No industry or uniform standard exists for issuing such alerts, but, generally, *"a betting pattern is deemed unusual or suspicious when it involves unexpected activity with atypical bet sizes or volumes that continue, even after significant price corrections have been made in order to deter such activity in the market"*. To illustrate, a Betting Match Alert may issue from a match where multiple large bets are placed on a significant underdog to win, even as the odds continue to adjust against the bet. A Betting Match Alert might also arise if an outsized and successful in-play bet is placed on an obscure match.
106. As the TIU has observed, a Betting Match Alert is *"an indicator that something may have happened"*. Standing alone, Betting Match Alerts generally do not provide conclusive evidence of a breach of integrity because unusual or suspicious betting patterns can result from innocent circumstances, such as incorrect odds setting. But if a betting pattern is particularly unusual and inexplicable, it may provide a strong indication of a breach of integrity, and in some circumstances unusual betting patterns can provide sufficient evidence to establish some types of breaches of integrity. In any event, Betting Match Alerts constitute a trigger for the TIU's attention and may provide at least supporting evidence of an integrity offence. Consequently, all Betting Match Alerts should be taken seriously and assessed in the context of the other available evidence about a suspect match.

¹⁴ REA, Chapter 13.

107. Other Match Alerts from players and other participants may also provide credible evidence of a breach of integrity or valuable intelligence that warrants opening an investigation. Nonetheless, because not all information about potential breaches of integrity is reported and not all reports reflect actual breaches, the incidence of Other Match Alerts may not accurately measure the incidence of breaches of integrity. As with Betting Match Alerts, however, Other Match Alerts constitute a trigger for the TIU's attention and may help in proving an offence.
108. With those important caveats in mind, FTI Consulting has assisted the Panel in analysing the TIU's data from its inception in 2009 through 2017. As shown by Table 1, during those nine years, the TIU received a total of at least¹⁵ 1,382 Match Specific Alerts, of which 1,046 were Betting Match Alerts. Although the number of overall Match Specific Alerts varied from 2009 to 2012, the total of Match Specific Alerts never exceeded 77 in any of those four calendar years. More recently, however, the frequency of Match Specific Alerts has increased dramatically, from 53 in 2013 and 106 in 2014, to 269 in 2015 and 405 in 2016. In 2017, the total number of Match Specific Alerts decreased against the previous year for the first time since 2011. However, the total of 346 Match Specific Alerts was still comfortably the second highest recorded annual total.

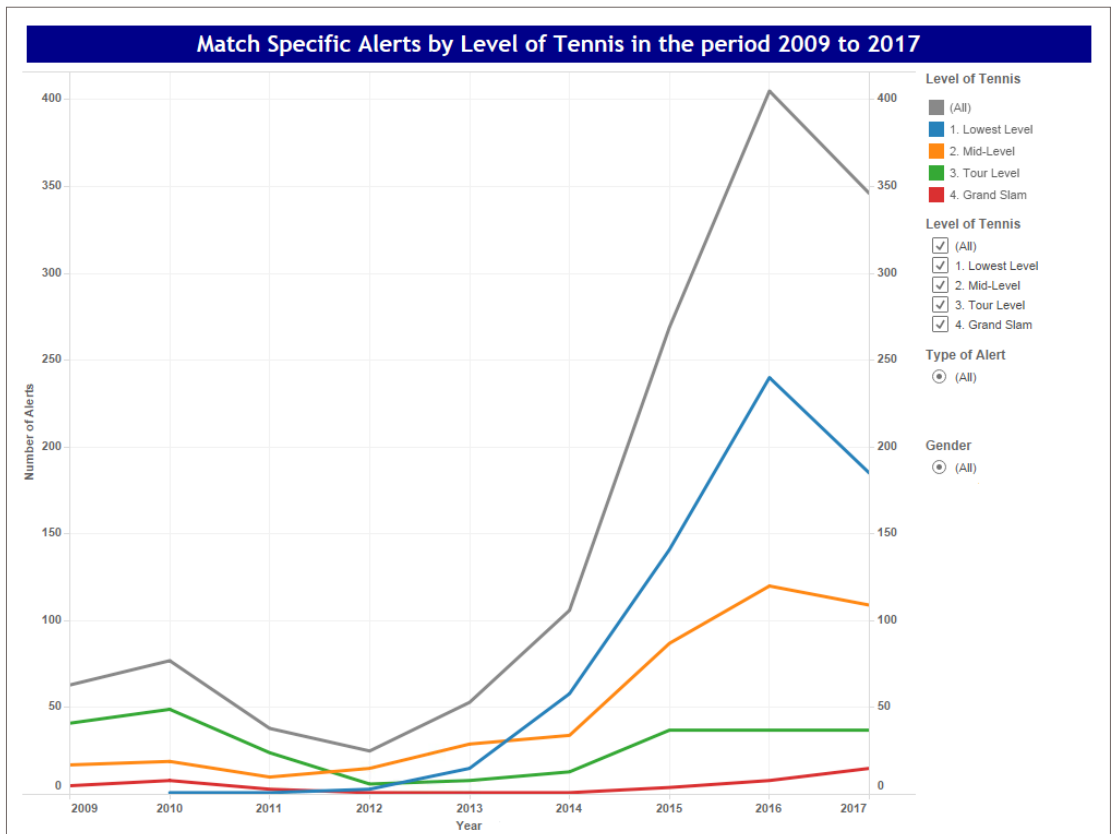
Table 1: Match Specific Alerts, Betting Match Alerts, and Other Match Alerts, by Level of Tennis, 2009 to 2017

Level of sport	Attribute	2009	2010	2011	2012	2013	2014	2015	2016	2017	2009-2017	2013-2017
Grand Slam	Match Specific Alerts	5	8	3	1	1	1	4	8	15	46	29
	<i>Betting Match Alerts</i>	5	8	3	1	1	-	2	5	7	32	15
	<i>Other Match Alerts</i>	-	-	-	-	-	1	2	3	8	14	14
Tour Level	Match Specific Alerts	41	49	24	6	8	13	37	37	37	252	132
	<i>Betting Match Alerts</i>	29	44	24	6	6	5	28	3	10	155	52
	<i>Other Match Alerts</i>	12	5	-	-	2	8	9	34	27	97	80
Mid-Level	Match Specific Alerts	17	19	10	15	29	34	87	120	109	440	379
	<i>Betting Match Alerts</i>	9	17	9	15	26	21	64	77	78	316	266
	<i>Other Match Alerts</i>	8	2	1	-	3	13	23	43	31	124	113
Lowest Level	Match Specific Alerts	-	1	1	3	15	58	141	240	185	644	639
	<i>Betting Match Alerts</i>	-	-	1	2	9	38	126	206	161	543	540
	<i>Other Match Alerts</i>	-	1	-	1	6	20	15	34	24	101	99
All Levels	Match Specific Alerts	63	77	38	25	53	106	269	405	346	1,382	1,179
	<i>Betting Match Alerts</i>	43	69	37	24	42	64	220	291	256	1,046	873
	<i>Other Match Alerts</i>	20	8	1	1	11	42	49	114	90	336	306

¹⁵ The TIU began using the "TIU Package" system in 2013, as described in REA, Chapter 10, Part 2, Section B(3) and it began loading packages into its Clue database beginning in 2016. It is possible that further Match Specific Alerts were received before 2013 that have not been identified by the Panel's analysis.

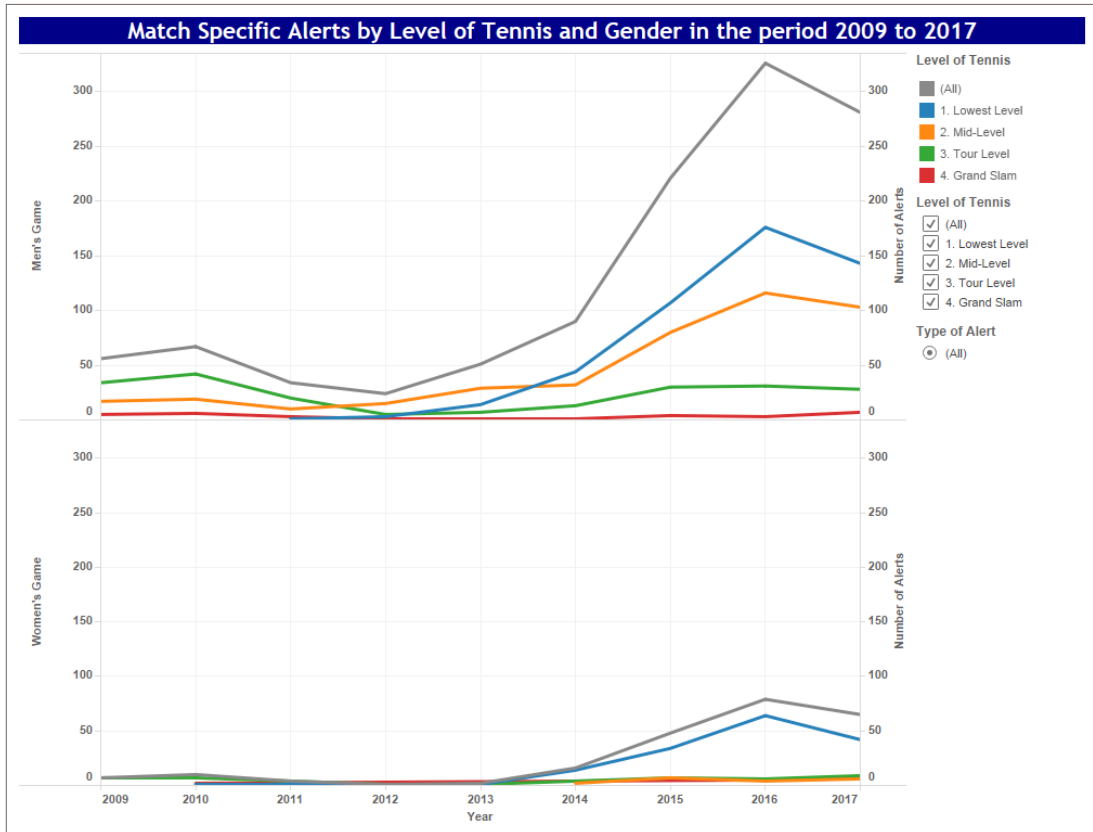
109. The following two graphs display: first, the trends described above (Graph 1) and second, the differences between the men’s and women’s game (Graph 2). Graph 2 demonstrates that most of the growth in Match Specific Alerts arose from men’s ITF and ATP Challenger events, coinciding with the sale of official live scoring data for ITF and ATP Challenger events¹⁶. The TIU’s data show that the number of Match Specific Alerts for ATP Challenger events increased from 29 in 2013 and 32 in 2014, to 80 in 2015 and 116 in 2016, before decreasing to 103 in 2017. Similarly, the number of Match Specific Alerts for ITF Men’s \$25k and \$15k events increased from 14 in 2013 and 44 in 2014, to 107 in 2015 and 176 in 2016, before decreasing to 143 in 2017.

Graph 1: Match Specific Alerts, by Level of Tennis, 2009 to 2017



¹⁶ More specifically, the growth was attributable to Betting Match Alerts (which are not separately represented in Graph 2 but are described in further detail in REA, Chapter 13 Section B).

Graph 2: Match Specific Alerts, by Level of Tennis and Gender, 2009 to 2017

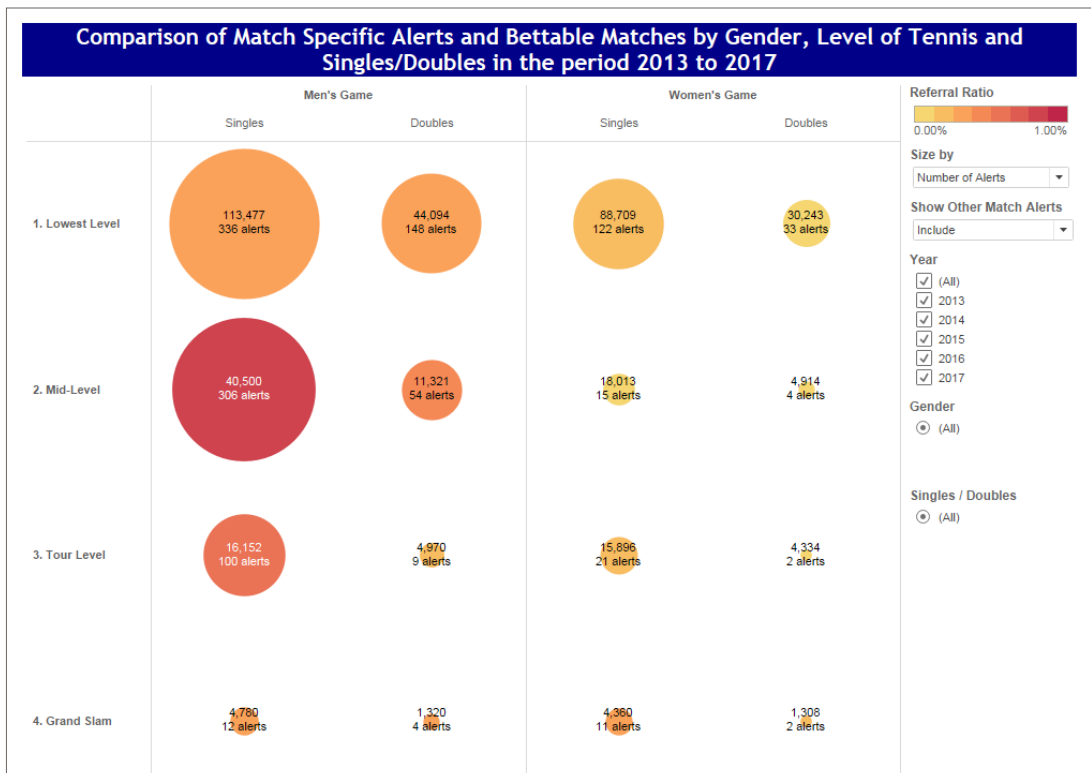


110. While the TIU reports that the number of Betting Match Alerts decreased in 2017 to 241, from 292 in 2016, that number was still well above the pre-2015 levels. The Panel’s comparative analysis of Match Specific Alerts from the men’s and women’s game from 2009 through 2017 shows that, while women’s professional tennis has become responsible for an increasing share of Match Specific Alerts, the incidence of Match Specific Alerts for professional women’s matches remains much lower than for men’s events. In 2017, there was approximately one Match Specific Alert per 170 men’s matches calculated as “Betttable Matches”, while it took approximately 540 Betttable Matches in the women’s game to produce a single Match Specific Alert¹⁷.

¹⁷ In 2017, the men’s game accounted for 281 Match Specific Alerts (and 47,636 Betttable Matches), whereas the women’s game accounted for 61 Match Specific Alerts (and 35,902 Betttable Matches). The concept and methodology for the calculation of Betttable Matches is described in the FTI Report and in REA, Chapter 13.

111. Considering the men’s and women’s circuits together, for 2013 to 2017, the number of Match Specific Alerts as a percentage of the total number of Bettable Matches (“Referral Ratio”) at the “Lowest Level”¹⁸ and “Mid-Level”¹⁹ were 0.23% (1 in every 438 matches) and 0.51% (1 in every 197 matches), respectively²⁰. However, considering the men’s game separately, the Referral Ratio for ITF Futures from 2013 to 2017 was 0.31% (1 in every 326 matches), while the Referral Ratio during that same period for ATP Challenger events was 0.69% (1 in every 144 matches)²¹. In 2017, the Referral Ratios for ITF Futures and ATP Challenger events increased further to 0.45% (1 in every 244 matches) and 1.00% (1 in every 100 matches), respectively²². Graph 3 below illustrates the comparative incidence of Match Specific Alerts at the different levels based on the data in the TIU database by comparing the total Match Specific Alerts and Bettable Matches in the period 2013-2017. The size of the circles represents the number of Match Specific Alerts at each level of the men’s and women’s game, separating singles from doubles competitions, while the colours of those circles illustrate the Referral Ratios (incidence) of such alerts based on the number of matches available for betting at each level and type of competition.

Graph 3: Comparison of Match Specific Alerts and Bettable Matches, by Gender, Level of Tennis, and Singles/Doubles, 2013 to 2017²³



¹⁸ The “Lowest Level” is made up of ITF men’s and women’s \$15k and \$25k events.

¹⁹ The “Mid-Level” is made up of ATP Challenger, ITF women’s \$60k-100k and WTA \$125k events.

²⁰ The combined Referral Ratio for all levels taken together was 0.29% in the period 2013 to 2017.

²¹ By comparison, the Referral Ratios for the Lowest Level and Mid-Level of the women’s game were 0.13% (1 in every 767 matches) and 0.08% (1 in every 1207 matches) in the period 2013 to 2017.

²² The 2017 totals were lower than in 2016, which were 0.53% (1 in every 187 matches) for the Lowest Level of the men’s game and 1.06% (1 in every 94 matches) for the Mid-Level of the men’s game.

²³ The Referral Ratio is fixed as a 0.0% to 1.0% (or higher) range displayed as an eight-step (0.125%) gradient. The eighth step (dark red) therefore represents a Referral Ratio of 0.875% or higher.

112. The Panel notes that the Referral Ratios for both the Tour Level (0.46%) and Grand Slam Level (0.64%) were somewhat high in 2017. These Referral Ratios, however, were driven by a relatively small number of Match Specific Alerts; there were only 15 Match Specific Alerts at the Grand Slam Level and 37 Match Specific Alerts at the Tour Level in 2017. In addition, as discussed below, the other sources of evidence that the Panel has considered suggest that while betting-related integrity concerns are quite significant at the lower and middle levels of professional tennis, the Tour and Grand Slam levels, while not immune, do not now face a problem of nearly the same dimension. Moreover, in terms of sheer volume of potential integrity issues based on Match Specific Alerts, the lower and middle levels of the sport generate the clear majority of concerns. For example, in 2017²⁴:
- 112.1 85.0% of all Match Specific Alerts were generated by matches at the Lowest and Mid-Levels of the sport, while only around 4.3% of Match Specific Alerts were generated by Grand Slam Level matches and 10.7% by Tour Level matches.
 - 112.2 43.1% of all Match Specific Alerts were generated by the men's ITF Futures matches and 29.8% of Match Specific Alerts were generated by ATP Challenger matches, while 38.5% and 12.3% of all Bettable Matches across the sport as a whole were played at those levels respectively.
 - 112.3 12.1% of Match Specific Alerts were generated by the women's ITF \$15k and \$25k matches and 1.7% of Match Specific Alerts were generated by WTA \$125k and ITF \$60-100k matches, while 30.5% and 6.2% of all Bettable Matches across the sport as a whole were played at those levels respectively.
113. The data also show that 842 players were subject to at least one Match Specific Alert between 2013 and 2017. Although a single Match Specific Alert by no means demonstrates that a player has committed a breach of integrity, the likelihood that a player has committed one or more breaches of integrity generally rises with an increase in the number of Match Specific Alerts concerning that player. Of those 842 players, 135 (16%) were the subject of three or more Match Specific Alerts in that same period, 23 players were the subject of six to ten Match Specific Alerts, and five players were the subject of over ten Match Specific Alerts. The player who most frequently arose in the data was the subject of 16 Match Specific Alerts in that five-year period.
114. FTI Consulting has further assisted the Panel in breaking down the TIU figures on a number of dimensions, in addition to levels of the sport, gender, and incidence of Match Specific Alerts by player. Those findings are contained in the tables and graphs presented in REA, Chapter 13, and the FTI Report, which will be made available online along with this Interim Report.

²⁴ FTI's methodology for calculating Bettable Matches (or "bet availability") is described in the FTI Report. Bettable Matches (and therefore, Referral Ratios) in 2017 for the Lowest Level of the men's and women's game have been estimated. Sportradar provided data for the period 2013 to 2016, broken down by match, allowing FTI to calculate bet availability for ITF matches offered and sold to betting operators. For 2017, Sportradar provided the total number of ITF matches offered and sold to betting operators that year.

