

CAS 2024/A/10973 Lithuanian Triathlon Federation v. Lithuanian National Olympic Committee

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

President: Mr Mario Vigna, Attorney-at-law in Rome, Italy
Arbitrators: Mr Gaetan Verhoosel KC, Solicitor-Advocate in London, United Kingdom
Mr Marek Palus, Attorney-at-law in Katowice, Poland

in the arbitration between

Lithuanian Triathlon Federation, Vilnius, Lithuania

Represented by Mr Giedrius Murauskas and Mr Tadas Katauskas, Attorneys-at-law at Noor Legal, Vilnius, Lithuania

Appellant

and

Lithuanian National Olympic Committee, Vilnius, Lithuania

Represented by Ms Kristina Balevičienė, Attorney-at-law at Duelex, Vilnius, Lithuania

Respondent

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I. PARTIES

1. The Lithuanian Triathlon Federation (the “LTF” or the “Appellant”) is the national triathlon federation of Lithuania, with headquarters in Vilnius, Lithuania. The LTF is a member of the Lithuanian National Olympic Committee.
2. The Lithuanian National Olympic Committee (the “LNOC”, “NOCL” or the “Respondent”) is the governing body for all recognised Olympic sports for Lithuania, with headquarters in Vilnius, Lithuania.

II. INTRODUCTION

3. This appeal is brought by the Appellant against the decisions (collectively the “Appealed Decision”) adopted at the election session of the LNOC General Assembly (hereinafter also the “GA”) held on 11 October 2024 concerning the elections for the 2024–2028 term of the LNOC’s governing bodies.
4. The Appellant requests that said decisions be revoked and that the LNOC be ordered to convene a new General Assembly for the re-election of its governing bodies, due to flaws referring in particular to the elections of: (i) the LNOC President; and (ii) the members of the LNOC Executive Committee (the “LNOC EC” or “NOCL EB”), as well as an alleged lack of independence of the Independent Electoral Committee (the “IEC”).

III. FACTUAL BACKGROUND

5. The following is a summary of the relevant facts and allegations derived from the Parties’ written submissions, supporting documentation and pleadings adduced at the hearing. Additional facts and allegations found in the Parties’ written submissions and evidence may be set out, where appropriate, in connection with the legal discussion that follows. While the Panel has carefully reviewed all factual, legal and evidentiary submissions, it refers in its Award only to those it considers necessary to explain its reasoning.
6. On 11 July 2024, the LNOC EC decided to convene the General Assembly for the election of its governing bodies and accordingly prepared the agenda (the “Agenda”) for the report session (the “Report Session”) and the election session (the “Election Session”) of the General Assembly.
7. On 5 September 2024, the LNOC EC held a meeting during which, as narrated in the minutes of the Report Session, it “*approved the final version of the agendas*” for the Report Session and the Election Session.
8. On 10 September 2024:
 - (i) The head of the LNOC Secretariat Ms Audronė Šabūnienė sent an email to the members of the LNOC (the “Members”) attaching “*the draft report of the LNOC General Assembly*” and the “*draft documents of the election sessions*”. The email also advised the Members that “*in case you are represented by a proxy holder at*

the regular session of the General Assembly, you must send the respective form of proxy to us” (emphasis in the original);

- (ii) The LTF submitted via email its nominations for Mr Mantas Marcinkevičius (Vice-President of the LTF at the time of elections and current President of the LTF – “Mr Marcinkevičius”), namely:
 - (a) The candidacy for the position of LNOC President, jointly signed by the LTF and other Members;
 - (b) The candidacy for the position of member of the LNOC EC.
 - (iii) The LTF submitted by post n. 4 other nominations for the position of member of the LNOC EC, namely for Elijus Čivilis, Giedrius Gustas, Vytautas Janušaitis and Eglė Balčiūnaitė.
9. On 11 September 2024, Mr Marcinkevičius, in his capacity as Vice President of the LTF at the time, sent a request to the LNOC EC in relation to proposed amendments to the Agenda (the “Alternate Agenda”).
 10. On 26 September 2024, the LNOC EC held an extraordinary meeting. According to the minutes of the Report Session, during said meeting the LNOC EC decided that the Agenda as well as the Alternate Agenda would be presented to the General Assembly so that the latter could vote on the one that would be used for the sessions.
 11. On 1 October 2024, the Independent Election Commission (the “IEC”) held a meeting in which its members (Česlav Okinčic – Chairperson, Donatas Mačianskas and Mindaugas Bilius – members) verified and unanimously approved, in particular:
 - (i) N. 2 candidacies for the position of LNOC President (Ms Daina Gudžinevičiūtė – “Ms Gudžinevičiūtė” – and Mr Marcinkevičius);
 - (ii) N. 24 candidacies for the position of member of the LNOC EC (including Mr Marcinkevičius);
 - (iii) N. 3 candidacies for the position of member of the new IEC (Mr Česlav Okinčic, Ms Asta Narmontė and Ms Indrė Čelkienė).
 12. On 11 October 2024, at the General Assembly, two sessions took place, i.e. the Report Session at 10:00 am, followed by the Election Session at 11:00 am. According to the minutes of said sessions (in the English translation of the Lithuanian original provided by the Appellant) the following items, *inter alia*, were discussed and decided:
 - (i) The Report Session:
 - Both the Agenda and the Alternate Agenda were put to a vote: the Agenda received 46 votes, while the Alternate Agenda received 8 votes with 3 abstentions. Resultantly, the Agenda was adopted and the Alternate Agenda was discarded;
 - Proposal and appointment of the new IEC in order to perform its duties at the Election Session: (i) Mr Česlav Okinčic as the IEC Chairperson; (ii) Ms Asta Narmontė and Ms Indrė Čelkienė as IEC Members.

