

TAS

Tribunal Arbitral du Sport
Chambre ad hoc - Londres 2012



CAS

Court of Arbitration for Sport
Ad hoc Division - London 2012

MEDIA RELEASE (9)

MODERN PENTATHLON – FRANCE

THE CAS REJECTS THE REQUEST OF JEAN-MAXENCE BERROU

London, 6 August 2012 – The *ad hoc* Division of the Court of Arbitration for Sport (CAS) has rejected the application filed by the French Federation of Modern Pentathlon (FFPM) and of the French pentathlete Jean-Maxence Berrou who were challenging the application of the qualification criteria for the 2012 Olympic Games by the International Union of Modern Pentathlon (UIPM).

Due to the withdrawal of a Polish athlete, Lukasz Klekot, by his NOC further to a doping problem, the UIPM had informed the FFPM on 20 July 2012 that the vacant position would be attributed to J.-M. Berrou. By electronic mail of 22 July 2012, the UIPM changed its opinion and informed the Irish NOC that the vacant position should be attributed to Arthur Lanigan O’Keeffe. The FFPM and J.-M. Berrou then referred the matter to the UIPM instances in order to obtain a confirmation of the qualification of the French athlete but the procedure did not go to the end. Due to the urgency, the FFPM and J.-M. Berrou submitted the case to the CAS *ad hoc* Division.

A CAS Panel composed of Ms Maidie Oliveau (USA), President, Mr Graeme Mew (Canada) and Mr Guédel Ndiaye (Senegal) held a hearing on 3 August 2012 from 2pm to 7:30pm. The FFPM and J.-M. Berrou were represented by their counsels, while the UIPM was represented by its Secretary General. The French NOC, the athlete Arthur Lanigan O’Keeffe, likely to be affected by the CAS decision, and the Irish NOC were also present. At the end of the hearing and following the request of the FFPM and J.-M. Berrou, not opposed by the UIPM, the Panel gave a deadline of 6 August 2012 at 10am to the UIPM to determine itself on the possibility to add a 37th participant in the men’s event of the Modern Pentathlon. The answer was negative.

The CAS Panel rendered its decision today: it has noted that there was a translation error in the French version of the qualification system implemented by the UIPM and determined that the English version of the rules should prevail. Accordingly, it has rejected the application of the FFPM and J.-M. Berrou, considering that it was the Irish pentathlete who had obtained his qualification. In the award, the CAS Panel has regretted that the UIPM gave false hopes to J.-M. Berrou concerning his qualification for the Olympic Games.

The full decision with the grounds is published on the CAS website (www.tas-cas.org).

Up to the present date, the CAS *ad hoc* Division in London has already handled 9 cases, i.e. the same number as at the Beijing Olympics, and there is currently no procedure pending before the tribunal.

For further information related to the CAS activity and procedures in general, please contact Mr. Matthieu Reeb, CAS Secretary General. Grosvenor House Hotel, Park Lane, London, W1K 7TN, United Kingdom. Tel: (44 207) 399 8354; fax: (44 207) 399 8454, or consult the CAS website: www.tas-cas.org