E INTERVIEWS UNDERTAKEN BY THE PANEL

115. As noted above, the Panel's Review also included interviews with approximately 115 male and female tennis players from all over the world, playing at tournaments at all levels of the game, from Futures events to top-flight ATP and WTA events. To facilitate candid responses, the interviews were conducted on assurances of anonymity. During the interviews, one or more representatives of the Panel covered with the players a broad range of integrity-related topics, including, among other things, the player pathway, tournament prize money and player costs, the ranking system, tournament scheduling, betting, deliberate underperformance, match-fixing, player integrity education, reporting of integrity issues, player harassment on social media, and the TIU's performance.
116. While necessarily anecdotal, the player interviews provided the Panel with a rich empirical source of qualitative information about integrity issues in tennis, which is largely consistent with the other available evidence. Many of the players had first-hand knowledge of inappropriate activity. They reported a variety of experiences with attempted or successful match-fixing, efforts by bettors to obtain inside information, and deliberate underperformance. In addition, several players reported that they had been personally approached to manipulate a match for betting purposes, usually at lower-level tournaments lacking in basic security and controls on player access. Players generally opined that this type of activity was most common at the lower levels of nominally professional tennis – and often attributed its prevalence to temptations arising from low prize money and high costs – but some players reported their belief that match-fixing may also be taking place at higher levels of the sport.
117. The evidence provided in the Panel's player interviews was largely corroborated by the Panel's interviews with other key tennis stakeholders. Witnesses from the International Governing Bodies noted the perception that match-fixing is more common at the lower levels of tennis and that the low prize money at those levels together with the difficulty players face in progressing to higher, more lucrative, levels of the sport contribute to an environment that may encourage such misconduct. For example, the Director of the Grand Slam Board told the Panel that, in his view, players at the lower levels *"have little prospect of moving up the professional ranks"* and *"over time those players are likely to become disillusioned with tennis and may be tempted by opportunities to generate income through wagering and/or corruption involving third parties"*. Similarly, Tennis Australia's former President expressed his view that *"players at this lower level are more susceptible to corruption as the prize money available is low, the security is basic and anyone can approach and influence the players"*. The ITF's Senior Executive Director for Development and Integrity told the Panel that, although he has not seen empirical evidence to suggest that ITF matches are more likely to generate suspicious activity alerts, *"the number of tennis matches played compared to other sports"* and *"the attractiveness of tennis at the lower professional levels to corruptors"*, together with the fact that the prize money available on the ITF Pro Circuit is *"too low for many players to earn a living under the current structure, which allows for an unlimited number of professional players"*, may create circumstances in which *"players at the Pro Circuit level who lack moral stature may be tempted to contrive the outcome of a match for financial gain"*.
118. Witnesses from betting operators have similarly advised the Panel that match-fixing is a serious problem at the lower levels of tennis. One betting operator expressed its view that *"the situation in tennis is grimmer than grim"*; while it has *"never really seen any remarkable problems"* at ATP and WTA matches, it identified a *"match-fixing 'season,'"* from October until the end of the year, when it finds *"traces of up to two to three fixed matches a day in various ITF tournaments that take place in Europe and elsewhere"*. A representative from another betting operator reported that tennis *"is considered riskier than other sports"*, in part because *"at the lower levels of tennis, players are vulnerable to match-fixing"* and *"individuals have a high degree of influence over the outcome of a match"*.

119. Finally, TIU investigators – the professionals charged with enforcing the tennis anti-corruption rules – have repeatedly confirmed, in their evidence to the Panel and publicly, not just the structural drivers of integrity breaches at the lower levels of tennis, but also the seriousness of the integrity problem now facing the sport. An experienced TIU investigator estimated that *“hundreds of matches at Futures level (both singles and doubles) are not being played fairly, with the numbers reducing as you move upwards through the ranks of the professional game”*. Another reported that at the lower levels of the sport, tennis faces a *“tsunami”* of low-level betting and other integrity breaches.

F SURVEY DATA

120. As also noted above, the Panel commissioned a survey to solicit the views of players on match-fixing and other betting-related and integrity issues. The online, confidential, and anonymous survey was made available on the ITF, ATP, and WTA websites; emailed to over 20,000 players; and manually distributed at two high-level tournaments.
121. Over 3,200 tennis players – including almost 2,000 male players and over 1,200 female players from all levels of the sport – responded to the survey. In line with the structure of professional tennis, over 80% of the respondents primarily competed at the lowest level (made up of ITF men’s \$15k and \$25k Pro Circuit events (known as “Futures”) and women’s \$15k and \$25k Pro Circuit events) in 2016, but approximately 5% of the respondents reported that they were ranked in the top 150 and played primarily in the highest-level ATP and WTA events. Although Europe was the only continent where a majority of respondents had competed in 2016, significant numbers also played in Asia, Africa, North America, South America, and Australia.
122. Because players were not required to participate in the survey, the potential for non-response bias requires caution in attempting to draw statistical inferences from the survey respondents to the entire population of professional tennis players. In other words, there is some possibility that the players who elected to respond to the survey may not represent the overall population of players, and the anonymity of the survey prevents estimation of the magnitude of this potential bias.²⁵
123. Nonetheless, particularly in combination with the other available sources of information, the large and diverse sample of survey respondents provides further insight into the scope and seriousness of betting-related integrity issues in professional tennis today:
- 123.1 16.4% of all respondents indicated that they had first-hand knowledge, defined as information from their *“personal observation or experience”*, of a player betting on tennis. Of this group, 37.8% indicated that they had knowledge of more than one instance of such activity.
- 123.2 11.4% of all respondents indicated that they had first-hand knowledge of a player providing inside information, defined as *“supplying private information about a player’s likely performance in a match to assist anyone in betting on professional tennis”*. Of this group, 28.4% indicated that they had knowledge of more than one instance of such activity.
- 123.3 14.5% of all respondents indicated that they had first-hand knowledge of match-fixing, defined as *“any conduct in professional tennis that alters the outcome of a point, game, set, or match for financial reasons related to betting or in exchange for anything of value”*. Of this group, 35% indicated that they had knowledge of more than one instance of such activity.

²⁵ One plausible scenario is that players who fix matches or commit other integrity breaches are less likely to willingly respond to a survey about corruption, even anonymously. Conversely, players with no first-hand exposure to corruption may believe that corruption is not a serious problem in tennis and, therefore, might have viewed the survey as a waste of their time.

124. The majority of the survey respondents reported that they had obtained their knowledge of such activities from the lower levels of the sport, although, as noted above, most of the survey respondents primarily competed at these levels in 2016. In addition, many reported first-hand knowledge of breaches of integrity at other levels as well²⁶:
- 124.1 Of the 17.4% of male respondents who reported first-hand knowledge of betting, 82.6% reported knowledge of such conduct occurring at the Futures level and 41.9% reported knowledge of such conduct occurring at the Challenger level, while 21.2% and 16.9% reported knowledge of such conduct occurring at an ATP event or a Grand Slam, respectively. The pattern was similar for the 14.7% of female respondents who reported first-hand knowledge of betting: 68.7% reported knowledge of such conduct occurring at the lowest-level tournaments (ITF Women's \$15k and \$25k events) and 32.4% reported knowledge of such conduct occurring at mid-level tournaments (WTA \$125k or ITF \$60-100k events), while 26.4% and 20.3% reported knowledge of such conduct occurring at an ATP event or a Grand Slam, respectively.
- 124.2 Of the 11.8% of male respondents who reported first-hand knowledge of a player providing inside information, 73.9% reported knowledge of such conduct occurring at the Futures level and 31.6% reported knowledge of such conduct occurring at the Challenger level, while 15.4% and 11.5% reported knowledge of such conduct occurring at an ATP event or a Grand Slam, respectively. The pattern was again similar for the 10.7% of female respondents who reported first-hand knowledge of a player providing inside information: 59.9% reported knowledge of such conduct occurring at the lowest level tournaments and 20.5% reported knowledge of such conduct occurring at mid-level tournaments, while 15.2% and 12.9% reported knowledge of such conduct occurring at an ATP event or a Grand Slam, respectively.
- 124.3 Of the 15.5% of male respondents who reported first-hand knowledge of match-fixing, 75.2% reported knowledge of such conduct occurring at the Futures level and 31.9% reported knowledge of such conduct occurring at the Challenger level, while 14.7% and 10.8% reported knowledge of such conduct occurring at an ATP event or a Grand Slam, respectively. The pattern was yet again similar for the 12.9% of female respondents who reported first-hand knowledge of match-fixing: 57.9% reported knowledge of such conduct occurring at the lowest-level tournaments and 19.5% reported knowledge of such conduct occurring at mid-level tournaments, while 15.7% and 11.3% reported knowledge of such conduct occurring at an ATP event or a Grand Slam.
125. The survey results further suggest that both male and female players are unlikely to report improper betting and other corrupt activities. Among the respondents with first-hand knowledge of corrupt activity, approximately 35.1% indicated that players "*never*" or "*rarely*" report such information to the TIU. By contrast, only 5.6% of such respondents indicated that players report such information "*most of the time*" or "*always*".

²⁶ Because players could identify more than one tour level in responding to the survey question about where they had obtained their first-hand knowledge of corrupt activity in professional tennis, some players indicated that they had knowledge of corrupt activity at several levels of the sport.

G OTHER EVIDENCE

126. The TIU data, Panel interviews of players and others involved in the sport, and player survey responses collected and analysed during the Panel's Review are generally consistent with other available sources of evidence about the nature and extent of the integrity problem facing tennis, including the prior integrity reviews, past and current TIU enforcement actions, and European Sports Security Association ("ESSA") figures concerning the high number of betting alerts in tennis relative to other sports.
127. Although the Ings Report and the Environmental Review largely focused on the threats to tennis rather than the scope of the integrity problem then facing the sport, both provided examples of how the threat had already materialised. The Ings Report, for instance, catalogued several credible examples of possible corruption, while the Environmental Review raised concerns about numerous matches with suspicious betting patterns. The Panel's findings are also consistent with the structural concerns raised by those reviews, including the Environmental Review's observation that players "*who are not earning substantial money*" in the lower levels of the sport might be particularly "*vulnerable*" to corrupt approaches.
128. As for enforcement actions, from 2009 through 2017, the TIU brought 35 successful disciplinary cases against professional players²⁷. Almost all of these cases involved players ranked outside the top 500 and matches at the Futures or Challenger levels. Many resulted in a fine or short suspension for such offences as betting on tennis or refusing to cooperate with a TIU investigation, but 15 players received multi-year or lifetime bans for contriving, or attempting to contrive, a match or for failing to report solicitations to contrive a match. In 2017 alone, 11 players were sanctioned by an Anti-Corruption Hearing Officer ("AHO"), with five players receiving multi-year or lifetime bans for contriving, or attempting to contrive, a match or for participating in a solicitation to contrive a match. In addition, since the introduction of a procedural mechanism for provisional suspension under the TACP (2017), a total of eight "*Covered Persons*" (five players and three officials) have been subject to provisional suspension²⁸.
129. Finally, ESSA, a not-for-profit association of sports betting operators, reports that the vast majority (over 75%) of the suspicious betting patterns reported by its members in sport come from tennis, even though tennis is the fourth largest sport for betting. While such reports must be treated with similar caution as the Match Specific Alerts provided to the TIU, the fact that ESSA receives three times as many suspicious betting alerts for tennis as it does for all other sports combined is another stark indicator that the scale of the problem in tennis is significant.

²⁷ One successful disciplinary case has also been brought against a Covered Person who was not a player. There have been two unsuccessful disciplinary cases – one resulted in an acquittal by an AHO, and one was overturned on appeal by the Court of Arbitration for Sport (CAS). The Panel is aware that a further four cases have been heard by an AHO in 2018 but that written decisions have not yet been handed down in those cases. Those cases are not included in the statistics for disciplinary cases heard (successful or otherwise).

²⁸ TACP (2017), G.1.e. TACP (2017), B.6: "*Covered Person*" refers to any Player, Related Person or Tournament Support Personnel."

H DEGREE OF CONFIDENCE IN PROVISIONAL FINDINGS ON THE NATURE AND EXTENT OF THE PROBLEM

130. Based on all of the above evidence, treated with the requisite degree of caution in the light of its limitations, the Panel has a fair degree of confidence that a significant and growing integrity problem exists at the ITF Pro Circuit \$15k and \$25k levels, mostly (though not exclusively) involving men, as well as at the ATP Challengers level. While no level of professional tennis appears to be immune from integrity-related concerns, the available evidence further suggests that integrity issues have not reached a significant level at Grand Slam events, ATP or WTA Tour events, WTA \$125k events, or ITF women's \$60k and \$100k events.

I DIFFICULTIES IN SAFEGUARDING INTEGRITY BY DETECTING AND PUNISHING BREACHES

131. The integrity challenge facing tennis is compounded by significant obstacles to detecting and successfully sanctioning improper conduct. First, the scope of professional tennis is immense and requires a global effort to detect misconduct. Approximately 115,000 professional tennis matches were played in 2017, of which approximately 85,000 were made available for betting. Professional tennis matches are played essentially year-round all over the world, and betting on tennis is largely an international phenomenon.
132. In addition, improper conduct, which can result from the efforts of a single person, is easily concealed. Detecting and proving match-fixing is difficult, and suspicious betting alone is generally insufficient to prove a breach – particularly where the required proof includes evidence that the player fixed a match for consideration, essentially requiring evidence of a corrupt link between the player and a bettor. Inside information may be surreptitiously acquired by a bettor, rather than provided by a player. Moreover, players who wish to bet on tennis can ask someone to do it for them.
133. Also, the TIU's investigative powers are limited. While a sports disciplinary body such as the TIU may enjoy certain contractual powers, it lacks the powers of a public authority. Accordingly, the TIU is largely dependent on voluntary reporting of suspected misconduct. And, when the TIU secures evidence of misconduct, the private disciplinary process is costly.

VII RESPONSE OF THE INTERNATIONAL GOVERNING BODIES AND TIU TO INTEGRITY ISSUES

134. Pursuant to the Terms of Reference, and the International Governing Bodies' request that the Panel address past events, this section addresses the appropriateness and effectiveness of the TACP, TIU, and TIPP and whether the investigation and the enforcement of the tennis integrity rules have *"been carried out appropriately"* before and after the creation, in 2009, of the TACP and the TIU. The Panel first reviews integrity-related investigations, enforcement, and education since 2009. Next, it addresses the International Governing Bodies' approach to integrity-related issues before the creation of the TACP and TIU. Finally, it considers the processing of historical materials during the International Governing Bodies' handover to the TIU of responsibility for integrity-related investigations. As set out in Section III above, it is not the Panel's role in this Review to determine whether past actions did or did not satisfy any legality standard, and it should not be taken as doing so. Rather, the Panel identifies below and in the REA, which should be read together with this Interim Report, the relevant evidence it has received, and sets out its present opinion as to the effectiveness and appropriateness of relevant actions at the time, based on its appreciation of the available evidence of the contemporaneous facts and circumstances. The Panel bears in mind that points of view as to what may be the right decision or action to take vary, and the Panel notes that, in certain instances, it is not possible or appropriate to make credibility findings or to resolve direct conflicts in the evidence due to its inability to conduct adversarial processes.

A INTEGRITY-RELATED INVESTIGATIONS, ENFORCEMENT, AND EDUCATION SINCE 2009²⁹

135. At the end of 2008, the International Governing Bodies adopted a new uniform TACP; granted broad authority to the TIU to investigate breaches of integrity, enforce the TACP, prevent future misconduct, and educate players on integrity issues; and hired Jeff Rees, an experienced sports integrity investigator, to lead the new TIU. The International Governing Bodies deserve credit for working together in this way; they appropriately recognised the limitations on their abilities to address the problem individually, and they acted ahead of many other sports in setting out to create a comprehensive system for safeguarding integrity in tennis. The establishment of the new rules, the TIU, and the TIPP was an appropriate response to the recommendations in the Environmental Review.
136. Since its inception in 2009, the TIU has successfully pursued 35 disciplinary cases for violations of the TACP, from match-fixing and betting on tennis to improper sponsorships with betting operators. The TIU also sought, and obtained in many instances, memoranda of understanding with betting operators, which require the signatories to notify the TIU about unusual betting patterns and, upon request, to provide the TIU with details about the bettors who generated those usual patterns. The TIU also created a global no-credentials list, in part to help tournaments identify would-be corruptors and deny them access to player-only areas at tournaments. And the TIU created, in 2011, an online educational program for players, commonly referred to as the TIPP. Since the TIPP became mandatory for professional players in 2014, over 25,000 players have completed it. The TIU deserves credit for these efforts.

²⁹ REA, Chapter 10.

137. The Panel has not seen any evidence demonstrating that the approach of the TIU or the International Governing Bodies since 2009 has been designed to cover up breaches of integrity. However, their ability appropriately and effectively to address betting-related integrity issues since 2009 has in the present view of the Panel been constrained in four principal ways, developed below:
- 137.1 while the involvement of the International Governing Bodies, through the Professional Tennis Integrity Officers (“PTIOs”), in the disciplinary process compromises the appearance of independence in that process, the International Governing Bodies’ simultaneous efforts to afford the TIU operational independence has led to ineffective oversight and supervision;
- 137.2 the ITF’s sale of official live scoring data to a large number of matches at which the risk of integrity breaches is greatest, without adequate assessment of, or controls over, the integrity-related consequences or appropriate safeguards, has significantly exacerbated the integrity problem facing tennis;
- 137.3 the TIU’s insufficient staffing and lack of adequate protocols and procedures in some contexts have constrained its investigatory and enforcement efforts; and
- 137.4 with respect to certain anti-corruption rules, the restrictive construction of the TIU and the wording of the TACP itself have made it unnecessarily difficult to punish serious breaches of integrity.

(1) Independence and oversight of the investigative and disciplinary process

138. When they created the TIU, the International Governing Bodies also created a Tennis Integrity Board (the “TIB”). While the International Governing Bodies never formally adopted the TIB’s draft Charter, the TIB was given responsibility for, among other things, appointment, oversight, strategic direction, and financial management of the TIU, including appointing its Director, approving its annual budget, appointing AHOs, and suggesting changes to the TACP. Such oversight and strategic direction is, or should be, an important part of ensuring that the TIU is functioning properly.
139. The members of the TIB, however, are appointed by, and have dual roles as officers of, the International Governing Bodies. This has in the present view of the Panel had two simultaneous adverse effects. First, while the TIB has, correctly in the Panel’s view, allowed the TIU significant autonomy to conduct its operations, the TIB members’ dual official roles give rise to an appearance that the members might prioritise the International Governing Bodies’ reputational and other interests over the TIU’s mission to safeguard the integrity of tennis. This risks undermining public confidence that the TIU enjoys sufficient independence to effectively police tennis. Secondly, given the importance of allowing the TIU independence, the TIB has taken a largely passive approach to oversight and strategic direction. While the International Governing Bodies, through the TIB, have afforded the TIU the resources and assistance it has requested – and the International Governing Bodies deserve credit for doing so – the TIB’s structure and practice have in the present view of the Panel left the TIU without adequate supervision or strategic direction.

140. Similarly, while the International Governing Bodies afforded the TIU broad independent authority to initiate and conduct integrity investigations under the TACP, they also gave the sole authority to commence disciplinary proceedings to four PTIOs, who also hold dual roles as officers for the International Governing Bodies. In the present view of the Panel, the PTIOs' dual roles create the risk of an apparent conflict of interest and further risk undermining the perception that the tennis disciplinary process is fully independent. At the same time, according to the terms of the TACP, the PTIOs have no prosecutorial discretion; the PTIOs "shall" refer matters for disciplinary proceedings any time an integrity offence "may" have been committed, regardless of any other countervailing factors. As a matter of practice, however, the PTIOs have at times relied on such countervailing factors in deciding not to commence proceedings even when the non-discretionary standard set out in the TACP appears to have been satisfied. While the Panel has seen no evidence that the PTIOs have unreasonably blocked proceedings for improper purposes, in the present view of the Panel such exercise of prosecutorial discretion by the PTIOs was inappropriate under the TACP.

(2) The ITF's data sales

141. As explained in Chapter 3, Part D of the REA, the ITF entered into a live scoring data sale agreement with Sportradar in 2011 that became effective in 2012 and was renewed in 2015. In so doing, the ITF followed similar data sale agreements previously consummated by the ATP and the WTA. The ITF has informed the Panel that it entered into its agreements not only to monetise its data rights, but also because the ITF had concerns that information gathered by scouts or courtsiders at ITF matches would be used to create betting markets. According to the ITF's evidence, it believed that selling its live scoring data would afford the ITF some control over the use of that data.

