

TAS

Tribunal Arbitral du Sport
Chambre ad hoc - Sochi 2014



CAS

Court of Arbitration for Sport
Ad hoc Division - Sochi 2014

MEDIA RELEASE (2)

FREESTYLE SKIING (HALFPIPE) – AUSTRIA

THE APPLICATION OF DANIELA BAUER (AUSTRIA) IS DISMISSED

Sochi, 4 February 2014 – The CAS *ad hoc* Division rendered its first decision of the 2014 Winter Games and rejected the application of the Austrian skier Daniela Bauer (women’s ski halfpipe) filed on 2 February 2014 against the Austrian ski federation (ASF) and the Austrian NOC. Daniela Bauer requested the CAS to order the ASF and the Austrian NOC to place her on the Olympic team to represent Austria in the women’s freestyle ski halfpipe at the 2014 Olympic Winter Games in Sochi. This case was heard between 5:30pm and 7pm on 3 February 2014 in the CAS premises in Sochi.

The athlete was represented at the hearing by two lawyers acting “pro bono”, based in Sochi, and she participated by telephone. She said that she had met the FIS qualification requirements and that a quota place had been promised to her. The ASF and the Austrian NOC were represented at the hearing by the Chef de mission of the Austrian NOC, who declared that the ASF had not recommended Daniela Bauer for selection to the 2014 Olympic Winter Games and that the Austrian NOC had therefore no reason to overrule the opinion of the ASF.

The CAS Panel in charge of this matter, composed of Mr Patrick Lafranchi (Switzerland), President, the Hon. Robert Décary (Canada) and Prof. Matthew Mitten (USA), delivered its decision today at 1pm. The arbitrators rejected the application. They found that neither the ASF, nor the Austrian NOC discriminated against the athlete and that the ASF did not exercise its discretion in an arbitrary, unfair or unreasonable manner as it had a legitimate sports performance justification for not recommending that the AOC nominate the athlete for an allocation quota in women’s halfpipe.

The Panel emphasized that the person responsible for the freestyle department at the ASF may have created an expectation that the ASF would recommend the nomination of the athlete for a quota allocation in women’s halfpipe. However, he did not have any authority on behalf of the ASF to guarantee or promise that this would occur.

The Panel also underlined that the lack of published qualification criteria has misled the athlete by failing to provide clear and timely notice of the performance standards she was required to meet in order to be recommended by the ASF for nomination by the AOC to the Austrian Olympic team. The Panel recommended that the ASF establish and publish such criteria to enable athletes to determine in a timely manner the Olympic Games qualification standards they are required to meet.

For further information related to the CAS activity and procedures in general, please contact Mr. Matthieu Reeb, CAS Secretary General, Ayvazovsky Hotel, 1 Morskoy Boulevard, Imeretinskaya Lowland, Adler District, Russia, 354340. Tel: (7 862) 44 71 650; fax: (7 862) 44 71 656, or consult the CAS website: www.tas-cas.org