(ii) The Election Session:

(a) Stage 1 – election of the LNOC President:

- 48 Members voted in favour of Ms Gudzinevičiūtė and 16 Members voted in favour of Mr Marcinkevičius. Resultantly, Ms Daina Gudzinevičiūtė was re-elected as LNOC President;
- Ms Daina Gudzinevičiūtė then proposed candidates for the positions of LNOC Vice Presidents, General Secretary, Treasurer and n. 1 member of the LNOC EC;

(b) Stage 2 – election of the LNOC Vice Presidents, General Secretary, Treasurer and n. 1 member of the LNOC EC, upon proposal of the newly appointed LNOC President;(c) Stage 3 – election of the other members of the LNOC EC and the LNOC RC:

- Before the elections, the IEC Chairperson presented the candidates for the position of member of the LNOC EC and the following was noted:

“Not all candidates for membership in the EC had been duly authorised or had not authorisation at all, as they were not presidents of any federations. The following persons were removed from the candidate list: Simona Krupeckaitė, Mantas Marcinkevičius, Rokas Milevičius, Vilius Aleliūnas, Elijus Čivilis, Vytautas Janušaitis, Giedrius Gustas, Eglė Balčiūnaitė.”
- The LNOC’s lawyer explained that the aforementioned eight candidates had been excluded based on several provisions of the LNOC Articles of Association. He emphasised that the main article to be relied upon was Article 21 of the LNOC Articles of Association (*“LNOC members that are legal entities shall be represented in the LNOC GA by the President of that legal entity or a duly authorised person who shall have the right to vote in the LNOC GA and has the right to be elected to the LNOC EC”*) and clarified the following:

“Since no powers of attorney have been submitted, the said persons are therefore not authorised representatives of the LNOC, therefore, according to Art. 21 of the Articles of Association of the LNOC and other Articles referred to above, they may not be elected to be members of the LNOC Executive Committee.”
- One of the excluded candidates, Mr Aleliūnas, expressed his dissatisfaction with the aforementioned decision *“as he had not been additionally informed about the necessity to deliver a power of attorney”*.
- Thereafter, the IEC issued the relevant ballot papers for the vote and the LNOC General Assembly proceeded with the election of the LNOC EC members.

IV. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

13. On 31 October 2024, the Appellant filed a Statement of Appeal with the Court of Arbitration for Sport (the “CAS”) against the Respondent with respect to the Appealed Decision, in accordance with Articles R47 and R48 of the Code of Sports-related Arbitration (2023 edition) (the “CAS Code”). In its Statement of Appeal, the Appellant designated the Statement of Appeal as the Appeal Brief, pursuant to Article R51 of the CAS Code.
14. On 7 January 2025, the Respondent filed its Answer in accordance with Article R55 of the CAS Code.
15. On 15 January 2025, the Appellant sent a letter to the CAS Court Office requesting another round of written submissions, the holding of a case management conference as well as an in-person hearing.
16. On the same day, the Respondent requested that the matter be decided “*solely on the basis of the Parties’ written submissions, provided that the Respondent is allowed to submit the written statement of the requested witness Audronė Šabūnienė, head of the LNOC secretariat*”, and that no case management conference be held.
17. On 23 January 2025, the CAS Court Office informed the Parties that the Panel appointed to adjudicate the matter would consist of Mr Mario Vigna as President, Mr Gaetan Verhoosel KC, nominated by the Appellant, and Mr Marek Palus, nominated by the Respondent.
18. On 27 January 2025, the Appellant reiterated its need to have a second round of written submissions.
19. On 30 January 2025, the Appellant challenged the nomination of Mr Marek Palus.
20. On 17 February 2025, the Appellant withdrew its challenge.
21. On 26 February 2025, on behalf of the Panel, the Parties were advised in particular as follows:
 - (i) The Appellant’s request for a further round of written submissions had been rejected due to the fact that the requirements of Article R56 of the CAS Code had not been met;
 - (ii) The Respondent was invited to produce the English translation of its Appendix n. A3-1.
22. On 27 February 2025, the Respondent filed the requested translation.
23. On 26 March 2025, the Appellant sent an application to the CAS Court Office requesting the admission of new evidence to the case file, as follows:
 - (i) “*Evidence showing the IEC’s practice regarding submission issues*”;
 - (ii) “*Evidence showing the LNOC’s unequal treatment*”;

- (iii) “*Evidence showing that LNOC members were willing to give power of attorney during the General Assembly session*”.
24. On 13 April 2025, the Respondent provided its comments on the Appellant’s application:
 - Consenting to the admission of Appellant’s evidence *sub* (ii);
 - Objecting to the admissibility of the Appellant’s evidence *sub* (i) and (iii) due to “*presentation, unreliability, lack of relevance with the case subject*”; and
 - Requesting the admission of three new exhibits to the case file “*caused by the Appellant’s request*” (the “Respondent’s New Exhibits”).
 25. On 15 April 2025, the Appellant filed an unsolicited submission reiterating its previous request to admit all its new documents into the case file.
 26. On 22 April 2025, the CAS Court Office provided the Parties with an Order of Procedure, which was duly signed and returned by both Parties on the same day.
 27. On 28 May 2025, the CAS Court Office informed the Parties of the following Panel’s determinations:
 - The Appellant’s evidence *sub* (ii) was admitted into the case file, in view of the Parties’ agreement;
 - The Appellant was invited to: (a) further elaborate on the exceptional circumstances justifying the admission into the case file of its other evidence *sub* (i) and (iii); and (b) provide its comments on the admissibility of Respondent’s New Exhibits.
 28. On 30 May 2025, the Appellant sent a letter to the CAS Court Office in which it:
 - Submitted an explanatory note for the admission of additional evidence *sub* (i) and (iii);
 - Expressed its non-objection to the admission of the Respondent’s New Exhibits to the case file.
 29. On the same day, the Respondent sent a letter to the CAS Court Office requesting to be granted an opportunity to submit its comments to the Appellant’s explanatory note for the admission of additional evidence.
 30. On 2 June 2025, the Respondent submitted its additional comments to the Appellant’s explanatory note for the admission of additional evidence, reiterating its request that the Appellant’s evidence *sub* (i) and (iii) be rejected.
 31. On 3 June 2025, the CAS Court Office informed the Parties of the Panel’s decision to:
 - Admit the Respondent’s New Exhibits into the case file, in view of the Parties’ agreement;
 - Admit the Appellant’s new documents to the case file on the basis of exceptional circumstances, for reasons to be stated in this Award.