142. The ITF's deals have generated significant revenues for the ITF; for example, the December 2015 contract extension alone, which covers 2017 to 2021, is worth approximately \$70 million. The ITF reported that these additional revenues have contributed to, among other things, prize money increases at ITF events.

143. In the Panel's view, however, before agreeing to sell its live scoring data, and again before its recent renewal of that agreement, the ITF did not appropriately assess the potential adverse effects of those agreements on betting-related integrity in tennis and weigh those potential adverse effects against the benefits of the data sales, nor did it put in place appropriate controls to protect integrity. Before entering into its 2011 agreement with Sportradar, the ITF obtained a report from its external solicitors evaluating opportunities for the ITF to sell live scoring data. The report concluded that, because the sale of ITF data could be expected to reduce courtsiding at ITF events and to promote the ITF's increased engagement with the betting industry on integrity measures, "there appears to be no overriding integrity reason to prohibit the ITF from supplying data to legal gambling operators". But the report did not discuss, and the Panel has seen no evidence that the ITF otherwise considered at the time (or before the renewal of the Sportradar deal in 2015), whether the sale of official live scoring data for many thousands of ITF matches would so increase the number of betting opportunities on such matches, where the risk of integrity breaches is greatest, that it would magnify the TIU's workload beyond its capacity. Furthermore, while the ITF suggests that there was "significant betting" at ITF events before 2011, and there certainly was some, there is no independent documentary evidence to suggest that it was significant in comparison to the enormous number of betting opportunities that were created by the ITF's ongoing sale of its live scoring data.

144. The available evidence reflects a very significant rise in betting alerts, and associated integrity concerns, after the ITF began supplying live scoring data for use by betting operators. While the ITF may have believed that scouts would be sent to more of its matches in the future, the Panel has seen little evidence that there was persistent demand for betting on ITF events, given that the players are largely unknown and the betting interest appears to arise primarily from the contingency and the odds rather than the identity of the players or even the sport. By comparison, the significantly fewer and higher-level ATP Challenger events and their WTA equivalents had experienced a great deal of scouting, and there was good reason to expect that scouting at those events would increase in the future.

145. While the ITF contends that it could not have known that its sale of official live scoring data for thousands of matches would significantly increase the TIU's workload, in the Panel's view, the ITF should have anticipated this impact or at least should have undertaken further assessment of the potential ramifications from its data sales agreements, including asking for the TIU's input, which it did not do. Certainly by the time the ITF renewed its agreement with Sportradar in December 2015, there was already ample reason for concern about the impact of the ITF's data sales on tennis integrity.
146. In effect, therefore, at the level where players are most tempted to breach integrity due to the challenges of the player incentive structure, the ITF's sale of official live scoring data greatly expanded the opportunities to do so by creating many more betting markets than would have otherwise existed. This put a great strain on the TIU's ability to counteract breaches of integrity in tennis.

(3) TIU staffing, resources, and procedures

147. In the Panel's present assessment, the TIU has been understaffed since its inception, and it has failed to put in place sufficient resources and practices to address its increasing workload effectively and appropriately. While the TIU has improved its investigative and enforcement practices over time – for example, by increasing its resources, adopting a more robust investigative database, more aggressively pursuing electronic devices from players suspected of corrupt activity, and increasingly seeking preliminary suspensions and sanctions for failure to cooperate – even today, the TIU remains inadequately resourced and lacks adequate investigatory procedures. The Panel notes that since the commencement of this Review, the total staffing level of the TIU has been increased from six at the beginning of 2016 to fourteen at the beginning of 2018 (not including administrative staff). On 6 April 2018, the TIU announced the recruitment of three further new members of staff, an Investigator, an Intelligence Analyst, and an Education Coordinator.
148. As noted in Section V.B above, pursuant to Mr Rees' recommendation, the International Governing Bodies at the outset in 2009 approved a smaller, five-person structure for the TIU with two investigators (Option 2 proposed by Mr Rees in the Environmental Review). Mr Rees had stated in the Environmental Review that professional tennis would be best served in the first instance by an Integrity Unit staffed in this manner and that such staffing would be proportionate to the threat faced by tennis at that time. But while the TIU hired an Information and Intelligence Manager to oversee the TIU's intelligence database before January 2009, it lacked any staff investigators for its first two years.
149. As more fully described in Chapter 10, Part 2, Section A(3) of the REA, Mr Rees told the Panel that the need to manage the unit responsibly, to organise the information it had received, and to develop systems for investigation warranted delay in hiring the TIU's first investigator. But even after Mr Rees noted, in July 2009, the need for an investigator – because the *"volume of work had increased steadily"* and the TIU was *"in possession of good intelligence, and had identified good targets, which could not be acted upon because of more-pressing demands"* – the TIU did not hire its first full-time investigator until June 2010. At a subsequent TIB meeting in July 2010, Mr Rees identified the need for an additional investigator, but this second investigator was not hired until January 2011. In the Panel's view, Mr Rees should have taken steps to ensure that the TIU had at least the resources anticipated in the recommendation he made in the Environmental Review and should have pursued hiring investigators from the TIU's inception, particularly in light of the work that necessitated the creation of the TIU in the first instance.
150. More recently, following the four-fold increase in betting alerts in 2015 and the announcement of the Panel's Review, the TIU has increased the number of its full-time investigators from two to six. The current Director of Integrity, Nigel Willerton, now suggests that ideally 12 investigators are needed. The TIU has a significant backlog of open cases in part due, in the Panel's view, to its inadequate staffing. For example, a March 2017 document shows that the TIU had identified 85 players that it planned, but had not yet been able, to interview; for comparison, the TIU conducted a total of approximately 80 interviews in all of 2016. In the present view of the Panel, the TIU has reacted behind the curve in increasing its resources.

151. In the Panel's present view, the TIU's investigative staff has also lacked and, despite recent improvements, still lacks, the diversity necessary to discharge its mandate. While the TIU has hired qualified and experienced investigators, all of those investigators, who work from the TIU's office in London, have similar backgrounds in British law enforcement. In the Panel's present view, the homogeneity of the TIU's investigative staff hampers its ability to conduct truly international investigations. Without greater diversity, the TIU cannot practically conduct interviews in various parts of the world or effectively communicate with law enforcement agencies, national federations, or players from other countries and cultures. The Panel is concerned that this lack of diversity has contributed to perceptions of the TIU as a disconnected foreign entity that lacks an appreciation of the obligations of national federations. Moreover, the limited linguistic range of the TIU's staff, despite recent improvement, has meant that even when the TIU obtains personal records or devices as part of its investigations, the costs and time needed to translate the evidence can impede investigations.
152. Moreover, in the Panel's present view, the TIU lacks staff with important specialised skills, including individuals capable of providing betting analysis, independent tennis expertise, and readily available legal advice. Most significantly, without a betting analyst to compile and analyse disparate betting alerts and data, including betting and bettor information, and to liaise with the betting operators, the TIU has not sufficiently used betting data to direct its investigations – such as by identifying linked accounts that regularly bet on suspicious matches or certain players or by identifying highly unusual betting activity that, when coupled with analysis of unusual match play, could prove match-fixing. Bucking this general practice, however, the TIU successfully used analysis of unusual betting activity to build its 2017 disciplinary case against Nikita Kryvonos³⁰. The AHO, presented with analysis of suspicious betting, determined that *"the betting pattern found in the alerts, when juxtaposed with both the betting operators' information and with the playing activity on the court"*, supported a finding of a contrivance offence. In the Panel's view, the TIU should be making greater use of betting analysis, with expert advice from a betting analyst, to target investigations and build cases against players who are repeatedly flagged by suspicious betting alerts. Indeed, the TIU's failure to hire an analyst with the necessary skills to evaluate betting data has led at least one betting operator to express doubt about whether there is any benefit to providing betting alerts and data to the TIU.
153. Based on the Panel's review of the TIU's case files created since 2013, these resource limitations have in the Panel's present view been exacerbated by the TIU's lack of formal investigative procedures and protocols. Since 2013, the TIU has lacked any formal written protocols governing the collection of evidence, including steps that the TIU's staff should take upon receipt of a match alert and a case management plan or guidelines for the time in which these steps should be accomplished. Nor has the TIU's decision-making during the information gathering stage regularly been supported by contemporaneous records; and, when contemporaneous records do exist, they sometimes provide inconsistent reasoning.
154. Further, this Review has identified a significant number of apparently open cases since 2013 that the TIU has not advanced over many months with some dormant cases that are over a year old remaining nominally *"live"*. There are also examples of considerable delays, of over two years, between the TIU's conclusion of its investigation and its submission to the PTIOs of a recommendation to initiate disciplinary proceedings.

³⁰ CAS 2017/A/5173 (Joseph Odartei Lamptey v. FIFA) (finding that referee was involved in match-fixing where he had made several incorrect field decisions and the undisputed *"deviation from the expected, ordinary movements in the odds on 'overs' in the Match"* demonstrated that bettors had foreknowledge of the result); CAS 2016/A/4650 (Klubi Sportiv Skenderbeu v. UEFA) (finding that football club was *"at the very least indirectly involved in match-fixing activities"* as demonstrated by the suspicious betting patterns, the performance of some of the players on the team, and the removal of the live market bets on the game by an important Asian bookmaker).

155. Also, since 2013, without established practices – such as protocols governing how investigators should download, store, and analyse information on electronic devices and how investigators should address failures to cooperate – the TIU’s handling of investigations has been inconsistent. For example, the TIU has not consistently investigated players’ claims, following TIU requests for electronic devices, that the requested devices were lost, damaged, stolen, or replaced. Nor has the TIU consistently recommended disciplinary proceedings against players for their refusals to cooperate, even when the facts clearly supported such recommendations.

(4) Integrity rules

156. The adoption of the TACP represented an advancement in the International Governing Bodies’ efforts to tackle betting-related breaches of integrity, and the International Governing Bodies have appropriately continued, since 2009, to amend the TACP in order to fill gaps or otherwise facilitate its enforcement.
157. At the same time, in the Panel’s view, the TIU has adopted an unduly restrictive approach to the TACP’s important prohibition against contriving the outcome of a match, as requiring proof of a corrupt link between bettor and player. The Panel does not view this difficult standard as required by the text of the TACP; in other words, contriving the outcome of a match is an integrity offence even without proof of a corrupt link. Importantly, betting patterns can in some cases provide persuasive proof that bettors knew (as opposed to evaluated) in advance what the outcome of a match would be, demonstrating (at least) that bettors had learned of a prior decision to contrive the result of a match. In such circumstances, the TIU should have been able to pursue contrivance violations, even without proof of a corrupt link with the bettors. As more fully described in Chapter 10, Part 2, Section E(3) of the REA, Mr Rees suggested that while a different approach might be a recommendation for the future, there was no basis for criticising the past approach. Mr Rees said *“the interpretation we applied was the one the ATP had previously placed on the equivalent and predecessor provision in the ATP TACP”*, that no lawyers had advanced a wider interpretation to the TIU at the time, that *“the offence fell within a group collated under the title ‘corruption offences’”*, and that there was separate provision for *“failing to give best effort”*. The Panel took these points into consideration, but concluded that the words of the provision itself, and the concept of *“contrivance”*, do not require proof of a corrupt link.
158. Similarly, to prove the offence of supplying inside information, the text of the TACP requires money to have passed, or at least to have been sought or offered in return, despite the difficulty of proving such circumstances. In the view of the Panel, providing inside information for betting purposes, regardless of proof of consideration, compromises the integrity of tennis and should have been prohibited by the TACP.
159. In both of these instances, the approach of the TIU or the wording of the TACP has, in the present view of the Panel, made it unnecessarily difficult to punish breaches of integrity.

B THE INTERNATIONAL GOVERNING BODIES' INVESTIGATION AND ENFORCEMENT EFFORTS BEFORE THE CREATION OF THE TACP AND THE TIU³¹

160. Before 2009, the International Governing Bodies oversaw their own independent mechanisms for investigating and enforcing integrity offences. While their respective arrangements and capabilities varied, the Panel has not seen any evidence demonstrating that the approach of any of the International Governing Bodies was designed to cover up breaches of integrity. Nonetheless, in some instances, the International Governing Bodies' investigations and decision-making were, in the Panel's opinion, inappropriate and ineffective.

(1) The ATP

161. The ATP was at the forefront among the International Governing Bodies in addressing betting-related breaches of integrity before 2009, perhaps because it also appears to have faced the most significant integrity-related issues at that time. The available contemporaneous documents and betting alert data suggest that the scope of the problem from 2003 to 2008 was greater for the ATP than for the Grand Slams, WTA, and ITF; for example, while ATP matches generated 107 alerts during this time, there were ten betting alerts for WTA matches, zero alerts for ITF matches, and 27 alerts for Grand Slam matches.

162. Beginning in 2003, the ATP conducted a review of its integrity rules, and in 2004, adopted the ATP Tennis Anti-Corruption Programme (the "ATP TACP"), which, among other things, extended the ATP's integrity rules to cover coaches, family members, and other individuals in the players' inner circles; expanded the conduct that fell within the definition of a "corruption offence"; increased the penalties for corruption offences, including allowing a potential lifetime ban for match-fixing; expanded the ATP's investigative powers and participants' cooperation requirements; and established a disciplinary procedure overseen by an AHO with a right to appeal any discipline to the Court of Arbitration for Sport ("CAS"). The ATP also entered into MoUs with Betfair, the leading betting exchange, to secure reporting of suspicious and unusual betting patterns, and with ESSA to collect similar information. Further, before 2009, the ATP developed an integrity education program that it administered through its ATP University. In addition, the ATP effectively pursued some disciplinary prosecutions of betting-related offences before 2009.

163. Richard Ings, the person at the ATP responsible for integrity at the time, produced a report in 2005 (the "Ings Report") explaining in some detail the nature of the problem as he perceived it and making a number of possible recommendations. The Panel considers that the ATP should have given greater attention to the Ings Report. The important matters set out warranted meaningful consideration, including because the Ings Report clearly identified the warning signs as to the scale of the task then faced by tennis.

164. The Panel further considers that, before the creation of the TIU, the ATP on occasion failed to exhaust potential leads before ending its investigations.

³¹ REA, Chapter 7 and Chapter 8.

165. For example, in 2007 and 2008, after obtaining intelligence from ESSA about betting accounts potentially held by players, the ATP gathered information that led to disciplinary sanctions against eight players for betting on tennis. The ATP deserves credit for its proactive efforts to pursue discipline against these players. Nonetheless, at the same time, the ATP obtained similar information about betting accounts potentially held by other players – two betting accounts with addresses that matched two players' addresses and a betting account with an account holder's name that matched another player – that it should have pursued further. But the ATP's approach was to cease investigating these accounts, even if the account had been used to bet on professional tennis, if the ATP concluded it could not prove that the account was held by the player based on the basic account information obtained from ESSA or if ESSA expressed doubt that the account was held by the player. In the Panel's view, absent evidence that the accounts were not actually held by the suspected players, the ATP should have taken further steps to investigate its suspicions about these betting accounts. As further described in Chapter 7, Section B(5) of the REA, the ATP informed the Panel that it considered at the time that the ATP TACP precluded it from seeking further information from players absent a conclusion that an offence may have been committed, on the basis of the evidence that it already had. The Panel, however, concluded that there was nothing to stop the ATP from simply asking for information, rather than seeking to compel its provision.
166. The Panel is however satisfied that the ATP did not discriminate unfairly in its selection of which players to prosecute based on the betting-account, or in its approach to seeking further information. Further, the ATP did not fail to bring proceedings based on the betting-account information it obtained in 2007, against highly or relatively highly ranked players (in whose names there were betting accounts) in order to protect its revenue or reputation.
167. The ATP also obtained at the time a separate list of betting accounts held in the names of professional coaches. Unlike the ATP's investigations into the betting accounts potentially held by players, however, the Panel has seen no evidence that the ATP, in 2007 or 2008, conducted any investigation into these betting accounts, beyond its request for preliminary information from ESSA. In the Panel's view, while the ATP's focus on players was understandable, the ATP still should have taken further steps to investigate whether these betting accounts had bet on professional tennis matches and whether the accounts actually belonged to coaches. The ATP told the Panel that material relating to the coaches was handed over to the TIU following its creation. Jeff Rees stated that he did not recall seeing it and suggested that it may not have been received. The Panel has not seen any evidence of the ATP providing this material to the TIU.
168. The Panel also has concern about a particular case that was identified and described in the Ings Report. In 2003, an ATP investigation discovered that a credit card held by Player B had been used to place bets on tennis matches and that credit cards held by persons associated with Player B had also been used to bet on one of Player B's matches. An ATP memorandum from November 2003 concluded that the ATP had "*hard evidence*" of betting by the account held by Player B, and a contemporaneous draft decision letter stated that Player B had declined, on three separate occasions, to explain the betting activities or to deny his involvement in betting on tennis. The ATP did not sanction Player B. No contemporaneous document from 2003 explains the reasoning for that decision. During its Review, the Panel received evidence that, because an associate of Player B, who was not a player, took responsibility for the betting in the accounts backed by Player B, and there was no direct evidence that Player B had been aware of the bets when they were placed, the ATP determined that it had insufficient evidence to sanction Player B for the suspected misconduct. The Ings Report similarly stated, in 2005, that no action had been taken against Player B because there was "*no corroborating evidence*" of player complicity in the betting. Mr Ings reported to the Panel that he took an informed view, after consultation with the ATP's legal counsel, that insufficient evidence existed to find that Player B had breached the 2003 ATP rules.

169. Player B retired soon after the investigation. While Mr Ings reported that at no stage during his five-year career at the ATP did he observe or suspect that any player subject to a major offence investigation had been persuaded to end his or her career in exchange for the ATP ceasing an investigation, the Panel is concerned about the timing of Player B's retirement. The Panel is particularly concerned about the circumstances of Player B's retirement in light of a document found in the TIU's files containing a written summary by Jeff Rees of a 20 October 2008 meeting, in which Mr Rees states that before 2009 "some suspect players had been persuaded to end their player careers". The Panel has received information concerning the circumstances of Player B's retirement but confidentiality has been asserted in relation to it, and so the Panel is unable to use it to address the circumstances of that retirement.
170. Finally, in recognition that it lacked the necessary experience to conduct an investigation into the match-fixing allegations related to the 2007 Davydenko-Vassallo Arguello match in Sopot, Poland, the ATP appropriately engaged for that matter experienced investigators recommended by the British Horseracing Authority ("the BHA"). After a thorough investigation, the Sopot investigators concluded that while betting on the Sopot match had been placed at odds "*completely disproportionate to each player's actual chance of winning*" – suggesting that the bettors "*knew that Davydenko was going to lose*" – there was "*no evidence to connect*" either of the players or their support staff with the bettors. Relying on the Sopot investigators' conclusions, the ATP found that, because the ATP TACP's anti-contrivance rules did not prohibit contriving the results of a match for reasons unrelated to betting or corrupt purposes, there was no basis to bring a disciplinary charge related to the Sopot match under the ATP TACP. The Sopot investigators noted that their investigation had been hindered by limitations on their investigative authority under the ATP TACP – they had been unable to satisfactorily resolve their requests for Davydenko's complete telephone billings or to obtain a satisfactory explanation regarding other phones Davydenko was suspected of using – and they suggested that their investigation could have concluded differently had they been able to force more immediate compliance with their information requests. Given the evidence obtained at the time, the conclusions of the Sopot investigators, and the construction of the ATP TACP, it was not inappropriate for the ATP to conclude that no disciplinary charges should be brought related to the Sopot match.
171. There was however intelligence arising out of the Sopot investigation in relation to which no investigatory steps were carried out by the ATP. The reason for this is that the ATP decided to pass the intelligence to the TIU once created. This decision was appropriate. However, with Jeff Rees not appointed until September 2008 and the TIU not formed until January 2009, the ATP did not carry out any investigatory steps in relation to the intelligence for approximately one year. In the present view of the Panel, this was a missed opportunity.

(2) The WTA, ITF, and Grand Slam Committee

172. Regarding the other International Governing Bodies, before 2009, the WTA, ITF, and Grand Slam Committee (which later became the Grand Slam Board) also made efforts to address betting-related breaches of integrity, although none of them disciplined any player or coach. In 2007, the WTA revised its rules to model them after the ATP TACP. The WTA also entered into MoUs with betting operators. While the Grand Slam Committee and the ITF did not adopt rules allowing broader investigative powers like those provided by the ATP TACP, they increased the sanctions under their rules for major offences, including betting on tennis and match-fixing, before 2009. The Grand Slam Committee also entered into MoUs with betting operators.

173. The WTA informed the press in early 2008 that it was investigating “five or six” cases arising out of suspicious or unusual betting patterns. The Panel requested disclosure from the WTA of all documents relating to these investigations. In response, the WTA produced records to the Panel for two pre-2009 investigations into suspected betting or match-fixing. In the Panel’s view, the WTA took appropriate investigative steps in these two cases, neither of which resulted in disciplinary sanctions. In the absence of documents, the Panel is unable to evaluate the WTA’s handling of any other pre-2009 investigations. The Panel understands that there were no responsive documents to the Panel’s requests in the WTA’s records.
174. The records for the Grand Slam Committee show that it undertook over a dozen pre-2009 investigations into suspected betting and match-fixing. In each of these cases, the Grand Slam Committee concluded that there was no basis for a disciplinary sanction against the player, either because there was a plausible explanation for the player’s poor performance, such as an injury or illness or the player was not playing on his or her preferred surface, or because the Committee lacked evidence that the player had contrived the results of the match and could not obtain additional information with its limited investigatory powers and capabilities. Nonetheless, the Grand Slam Committee’s investigations, which were carried out by the ITF in connection with the Grand Slams, were at times unduly limited in scope and concluded swiftly. In the Panel’s view, in some of these cases it would have been preferable for the Grand Slam Committee to have pursued further enquiries with the betting operators and to have carried out more detailed interviews.
175. The ITF has not produced any records of investigations into suspected betting or match-fixing by players during that time. Absent any indication that there were significant matters for the ITF to investigate, before the widespread sale of the ITF’s data generated a large number of betting alerts and created significant concerns about integrity issues at ITF events, it seems reasonable that the ITF did not investigate such matters at the time.

C THE HANDOVER OF RESPONSIBILITY FROM THE INTERNATIONAL GOVERNING BODIES TO THE TIU³²

176. At the TIU’s inception, the International Governing Bodies handed to the TIU materials in relation to possible offences from before 2009. It presently appears to the Panel that the International Governing Bodies proceeded on the basis that they had delegated to the TIU responsibility for deciding what to do with the materials relating to such possible offences, including whether to initiate any investigations based on these materials. It does not appear to the Panel that the TIU investigated any such possible offences from before 2009. Nor does it appear to the Panel that the TIU used information in relation to pre-2009 misconduct as intelligence to focus future investigations. While the Panel has seen no evidence that this approach was adopted due to an effort to cover up past breaches or to protect players under suspicion, in the Panel’s present view, the TIU’s handling of pre-2009 materials was in a number of respects inappropriate and ineffective.
177. In particular, as noted above, the Environmental Review, co-authored by Jeff Rees, discussed “45 suspect matches” that “warrant[ed] further review” because of “specific concerns about each match from a betting perspective”. Despite that conclusion, the TIU did not conduct any further review of these matches. The 45 matches had originally been identified by one of the Sopot investigators based on his analysis of Betfair data on accounts that had made significant profits from the Sopot match. While there is no explanation to be found in any contemporaneous record, Mr Rees told the Panel as more fully described in REA Chapter 9, Parts A and B(2), that he did not believe that the TIU ever received materials concerning the 45 matches. Mr Rees stated that he had repeatedly asked

³² REA, Chapter 9.

the Sopot investigators for the relevant materials, but that he never received them, ultimately lost patience, and stopped asking. The Panel's review of the materials that the TIU received from the Sopot investigators shows, in the Panel's view, that the TIU did in fact receive some materials related to the 45 matches. The Panel has seen no contemporaneous record of Mr Rees' frustration with not having received the material in relation to the 45 matches or of his reasons for discontinuing efforts to obtain that material from the BHA analysts or other sources. The Sopot investigators have denied that any material was withheld from the TIU.

178. Mr Rees told the Panel that he did not understand the materials provided by the Sopot investigators to relate to the 45 matches, but instead believed that these materials derived from the Vassallo Arguello material, addressed below, which he considered unusable. In particular, in January 2009, Mr Rees attended a presentation by Sopot investigators that he understood was to be in relation to the 45 matches, but according to Mr Rees he asked no questions because he believed the material presented to have derived from the Vassallo Arguello material. In the Panel's present view, that mistaken belief was understandable, at least initially – as the presentation did indeed start with references to the Vassallo Arguello phone material – but the Panel still would have expected Mr Rees to have asked why he was not hearing about the 45 matches as he had expected. In any event, even if Mr Rees believed that the TIU had not received materials in relation to the 45 matches, and that such materials were being withheld from the TIU, that did not, in the Panel's view, justify the TIU's abandonment of efforts to acquire those materials, apparently without any written record of any attempts to obtain them. Particularly given that the Environmental Review had relied on the "45 suspect matches" when it concluded that *"the scale of the allegedly suspicious matches indicates there is no room for complacency"*, it appears to the Panel that the TIU missed a significant opportunity when it failed to pursue a *"further review"* of the *"specific concerns"* raised by these 45 matches.
179. By its inception, the TIU had received other materials from the International Governing Bodies related to possible offences from before 2009. Mr Rees told the Panel that he conducted a *"risk assessment"* of such materials to *"determine the unit's priorities for the short and mid-term, and ultimately the long-term"*. Mr Rees told the Panel that, in his assessment at the time, the pre-TIU materials were not *"fresh"* and *"supporting evidence would have been difficult to secure"*, in part because misconduct that predated the TIU's creation would have been subject to a more *"time-consuming"* investigation under the International Governing Bodies' various pre-2009 rules, which gave the TIU less authority than the TACP to request information from Covered Persons. According to Mr Rees, he decided, based on this assessment, that the TIU's resources were best directed towards investigating future breaches based on incoming intelligence rather than investigating past breaches based on pre-TIU materials.
180. As a general proposition, the Panel recognises that setting investigative priorities – including based on whether existing information is stale, whether that information has been fully investigated previously, the likelihood that additional evidence can be secured, and the relative burdens imposed by the applicable rules – is appropriate. The Panel is concerned, however, that there is no contemporaneous record of Mr Rees' *"risk assessment"* to document the TIU's decision-making process, including, among other things, what information and materials were considered, how various factors were balanced, whether prioritisation of future matters was regarded as broad guidance or a firm rule, under what circumstances the TIU would have pursued investigations of past breaches, and precisely who was involved. Indeed, while Mr Rees and the International Governing Bodies have advised the Panel that the setting of investigative priorities rested solely with the TIU, statements to the Panel from certain PTIOs indicate that they were involved in the decision, before the TIU's inception, to prioritise the investigation of future misconduct over past events. Further, while Mr Rees told the Panel that *"many of the old cases in the files supplied had already been investigated by ATP or WTA or Grand Slam Board"*, the Panel has seen no evidence that the TIU separated the case files that had been investigated from those that had not. Indeed, the Panel's Review shows that the ATP passed responsibility for one active investigation to the TIU in September 2008, but the contemporaneous records show no further steps taken by the TIU on that matter.

181. In addition, in the Panel's present view, the TIU did not appropriately process the materials that it received from the International Governing Bodies relating to possible offences from before 2009. The International Governing Bodies and Mr Rees both stated that they intended for all intelligence of historical allegations to be added to an intelligence database so that it could be used to focus, or at least to inform, future TIU investigations. It appears, however, that only a small portion of the pre-2009 intelligence was loaded onto the TIU's intelligence database. In the early years of the TIU, the TIU seems to have resorted to paper, rather than computer, records in relation to pre-TIU events. As more fully described in REA Chapter 9, Part D, Mr Rees told the Panel that he delegated responsibility for populating and operating the database to the TIU's Information Manager, Bruce Ewan, who has since died. This system did not in the view of the Panel appropriately or effectively facilitate the use of pre-2009 intelligence to focus and inform future investigations. Further, in light of Mr Rees' awareness of the contemplation of all parties that the materials should be used as intelligence, the Panel would have expected Mr Rees, as Director of the TIU, to have sought confirmation that this work was done.
182. In the present assessment of the Panel, this was a missed opportunity that compromised the effectiveness of the TIU. A body of intelligence existed in respect of a reasonably large number of players who were suspected of having engaged in improper conduct. Based on evidence seen by the Panel, a number of those players were also involved in suspicious activities after the TIU was established in 2009. Even if there was insufficient admissible material to investigate and bring disciplinary proceedings against those players in relation to suspected past offences, at the least, the material should have been fully used as intelligence proactively to monitor and, where appropriate, conduct future investigations of those players and other potential corruptors in the sport.
183. Finally, the TIU did not make any use of the text messages and contact details that the Sopot investigators had downloaded from Vassallo Arguello's mobile telephone during their interview of him following his suspicious 2007 match against Davydenko. One of the Sopot investigators found that these materials corroborated suspicions regarding several of the 45 matches that the Environmental Review had independently identified as warranting further review. As more fully described in REA Chapter 9, Parts C(1) and (2), Mr Rees told the Panel that he determined that the TIU could and should not use any of the materials downloaded from Vassallo Arguello's phone because, according to Mr Rees, he had been told in 2007 that Vassallo Arguello had been "*conned*" into handing over his phone, and that technology experts, who were "*hiding*" in another room, had downloaded the phone's contents without Vassallo Arguello's knowledge. Mr Rees told the Panel that he concluded that the material had been obtained unethically, in violation of the ATP's rules, and unlawfully. Mr Rees stated that the material could and should not be used because their use would damage the TIU's credibility and expose the TIU and its employees to the risk of prosecution, and because the material would not be admissible as evidence in disciplinary proceedings.
184. Mr Rees, however, conducted no further inquiry into the factual circumstances surrounding the collection of the phone and its contents to ascertain and evaluate exactly how they were collected. Nor did he take any legal advice on the matter, including as to whether there had been a breach of the ATP rules or applicable laws or as to whether the material was admissible as evidence. The summary of the Vassallo Arguello interview and the evidence of the investigators who attended the interview indicate that Vassallo Arguello voluntarily handed over his phone. The individuals who Mr Rees says told him in 2007 how the phone and its contents had been collected strongly dispute his account. The investigators have firmly denied that they engaged in any unethical, improper, or illegal conduct when they collected the Vassallo Arguello phone evidence.
185. Given the conflicting evidence, and its role as described in Section III above, the Panel is unable to resolve these competing accounts and does not make credibility determinations. In the present view of the Panel, however, neither the facts nor the applicable law were clear when Mr Rees made his decision. In the present view of the Panel, Mr Rees did not pursue the factual and legal understanding required to reach a sufficiently informed decision that the TIU should not use this evidence for investigative or intelligence purposes, particularly in light of the potential significance of the downloaded material in pursuing the work that the TIU was established to perform.

VIII RECOMMENDATIONS

186. In the present view of the Panel, the current system as operated by the TIU and the International Governing Bodies is inadequate to deal with the nature and extent of the problem now faced, as described above and more fully in the REA, particularly in light of its recent growth in scale. The Panel does not consider that there is any single solution or simple panacea. Rather, what is required is a package of improvements across a number of areas, addressed below.
187. In light of their experiences with prior integrity reviews, the decentralised governance structure of the sport, and the concerning expansion of the integrity challenge that now confronts tennis, the International Governing Bodies were wise to commit publicly to implementing the Panel's final recommendations. This commitment creates a pivotal opportunity for tennis, and the Panel recognises the need for bold initiatives to restore, and safeguard for the future, the appearance and reality of integrity in tennis. At the same time, the Panel recognises that some consequences of some recommendations may be unwelcome to some stakeholders, and that some changes can only be developed and implemented through the expertise and experience of those stakeholders.
188. The consultation process that follows this Interim Report provides an opportunity for all to play their part in shaping the Panel's final recommendations. At this stage, the Panel makes the following preliminary recommendations, which are based on the conclusions in the REA, with which this Interim Report should be read. Chapter 14 of the REA describes the recommendations addressed below in more detail.

A REMOVING OPPORTUNITIES AND INCENTIVES FOR BREACHES OF INTEGRITY

189. The current tennis environment provides a lamentably fertile breeding ground for breaches of integrity. To tackle this problem, tennis needs a response that takes on the opportunities for breach – by limiting betting markets where feasible, particularly in respect of the most susceptible levels of the sport – while also addressing aspects of the organisation of the sport that incentivise, or fail to put a brake on, breaches of integrity. This also means that the International Governing Bodies, collectively, will need to devote greater resources to the development of tennis players, especially at the ITF level. Because the entire tennis ecosystem depends upon the effective development of future professionals; encouraging, funding, and protecting the integrity of developmental tennis is, in the Panel's view, the responsibility of all the International Governing Bodies.

(1) Recommendation 1: Limitations should be imposed on the sale of official live scoring data

190. As described above, the available evidence, including betting alert data, clearly reveals a dramatic increase in integrity concerns following the expansion in the sale of official live scoring data for betting purposes ("official data"). The data sales, and accompanying betting markets, have penetrated the lowest levels of the nominally professional sport where – due primarily to the disparity between prize money and costs, a player pathway that results in stagnation, and the lack of appropriate safeguards – tennis is most susceptible to breaches of integrity. The Panel sets out below several related preliminary recommendations, addressing the sale of official data by the International Governing Bodies to data supply companies, and on by those companies to betting operators. Until the Panel publishes its final recommendations, accounting for the input it receives on consultation, the International Governing Bodies should take no action to renew existing contracts or otherwise commit to future live scoring data sales.

(a) Discontinue the sale of official live scoring data, at least in respect of events at the lowest levels of the sport

191. To address integrity concerns arising from betting where tennis is most susceptible to breaches of integrity, the Panel recommends discontinuing all official data sale at the lowest levels of nominally professional tennis – in other words for all of the current ITF Futures men’s events and ITF Pro Circuit women’s \$15k or \$25k events. At these levels, the incentives to breach integrity are the greatest; no players who regularly compete at these lowest levels can reasonably expect to recoup their costs from tournament winnings, much less earn a living wage. Moreover, the venues that host events at these levels often lack adequate facilities and basic security to discourage, and allow the detection of, breaches of integrity. At the same time, competitive events at these levels are critical for aspiring tennis players to develop their skills so that they may ascend to higher levels of professional competition; indeed, the ITF Futures and equivalent women’s Pro-Circuit \$15k or \$25k events, by name and concept, serve an important role as a developmental league. Just as there should not be betting on juniors, many of whom play at these lowest levels, there should be no betting on developmental tennis. Players at these levels should be protected from the pressures that accompany betting, including corrupt approaches, temptations for short-term financial gain, and online abuse from disappointed bettors.
192. Discontinuing the sale of official data at these lowest levels of tennis is a necessary, pragmatic, and effective approach to containing betting-related breaches of integrity. Without official data, it will be more difficult to create in-play betting markets, which account for most of the betting on tennis.
193. The Panel recognises that some might argue that, even if the sale of official data is discontinued, parallel in-play betting markets may arise in relation to these matches based on unofficial live scoring data, such as may be gathered by scouts. While it is not possible to know until this step is taken to what extent parallel betting markets may arise from the collection of unofficial data at these lowest levels, where the players are entirely unknown to the public, the Panel is sceptical of claims that discontinuing the sale of official data would result in widespread scouting across matches at these lowest levels:
 - 193.1 The interest in betting on these matches is not tied to the players, but rather to the fact that markets exist. Taking into account the number of matches on which the sale of official data would still be available, the Panel considers that there would still be a substantial, and sufficient, range of markets for those who are interested in betting on tennis.
 - 193.2 The Panel is recommending that all the International Governing Bodies impose in their official data sale contracts a provision prohibiting betting operators that purchase such data from offering betting markets on any matches for which official data are not sold.
 - 193.3 Leaving aside the contractual obligations imposed by the International Governing Bodies, the Panel would hope that the betting industry would respect the decision that developmental tennis should not be made available for betting through unofficial data.
 - 193.4 Further, as discussed further below, online betting markets can be actively monitored to observe when and where betting is being offered based on unofficial data, and the TIU can interfere with those markets by targeting scouting at those events. The TIU would continue to police lower-level matches, which are critical for the developmental stages of the game so that younger and up-and-coming players are not compromised early in their careers.

194. The Panel has considered confining this recommendation to ITF \$15k tournaments, while continuing to allow the sale of official data for ITF \$25k and higher-level tournaments. This would arguably fit in with the new Player Pathway proposed by the ITF, which would stratify the ITF \$25k and \$15k tournaments into professional and developmental levels, respectively. It would also allow some money to continue to come in to the ITF in return for its data, for redistribution into the sport. But it would ignore that the integrity problem currently applies across *both* of these ITF levels, and making the proposed changes to the Pathway, still in broad terms at this point, would not eliminate the very real incentives for breaches of integrity. Moreover, it would ignore the fact that the players competing at this developmental level, many of whom are young, should be protected from the abuse that is too often directed at players from bettors.
195. The Panel has also considered whether the proposed discontinuance of official data sale should be extended to higher levels of professional tennis, in particular to men's ATP Challenger events. While far from perfect as a measure, the betting alert data, at least, suggest that the incidence of integrity concerns at men's ATP Challenger events may be as high, if not higher, as a proportion of matches played, than concerns at the ITF level. However, in the present assessment of the Panel, there are a number of relevant considerations that militate against discontinuing data sales to ATP Challenger events:
- 195.1 Players at the ATP Challenger level – which offers regular access to events for players ranked down to about 350 in the world – are much closer to the top of the sport, where there are greater financial incentives to perform.
- 195.2 There are fewer events at which these fewer players are competing; there are approximately 90,000 ITF matches each year, compared to approximately 11,000 ATP Challenger matches.
- 195.3 Furthermore, all Challenger matches already are, or will soon be live-streamed on the internet, or broadcast.
- 195.4 Also, there is evidence that, as early as 2005, ATP Challengers were being scouted to create betting markets when Tour matches were not available, in order to satisfy tennis betting demand. The Panel is not convinced that the same degree of betting demand exists in respect of ITF matches and considers that it would be less cost-effective to create parallel markets at ITF events.
196. While the Panel remains open to further suggestions, on consultation, regarding appropriate measures to regulate official data sales, including at levels above the lower-level ITF events, the above factors suggest to the Panel that, on balance, discontinuing the sale of official data at the ATP Challenger level would likely result in the creation of parallel markets based on unofficial data (such as data obtained from live feeds, if not data created by scouts). This would not only unnecessarily deprive the ATP of revenue for tennis data, but, far more importantly from an integrity standpoint, place those betting markets beyond the authorities' reach. Also, whereas the TIU could cope with the integrity concerns raised at the relatively few Challengers matches, especially in light of the other live scoring data sale recommendations made in this Interim Report, policing widespread betting on ITF matches risks presenting the TIU with an insuperable task. These distinctions apply all the more to the higher levels of tennis, the Tours and the Grand Slams, where integrity concerns are different and less significant.
197. The Panel recognises, as anticipated above, that discontinuing *any* official data sales risks the potentially unintended consequence of causing parallel markets to develop based on unofficial data. In fact, a number of outcomes are possible. Betting operators could attempt to create parallel markets with unofficial data through increased scouting – with data companies trying to collate data that can be sold to betting operators – or scraping live scoring data from the internet or obtaining it from live video feeds, when they are available. The Panel accepts the possibility that the Sportradar data sales may have generated persistent demand for betting on such events, but it is far from clear that data companies or betting operators would incur the substantial costs, and risks, of attempting to create parallel betting markets on such lower-level events, especially in light of the additional safeguards recommended below and if they would be then be prevented from offering betting opportunities on tennis matches for which official live scoring data would still be available.