32. On the same day, the Respondent filed its statements of costs.
33. On 4 June 2025, a hearing was held via video conference. In addition to the Panel and Ms Delphine Deschenaux-Rochat, CAS Counsel, the following individuals were in attendance:
 - (i) For the Appellant:
 - Mr Marcinkevičius, the Appellant's President;
 - Mr Giedrius Murauskas, legal counsel;
 - Mr Tadas Katauskas, legal counsel;
 - (ii) For the Respondent:
 - Mrs Kristina Balevičienė, legal counsel;
 - Ms Audronė Šabūnienė, head of the LNOC Secretariat;
 - Ms Žaneta Reliūgaitė, translator.
34. The Panel heard oral evidence from Ms Audronė Šabūnienė, head of the LNOC Secretariat, who was subjected to examination and cross-examination as well as to questions from the Panel.
35. After their closing pleadings and before the end of the hearing, prompted by the Panel about the respect of their right to be heard and to be equally treated, both Parties confirmed their satisfaction with the manner in which the Panel had conducted the hearing and raised no procedural objections, except for a reservation raised by the Respondent as to: (i) having insufficient time to conclude its opening statement; and (ii) the scope of the hearing being broader in comparison to the written submissions of the Parties. In this respect, the Panel observes that a hearing is not meant to function as a mere repetition of the written submissions, but rather serves to enable the Panel to put questions to the Parties, clarify factual or legal issues, and ensure that the applicable regulations are correctly interpreted and applied. During the hearing, the President of the Panel clarified that most of the questions posed by the Panel were directed to the interpretation of provisions of the LNOC Articles of Association and that, in accordance with the principle of *iura novit curia*, the Panel was entitled to broaden its analysis on points of law it deemed relevant, while always ensuring that the Parties had a full opportunity to comment thereon.
36. On the same day, after the conclusion of the hearing, the Appellant filed a PDF version of the PowerPoint presentation on which it relied during its opening statements. Furthermore, the CAS Court Office sent a communication to the Parties in which it granted a deadline for the submission of the Parties' statements of costs.
37. On 5 June 2025, the Respondent submitted the "*text of the opening statement of the Respondent*" (in Word and PDF format).

38. On the same day, the Appellant objected to the Respondent's submission, pointing out that no post-hearing brief had been allowed and that said document had not been presented during the hearing.
39. On 9 June 2025, Parties filed their respective statements of costs.
40. On 10 June 2025, on behalf of the Panel, the CAS Court Office advised the Parties that *"the material that was shown or pleaded at the hearing, as well as the statement of costs that were expressly allowed by the Panel, are admitted to the case file. Any further submissions, if any, will be disregarded"*.
41. On 11 June 2025, the Appellant sent a letter to the CAS Court Office, reiterating its objection to the Respondent's post-hearing submission and requesting to be granted the opportunity to file a written response.
42. On 17 June 2025, on behalf of the Panel, the CAS Court Office advised the Parties that *"the Appellant's requests that the Respondent's opening statement filed on 5 June 2025 be dismissed or that the Appellant be granted the opportunity to file a written response are both dismissed"* for reasons to be stated in this Award.

V. SUBMISSIONS OF THE PARTIES

A. The Appellant

43. The Appellant, in its Statement of Appeal, requested the following reliefs:
 - "1) To revoke the decisions of the LNOC General Assembly's election session of October 11, 2024, regarding the election of the LNOC's governing bodies, and to order the LNOC to convene a new General Assembly session for the re-election of the LNOC's governing bodies;*
 - 2) Order LNOC to pay, in favour of the LTF all the costs of arbitration, including arbitration fees, taxes, administrative fees of the CAS and arbitrators' fees, legal costs, expert expenses, expenses incurred by witnesses, and all other costs and fees."*
44. The Appellant's submissions, in essence, may be summarised as follows:
 - (i) The candidacies for the position of LNOC President were belatedly submitted, and thus the election process was flawed:
 - According to Article 43.1 of the LNOC Articles of Association, the agenda and preliminary date for a General Assembly session must be approved by the LNOC EC at least 40 days prior to the General Assembly. Moreover, pursuant to Article 52.9 of the LNOC Articles of Association, all candidacies for the position of LNOC President for the presidential election were required to be submitted before the date of the approval of the Agenda. In the present case, the Agenda was confirmed on 5 September 2024. However, both candidates for the LNOC President's position, i.e. Mr Marcinkevičius and Ms

Gudzinevičiūtė, submitted their nominations only on 10 and 11 September 2024, respectively. Therefore, they did not meet the stipulated deadline.

- Despite missing the stipulated deadlines, the IEC accepted both candidates, thereby violating the LNOC Articles of Association. Such acceptance of late submissions creates a precedent of non-compliance and raises questions regarding the competence of the IEC members, as well as their independence and impartiality.
 - Due to the lack of compliant candidacies, the General Assembly should have been postponed until the nomination process could be conducted in full compliance with the LNOC Articles of Association.
- (ii) The IEC was prejudicially late in communicating the disqualification of the Appellant's nominees for the LNOC EC:
- The IEC, in its meeting of 1 October 2024, already conducted a review of all the submitted candidacies and confirmed their validity without issuing any notification regarding missing documents or other discrepancies.
 - Despite its previous approval of the candidacies, the IEC decided to exclude eight candidates (including all the Appellant's candidates) at the last moment during the Election Session, without prior notice. The delay in notifying such information promptly deprived the LTF of a fair opportunity to ensure compliance with any procedural requirements or to appeal the disqualification.
 - The IEC informed the Lithuanian Yachting Association (the "LYA") that its nomination was not signed by its President. This demonstrates that when there are issues with submitted nominations, the IEC notifies the concerned Member in order to correct any deficiencies. However, this did not happen with the LTF.
 - Since the IEC prepares the ballots in advance, its members were aware of these disqualifications before the General Assembly session. This conduct suggests intentional withholding of information, which prevented the LTF from addressing the relevant deficiencies and rectifying the situation.
 - The Presidents of several members attended the General Assembly and could have confirmed their nominees, had they been informed in advance.
- (iii) The exclusion of Mr Marcinkevičius's candidacy for the LNOC EC was arbitrary and demonstrates an inconsistent application of nomination standards within the LNOC:
- The IEC's confirmation of Mr Marcinkevičius's nomination for LNOC President but subsequent disqualification for the position of member of the LNOC EC reveals a contradictory application of nomination standards, considering that there is no difference among the nomination requirements for the two positions within the LNOC Articles of Association.

- If Mr Marcinkevičius met the criteria for the LNOC President's role, he should also have been eligible for a seat in the LNOC EC, as the latter represents a lower tier in the LNOC's governing hierarchy.
 - This inconsistency implies a selective application of standards and calls into question the impartiality of the election's oversight. It also indicates a lack of procedural fairness/transparency and violates universal ethical principles, which are emphasised as a fundamental principle of Olympism.
- (iv) The President's endorsement was sufficient for the validity of the candidacy to the position of member of the LNOC EC:
- Article 25.1 of the LNOC Articles of Association grants each Member the right to submit nominations for any LNOC governing body. The said Article neither requires the submission of a power of attorney for nominations nor does it request specific representation documents beyond the endorsement of a recognised federation authority.
 - The LTF's nomination submissions were signed by the LTF President, who holds the authority to legally represent the federation. This signature should be sufficient to establish LTF's endorsement of the nominees, fulfilling the purpose of a representation document.
 - The IEC's decision to invalidate these nominations due to a perceived lack of formal representation documents compromised the LTF's right to nominate its chosen candidates and thus its rights as a Member.
- (v) The lack of independence and neutrality of the IEC:
- Under Article 52.1 of the LNOC Articles of Association, the IEC must act as an impartial and independent body, overseeing elections without showing preference toward any candidates. However, all three members of the IEC were observed participating in the voting process during the General Assembly.
 - Active participation in voting raises a conflict of interest, creating a perception of bias and compromising the IEC's role as an impartial body. Said conduct could be viewed as an improper influence on the election outcome, especially since the IEC was actively involved in the decision to disqualify eight candidates to the LNOC EC.