198. Even without official data, betting operators could create markets without significant in-play betting, such as by establishing markets for betting on the outcome of sets and matches, but such betting is not what is attractive to customers, particularly when the players are unknown and the prime motivators for betting appears to be the availability, contingency and odds rather than the identity of the players or even the sport.
199. While it is not possible to know with exact certainty the outcome of the proposed discontinuance of official data sales, swift and firm action is needed to attempt to stem the tide of betting-related integrity issues in tennis. The only way to determine whether limiting the sale of official data will reduce betting opportunities is to limit the sale of official data. This will also likely require a prohibition against the ITF, and its members, live streaming or otherwise publishing live scoring data. The Panel does not recommend these measures lightly, but rather in recognition that the maintenance of the status quo would be disastrous for the integrity of tennis, and doing nothing about the sale of official data presents the continued risk that the TIU will continue to be overwhelmed by the ongoing avalanche of integrity-related alerts. To further monitor this situation after the Panel's data sale recommendations take effect, the Panel also recommends, as explained below, that a review be conducted to assess the impact of this proposed course and whether the evidence justifies any course-corrections.

(b) Empower the TIU to monitor the betting markets and to disrupt betting based on unofficial live scoring data at the lowest levels of the sport

200. For any discontinuance of the sale of official data to be effective, it is imperative that measures be put in place to counteract the potential emergence of parallel markets based on unofficial data, as described above. One significant strategy to counteract such markets should be a proactive and diligent effort to monitor the online betting markets for the emergence of any such parallel markets. Any market so identified in respect of ITF matches (assuming that the discontinuance is limited to this level) could only be based on unofficial data. The TIU should be empowered and staffed to conduct such monitoring, which would allow it to identify matches on which betting markets are being created based on unofficial data and to disrupt such markets, including by notifying tournament supervisors that scouts are suspected of being present at an event so that they can be disrupted or removed (if possible under local laws), and, if necessary, discontinuing a match until the betting market has been effectively disrupted. Since there are very few spectators at such events, identifying the individual responsible should be possible.
201. In order effectively to monitor and disrupt parallel betting markets, strong accreditation controls for all tournaments, regardless of whether official data are sold, should also be required. Moreover, all developmental and professional tournaments endorsed by the International Governing Bodies should have the on-the-ground capability to disrupt scouting when it is detected.

(c) Empower the TIU to impose targeted restrictions on the sale of official live scoring data in particular circumstances at other levels of the sport

202. In addition to discontinuing all sales of official data at the lowest levels of the sport, the TIU should be empowered to, and should, employ targeted strategies for safeguarding the levels of the sport in respect of which betting is permitted to continue on the basis of official data sales. Through rules and binding contractual agreements, the TIU should be able to limit the sale of official data to certain betting operators, in particular circumstances, or for particular matches or events.
203. *First*, the TIU should be able to impose, and should consider whether to impose, minimum requirements in respect of tournaments for which official data may be sold, including requirements concerning accreditation, facilities, officiating, and live streaming. For many events outside the Grand Slam and Tour events, the accreditation systems, facilities, and security are insufficient to protect players from would-be corruptors. As a minimum requirement, to prevent potential corruptors and others from approaching players or otherwise obtaining inside information, any tournaments for which official data are sold should restrict access to player areas through an appropriate accreditation system and restrict access to the tournament grounds with appropriate perimeter control and security. In addition, there should be sufficient facilities and security on the ground at these events to restrict secure areas to appropriately accredited individuals.

204. Moreover, to deter misconduct and preserve evidence when it occurs, any match for which official data are sold should be (a) live streamed; (b) video recorded with the electronic scoreboard in the camera frame, so that such videos can be made available to the TIU upon request; (c) presided over by an international standard chair umpire who has received integrity training; and (d) overseen by a tournament supervisor who has gold badge certification and can act as a delegate for the TIU during the event.
205. With the proposed discontinuance of official data sales for lower level matches, these requirements should already be satisfied, or readily capable of being satisfied, at the types of events at which official data sales will be permitted to continue. To the extent that any events fail to meet these requirements, however, the TIU should have the power to require the discontinuance of the supply of official data in respect of the event. This would be achieved by the TIU directing the relevant International Governing Body to cease to supply that official data, and the International Governing Bodies having ensured that their official data sale agreements allowed them to do this.
206. *Second*, the Panel's investigation suggests that certain types of matches are more susceptible to betting-related corruption than others. For example, regulators in France have already imposed restrictions on betting markets for certain types of matches and bets, including, for example, qualifying matches and first-round doubles matches. The TIU should have the power to impose, and should consider whether to impose, additional limitations on the types of matches for which official data may be sold. Again, this would be achieved by a direction to the relevant International Governing Bodies.
207. *Third*, the TIU should have the power to impose, and should consider whether to impose, additional limitations on the sale of official data in respect of any professional matches involving a junior tennis player. Tennis players on the whole have regularly been subjected to unfair, and often vile, online harassment by bettors, and impressionable junior players are natural targets for corrupt approaches and unwarranted abuse. Official data are not sold in respect of the junior level of the sport in order to protect young players, and the TIU should consider whether such young players are as deserving of such protection when they play at a higher level.
208. *Fourth*, the TIU should have power to direct that official data not be supplied in respect of a particular player, match, event, or set of events if the TIU determines, based on its experience and expertise as well as the specific information available to it, that supplying official data presents a significant risk of facilitating a breach of integrity by or with respect to the player, match, or event(s). While not necessarily indicative of match-fixing, the data reflects that certain events and certain players are more likely than others, for whatever reason, to raise integrity concerns. In addition, the TIU may have intelligence suggesting concerns about a particular match. Just as some betting operators elect not to offer markets for certain matches, on a prophylactic and precautionary basis, in their commercial interests, the sport's own integrity unit should have that power, and exercise it in the interests of safeguarding tennis integrity. While the withdrawal of official data for betting purposes could raise some reputational concerns, the Panel considers that these are answered by the fact that the withdrawal of official data is a prophylactic measure taken on a precautionary basis and does not impugn any player, match, or event.
209. The Panel recognises that these targeted approaches, while potentially valuable, come with significant limitations. Limiting official data sales based solely on the quality of the facilities at an event and on the specific type of bet or match, as suggested by the first three proposals immediately above, are unlikely to address all or even many of the betting-related integrity concerns facing tennis. And the efficacy of empowering the TIU to cut off official data supply based on specific indicators of potential wrongdoing will depend on the TIU's practical ability, with all of the other challenges it faces, to pinpoint, in advance, matches requiring disruption. These limitations inform the Panel's present intention to recommend a blanket discontinuance of official data sale for all lower-level ITF tournaments.

(d) Impose contractual obligations on betting operators and data supply companies as a condition of the supply of official live scoring data

210. The measures proposed above can and should be achieved by imposing contractual obligations on the data supply companies and, in turn, the betting operators, whose activities facilitate the integrity issues that the sport faces. Plainly the Panel cannot *directly* impose obligations on data supply companies or betting operators. The Panel can, however, do so *indirectly*.
211. The Panel can require the International Governing Bodies to include in their contracts for the sale of official data to each data supply company, first, obligations on the data supply company itself and, second, a requirement that the data supply company impose specified obligations that betting operators must fulfil and continue to fulfil, in each case as a precondition of the continued supply of official data. Because these conditions would be contractual, they could be readily enforced between an International Governing Body and a data supply company, and between a data supply company and a betting operator.
212. *First*, betting operators and data supply companies that wish to operate on the basis of official data should not at the same time offer or facilitate tennis betting markets based on unofficial data. The imposition of such contractual requirements constitutes another significant weapon in the battle against the emergence of parallel betting markets based on unofficial data. To contribute to the effort to shut down such markets, each International Governing Body should contractually require its data supply company to impose obligations that each betting operator purchasing official data (1) will not make, or facilitate the making of, betting markets for tennis events or matches for which official data are not being sold; (2) will not make, or facilitate the making of markets for tennis events that the TIU orders should not be made; and (3) will not resell any official data on to anyone else. On a breach of any of these conditions, the data supply company should have contractual power to require compliance, failing which it would cease to supply official data to the betting operator. Equally, the International Governing Body would be contractually entitled to require the data supply company to take this step against a betting operator in breach and, ultimately, to discontinue the supply of official data to the data supply company if it failed to comply. As for the data supply company itself, it should also be contractually required not to make, or facilitate the making of, markets for tennis events or matches for which official data are not being sold, again on pain of losing its contractual right to official data. Data supply companies acquiring official data should not also be scouting events at levels of the sport for which official data are not sold due to integrity concerns.
213. Leaving aside the imposition of contractual obligations, in the event that the Panel recommends discontinuing the sale of official data at the ITF developmental level in order to uphold integrity and protect players, this recommendation should not be undermined by data supply companies or betting operators seeking to establish markets based on unofficial data. The Panel hopes that the industry will in fact look to support the position adopted by tennis.
214. *Second*, the receipt of official data by any betting operator should carry with it the obligations to have entered into and to abide by a full Memorandum of Understanding with the TIU committing the betting operator to assist effectively in the protection of integrity. To assist the TIU's efforts, each International Governing Body should contractually require its data supply company to impose obligations that each betting operator purchasing official data, as conditions to receiving such data: (1) have an MoU with the TIU including obligations (a) to alert the TIU to any suspicious betting patterns as soon as possible; (b) to make available to the TIU any betting-related information that the TIU requests, not only for intelligence purposes but for use in disciplinary proceedings; and (c) to report regularly to the TIU if the personal information maintained by the betting operator in connection with a betting account matches the identifying information provided to the betting operator by the TIU of any Covered Persons or "*Tennis Interested Parties*" (i.e., those who register with the TIU pursuant to the newly imposed registration program); (2) to abide by and fulfil all the obligations in the MoU. The contractual conditions should permit the TIU to require that an International Governing Body direct its data supply company to discontinue the supply of official data to any betting operator that has failed to satisfy such obligations.

(e) Compensate the ITF for lost revenues

215. The Panel recognises that if, following consultation, it recommends that official data are no longer sold to the lowest ITF level this will have contractual implications for the existing official data sales agreement between the ITF and Sportradar. These should not, however, prevent the ITF from promptly taking steps to implement such a recommendation.
216. Equally the Panel recognises that discontinuing the sale of official data as described above would significantly decrease the ITF's revenues. The resolution of significant integrity concerns cannot be driven by the question of the financial return – even when much of it is redistributed to the sport. However, to compensate for its losses and permit the ITF to continue to serve its important functions, especially in promoting the development of tennis and future professional players, in the event that the ITF is to be precluded from selling its live scoring data, the Panel intends to require that the International Governing Bodies contribute significant amounts to assist the ITF in promoting developmental tennis. The Panel wishes to receive feedback and proposals from the International Governing Bodies on this matter.

(f) Eliminate betting sponsorships from tennis

217. The TACP prevents players and other Covered Persons from receiving sponsorship money from betting operators, but nothing currently restricts the International Governing Bodies or professional tournaments (other than ITF events) from receiving such sponsorships. The International Governing Bodies should lead by example: If they consider it inappropriate for players and Covered Persons to receive sponsorship money from betting operators, the same standard should apply to the International Governing Bodies and the tournament they endorse. The Panel appreciates that the considerations underlying the sponsorship prohibition in the TACP – which appears to be designed to discourage players from contriving matches and passing along inside information – do not apply in quite the same way to the International Governing Bodies. Nevertheless, in the current climate, betting operators' sponsorship of the International Governing Bodies or professional tennis events sends the wrong message about the sport to its participants and spectators.

(g) Reassess betting markets and live scoring data sales after the data sales are discontinued

218. As noted above, it is difficult to predict with certainty the consequences of the proposed changes, but the integrity challenges facing tennis require decisive action at this crossroads. Because the future is uncertain, the Panel recommends that the TIU closely monitor and assess in writing, at least annually, the impact of the recommended discontinuation of the official data sales. In addition, the International Governing Bodies, in consultation with the TIU, should commission a continuing evaluation of the betting markets and the official data sales arrangements for tennis several years after the official data sales are discontinued pursuant to the recommendation in the Panel's Final Report.

(2) Recommendation 2: The organisation of professional tennis should be changed to better align player incentives

219. Several structural elements of professional tennis have long been recognised as potential factors in encouraging integrity breaches, as they can tend to diminish the incentives for players to perform at their most competitive during all the professional matches they play. While addressing incentive issues is important, the Panel recognises that structural changes to the way in which tennis is played can create unintended, and negative consequences for players and the sport as a whole. Accordingly, the Panel includes in its Interim Report several aspects of professional tennis that it has identified as potential candidates for improved player incentives. Following the receipt on consultation of input from interested parties, the Panel's Final Report will include such specific recommendations for changing aspects of the player incentive structure as are regarded appropriate.

(a) The player pathway requires restructuring, to ensure sufficient financial incentives and prospects for progression

220. Professional tennis, or what is currently nominally professional tennis, encompasses too many players and events, not only for the prize money available in the sport relative to costs, but also for the number of opportunities for progression through the rankings.
221. There are not nearly enough opportunities paying sufficient prize money to permit all nominally professional players to make a living playing tennis in the light of the great costs involved. While there are approximately 14,000 nominally professional tennis players today, the ITF has estimated that the economic break even point is at the ranking of 336 for men and 253 for women, before accounting for coaching costs. To further illustrate, in today's framework, even the winner of a "professional" ITF Futures tournament may well lose money for the week of competition, after accounting for travel and lodging costs – but without considering other costs, such as for coaching, training, and medical care. Only a small fraction of nominally "professional" players today make a living playing tennis, and they largely compete, at least some of the time, on the Tours.
222. At the same time, while very talented young players will quickly progress from the ITF level to the Tours, it is difficult for many to advance. This is not only bad for the development of the sport, but it also fosters financial need and disenchantment, making breaches of integrity more likely.
223. In the interests of tennis as a professional sport, the International Governing Bodies need to restructure the game to provide sufficient financial incentives for performance in the "professional" ranks while also providing ample developmental opportunities and the prospect of progression for aspiring players. If prize money cannot be increased considerably, as appears to be the case, then the number of tournaments deemed "professional" needs to be reduced significantly.
224. Regardless of how "professional" tennis is reconfigured, however, the TIU needs to remain involved in overseeing integrity in the developmental ranks. Simply redefining professional tennis and leaving the developmental levels of the game without the TIU's oversight would defeat the sport's interest in ensuring the integrity of professional tennis into the future.

(b) Additional aspects of the player incentive structure on which the Panel invites further input from stakeholders

225. The Panel also invites further input from stakeholders on the following potential changes to particular aspects of the player incentive structure in tennis. Based on the comments it receives, the Panel will recommend such additional changes as it considers appropriate.
226. First, modification of the ranking points system, not only to place a greater emphasis on making every match count, particularly at the lower and middle levels of the game, but also to facilitate greater mobility of players. Because the ranking points system determines players' access to events and, therefore, greatly impacts player incentives, that system should, to the greatest extent feasible, encourage players to compete ardently every time they take to the court in a professional tennis tournament. As it stands, however, players may not be incentivised to give their best efforts at all times because the ranking points system allows match results to be discounted on too many occasions and may in certain circumstances make it too difficult for players to progress up the rankings. While the ranking system may function well at the higher levels of professional tennis (in particular at the Tour level) this does not mean that it should continue to apply at lower levels, where it may result in deliberate underperformance and, as Richard Ings observed, sow the "seeds of corruption".

227. *Second*, modification of the tennis calendar, to avoid incentivising players to lose. The current schedule, with events that run into each other and even overlap, incentivises deliberate underperformance. The Panel's evidence suggests that this is a significant, recurring problem at the lower levels of the tennis when doubles competitions, which are often viewed by players as less important or valuable, conflict with a singles event in the following week. Players on occasion perceive themselves as better off losing and moving on than seeking to stay in a competition, and some act on that perception. Consideration should be given at the lower and middle levels of tennis to:
- 227.1 confining events to one week, so that qualification for an event in week two does not clash with the later stages of the event in week one;
 - 227.2 requiring doubles competitions to be completed by Friday evening, in order to reduce the incentive for players deliberately to lose in doubles so that they can move on to play qualifying rounds in singles events the following week;
 - 227.3 extending moderately the special exempts system beyond matches at the same level to allow a player that is still competing in the later rounds of a lower level tournament to be awarded a spot in the main draw of a tournament offering a greater level of available prize money, thereby removing the incentive for the player to lose the match at the lower level tournament to compete in the qualifying rounds of the higher level tournament;
 - 227.4 addressing travel and accommodation costs by scheduling swings of events in closer geographical proximity and requiring provision to players of "hospitality" and, possibly, some travel grants; and
 - 227.5 precluding players from entering money matches in the same week in which they have entered a professional tennis tournament, thereby removing any incentive for players competing in a professional tournament to lose for the financial rewards of playing in a money match.
228. *Third*, modification of certain rules on player entry to events that may create incentive problems for players. In the past, if a spot opened up in the main draw, it was filled by the highest-ranked "lucky loser" who lost during the final round of qualifying. Because this system sometimes allowed players to enter the final round of qualifying knowing that they were guaranteed to be a lucky loser, regardless of the result of the final qualifying match, the International Governing Bodies now randomly draw lucky losers from a pool of players; the ATP and the WTA, for example, both draw from the two highest-ranked candidates. Although this is an improvement, drawing lucky losers from a pool of at least four players would ensure that no player has a substantial chance of being randomly drawn. The player incentives surrounding the wildcard system could also be improved. As it stands, tournament directors generally have complete discretion to award wildcards, which can lead to abuse, such as by the sale of wildcards or by entering into an event low-ranked players who are particularly susceptible to corruption and have no reasonable prospect of winning. Limiting the provision of wildcards at the middle and lower levels to players ranked within a certain range of the lowest-ranked player invited to play in the main draw could counteract these concerns.
229. *Fourth*, provision that players who must withdraw due to injury from the main draw of a Grand Slam or ATP and WTA Tour event should receive a share of the losing first-round prize money. At the higher levels of the game, the available prize money, even for losing in the first round, may be sufficient to encourage a player to take the court when unfit to play. Permitting players to share in some prize money when they are legitimately forced to withdraw from the tournament with an injury would counteract this concern. For 2017, the ATP made such allowances for injured players on a trial basis,

but it should formally adopt this rule going forward³³. And on November 21, 2017, the Grand Slam Board announced that players who retire from a first-round match or “*perform below professional standards*” could face a fine as high as the prize money due to a loser in the first-round, while at the same time injured players who qualify for the main draw and withdraw before the start of the main draw will share the prize money given to first-round losers equally with the lucky loser. The ATP and WTA should follow the Grand Slam Board’s lead and adopt a similar, permanent rule for ATP and WTA Tour events.

230. *Fifth*, provision to permit players to qualify for a medical exemption and thereby avoid a withdrawal penalty by seeing a doctor closer to home, rather than requiring players to travel to the tournament for a medical examination. If a player must travel to a tournament in order to obtain a medical exemption, incurring the costs of travel, the player may decide simply to go through the motions of playing in the tournament while unfit. A change to this rule would eliminate that practice while affording an important accommodation to players with limited resources.
231. *Sixth*, limitation on the amount that can be paid as a pure “appearance fee” (i.e., without success at the tournament) and requirement that events publish appearance fees and report them to the TIU. Appearance fees create potentially perverse incentives for players to appear, and underperform, at a tournament solely to collect the fees. Making appearance fees depend upon results or, at least, making them more transparent to tennis spectators and the TIU could have a beneficial effect on how players respond to such fees.

B ESTABLISHING A NEWLY-EMPOWERED TIU WITH INDEPENDENT SUPERVISORY BOARD OVERSIGHT

232. The creation of the TIU in 2009 was an important step in addressing betting-related breaches of integrity in tennis. Just as the nature and extent of the problem facing tennis has changed, however, so too are significant changes appropriate to the organisation, staffing, and governance of the TIU, to ensure that it can effectively discharge its duties with independent oversight. During the course of this Review, and in light of it, the International Governing Bodies and the TIU have themselves made proposals for changes to the form of the TIU and its governance, which the Panel has considered. One of those proposals has included making the new TIU responsible for anti-doping; while this is ultimately a matter for the International Governing Bodies to decide, the Panel has taken that possibility into account.

(1) Recommendation 3: There should be a new Supervisory Board to provide independent oversight of the TIU

233. As described above, the lack of independence in the organisation of the TIB has resulted in a lack of effective supervision over the activities of the TIU. To remedy this, and to ensure that the TIU has truly independent oversight, a new Supervisory Board (“SB”) is needed.

(a) The SB should function as a corporate board

234. While the SB should decide how it should most effectively interact with the TIU, the SB’s role will be akin to a corporate board, monitoring the management of the TIU. In addition to this general obligation, the SB should have certain enumerated powers and responsibilities, including approving any changes to the TACP and engaging established and suitable arbitral institutions to appoint independent hearing officers.