B. The Respondent

45. The Respondent, in its Answer, requested the following reliefs:

“48.1 To reject the Appellant's request to revoke the decisions of the LNOC General Assembly's election session of October 11, 2024, regarding the election of the LNOC's governing bodies, and reject the Appellant's request to order the LNOC to convene a new General Assembly session for the re-election of the LNOC's governing bodies.

48.2 To award against the Appellant payment of expenses incurred by the Respondent.”

46. The Respondent's submissions, in essence, may be summarised as follows:

- (i) The candidacies for the position of LNOC President were timely submitted:
 - (a) The LNOC EC abided by the procedure for convening the General Assembly and approving the agenda thereof:
 - Article 43 of the LNOC Articles of Association states that the LNOC EC must approve the agenda and the date of the General Assembly at least 40 days before the preliminary date set for the General Assembly.
 - The Agenda and the date for the General Assembly were submitted for approval on 11 July 2024.
 - On 5 September 2024, the LNOC EC approved the Agenda. Thereafter, due to the submission of the Alternate Agenda, the LNOC EC decided that it would be for the General Assembly to decide between the Agenda and the Alternate Agenda.
 - The above is consistent with Article 40 of the LNOC Articles of Association, which entails that the proposal of the agenda is a function of the LNOC EC, but its approval must be made by the General Assembly.
 - Accordingly, the first agenda was timely submitted, and it is unreasonable to conclude that the 40-day deadline concerns the final agenda.
 - (b) Considering the content of the LNOC Articles of Association and the fact that the Agenda was finally approved on 11 October 2024, the candidacies for the position of LNOC President could be submitted until that date.
 - (c) Even if the candidacies were belatedly submitted, this circumstance does not constitute a sufficient ground to invalidate the elections, as the LNOC Articles of Association do not envisage such a consequence. Moreover, in any case, the presentation of candidacies one month ahead of the elections sufficiently fulfils the principles of transparency and accountability set out in the Olympic Charter. Additionally, the election results were clear, wherein Mr Marcinkevičius obtained only 25% of the votes, whereas Ms Gudzinevičiūtė won with a clear majority of 75% of the votes.
 - (d) Mr Marcinkevičius worked in the LNOC structures for a long time and is therefore well-acquainted with the LNOC Articles of Association and the system for the submission of candidacies for the LNOC President. Mr Marcinkevičius's own candidacy for LNOC President was submitted, per the Appellant's arguments, after missing the submission deadline, which confirms that Mr Marcinkevičius himself did not interpret the relevant provisions of the LNOC Articles of Association in the manner indicated by the Appellant.
- (ii) The need and timing of the disqualification of the Appellant's nominees for the LNOC EC:

- (a) The approval of the candidacies by the IEC in its meeting dated 1 October 2024 does not imply that these candidates could participate in the elections without submitting the necessary authorisations to the General Assembly:
 - The IEC only checks the application and its compliance with the deadline.
 - The relevant authorisation must be presented by candidates who are not Members or heads of Members only upon arrival at the election session. During the registration phase, two lists are drawn up: a list of Members and their authorised representatives of the Election Session; and a list of guests of the General Assembly without voting rights (all nominees for the LNOC EC submitted by the LTF were registered in this list). Thereafter, the Mandate Commission checks the representatives and submits a report indicating how many persons are represented under a one-time power of attorney. Only during the Election Session, the IEC receives the report of the Mandate Commission and verifies whether the candidates for the LNOC EC are duly authorised.
- (b) The ballots without the names of the LTF's candidates were not prepared in advance. Rather, only on 11 October 2024, after registering the participants of the General Assembly and receiving documents confirming their powers, it became clear that the LTF's candidates for the LNOC EC lacked the necessary authorisations. For this reason, during the Election Session, there was a need to correct the electronic content of the ballot and additionally print new information posters. This was possible thanks to the fact that the LNOC had rented a printer that was available on the day of the General Assembly.
- (iii) Candidates for LNOC bodies need proper authorisation to have the right to vote and be elected:
 - (a) Since most of the Members are legal entities, Members exercise their right to be elected to the LNOC bodies by delegating their representatives. Pursuant to Article 20.3 of the LNOC Articles of Association, persons representing such legal entities must provide evidence that they are duly authorised to represent the Member at the General Assembly. Therefore, a person needs to be duly authorised in order to represent a Member at the General Assembly and to be elected to the LNOC bodies during the General Assembly, as also confirmed by Article 21 of the LNOC Articles of Association.
 - (b) Under Article 25.1 of the LNOC Articles of Association, a Member can propose candidates to the bodies of the LNOC "*in accordance with the established procedure*". This right cannot be assessed in isolation from other provisions contained in the LNOC Articles of Association. Therefore, the mere nomination of a candidate to the LNOC EC is not sufficient.
 - (c) Mr Marcinkevičius participated in previous General Assemblies of the LNOC from 2021 to 2023 under a one-time power of attorney, which he submitted during the General Assembly. These powers of attorney were drawn up a few days before the General Assemblies. Considering that the Appellant actively exercised its rights of submitting an alternative agenda and proposed

candidates within the deadlines established by the Articles, it could not have been unaware of the requirements under the LNOC Articles of Association.

- (d) Only Mr Marcinkevičius was from the LTF, while the other candidates proposed by the Appellant indicated separate legal entities, which are state bodies or municipalities, none of which, are a Member. Therefore, the Appellant's claim that the presidents of these federations could have confirmed the credentials of their nominees is not justified.
- (iv) The requirements for being a member of the LNOC EC differ from those of the LNOC President and, therefore, the LNOC correctly applied different nomination standards:
 - (a) The following requirements apply to the candidacies for the position of LNOC President:
 - Article 52.9 of the LNOC Articles of Association requires prospective candidates to be proposed by groups of at least five Members, in which at least three members must be from a Lithuanian Olympic Sports Federations (the "LOSF"), no later than before the approval of the agenda of the relevant General Assembly session.
 - Under Article 52.10 of the LNOC Articles of Association, the prospective candidate shall have at least four years of experience as a Member or be a representative of a Member that was delegated to at least four regular sessions of the General Assembly.
 - (b) Unlike (a) above, Article 21 of the LNOC Articles of Association expressly applies to the candidates for the LNOC EC and provides for the right of an authorised person to be elected to the LNOC EC.
 - (c) In the present case, Mr Marcinkevičius met the criteria *sub* (a) but not the criterion *sub* (b).
 - (d) A candidate for the position of the LNOC President requires a larger number of persons nominating him, whereas for a position in the LNOC EC, such a person has to either be the president of a Member federation or its duly authorised representative.
 - (e) In any case, the LTF did not raise any objections – although it could have, pursuant to Article 52.13 of the LNOC Articles of Association – during the Election Session.
- (v) The lack of any violation of independence and neutrality by the IEC:
 - (a) The exercise of their right to vote during the General Assembly cannot in any way be considered a violation of the IEC members' duty of independence. Furthermore, since the IEC members are chosen from amongst the Members, it is obvious that they have the right to vote. Participation in the vote is a personal right and does not depend on the professional neutrality of the IEC. In any case, the LNOC Articles of Association do not provide any prohibition against voting for the members of the IEC.

- (b) The members of the IEC are only required to maintain neutrality in the performance of their functions (e.g. during the counting of votes, during the administration of the elections). This does not mean that they cannot have their own position or express it when voting.
- (c) The only prohibition on members of the IEC can be found under Article 52.1 of the LNOC Articles of Association, preventing a member of the IEC from being a candidate in the LNOC EC. This has not been violated. Moreover, the conflict of interest stipulated in this provision prohibits a personal interest (e.g. due to a family relationship with a candidate). This did not happen in this case, nor was it proven by the Appellant.
- (d) In any case, the principle of secret ballots entails that the votes of the IEC members were confidential, thus their choices could not impact the transparency of the election process.
- (e) Lastly, no objections or doubts were raised against the IEC members' independence when they were appointed at the Report Session.

VI. JURISDICTION

47. Article R47 of the CAS Code reads as follows:

“An appeal against the decision of a federation, association or sports-related body may be filed with CAS if the statutes or regulations of the said body so provide or if the parties have concluded a specific arbitration agreement and if the Appellant has exhausted the legal remedies available to it prior to the appeal, in accordance with the statutes or regulations of that body”.

48. The Appellant relies on Article 70 of the LNOC Articles of Association, which states the following (in the English translation filed by the Appellant):

“Any decision adopted by the governing bodies of the LNOC may be appealed to the CAS, which shall make a final decision on the dispute in accordance with the CAS Code. The deadline for filing an appeal shall be twenty-one (21) days from the date of the decision pertaining to the appeal. Any dispute arising from the application of the present Articles shall be dealt with by the LNOC GA, the decision of which may be appealed to the CAS. The deadline for filing an appeal shall be twenty-one (21) days from the date of the decision pertaining to the appeal.”

49. The Respondent did not dispute the jurisdiction of the CAS and confirmed it by signing the Order of Procedure.

50. Therefore, the CAS has jurisdiction to decide the present dispute.

VII. ADMISSIBILITY

51. Article R49 of the CAS Code reads as follows:

“In the absence of a time limit set in the statutes or regulations of the federation, association or sports-related body concerned, or in a previous agreement, the time limit for appeal shall be twenty-one days from the receipt of the decision appealed against. The Division President shall not initiate a procedure if the statement of appeal is, on its face, late and shall so notify the person who filed the document”.

52. The Appealed Decision was issued on 11 October 2024. The Appellant lodged its appeal on 31 October 2024, within the 21 days prescribed under Article 70 of the LNOC Articles of Association (see *supra* paras. 13 and 48).

53. The appeal complied with all other requirements of Article R48 of the CAS Code.

54. It follows that the appeal is admissible.

VIII. APPLICABLE LAW

55. Article R58 of the CAS Code reads as follows:

“The Panel shall decide the dispute according to the applicable regulations and, subsidiarily, to the rules of law chosen by the parties or, in the absence of such a choice, according to the law of the country in which the federation, association or sports-related body which has issued the challenged decision is domiciled or according to the rules of law that the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision”.

56. In the present case, the “applicable regulations” are undoubtedly the rules and regulations of the LNOC, i.e. the LNOC Articles of Association.

57. Subsidiarily, absent any express choice of law by the Parties, the present dispute shall be decided based on Lithuanian law, as the law of the country in which the LNOC is domiciled. In this last respect, however, the Panel notes that neither Party referred to Lithuanian law in its written submissions. That being said, during the hearing and for the first time, the Appellant referred to Article 2.82(4) of the Lithuanian Civil Code in support of one of its arguments. However, the Panel holds that in the present case there is no need to go beyond the applicable regulations and resort to the subsidiary application of Lithuanian law. Accordingly, the reference to the aforementioned article is irrelevant.

IX. PRELIMINARY ISSUES

A. The admission of the Appellant's new evidence

58. After the Parties filed the Appeal Brief and the Answer, the Appellant requested the Panel to admit new evidence pursuant to Article R56 of the CAS Code, a request that was partially objected to by the Respondent (see *supra* paras. 22 and 24).
59. Subsequently, the CAS Court Office, on behalf of the Panel, informed the Parties that the new evidence submitted by the Appellant (which was specifically objected to by the Respondent) was admitted into the case file (see *supra* para. 31), for the reasons set out below.
60. The Panel recalls that such evidence was categorised as follows:
 - “Evidence showing the IEC’s practice regarding submission issues”;
 - “Evidence showing that LNOC members were willing to give power of attorney during the General Assembly session”.
61. As the Respondent did not agree to the admissibility of such evidence, the Panel had to determine whether it could allow it “*on the basis of exceptional circumstances*” as provided under Article R56 of the CAS Code.
62. In this respect, the Panel notes that, in accordance with CAS jurisprudence, “exceptional circumstances” exist, for instance, where there is new evidence that only became available to the parties after the time limit set for filing the written submissions (see CAS 2022/A/8598, para. 86; CAS 2015/A/4232, paras. 78-79). Moreover, new documents can be admitted where they merely confirm statements already made in previous submissions and therefore do not “surprise” the other party (CAS 2011/A/2681, para. 80).
63. Applying these principles to the present case, the Panel admitted the aforementioned evidence into the case file for the following reasons:
 - (a) The Appellant was credibly not aware of this evidence prior to the filing of its Statement of Appeal (which was designated as its Appeal Brief) and therefore could not reasonably have produced it earlier;
 - (b) The evidence merely serves to corroborate the Appellant’s arguments as to, respectively, the IEC’s alleged breach of principles of good governance and the circumstance that the Presidents of the Members would have vouched for their nominees’ representation on the federation’s behalf if given the opportunity, both arguments that were already part of the Statement of Appeal.
64. Lastly, the Panel emphasises that the Respondent was given a fair chance not only to analyse the documents, but also to produce its own additional evidence and to comment on such documents at the hearing.