³³ ATP Rule 3.08(A)(3)(a).

(b) The composition of the SB should promote its independence

235. The SB should consist of seven independent voting members, the first four of whom should initially be appointed by each of the Grand Slam bodies, the ATP, the WTA, and the ITF within three months of the publication of the Final Report. These four voting members should then appoint the remaining three voting members of the SB. The CEO of the TIU should serve in a non-voting, ex officio role on the new SB. The SB should elect a Chair of the board, from among the seven voting SB members, who should preside over the SB's periodic meetings.
236. At all times, the members of the SB should be individuals with the highest character and reputations for integrity. To ensure the reality and appearance of independence, these individuals cannot have any personal interests connected to tennis, financial or otherwise, and should not have had any connection to tennis or the betting industry for a considerable period of time, which the Panel presently considers to be ten years. This would, for example, preclude service by anyone who, in the prior decade, played professional tennis, worked in any capacity for any of the International Governing Bodies, worked as a senior employee of a tennis equipment manufacturer or distributor, or worked in any capacity for the TIU.
237. Subject to the above requirements, appointments to the SB should place weight on, among other factors, the goal of creating and maintaining a diverse SB with an international composition, sports enforcement or regulatory expertise, and financial and legal competencies. If anti-doping is to be included within the scope of the new TIU's remit, appointments should also place weight on including scientific or medical competency on the SB.

(c) The SB should be self-perpetuating

238. The SB should be self-perpetuating, with new members elected by the existing board members. To balance experience with independence, the terms of the board members should be staggered and limited, with each SB seat holding alternating four and five-year terms, with a two-term limit. The following entities should appoint the first four-year term SB members: Tennis Australia, the All England Club, and the ATP. The remaining entities should appoint the initial five-year term board members.

(2) Recommendation 4: The TIU should be reorganised with more independence and greater capabilities

(a) The TIU should be established as a body independent of the ITF, with its own separate legal personality and premises

239. As currently constituted, the TIU has no distinct legal personality. It is located in the same building as the ITF, and its staff are employees of the ITF. This limits the TIU's independence, authority, and effectiveness. For example, without separate legal status, the TIU is limited in its ability independently to enter into contracts or join in civil or, in certain jurisdictions, criminal proceedings as a party. That should be changed, so that the TIU has an independent legal personality of its own as well as its own premises that are separate from the officers of any of the International Governing Bodies. The SB should determine the form of the TIU's legal personality. The SB and the International Governing Bodies should take into account, before incorporating the TIU in a certain country, that the TIU's place of incorporation should not prevent mutual legal assistance in criminal matters with authorities from other countries, such as under the Macolin Convention, or make such cooperation unduly difficult.

(b) The TIU should be led by a CEO who is appointed by the SB

240. In light of the scope of its operations and responsibilities, the TIU needs a Chief Executive Officer to oversee the entire breadth of its mandate, including the investigatory functions currently managed by the TIU's Director of Integrity. The CEO of the TIU should be appointed by the TIU's new SB. The CEO of the TIU should be independent, complying with the same independence requirements as the members of the SB, but without any term limitation. The TIU's CEO should be appointed within five months after the Panel's Final Report is published.

(c) The CEO should determine the TIU's organisation and staffing, to ensure adequate and diverse coverage of key competencies

241. The TIU's CEO should appoint the TIU's staff and determine its organisational structure in order to ensure that the organisation is prepared to discharge all of its existing and new responsibilities and to meet the substantial challenges it faces. The Panel expects that the TIU's initial appointments will at least satisfy the parameters set out in the TIU's proposals submitted to the Panel, including raising staffing to at least a total of 12 full-time investigators, the number the TIU has stated are necessary at this time. The Panel expects that efforts will be made to ensure diversity in those appointments.

242. Moreover, in light of the centrality of betting and legal issues to the TIU's remit, the Panel considers that the TIU should employ an in-house betting expert and in-house legal counsel (with a disciplinary and/or criminal law background and international experience) so the important day-to-day issues that arise in those areas are addressed proactively and consistently. The TIU should also engage one or more tennis experts to assist in evaluating tennis issues as they arise, including in the evaluation of video footage from matches, though the specifics of such engagements should be decided by the TIU's CEO.

243. And, to assist with anti-corruption efforts internationally, the TIU should engage or designate regional officers who are familiar with the cultural and legal complexities of their assigned geographical areas and place a greater emphasis on appointing staff with international diversity. While the particular geographical distribution of regional officers is left to the TIU's judgment, regional officers should be appointed to cover all of the significant tennis-playing regions of the world, with an emphasis on ensuring that culturally and linguistically diverse regional officers are assigned to cover areas that pose the greatest risk to tennis integrity.

244. To enable the TIU's CEO to determine its staffing, any further appointments by the TIU pending the CEO's appointment should be on a provisional basis, subject to review by the CEO when he or she takes office.

(d) The TIU should be properly and securely funded

245. The International Governing Bodies should ensure that the TIU has adequate funds to fulfil its mission. The International Governing Bodies should thus put in place mechanisms to guarantee funding of the new TIU in a way that is irrevocable and unconditional.

(e) There should be an annual external audit

246. Public confidence would be promoted by an external independent auditor, who would produce a public report on the performance of the TIU, following a review of the TIU's investigative files. Such a report would be produced by the external auditor to the SB, and then published by the SB. The Panel invites consultation as to how often such an audit should occur, and whether it should also extend to the SB's performance of its functions.
247. Due to privacy concerns, the external auditor should avoid publication of information that could jeopardise ongoing investigations, and its public report should be subject to the right of the TIU and the SB to redact confidential information.
248. There may also be some matters that the auditors believe should be brought to the attention of only the TIU and the SB. That option should be available to the auditor within its discretion.

(f) The International Governing Bodies should decide whether to include anti-doping and any other integrity matters under the new TIU's purview

249. Under the Terms of Reference, it is beyond the scope of this Review to determine whether anti-doping efforts in tennis and any other integrity matters should come within the purview of the new TIU. This is a matter for the International Governing Bodies to address, preferably in connection with the establishment of the new TIU.

C PREVENTING BREACHES THROUGH EDUCATION, CONTROL OF ACCESS, AND DISRUPTION

250. This section sets out the Panel's further recommendations for preventing breaches of integrity through (1) improvements to education; (2) improvements to the accreditation system for professional events and creation of a registration system for tournament participants, to better control access to players; (3) improvements to security at tournaments; (4) use of an "excluded person" procedure, to further shield players from would-be corruptors; and (5) increased use of "disruption" techniques – for example, approaching a player or official in advance of a match that has been flagged as potentially compromised.

(1) Recommendation 5: Integrity education should be expanded and improved

(a) Increase or establish mandatory in-person integrity training at all levels for players and officials

251. In order to improve the effectiveness of its educational programs, the TIU should expand its in-person integrity training efforts to focus on levels of the sport where tennis is most vulnerable to breaches of integrity. In-person training, particularly in combination with online training, promises to be more effective than online training alone because the in-person setting commands target populations' attention and engages them in the learning process. Particularly for young, active, and busy tennis players, the TIU should take whatever feasible steps it can to increase their engagement in integrity education.
252. Currently, the TIU's in-person training is focused on players at the highest levels of the sport, with limited in-person training for younger and lower-ranked players. As a matter of practice, in the professional ranks, in-person integrity training is provided today only to the top 200 men's players, who attend the ATP University, and the top 200 women's players, who receive one-on-one training from the WTA. The Panel recommends establishing in-person training for players outside the top 200, down to the lowest levels of the professional sport. The TIU should consider providing in-person integrity training, through individual or small group presentations, at a diverse range of ITF, ATP, and WTA events, prioritising in-person education for tournaments and player populations that the TIU believes are subject to the highest integrity threats. In recognition of the logistical and geographic obstacles to training all players who participate in professional tennis, the TIU should engage, through its regional officers and, where possible, with the assistance of the national federations, in order to distribute in-person education to as many players as possible.

253. The TIU should also provide greater in-person training to officials at all levels of the sport. Currently, the TIU gives in-person training to officials only at Grand Slam tournaments; officials at other levels of the sport do not regularly receive any in-person training. Moreover, the TIU should consider providing mandatory in-person education for all Tournament Support Personnel during the introductory meeting or training that already occurs before most professional tournaments.

(b) Require online integrity education for all Related Persons and Tournament Support Personnel

254. The TIU's TIPP is only directed at players. While the TIU has developed videos for officials, there are currently no online integrity educational efforts directed at officials, coaches, trainers, agents, or other Related Persons or Tournament Support Personnel. To fill these gaps, the Panel recommends requiring online integrity education and training for officials, coaches, trainers, agents, and other Related Persons and Tournament Support Personnel. The online integrity education should be run in concert with the Panel's new registration system, as discussed further below.

(c) Use electronic and social media as well as branded materials to keep players and the public informed of breaches and other integrity issues

255. To improve awareness about integrity issues and promote informal integrity education, the TIU should employ social media to facilitate real-time dissemination of integrity-related information to players and the public. Using the International Governing Bodies' player portals, the TIU should also post and disseminate information to players about sanctions imposed for integrity breaches, with an accompanying description of the bases for the sanctions, and provide supplemental education on betting and corruption. In addition, the TIU should develop TIU-branded educational materials that can be distributed to players at events.

(2) Recommendation 6: Tennis should adopt robust registration, accreditation, security, and exclusion practices

(a) The TIU should require registration of key tennis participants

256. Some important tennis participants who should be bound by the contractual requirements of the TACP, including coaches, trainers, physiotherapists, and other medical personnel, may not be covered because they have never been required to agree to its terms. In light of their integral role in the sport, their relationships to players, and their access to inside information about players, such individuals should be required to register with the TIU, with the endorsement of the player with whom they are associated. While the question of whether tennis should employ a system for certifying individuals as qualified to perform such functions is beyond the Panel's role, registration should be a prerequisite to obtaining special accreditation to non-public areas at events, as discussed below.

257. The registration process should require all adult applicants to provide basic personal information (such as name, address, and date of birth) and to contractually agree to comply at all times with the obligations set out in the TACP. The TIU should require payment of a fee, allowing background checks to be performed. In addition, the registration process should require completion of an educational program designed for Covered Persons other than players, appropriate to their role. Registered individuals who seek to remove themselves from the registration list may do so only once, and their obligations under the TACP should continue for one year after the later of when they first registered or they last received accreditation.

258. Registered persons should prima facie (but not necessarily) be entitled to accreditation for areas appropriate to their role. Persons who are not registered should not be able to obtain accreditation for such areas.

(b) The TIU should require implementation of an improved accreditation system

259. As set out above, accreditation controls should be a minimum requirement for any tournament in respect of which official live scoring data are sold. They should also be – to the extent possible – a requirement for ITF tournaments even without official live scoring data sales for those events. Accreditation controls serve important integrity-related purposes. First, they permit tournaments to identify individuals who should have access to secure areas, and to exclude those who should not. Second, in the event of a suspected integrity offence involving a player, they permit the TIU to identify which individuals have had special access to the player.
260. As set out above, only properly registered coaches, trainers, and medical personnel should be eligible to receive a level of accreditation that would allow them into non-public areas appropriate to their role – such as locker rooms, training facilities, medical areas, and player lounges – where players congregate, and may receive medical attention, at an event. To qualify for other levels of accreditation at a professional tennis tournament, such as to an area reserved for player guests, the individual seeking accreditation may elect to complete the registration process described above, but at the very least should be required to complete an application that includes identifying information and a commitment to comply with the TACP. All accreditations should be specific to the person for whom it is provided and incapable of transfer.

(c) The International Governing Bodies and the TIU should take proactive steps to safeguard players against online access and abuse

261. Players are subject to intolerable levels of online abuse, often from disappointed bettors. This appears to be a significant problem throughout all levels of tennis, and it must be addressed to better protect players. The WTA deserves recognition for putting in place measures to assist players in relation to abuse. In the present view of the Panel, however, the International Governing Bodies and the TIU can and should do more to coordinate their efforts in the interests of players.
262. In particular, the International Governing Bodies and the TIU should coordinate security efforts to ensure that robust processes are in place to handle online threats and corrupt approaches to players. To that end, the International Governing Bodies and the TIU should work together to develop guidelines and protocols for addressing inappropriate online contact to players, and each of the International Governing Bodies should appoint a liaison to interface with the TIU concerning such matters.

(d) The TIU should operate a central registration and accreditation database

263. The TIU should create and maintain a centralised database containing current registrations, as well as current and past accreditations. This centralised registration database should serve as the reference for tournaments to determine whether an individual is eligible for accreditation and the type of accreditation to which the individual is eligible.
264. Finally, the TIU's centralised registration database should also maintain information on persons who should not be credentialed and provide this list to professional tournaments. If, for example, a person has been caught court-siding or attempting to corrupt players, that individual should be placed on a no-credentials list and denied entry to any tournament endorsed by the International Governing Bodies.

(e) Improved tournament security: the International Governing Bodies should ensure minimum security for tournaments at all levels

265. As discussed above, certain minimum-security requirements should be prerequisites to the sale of any official live scoring data for any professional tennis event. These include an appropriate accreditation system, perimeter control, and personnel on the ground to restrict access to the tournament grounds and secure player areas to appropriate persons. In addition, regardless of whether official live scoring data are sold, an event endorsed by the International Governing Bodies should have designated, on-site officials who are able, on the TIU's behalf, to disrupt attempts to create parallel betting and to harass or improperly influence players.

(f) Exclusion procedure: the TACP should prohibit Covered Persons from having contact with individuals who have been excluded by the TIU

266. A new exclusion procedure should be introduced further to limit exposure of players, officials, and other Covered Persons to individuals who have demonstrated a willingness to compromise the integrity of the sport. Such individuals may not be subject to direct discipline in an enforcement action by the TIU because they are beyond the reach of the TACP. This new procedure would permit the TIU to apply for a ruling that an individual should be classified as an "excluded person", whether or not the excluded person is otherwise covered by the TACP. The individual would be notified of the intended application and would have a full and fair opportunity to defend it during the course of the disciplinary proceedings. Excluded persons could be excluded for a period of time based on their commission of a TACP offence or their involvement in the commission of a corruption offence by a Covered Person. An exclusion could be made subject to such qualifications or conditions as are deemed appropriate.

267. During that time, excluded persons should be denied credentials and access to tennis events in any capacity, and they should have no involvement in professional tennis. In addition, the TIU should make the names of everyone on the "excluded" list available to all Covered Persons, and the TACP should prohibit any Covered Person from having contact or association with an excluded person. There may be limited circumstances where a Covered Person would continue to be permitted to have contact unrelated to tennis with an excluded person, such as a close family member, but those exceptions should be rare and limited.

(3) Recommendation 7: Disruption

(a) The TIU should exercise its discretion to "disrupt" activity in respect of potentially compromised matches

268. Where the TIU receives credible information that a future match may have be compromised, it should consider using the disruption technique of approaching a player or official about such concerns before a match. Of course, there are trade-offs inherent in such disruptive techniques – principally, that pre-match notifications have the potential to compromise investigations by alerting corrupt individuals to the TIU's suspicions, thereby allowing them better to conceal their conduct and to destroy evidence. In the Panel's view, however, there are circumstances where the value of such techniques in facilitating the collection of evidence or in preventing breaches of integrity may outweigh the potential risks, such as when the TIU seeks to alert an official to observe a player's conduct closely because the player has been the subject of repeated betting alerts or when the TIU receives a pre-match betting alert but does not believe that any official or player involved in the match has engaged in any misconduct. The TIU should exercise its discretion to employ such techniques as circumstances warrant, while judiciously avoiding unduly disrupting the sport.

(b) The TIU should, when legal and appropriate, engage in integrity testing of Covered Persons suspected of breaches of integrity

269. When the TIU has information (such as, for example, suspicious betting patterns) that a Covered Person may be engaged in corrupt activity, the TIU should carefully consider employing “*integrity testing*”, an investigatory technique whereby a trained, and where possible undercover, TIU representative would test whether a Covered Person will engage in an integrity offence, such as by fixing a match or providing inside information. To avoid abuses, any such test must be calibrated to the financial condition of the targeted Covered Person. This practice would allow the TIU to test the integrity of a suspected Covered Person in a controlled environment. If the Covered Person rejects the approach and reports it, that would tend to dispel any suspicions about the Covered Person’s integrity. The TIU has identified integrity testing as a technique that it would adopt, but the TIU will need to employ this technique cautiously, taking into account the legal environment, as it may conflict with the law in certain jurisdictions. Ideally, this technique should be employed in coordination with law enforcement authorities.

D ENFORCING EXPANDED INTEGRITY RULES AND PUNISHING OFFENDERS

270. Finally, as to the enforcement of tennis integrity rules and the punishment of offenders, this section recommends: (1) amendments to the prohibitions on, and obligations of, Covered Persons under the TACP; (2) improvements in the TIU’s investigative processes; (3) modifications to the disciplinary process for alleged breaches of the TACP; (4) measures to increase the transparency of the TIU’s enforcement efforts; and (5) improvements to facilitate more cooperative investigation and enforcement efforts for the TIU with local tennis communities, national federations, and law enforcement.

(1) Recommendation 8: The prohibitions and obligations of the TACP should be clarified and expanded

271. To make it more practicable to detect, investigate, and prove breaches of integrity, and to deter their occurrence, a number of amendments should be made to TACP provisions that prohibit behaviour and impose obligations to assist in the investigatory process. At present, the rules make it too hard for the TIU to prove offences, and too hard to secure required cooperation. The Panel considers that the rules should be redrafted rather than simply amended; that process will necessarily raise further refinements. The Panel does not embark on that drafting exercise here, but it sets out below the principal recommended changes. As discussed below, the TIU would enjoy broad prosecutorial discretion in deciding when and how to invoke the recommended rules in order to safeguard the integrity of tennis.

272. The new TACP should be accompanied by a practical guidance document so that the effect of the rules can be easily understood. Examples illustrating the application of the rules, particularly at the margins of prohibited and permitted conduct, would also help to educate Covered Persons about their obligations.

(a) Contriving the result: the TACP should prohibit a Covered Person³⁴ from contriving the result of a match or part of it regardless of whether any benefit is offered or sought or of whether it is done for betting or other corrupt purpose

273. The TIU currently interprets the rule³⁵ against contriving “*the outcome or any other aspect of an event*” to apply only where there is proof that the contrivance was committed in exchange for a promised benefit or for betting or other corrupt purposes. As a result, the TIU generally does not pursue suspect matches based solely on betting data unless it can tie the match to a potential financial or other reward, such as by linking bettors or payments to one or more of the players. Expressly providing that the TACP prohibits contriving the result of a match or part of it for reasons unrelated to benefit, betting, or other corrupt purposes would preclude any argument that such an element must be proved to make out an offence. This will enable the TIU to pursue, and prove, contrivance offences even when it is unable to find an often-concealed, corrupt link that explains suspicious betting or play³⁶. Moreover, whether or not a benefit, betting, or other corrupt link is involved, deliberately contriving the result of a match is inimical to integrity, and it should be made clear that it is always an offence.
274. This recommendation should also deter Players from engaging in what some regard as “*benign*” underperformance, which sows the “*seeds of corruption*”³⁷ in the sport by promoting a culture that accepts tanking, which then in itself facilitates betting and match-fixing. Under the clarified rule, while strategic decisions within a match to conserve energy at a particular moment with the ultimate purpose of winning the match would not fall within the prohibition, making a prior decision or entering a match with the intent to lose it – even when the Player makes that decision for his or her own reasons unconnected with benefit or betting or other corrupt purpose – would fall within the prohibition.
275. The Panel recognises a significant difference in culpability between someone who contrives the results of a match for benefit or betting or other corrupt purpose and someone who contrives the results of a match for his or her own reasons, such as due to burn out. Accordingly, the TACP should include an aggravated offence of contriving the result of a match or part of it for benefit, betting, or other corrupt purposes as well as a lesser offence, subject to a lesser sanction, for circumstances where only the contrivance is proved. The same difference in culpability distinguishes someone who offers to fix a match for betting or other corrupt purposes, or solicits another to fix a match or influence a player’s best efforts for betting or other corrupt purposes, versus someone who does the same but for personal reasons. There should be an aggravated offence where it is established that a benefit was offered or sought or that the actions were for betting or other corrupt purposes, as well as a lesser offence only requiring proof of the offer or solicitation to influence the player’s best efforts.