B. The rejection of the Appellant’s objections of 5 June 2025 and its request to file a written response

65. The Panel recalls that the Respondent submitted a document after the conclusion of the hearing, arguing that it contained the text of its opening statement (see *supra* para. 37). However, the Appellant objected to such a submission and instead requested the Panel not to admit it into the case file or to grant the Appellant the possibility to comment on it (see *supra* para. 38).
66. On behalf of the Panel, the CAS Court Office clarified that only the material shown or pleaded at the hearing would be admitted into the case file, and any further submissions would be disregarded. The Appellant, however, reiterated its earlier request (see *supra* paras. 40 and 41).
67. Subsequently, the CAS Court Office, on behalf of the Panel, informed the Parties that the Appellant’s request to dismiss the Respondent’s submission and to file a written response thereto were both dismissed, for the reasons laid down below.
68. The Panel noted that the document presented by the Respondent was filed in response to the Appellant’s own submission of the PowerPoint presentation on which it relied during its opening statements (see *supra* para. 36).
69. As the Appellant made available to the Panel the PowerPoint presentation shown on screen during the hearing, the Respondent followed the same logic and made available to the Panel the text of its opening statement, as pleaded at the hearing. Contrary to what was argued by the Appellant when requesting to dismiss such submission, the Panel observes that, at the hearing, the counsel for the Respondent was clearly reading from that very document, even though she had not presented it on the screen.
70. Moreover, precisely to avoid any unequal treatment, the Panel clarified that it would disregard any arguments or submissions which, although contained in the document submitted by the Respondent, were not part of its opening statement at the hearing.
71. In light of the above, both Parties were treated equally and the Panel appropriately dismissed any request for post-hearing briefs or comments.

C. The English version of the LNOC Articles of Association that shall be relied on by the Panel

72. The Parties, in their respective submissions, provided the Panel with different English translations of the Lithuanian original of the LNOC Articles of Association.
73. During the hearing, the Panel therefore sought clarification as to which of these versions shall be relied on by the Panel.
74. In this respect, at the beginning of the hearing, the Appellant agreed that the Panel could rely on the Respondent’s version, reserving the right to communicate to the Panel any “obvious mistakes” therein.

75. Thereafter, the Appellant agreed that there were “misspellings” mistakes in its English translation of the LNOG Articles of Association, namely (emphasis added):
- (i) Article 25.2 actually reads “*vote and be elected as a member of the governing bodies of the LNOG*”;
 - (ii) Article 52.2 refers to the possibility to “*submit candidates to the independent election commission*”.
76. However, it insisted that the Respondent’s translation of Article 21 of the LNOG Articles of Association was incorrect and thus requested the Panel to refer to the Appellant’s version in this respect, as it more accurately captured the original Lithuanian version.
77. In light of the above, the Panel will refer in this Award to the Respondent’s version of the LNOG Articles of Association, save for the provision contained in Article 21, the content of which is disputed between the Parties and will be analysed in depth below (see *infra* at paras. 97 *et seq.*).

X. MERITS

78. The Appellant requests that the decisions rendered by the General Assembly of the LNOG at the Election Session on 11 October 2024 be “revoked” and that the LNOG be ordered to convene a new session of the General Assembly for new elections of the LNOG governing bodies.
79. In support of this request, the Appellant submits that the Election Session was fundamentally flawed, identifying three main areas of irregularity: first, violations concerning the election of the LNOG President, as the candidacies for this position were belatedly filed; second, violations relating to the election of the LNOG Executive Committee, and third, violations relating to the alleged lack of independence and neutrality of the members of the IEC.
80. All the aforementioned matters are analysed below.

A. Violations concerning the elections of the LNOG President

81. At the outset, the Panel recalls that the IEC only received and verified two candidacies for the position of LNOG President (i.e. Mr Marcinkevičius and Ms Gudzinevičiūtė). Both candidates were declared eligible. At the Election Session, the Members cast their vote and Ms Gudzinevičiūtė was elected LNOG President (see *supra* paras. 11 and 12).
82. Nonetheless, the Appellant argues that said election was flawed, as both candidacies were belatedly filed.
83. In particular, the Appellant notes that the two candidacies were sent to the IEC on, respectively, 10 and 11 September 2024, but it argues that, per the applicable rules, they should have been submitted before the confirmation of the agenda of the General Assembly that, in this case, took place on 5 September 2024.

84. On a preliminary note, the Panel considers the Appellant's position quite contradictory. First, Mr Marcinkevičius was the Appellant's candidate for the position of the LNOC President, and the LTF participated in the Election Session without expressing any comment as to the timeliness of the relevant candidacies. Second, the Appellant is promoting an interpretation under which the candidacy that it itself submitted would have to be considered belated and thus against the applicable regulations.
85. That said, in order to address the Appellant's argument, the Panel must analyse the provisions of the LNOC Articles of Association establishing the relevant timeline for the submission of candidacies to the position of LNOC President.
86. As a first point, the Panel observes that, under Article 52.9 of the LNOC Articles of Association, "*Candidates for the office of the NOCL President shall be proposed, no later than by the approval of the respective agenda of the NOCL GA*".
87. In addition, under Article 43 of the LNOC Articles of Association, the convening and approval of the agenda of the General Assembly follows a specific procedure:

"43. The procedure for convening the NOCL GA shall be as follows:

43.1 no later than 40 (forty) days prior to the established preliminary date of the NOCL GA, the NOCL EB shall approve the agenda and date for the NOCL GA;

43.2 no later than 30 (thirty) days prior to the approved date of the NOCL GA, the NOCL EB shall notify the date, time and place of the NOCL GA to the Members and submit to the Members via electronic means the agenda and draft decisions of the NOCL GA for information;

43.3 the NOCL Members shall have the right to submit their comments regarding the proposed agenda or draft decisions of the NOCL GA to the NOCL Secretary General in writing no later than 15 (fifteen) days prior to the NOCL GA.