³⁴ In this section, the terms “Covered Person”, “Player”, “Related Person”, and “Tournament Support Personnel” have the same definitions as provided in the TACP (2018).

³⁵ TACP (2018), D1.d.

³⁶ CAS 2017/A/5173 (Joseph Odartei Lamptey v. FIFA), (concluding that anti-contrivance rule in FIFA Disciplinary Code does not require proof of a corrupt link, even though it only reaches someone “*who conspires to influence the result of a match in a manner contrary to sporting ethics*”, in part because match-fixing endangers the integrity of the sport “*irrespective of the existence of a plurality of people involved in a ‘conspiracy’*”).

³⁷ 2005 Ings Report, paragraphs 186-96.

(b) Playing while incapable: the TACP should prohibit a Player from entering a match when he or she knows or should reasonably have known that he or she is physically incapable of competing in that match

276. Entering a match while incapable of competing due to physical injury is a specific circumstance in which the player has made a prior decision to enter a match with the intent to lose. Although this type of conduct may be covered in some circumstances by the anti-contrivance rule described above, the extent of the concern that players enter matches while physically incapable of competing, especially at the highest levels where the prize money for losing can be significant, warrants a separate offence to prohibit such misconduct clearly and unequivocally. In addition, players can use claimed injuries to attempt to conceal other integrity offences; when confronted with suspicious betting alerts suggesting a match was contrived, a player can respond that his or her poor play was due to a pre-existing injury and that the suspicious betting could have resulted from a bettor obtaining information about the injury that was not factored into the betting odds. It may often be difficult to determine whether a player has entered a match knowing that he or she is too physically unfit to play, but that should not discourage the creation of a rule that would allow appropriate punishment for, and deter players from engaging in, such misconduct.

(c) Disclosure of inside information: the TACP should prohibit a Covered Person from providing inside information to any person when the Covered Person knew or reasonably should have known that the information might be used for betting purposes, and it appears to have been so used, regardless of whether the Covered Person provided it for that purpose or obtained or sought any benefit in return for the inside information

277. The TACP's current rules³⁸ against disclosure of inside information, which prohibit only the provision of inside information in return for money or other benefit, are too narrow. Betting based on inside information harms the integrity of tennis even when it is not possible to prove a corrupt inducement. Accordingly, in addition to prohibiting any Covered Person from using, providing, seeking, or obtaining inside information for betting purposes, the TACP should also prohibit the provision of inside information by a Covered Person who knew or reasonably should have known that it might be used for betting purposes, and it appears to have been so used, regardless of whether the Covered Person provided it for that purpose or obtained or sought any benefit in return for the inside information. Expanding the prohibition against disclosing inside information should facilitate increased investigation and enforcement, deterring improper disclosure of inside information.

278. Of course, this expansion should not prohibit or discourage the reasonable sharing of information to coaches, physicians, doubles partners, and other trusted persons within the player's inner circle; in the ordinary course, such individuals should not, and would not, exploit inside information for betting purposes or breach their own obligations under the TACP. And, absent unusual circumstances, there would not be any reason for a Covered Person to expect such misuse of information.

279. As with the anti-contrivance rule, the culpability of an improper disclosure of inside information is a matter of degree – those disclosing inside information for financial gain or betting or other corrupt purposes are far more culpable, and should be subject to a commensurately greater sanction, than those who inappropriately supply inside information for no financial gain.

³⁸ TACP (2018), D.1.h, i, j.

- (d) **Improper provision of accreditation: the TACP should prohibit a Covered Person from providing an accreditation when the Covered Person knew or reasonably should have known that it might be used to facilitate betting or an integrity offence, and it appears to have been so used, regardless of whether the Covered Person provided it for that purpose or obtained or sought any benefit in return for the accreditation**
280. On its face, the TACP³⁹ prohibits soliciting or accepting a benefit for the provision of an accreditation when the accreditation was obtained for the purpose of facilitating an integrity offence or when it leads to the commission of an offence. It does not expressly prohibit providing an accreditation for the purpose of facilitating an integrity offence if no benefit was solicited or accepted. Nor does it prohibit a Covered Person from offering a benefit for an accreditation to facilitate betting or an integrity offence. These deficiencies should be remedied. Again, there may be different degrees of culpability: one offence should prohibit offering, providing, seeking, or obtaining an accreditation for a benefit, betting, or other corrupt purposes, while a lesser offence should prohibit providing an accreditation when the Covered Person knew or reasonably should have known that it might be used to facilitate betting or an integrity offence, and it appears to have been so used, regardless of whether the Covered Person provided it for that purpose or obtained or sought any benefit in return for the accreditation.
281. In addition, the TACP should prohibit Players from making misrepresentations to seek or obtain registration or accreditation on behalf of any person that allows access to areas such person would not otherwise be permitted to access. For example, it should be an offence to seek accreditation for an individual to a players' only area, such as by falsely certifying that an individual was the player's coach.
- (e) **Other prohibitions: the TACP should prohibit:**
- **delaying or manipulating entry of scoring data to facilitate betting or any integrity offence, as well as offers or requests to engage in such misconduct;**
 - **selling, purchasing, or offering live scoring data obtained through scraping or scouting; and**
 - **selling, purchasing, or offering to sell or purchase wildcards and other competitive benefits.**
282. The TACP presently lacks clear rules prohibiting tournament officials from delaying or manipulating the entry of live scoring data and prohibiting tournament personnel from selling wildcards and other competitive benefits. While such misconduct may be covered by one or more TACP rule depending on the circumstances, because such conduct has been the subject of multiple investigations by the TIU since 2009, clearer specific rules are warranted.
283. Moreover, the TACP presently lacks clear rules prohibiting Covered Persons from selling, purchasing, or offering live scoring data obtained through scraping or scouting. That gap should be filled.

³⁹ TACP (2018), D1.c.

(f) Reporting obligations: the TACP should impose:

- **an obligation to report any knowledge or suspicion that a Covered Person may have breached, attempted to breach, or been approached about breaching the TACP;**
- **an obligation to report any knowledge or suspicion that a Covered Person is about to breach or attempt to breach the TACP; and**
- **a prohibition against any efforts to dissuade or prevent any person from reporting to the TIU.**

284. The current reporting obligations are unduly complicated and narrow.⁴⁰ *First*, the obligation to report an approach to fix a match or obtain inside information only arises if the approach involves an offered benefit. The obligation should exist regardless of whether a benefit has been offered because the vice arises with the attempted contrivance.

285. *Second*, the TACP currently requires reporting only when a Covered Person knows or suspects that another Covered Person *has* committed a corruption offence, which may be taken by some as excusing a failure to report whenever the Covered Person has any doubt as to whether an offence was committed. Especially in light of evidence that the existing tennis culture discourages reporting, the reporting obligation should be strengthened and widened. The obligation should be to report knowledge or suspicion that an offence *may* have been committed. There should also be an obligation to report if an offence is *about to be* committed, since prompt reporting increases the TIU's options and prospects of detecting wrongdoing.

286. In addition, the existing TACP does not expressly prohibit a Covered Person from attempting to dissuade or prevent other persons from complying with their reporting obligations. This gap should also be filled.

287. *Finally*, even with these recommended changes to the TACP's reporting obligations, the TIU needs an effective mechanism of last resort for obtaining information about suspected integrity offences, even if no report is made. This should take the form of an easily accessible and secure method of reporting information anonymously to the TIU.

(g) Cooperation, assistance, and preservation obligations: the TACP should:

- **continue its recently amended rule to permit the TIU to require the immediate production of information and things, including communication devices, from Covered Persons;**
- **expressly permit the TIU to request an immediate on-site initial interview of any Covered Person;**
- **allow the fact that a Covered Person declined an immediate interview to be referenced in further proceedings, and require the Covered Person to answer questions fully and honestly at a later interview; and require all Covered Persons to preserve relevant evidence.**

288. Among the most powerful tools that the TACP grants the TIU, and that the TIU uses in nearly every significant case it investigates, are the powers to interview and request information from Covered Persons. Until this year, however, the rules allowed for a procedural delay between the TIU's requests for information and the Covered Persons' compliance with such requests. For example, if the TIU made a request for information, including the provision of communication devices, by a written

⁴⁰ TACP (2018) D.2.a, b, c.

demand under the TACP, the request was subject to a seven-day compliance period. During the course of this Review, the TACP has been amended to now require Covered Persons to furnish “any object or information” regarding an alleged corruption offence to the TIU “immediately, where practical to do so, or within such other time as may be set by the TIU”⁴¹. In the Panel’s view, this is a positive development, and this new rule requiring immediate production of information and things relevant to TIU investigations should be continued.

289. In addition to its present powers, the TIU should have the express authority to request immediate initial interviews of Covered Persons. The TIU’s need for immediate information and to prevent the potential loss of important evidence in safeguarding the integrity of tennis justify imposing such obligations on Covered Persons. Moreover, sufficient safeguards for the interests of Covered Persons could be built into the process. For example, though it diminishes the effectiveness of the process, the TACP could provide that a Covered Person should have the option of declining to answer questions at an initial interview, whereas at a full interview he or she would be required to answer fully and honestly. The fact that a Covered Person declined to answer questions at an initial interview could be referenced in any future proceedings.
290. Further, although the TACP currently prohibits a Covered Person from tampering with or destroying evidence, there is no affirmative obligation to preserve evidence. The TACP should impose such an affirmative obligation on Covered Persons. These obligations should arise when the Covered Person becomes aware or should reasonably anticipate that the evidence may be relevant to a TACP offence.
291. Finally, in addition to establishing a separate disciplinary offence, a Covered Person’s failure to comply with these cooperation obligations should permit an adverse factual inference in any related disciplinary charges.
- (h) Inchoate offences: the TACP should include “attempt”, “incitement”, “facilitation”, and “conspiracy” offences**
292. Current coverage in the TACP for inchoate offences is incomplete. To provide more comprehensive coverage for misconduct that threatens the integrity of tennis, the TACP should be revised to include separate, general inchoate offences.
- (i) Vicarious liability: the TACP should impose vicarious liability on a Player for an offence committed by a Related Person of the Player if the Player knew or reasonably should have known, but did not report, that the Related Person might commit that offence**
293. This recommendation expands the scope of the vicarious liability rule, which presently holds Players liable for the conduct of Related Persons only in circumstances where a Player has committed a separate offence in his or her own right⁴². Expanding this rule should encourage Players to exercise greater caution in their selection and interactions with their Related Persons. It should also more effectively deter Related Persons from committing integrity offences, as their misconduct would jeopardise the professional standing, finances, and reputation of the related Player.

⁴¹ TACP (2018), F.2.c.

⁴² TACP (2018), E.1.

(j) Joint and several liability: the TACP should impose joint and several liability on a Player for fines and other financial penalties incurred by his or her Related Persons

294. Under the current system, the TIU is often unable to recover financial sanctions from Related Persons who are not contractually bound to the TACP. This recommendation, like that for the expansion of the vicarious liability rule, should encourage Players to take increased responsibility for the Related Persons with whom they associate.

(2) Recommendation 9: The TIU's investigative processes should be improved in several respects, to facilitate proactive investigations and to address the TIU's current backlog

(a) Betting alerts: with a betting expert on staff, the TIU should standardise the process for collecting betting data, collect all reasonably available betting data concerning the alert, and use betting alert data to inform investigations

295. As set out in Section VII.A(3), since its inception, the TIU has not, in the Panel's view, made sufficient use of betting data to focus its investigations. Betting data can, at times, be sufficiently distinctive and compelling to make out a corruption offence (for example, when repeated, unusual betting patterns clearly reveal spot-fixes), and they can certainly prove when a match has been contrived, even absent proof of a corrupt link⁴³. With the engagement of a betting expert and an expanded construction of the TACP's anti-contrivance rule, the TIU should make more use of betting alert data, with the other information it collects, to develop proactive, targeted investigations. In addition, the TIU should, in consultation with the International Governing Bodies and in connection with their data sales agreements, develop standard protocols governing what information betting operators are expected to provide upon a request from the TIU for betting information. The TIU needs a more consistent approach to collecting, and following up on betting data regarding promising alerts, including from betting operators in addition to the source of the alert.

(b) TIU's investigative protocols: the TIU should develop standard processes to direct the collection, classification, storage, and access of information

296. In part because the TIU lacks standard processes for conducting its investigations, its processes have been inconsistent. While the needs of an investigation may vary from case to case, standard protocols concerning interactions with potential subjects and witnesses – for example, guidelines on the inquiries and records that should be sought when information has been received from match or tournament officials; the manner in which investigators should download, store, and analyse information from communication devices; and how investigators should handle failures to cooperate – could help direct investigations. Similarly, protocols for the storage and analysis of intelligence could better ensure that information is appropriately logged and effectively used. Additional standards for when information should be stored for intelligence purposes or used to open an investigative case, and then for when investigative cases support initiating disciplinary proceedings or justify closing the matter, could also help guide appropriate investigative decisions. The TIU should have a regular process for reviewing the status of open cases to determine whether remaining investigative steps warrant greater priority and expeditious completion.

⁴³ Footnote 30 above.

(c) Match footage: with access to a tennis expert, the TIU should make greater use of match footage to inform its investigations and interviews

297. The TIU should make greater use of match footage to identify peculiarities in players' performances which, when evaluated in connection with betting data and other information, could be used to detect and prove corrupt conduct. Reviewing match footage with players during their interviews could also help investigators focus their questions to obtain more meaningful information. The recommended engagement of a tennis expert should allow the TIU to make regular use of match footage to advance its investigations.

(d) Backlog of investigations: the TIU should promptly clear its backlog of investigations

298. Due in part to resource deficiencies, the TIU has a considerable backlog of open investigative matters. Some of these matters may not require any further action, but those cases should be appropriately classified as such. Others may warrant significant development. For cases where further investigatory steps are required, the TIU needs to devise a strategy and engage the required staffing to promptly complete this task. The suggested changes to the disciplinary process should assist in the quicker disposal of some outstanding cases.

(e) TIU's information database: all existing data (including data pre-dating 2013) should be uploaded to the TIU's database

299. Data and information held by the TIU for the years before 2013 have not been uploaded to the TIU's intelligence database. Although they may be several years old, those data should be used to inform, at least, the development of future investigations. The TIU should promptly ensure that all of this information has been incorporated into its intelligence database, giving due consideration to any restrictions imposed by applicable laws, especially data protection laws.

(f) Use of intelligence: the TIU should effectively use intelligence to guide investigations and other initiatives, disrupt suspected breaches of integrity, and prioritise its allocation of resources

300. The TIU has a rich source of information available to it about potential sources of corruption in tennis. In addition to evidence from prior investigations and data from betting alerts, it has numerous reports from the tennis community about suspected breaches of integrity. The TIU should, as a matter of practice, more effectively use this intelligence to identify players, other persons, and events that present the greatest risks to tennis integrity and to focus its investigative work in those targeted areas. Improved use of its intelligence should also permit the TIU to more effectively prevent suspected wrongdoing, including through the deployment of disruption techniques and, where permissible, integrity testing⁴⁴. A robust system for collecting and exploiting its available intelligence should greatly facilitate the TIU's efficient use and allocation of its resources.

⁴⁴ Section VIII C(3)(a) and (b), above.

(3) Recommendation 10: Disciplinary procedures under the TACP should be improved, to promote more effective integrity enforcement while safeguarding the rights of the accused

(a) Commencement of disciplinary proceedings: the TIU should have broad discretion whether to bring a charge, in light not only of whether the standard of a realistic prospect of success is met, but also of whether bringing a charge would best serve the overall goal of promoting the integrity of tennis

301. The standard that the TIU should apply in deciding whether to bring a charge is whether there exists a realistic prospect of proving that a breach of the TACP has been committed by a Covered Person. This is a lower standard than appears to have been applied by the TIU under the current TACP.

302. As summarised in Section VII.A, above, entrusting charging decisions to the PTIOs⁴⁵ creates apparent conflicts of interest. This apparent conflict, and any negative public perception that arises from it, should be eliminated. Placing charging authority in an independent TIU will increase the integrity of the disciplinary process. As an independent body, the TIU should be afforded broad prosecutorial discretion, subject to annual audit review and oversight by its SB. While the TIU should exercise that discretion to pursue serious offences when warranted by the evidence, where the offence is a less serious one, the TIU may consider that, given all the circumstances, bringing a charge would not best serve the overall goal of promoting the integrity of tennis.

(b) Streamlined disciplinary procedures: the TACP's disciplinary procedures should allow for more timely and cost-effective adjudications, especially for more minor offences

303. The TACP's current system for adjudicating disciplinary matters is unnecessarily lengthy and costly, especially for more minor offences. Under the current system, after an AHO has decided a contested disciplinary proceeding, either party may appeal (de novo) to the Court of Arbitration for Sport ("CAS"). As a result, the same matter may be litigated twice, with full written and oral process at each level. This wastes resources, facilitates gamesmanship (as a Covered Person may hold back arguments and defences for appeal), creates difficulties in securing witness attendance for the second proceeding and, ultimately, may discourage prosecutions and jeopardise fair outcomes for the matters that are pursued. For more minor offences, the costs and time associated with such duplicative disciplinary proceedings may outweigh the benefits of pursuing a sanction.

304. In the Panel's present view, the time, costs, and other burdens of TACP procedures should be addressed, while simultaneously ensuring that they are fair and impartial and afford due process to all Covered Persons. The Panel presents below two potential solutions for consultation.

305. *A single stage procedure before an independent and impartial arbitral tribunal, with no appeal.* The most straightforward solution would be to replace the two-stage process described above with a single-stage procedure, under which all disciplinary proceedings would be brought before a single independent and impartial arbitral tribunal. This would therefore involve eliminating the current appeal to CAS.

306. The arbitral tribunal would have to be selected for each matter by a process that ensured its independence from the TIU, the SB, and the International Governing Bodies. In selecting arbitrators the sport would make use of an established and suitable arbitral institution.

⁴⁵ TACP (2018), F.2.e.

307. This single-stage proceeding would resolve all disciplinary matters through arbitration subject only to mandatory supervision by the national court of its seat. To ensure the effectiveness of the disciplinary proceedings and to avoid national court intervention: (1) legal aid would be provided to Covered Persons in appropriate circumstances, as addressed in paragraph 325 below; and (2) systems would be established for interim measures to be directed before the arbitral tribunal is constituted, as addressed in paragraphs 319-322 below.
308. In the Panel's present view, for enforcement matters involving allegations of serious offences under the TACP, the arbitral panel should include three independent and impartial arbitrators. For more minor alleged offences, however, such as failing to comply with a reporting obligation or endorsing a betting operator, the Panel presently considers that speedy, cost-effective, and procedurally fair proceedings could be achieved with expedited procedures before a single independent and impartial arbitrator. For such proceedings, there would be a cap on the potential sanction that could be imposed, such as a limited period of suspension measured in weeks and a limited level of fine⁴⁶. Expedited procedures before a single arbitrator could also be employed for any matters in which both parties consent.
309. Eliminating the right of appeal in this way may be said to eliminate procedural protections, but the two-stage process currently in place arguably provides only illusory protections because either side can "*appeal*" the decision from the first instance proceeding to a second, de novo proceeding. The second stage thus replaces the first, rather than providing a second layer of protection. In the Panel's present view, procedural fairness can be safeguarded so long as the first and single enforcement proceeding is held before an independent and impartial tribunal, and the system affords a fair and proportionate opportunity for a Covered Person to defend the charges, including with the provision of legal aid.
310. The Panel considers that all disciplinary proceedings could be streamlined in their processes, including by shortening the time before hearings and allowing parties, where appropriate, to present their evidence and witnesses by video link or telephone. For more minor matters heard by a single arbitrator, moreover, cases should presumptively be decided on the papers, but a hearing could take place if required.
311. As addressed in Chapter 14, Section D(3) of the REA, consideration should be given when drafting the new TACP, to what law (if any, as opposed to general principles of law) should govern matters of enforcement and interpretation, in the light of the decisions to be taken on other matters.
312. *Alternatively, a two-stage procedure for all offences, preserving the appeal to CAS, but permitting expedited proceedings for less serious offences.* An alternative approach would preserve appeals to CAS, where legal aid and interim relief is already afforded in appropriate cases under the CAS rules, and provide for a single independent and impartial hearing officer or arbitrator in all first-instance proceedings. This approach should still allow for expedited proceedings (as described above), including decisions on the papers by default, for cases involving less serious charges.
313. In the Panel's present view, while this alternative approach would improve on the current system, it would remain subject to the unnecessary duplication of process inherent in CAS appeals. Nevertheless, the Panel understands that some may take a different view of the importance of retaining the appeal to CAS. If the two-stage process retaining an appeal to CAS is chosen, the changed system will need to be established in a way that ensures CAS's willingness to accept jurisdiction.

⁴⁶ The Panel invites input on consultation regarding the appropriate matters to be handled by single arbitrators and the appropriate caps on sanctions for such matters.

314. The Panel invites input on consultation on which of the above-mentioned alternative single stage or two-stage disciplinary procedures should be adopted.
315. The Panel also considered the further alternative of a two-stage procedure for more serious cases and a single-stage procedure for less serious cases, or where agreed between the parties, but presently considers that it would be unlikely to achieve the intended benefits⁴⁷.
- (c) Alternative Dispositions: the TIU should be able to enter into plea and cooperation agreements with Covered Persons, and it should be able to give an official reprimands and warnings to Covered Persons**
316. Plea agreements can allow for quick and efficient resolution of disciplinary charges, and cooperation agreements are an important tool for investigators to pursue serious charges against more culpable offenders. The TIU should be able to negotiate such agreements with Covered Persons, subject to oversight by the SB and review by an arbitral tribunal hearing officer.
317. While not expressly authorised under the TACP, the PTIOs have, at times, issued unofficial reprimands and warnings to Covered Persons for minor offences, rather than pursuing sanctions to the greatest extent permitted by the TACP. Such admonitions allow for the quick correction of inadvertent or minor misconduct without undue TIU expense. This practice should be carried forward but, consistent with the reallocation of prosecutorial discretion, the TIU be authorised to issue reprimands and warnings, without the need for a disciplinary proceeding, where (a) the Covered Person has accepted the official reprimand and warning in writing; and (b) the TIU concludes that the use of an official reprimand and warning, in lieu of charges, serves the best interests of safeguarding the integrity of tennis under all the circumstances of the case. Once reprimands and warnings have been accepted by Covered Persons, they should be official and public, for educational and deterrence purposes. Prior reprimands and warnings could be considered at the sentencing stage in subsequent proceedings involving the Covered Person.
- (d) Hearing officers or arbitrators: TACP disciplinary matters should be adjudicated by impartial individuals who are independent of the sport and who are drawn from an internationally diverse pool, with the possibility where appropriate of appointment from outside the pool**
318. To ensure that all disciplinary proceedings are decided by a cost-effective process that is, and can clearly be seen as, fair and impartial, hearing officers or arbitrators should be selected for each matter through a process that ensures their independence from the TIU, its SB, and the International Governing Bodies. It seems to the Panel that hearing officers or arbitrators could be drawn from a pool of qualified and independent hearing officers, from various parts of the world, and could be selected by one or more well-regarded dispute resolution bodies, which could retain the possibility where appropriate of appointing from outside the pool. The Panel invites input on consultation as to appointment on this basis, and in relation to the required qualifications for hearing officers or arbitrators, but the Panel currently envisages that they should be lawyers who satisfy the same independence test as members of the SB.

⁴⁷ The only cases that would definitely fall under the summary procedure would be less serious ones carrying lesser sanctions, which would be less likely to be appealed in any event. Such cases would be more effectively dealt with through expedited proceedings, or through the alternative dispositions addressed in the next sub-section. It is unclear how often it would be agreed between the parties that a more serious case should be dealt with in a summary procedure, and the choice might be regarded as an invidious one. Further, such agreements might be regarded as allowing more serious cases inappropriately to be dealt with under a procedure that involved lesser sanctions.

(e) Provisional or interim suspension from tennis: it should be more straightforward for the TIU to obtain a temporary suspension from tennis of a Covered Person suspected of committing an integrity offence pending disciplinary proceedings, or for failure to assist

319. To prevent corrupt individuals from continuing to tarnish the integrity of tennis, the TACP should permit the TIU to seek a temporary, provisional suspension of Covered Persons based on satisfaction of two criteria: (1) that there exists a realistic prospect of success in proving that a Covered Person has breached the TACP – the same standard for issuing a charge; and (2) that, balancing the interests of the individual and the sport, it is appropriate that the Covered Person should not play or participate pending the outcome of the disciplinary proceedings or other event.
320. The TIU should be permitted to seek provisional suspensions through urgent applications without notice as well as through notice applications accompanied by written and oral submissions, evidence, and a hearing. At times, the TIU may have information that a Covered Person has violated the TACP, but it has not yet decided to initiate disciplinary proceedings, possibly because the TIU's broader investigation is continuing or because the initiation of proceedings could interfere with law enforcement. If a suspension is imposed without notice, the Covered Person should be able to seek to have it lifted, including the right to demand a normal *inter partes* hearing after submitting his own written submissions and evidence. At the same time, to protect Covered Persons against unwarranted and indefinite suspensions, provisional suspensions granted without notice should be limited in duration if substantive disciplinary proceedings are not commenced. Similarly, suspensions granted on notice should be limited in duration if substantive disciplinary proceedings are not commenced. A Covered Person should have the right to challenge a provisional suspension every 90 days, requiring the TIU to demonstrate that the provisional suspension remains justified and that the TIU is diligently pursuing the matter.
321. To facilitate the imposition of provisional suspensions while encouraging the TIU's cooperation with law enforcement, the fact of a pending criminal investigation or prosecution against a Covered Person for betting, match-fixing, or any other corruption offence should not only provide prima facie evidence to support a request for provisional suspension, but also should weigh heavily in favour of the Covered Person's provisional suspension. Pending criminal matters should be afforded greater weight if they have progressed to formal charges or, even more, a conviction.
322. Separately, the Panel welcomes the recent changes to the rules⁴⁸ in relation to the power to impose a provisional or interim suspension from tennis on the grounds that the Covered Person has failed to assist by refusing to comply with a TIU request for an interview, for information, or for a communications device. Such a suspension should last until the failure is rectified.

⁴⁸ TACP (2018), F.3.a.i (Provisional Suspension).

(f) Removal of evidentiary limits for the full procedure: evidence obtained by the TIU after the initiation of disciplinary proceedings should be admissible

323. AHOs have at times construed the TACP as limiting the use in disciplinary proceedings of evidence obtained after the initiation of those proceedings. This evidentiary limit should be eliminated, so long as the later-obtained evidence relates to an existing charge. Clarifying this rule should encourage the TIU to pursue disciplinary charges and provisional suspensions for serious misconduct that it can prove, without undue delay, even when the TIU expects that it can develop further evidence in support of those charges.

(g) Close investigations after three years: absent good cause, the TIU should be required to close investigations within three years, with notification to the Covered Person being investigated

324. Covered Persons implicated by the TIU's investigations are not regularly informed of the progress of investigations involving them or when such investigations have been closed. While there should be no obligation on the TIU to notify individuals who are under investigation, to promote the progression and resolution of investigations, and in fairness to Covered Persons, a deadline should be imposed on the TIU to close cases and, when cases have been closed, to notify individuals who have previously been told that they are under investigation. A good cause exception should apply to this deadline (and should be disclosed in any such notification), allowing continued or reopened investigations where compelling circumstances warrant, including upon the discovery of new information warranting further investigation.

(h) Legal aid: legal aid should be provided to Covered Persons in appropriate circumstances

325. With an appeal to CAS in place, legal aid is available to Covered Persons under the CAS system, and that is sufficient under a two-stage procedure. If the CAS appeal is removed and replaced with a single-stage procedure, however, legal aid should be available under it, following a system equivalent to that of CAS. In the view of the Panel, legal aid should be funded by the International Governing Bodies, or the national federation of the player, and not by the TIU itself.

(i) Sanctioning guidelines: hearing officers should be afforded broad discretion to set sanctions pursuant to sanctioning guidelines, but they should also be required to include in their findings the reasons for any sanctions they impose

326. The TACP's current sanctioning provisions⁴⁹ provide for maximum and minimum fines and sanctions. But with no additional guidance on where a sanction should fall within these broad ranges, and no requirement that the hearing officer explain his or her reasoning for the sanction, consistency in sanctioning is difficult to achieve. This recommendation is thus designed to make sanctioning clearer, fairer, and more consistent. Sanctioning guidelines should give guidance to hearing officers on the appropriate baseline range of sanctions for classes of conduct. They should also provide guidance on when to depart below a recommended sanctions range, based on mitigating factors such as cooperation; when to impose restitution alone; and when to depart above the recommended sanctions range, based on aggravating factors such as repeated offences.

⁴⁹ TACP (2018), H.1.a.i, b.i.

(j) Restitutory and other consequences of breach: there should be further consequences of breach than sanction

327. Currently, sanctions imposed by AHOs upon a finding of a TACP offence are limited to any combination of a fine up to \$250,000, an amount equal to the value of any winnings or other amounts received by the Covered Person in connection with the offence, a ban from participating in any event organised or sanctioned by any International Governing Body for a defined period, and a suspension of credentials and access to any event organised, sanctioned, or recognised by any International Governing Body for a defined period. The permitted sanctions should be expanded to also include, to the extent not already included, (1) forfeiture of prize money; (2) forfeiture of ranking points; and (3) forfeiture of appearance fees. The tribunal should also be able (1) to order that a Covered Person who violated the TACP take additional integrity training or assist in the integrity training or education of others and (2) to limit the Covered Person's ability to obtain or sponsor accreditation or registration for others.

(4) Recommendation 11: The TIU's work should be subject to greater transparency, to promote public understanding and confidence

(a) Transparency of the TIU: the TIU should publicise the resolution of disciplinary proceedings, whatever the result

328. The TIU does not now publicise information about its investigations or proceedings unless and until after a disciplinary proceeding has resulted in a sanction against a Covered Person.

329. However, this practice has resulted in a public perception that the TIU is overly secretive, undermining confidence in the TIU's operations. The alternatives are to publish the initiation of proceedings and then subsequently their outcome, whether there is a conviction or an acquittal, or to maintain confidentiality in the initiation of proceedings, and only to publish their outcome, again whether there is a conviction or an acquittal. There are competing considerations that weigh in favour of each alternative. On the one hand, the publication of the initiation of proceedings and their outcomes would increase transparency significantly, and would mirror the position in relation to most criminal proceedings. On the other hand, the perception of secrecy does not justify a change in approach that would be unfair to Covered Persons, or jeopardise the effective fight against match-fixing. The publication of the initiation of proceedings might cause unfair reputational, and financial, harm to a Covered Person who is later acquitted.

330. In the Panel's present view, the same arguments do not, however, apply to the publication of the result both when there is a conviction and when there is an acquittal. In either case the reasons for the decision are important and should be known to all Covered Persons and the public as a whole. Where there has been an acquittal, the reputation of the Covered Person can be protected through suitable redaction or by a summary of the reasons being produced.

331. In light of the above, the Panel presently considers that only final and binding decisions to acquit or sanction a Covered Person should be publicised. The Panel however welcomes input on this point on consultation.

(b) Statistics related to potential magnitude of threats to integrity: the TIU should regularly publish detailed information about betting alerts

332. The TIU should provide the public with more detailed information about the betting alerts it receives, including, at least, a breakdown of betting alerts by the specific tournament levels and the numbers of players who are subject to multiple betting alerts. The TIU should provide this information in a way that allows comparisons over time. This additional information will allow tennis stakeholders and the public to monitor one important metric of potential integrity breaches.

- (5) Recommendation 12: The TIU should broaden its cooperation with local tennis communities, national federations, law enforcement, and other third parties**
- (a) Regional TIU officers and agents: the TIU needs regional officers to establish closer relationships with local stakeholders, including national federations, law enforcement agencies, regulators, and officials**
333. The centralised presence of the TIU in the U.K. ignores the reality that tennis is an international sport that is played by professionals all over the world. The TIU needs regional officers, with greater geographic, linguistic, legal, and cultural diversity, to facilitate stronger working relationships with local stakeholders. A more localised TIU presence through regional officers will improve the collection of intelligence and the reporting of integrity issues from Covered Persons – who are often uncomfortable reporting such information to unknown individuals located thousands of miles away at the TIU – and other local stakeholders. Also, regional officers will improve the TIU’s coordination with local sports federations, law enforcement authorities, and regulators. In this respect, the TIU should primarily take into account that several countries have implemented (even if not yet ratified) Article 13 of the Council of Europe Macolin Convention by establishing national platforms where law enforcement agencies, local sports federations, and betting operators and regulators can exchange intelligence, and coordinate their efforts, investigations, and legal proceedings to fight the manipulation of sports competition. The TIU, through its regional officers, should engage with those national platforms to more effectively gather and share intelligence.
334. In light of the above, the Panel recommends that one of the first priorities of the TIU should be to identify regional officers in the geographical areas where match-fixing appears to be most widespread and in those jurisdictions where the TIU believes regional officers would most effectively improve its ability to work closely with local law enforcement and national federations.
335. Further, it seems to the Panel that there are a number of tasks, such as preliminary on-site interviews, that the TIU should be able to delegate to an official at the event or a national federation officer with responsibility for integrity.
- (b) Coordination with law enforcement: the TIU should engage in cooperative relationships with law enforcement, pursuing provisional suspensions and, where possible, disciplinary proceedings in parallel with coordinated law enforcement efforts**
336. The TIU’s mission of safeguarding integrity in tennis would benefit substantially from greater coordination with law enforcement authorities around the world, who could help bring to justice the most serious corruptors in the sport. To that end, the TIU needs to cultivate cooperative relationships, and promote the sharing of information, with such authorities.
337. The TIU should also reconsider how, and when, it cooperates with national law enforcement agencies. The Panel recognises the utility in securing criminal convictions of those involved in breaches of integrity where possible, not least because of the added deterrent effect of such convictions. The Panel also recognises that law enforcement agencies generally enjoy greater investigatory powers than the TIU. On the other hand, disciplinary proceedings are of different nature from criminal ones – involving, among other things, different standards of proof and length of procedures – and the ‘automatic’ primacy of the latter proceedings over the former, or excessive deference of the TIU toward criminal investigations, can lead to potential or actual disciplinary impunity, and certainly misunderstandings by the public and national federations.

338. In light of the above, the TIU should decide whether or not cooperation with law enforcement agencies is desirable, and whether criminal investigations and/or proceedings should take primacy (i.e. whether disciplinary investigations and/or proceedings need to be suspended until criminal investigations and/or proceedings are concluded), on a case-by-case basis taking into account all circumstances that might be relevant to effectively and promptly protect the sport integrity. These circumstances include the potential benefits of using criminal procedures and sanctions in a given case, the likelihood that the law enforcement agency will pursue criminal proceedings, the expected time within which the parallel criminal proceedings would be commenced and completed, and the availability of provisional suspensions to safeguard tennis during ongoing criminal proceedings. The TIU should formalise the consideration of the relevant factors with an internal guidance document for its investigators. The TIU should also give consideration to the views of its regional officers as to when it might be counterproductive for the TIU to cooperate with local law enforcement agencies or to give primacy to criminal over disciplinary investigations or proceedings.

(c) Cooperation with national federations: measures to improve the TIU's engagement with national federations

339. Likewise, when it comes to the exchange of intelligence and evidence with national federations regarding disciplinary offences, the TIU's record is mixed. While the TIU enjoys good relations with some national federations, it has no relationship with most national federations and poor relationships with others. Regional officers could help to liaise and build relationships with national federations due to their better understanding of the cultural, linguistic, and legal framework within which those federations operate. The regional officers would also be in a better position to advise on whether cooperation with a national integrity unit or a national federation should be established through an official protocol or on a case-by-case basis.

340. Although the creation of regional officers should help to address this, the ITF should require that each of the national federations designate a formal liaison to the TIU. This person should act as a point of contact with the TIU and its regional officers and as a resource for assisting in the TIU's greater local outreach, including its delivery of educational programs to players and others in the international tennis community.

341. There are also jurisdictional complications that impair the relationships between the TIU and some national federations: some countries have legislation requiring national federations to pursue disciplinary proceedings for corruption offences involving their players, and sanctions imposed by certain national federations may only apply in their respective countries. Absent unusual circumstances, disciplinary decisions taken by national federations should be recognised or at least considered by the TIU and the International Governing Bodies. In all other cases, action by a national federation should not preclude the TIU from proceeding with its own investigation and enforcement action.

(d) Coordination with other sports: the TIU should attempt to work with other sports on integrity issues

342. Betting-related corruption is a challenge facing many sports beyond tennis, and the TIU should attempt to join forces with other sport regulators who are grappling with this issue. For example, the PGA Tour is launching an integrity program to “*protect our competition from betting-related issues*” that will take effect on January 1, 2018. In the past year, UEFA consolidated its integrity, anti-doping, and disciplinary units into one entity, while its President remarked that match-fixing was “*a disease that attacks football’s very core*”. And officials in other professional leagues, including cricket and baseball, have expressed concerns about the looming threat of match-fixing and corruption to the integrity of their sports.
343. Despite differences among professional sports, they share a common interest in effectively combatting all integrity threats, especially match-fixing which strikes at the heart of legitimate competition. They also face similar challenges in effectively policing against betting-related breaches of integrity. The TIU should endeavour to work with other sports on integrity issues in order, among other things, to share information about potential corruptors, to exchange knowledge about effective strategies and tactics, and to identify best practices.

(6) The Panel urges national authorities to develop national and international regulation and enforcement to assist in the global fight against match-fixing

344. National and international regulatory and enforcement regimes can play an important role in combatting betting-related corruption, and the Panel has noted numerous areas for improvement in Chapter 14 Section E of the REA. National authorities are urged to change their approach to the criminal prohibition and prosecution of match-fixing and to take steps to ratify and implement the available mechanisms for international cooperation. While the tennis International Governing Bodies and national federations cannot implement such changes directly, they can add their voices to influence key decision makers.

(a) There should be changes in the approach at the national level to the criminal prohibition, and prosecution, of match-fixing

345. National authorities should implement more robust regulatory and enforcement approaches to betting-related corruption in sport. The International Governing Bodies and national federations can use their influence with the nations in which they operate to promote this. The current shortcomings include lack of specific criminal laws addressing match-fixing in sport, lack of sufficient proactivity among some law enforcement authorities in investigating and criminally prosecuting such conduct, and inadequate national regulations governing betting operators. If legal safeguards cannot be assured, tennis authorities have various options, including declining to sanction tournaments in countries that do not offer an adequate legal environment to combat integrity threats and restricting the sale of official live scoring data for events or to operators in such countries.

(b) There should be ratification and implementation of the Macolin Convention and other international cooperative efforts to combat sports corruption

346. The only international instrument that specifically deals with match-fixing is the Council of Europe Convention on the Manipulation of Sports Competitions ("Macolin Convention").
347. The Macolin Convention provides a useful framework for countries to update their systems and deal more effectively with match-fixing at the national and, even more importantly, the international level. It encourages signatory countries to adopt criminal laws that sanction match-fixing in their jurisdictions and to promote the exchange of information among their betting regulators concerning illegal, irregular, or suspicious betting activities. The Convention also suggests that signatory countries encourage their national sports organisations to prohibit betting or misuse of inside information by sports participants.
348. The Macolin Convention will enter into force upon ratification by five states, including three member states of the Council of Europe. To date, the Macolin Convention has been signed by 32 states and ratified by three states (Portugal, Norway and Ukraine). Switzerland has announced publicly that it would ratify the Convention. Further ratifications are being discussed by other states. Because it is open to signature by countries outside the Council of Europe, the Convention has the potential to impact most, if not all, of the important tennis countries.
349. Accordingly, in light of the above, the Panel urges the relevant national authorities to ratify and implement the Macolin Convention. The tennis authorities should approach countries at the national and international (Council of Europe, European Union) levels, through their respective national federations and international organisations (ITF, ATP, WTA), to promote the signature and ratification of the Macolin Convention. Ideally, this step should be coordinated with other sports, such as football. Even without further ratification of the Macolin Convention, there is ample room for sports organisations and national law enforcement agencies to develop further their systems and platforms in order to improve their cooperation and coordination in fighting the international threat of sports corruption.