43.4 The final agenda shall be circulated to the NOCL Members no later than 10 (ten) days prior to the NOCL GA."
88. Accordingly, the following steps had to be followed in order to properly approve the agenda pursuant to the LNOC Articles of Association:
 - (a) At least 40 days prior to the General Assembly, the LNOC EC had to approve a preliminary date for the General Assembly and the agenda thereof – in the present case, the LNOC EC met for that purpose on 11 July 2024 (see *supra* para. 6);
 - (b) At least 30 days prior to the General Assembly, the LNOC EC had to notify the approved date, time and place of the General Assembly to the Members as well as provide them with the agenda and draft decisions – in the present case, the Members were provided with the agenda and relevant documents on 10 September 2024;
 - (c) At least 15 days prior to the General Assembly, the Members could, if they so wished, exercise their right to submit comments or proposals in respect of the agenda or draft decisions – in the present case, Mr Marcinkevičius (on behalf of LTF) submitted its Alternate Agenda on 11 September 2024 (see *supra* para. 8(ii));

- (d) After receipt of proposals from the Members (if any), the LNOC EC had to share the final agenda and circulate it to the Members, at least 10 days prior to the General Assembly – in the present case, according to the minutes of the Report Session, the LNOC EC sent both the Agenda and the Alternate Agenda to the Members on 1 October 2024.
89. As previously mentioned, the Appellant argues that the relevant “approval” of the Agenda for the purpose of Article 52.9 of the LNOC Articles of Association took place on 5 September 2024.
90. The Panel does not concur with the aforementioned argument.
91. In fact, the Panel is of the view that, although in the Report Session there is a reference to the LNOC EC approving the “final” agenda on 5 September 2024, the Agenda could not be considered finally “approved” on that date.
92. Notably, considering paragraph 86(c) above, the Members had a chance to submit comments on the agenda, which includes, quite clearly, the possibility of requesting the amendment thereof, until 15 days before the General Assembly. This means that, in this case, the Agenda could not be considered finally approved until 26 September 2024, i.e. the last day on which the Members could file their comments.
93. Moreover, in the present case, Mr Marcinkevičius submitted an Alternate Agenda and, according to the minutes of the Report Session “*on 26 September 2024, the LNOC EB members were provided with M. Marcinkevičius’ alternative agenda for the LNOC General Assembly, and decided that the agenda would be presented to the General Assembly for consideration and decision by voting on which agenda would be used for work*” (emphasis added).
94. In light of the above, on 26 September 2024, the issue of deciding which agenda would be relied upon at the General Assembly was still open and, accordingly, no agenda could be considered “approved” for the purpose of Article 52.9 of the LNOC Articles of Association. As the candidacies were sent on 10 and 11 September 2024, the submissions were filed well before the “approval” of the Agenda, thus in full compliance with the system under the LNOC Articles of Association.
95. Furthermore, in its reasoning and assessment, the Panel has also taken into account Article 39 of the LNOC Articles of Association, which, *inter alia*, states that: “*The NOCL GA shall be the supreme governing body of the NOCL having all of the rights in the general meeting of shareholders*”. In so stating, this provision confirms the central role of the General Assembly in the LNOC governance structure, including the final approval of its Agenda.
96. In light of all the above, and considering that the Appellant raised no other objection as to the elections of the LNOC President, which legitimately led to the win of Ms Gudzinevičiūtė, the Panel concludes that the election of the LNOC President took place in full compliance with the LNOC Articles of Association and there is no reason to “revoke” its results.

B. Violations concerning the elections of the LNOC EC

97. The Appellant contends that the elections of the LNOC EC were fundamentally flawed due to the groundless decision to exclude eight candidates for an alleged lack of formal authorisation under, in particular, Article 21 of the LNOC Articles of Association.
98. The Panel preliminarily notes that, per the minutes of the Election Session, the lawyer representing the LNOC explained to the General Assembly that eight candidates for the position of members of the LNOC EC had been removed from the list in application of the following provisions of the LNOC Articles of Association:
 - (a) Article 25.2, under which every Member has the right “*to elect and be elected to the NOCL governing bodies*”;
 - (b) Articles 20.3 and 20.4, referring to the representation of the Lithuanian Olympic Sports Federations (the “*LOSF*”) and the Lithuanian Sports Federations (the “*LSF*”): (i) Article 20.3 – “*The persons representing the LOSF shall produce evidence that they have been duly elected/appointed to represent the LOSF at the NOCL GA*”; (ii) Article 20.4 – “*the persons representing the LSF shall produce evidence that they have been duly elected/appointed to represent the LSF at the NOCL GA*”;
 - (c) Article 21, whose correct English translation and interpretation is disputed among the Parties, as follows:
 - Translation provided by the Appellant: “*LNOC members that are legal entities shall be represented in the LNOC GA by the President of that legal entity or a duly authorised person who shall have the right to vote in the LNOC GA and has the right to be elected to the LNOC EC*”;
 - Translation provided by the Respondent: “*The NOCL Members in their capacity as legal entities shall be represented in the NOCL GA by the president or a duly authorised person of the legal entity who has a voting right in the NOCL GA and is entitled to be elected to the NOCL EB*”.
99. The Panel also observes that, as undisputed between the Parties, the eight excluded candidates did not present any power of attorney from the relevant Member; in particular, five had been nominated by the LTF without such documentation.
100. That said, the Appellant argues that no said power of attorney was required, as it was only needed to represent a Member at the General Assembly, not to be elected by it. The Respondent maintains instead that Article 21 must be read as requiring candidates to be either the president of a Member or a duly authorised person, failing which they could neither vote nor stand for election to the LNOC EC.
101. The Panel considers that, in both translated versions of Article 21, the first part of the sentence requires a Member to be “*represented*” in the General Assembly either by its president or by a duly authorised person vested with voting rights. The sentence then continues with an “*and*” followed by “*has the right to*” (in the Appellant’s translation) or “*is entitled to*” (in the Respondent’s translation) be elected as a member of the LNOC EC.

102. Accordingly, the Panel concludes that, even on the basis of the translation of Article 21 provided by the Appellant, there is a clear connection between a person's right to vote in the General Assembly and that person's entitlement to be elected as a member of the LNOC EC.
103. Therefore, the Panel accepts the Appellant's argument that the right to vote does not *per se* coincide with the right to be elected and that it should be theoretically possible for a person to be a candidate for a position in the LNOC EC even without being a "representative" of a Member. That said, The Panel finds that Article 21 is not precisely drafted and does not allow to easily determine its content and application, considering that (i) it is part of a section of the LNOC Articles of Association that is dedicated to representation of Members in the General Assembly but actually refers to a person's right to "be elected", and only with reference to the LNOC EC, (ii) it does not specify how and at which point in time a person needs to be a "representative" of a Member in order to be a candidate.
104. Nonetheless, the Panel holds that, under Article 21, in order for a person to be entitled to both vote at the General Assembly on behalf of a Member and be elected as a member of the LNOC EC, he or she shall "represent" said Member, either by being the president thereof or by qualifying as a "duly authorised person".
105. For the avoidance of doubt, the Panel is of the view that the "representation" referred to at the beginning of Article 21 is to be interpreted as "legal representation". Accordingly, the excluded candidates, not being presidents of a Member, were required to produce evidence of authorisation as legal representatives of the nominating Member.
106. The Panel finds support for this interpretation in other provisions of the LNOC Articles of Association containing the word "representative" (emphasis added):
- Article 20.2: "*The LOSF registered and operating under the procedure established by the laws of the Republic of Lithuania, which are members of the ISF and which are represented by 1 (one) natural person or a group of persons duly delegated by the LOSF in case the incorporation documents include the rule of quantitative representation. The LOSF or their representatives must constitute the voting majority in the NOCL GA and EB.*";
 - Article 20.3: *The persons representing the LOSF shall produce evidence that they have been duly elected/appointed to represent the LOSF at the NOCL GA*";
 - Article 20.4: *"the persons representing the LSF shall produce evidence that they have been duly elected/appointed to represent the LSF at the NOCL GA*";
 - Article 52.10: *"Each candidate for the office of the NOCL President ought to have been a member of the NOCL for at least 4 (four) years or ought to have been a representative of a NOCL member delegated to at least to 4 (four) ordinary sessions of the NOCL GA."*
107. Moreover, Article 51 of the LNOC Articles of Association refers to the members of the LNOC EC and requires the following (emphasis added): "*Members of the NOCL EB shall be elected for a 4 (four)-year term at the elective session of the NOCL GA, which is held*

every 4 (four) years. At least 7 (seven) members of the NOCL EB shall be representatives of the LOSF and 1 (one) member shall be Olympic athletes' representative."

108. While it is true that the concept of "representative" of Article 51, read in isolation, could be understood as referring merely to membership of a specific group or centre of interest (the LOSF on the one hand, the Olympic athletes on the other hand) a systematic interpretation in light of the other provisions of the LNOC Articles of Association indicates that candidacy for the LNOC EC presupposes legal representation of a Member during the General Assembly.
109. In light of the above, the exclusion of the eight candidates was consistent with said interpretation and justified, considering that none of them was a President of a Member and/or provided evidence that they duly and legally represented one.
110. The requirement to produce a power of attorney or equivalent representation document arises from the need, on the election day itself, to establish that a candidate is empowered to act as the legal representative of a Member. In the absence of such documentation, there would be no practical way to verify if the said person – who does not hold the position of the President of a Member – is actually empowered by the legal entity to act on its behalf.
111. Furthermore, it was logical for the IEC not to check said representation power at the moment when the candidacies were submitted, as it had to be present when participating in the General Assembly. In fact, it is conceivable that a person was a legal representative of a Member at the time when the candidacy was submitted but not on the day of the elections, which would not impair the candidacy but would constitute a violation of Article 21. Therefore, requiring adequate documentation on the election date was inevitable, and the IEC could not have verified said requirement when checking the candidacies on 1 October 2024.
112. With specific reference to the excluded candidacies that had been submitted by the LTF, the Panel notes that none of them was the LTF President (for instance, Mr Marcinkevičius was the LTF Vice-President at the time).
113. Therefore, as they did not provide proof of being "duly authorised" to act on behalf of the LTF on the day of the elections, they were all inserted in the "guest" list at the General Assembly, reserved to all those people that do not have voting rights and thus, pursuant to Article 21, cannot be elected as members of the LNOC EC. In fact, during registration at the General Assembly session, two lists are drawn up: (i) list of Members and its authorised representatives of the Election Session; and (ii) list of guests of the General Assembly without voting rights (the Appellant's nominees were under the latter list). Thereafter, the Mandate Commission checks the representatives and submits a report indicating how many persons are represented under one-time power of attorney. After receiving the report of the Mandate Commission, the IEC inspects the power of attorneys. This inspection could only be conducted during the day of the election, as the power of attorneys are only submitted when registering before the General Assembly, as is the established practice. In this regard, the Appellant failed to provide any evidence to the contrary.

114. In addition, as clarified at the hearing and corroborating the above interpretation, the President of the LTF Mr Saulius Batavičius, i.e. a “representative” of a Member pursuant to Article 21, was actually inserted in the “guest” list of the General Assembly as, consistently with that insertion, he was not intended as a participant that would vote on behalf of the LTF. In this respect, the General Secretary of the LTF, legally representing the LTF, actually participated on the latter’s behalf with voting rights.
115. Moreover, while the Respondent provided evidence that Mr Marcinkevičius had participated in previous General Assemblies under a one-time power of attorney, the Appellant failed to provide proof that, in General Assemblies held in the past, members of the LNOC EC were elected without legally representing a Member.
116. In conclusion, as the eight candidates at stake did not possess any power of attorney or other documents proving that they were duly authorised to legally represent a Member, they did not have the right to either vote on behalf of a Member or be elected as a member of the LNOC EC, leading to their lawful exclusion at the General Assembly.
117. Accordingly, the elections of the LNOC EC were held in compliance with the LNOC Articles of Association, and there is no ground to “revoke” the results thereof.
118. The Panel points out that all other allegations put forward by the Appellant to challenge the legitimacy of the elections of the LNOC EC at the General Assembly are unfounded, as follows:
 - (i) The timing of the exclusion. It was pointed out to the Panel during the hearing that the three IEC members who took part in the meeting of 1 October 2024 were from the previous office, except for Mr Česlav Okinčic, who was re-elected as Chairman during the Report Session (see *supra* paras. 11 and 12). Therefore, although as shown below the legitimacy of said procedure is doubtful (see *infra* at para. 129) the composition of the IEC changed on the day of the elections. Accordingly, the members of the IEC who checked the representation powers of the candidates had just been appointed at the Report Session, and then immediately proceeded with exercising their duties at the Election Session. Therefore, they could not have communicated the lack of representation power to the excluded candidates much in advance, and thus the timing of said communication cannot be treated as prejudicial. Furthermore, in any case, the Appellant did not provide evidence that its rights were somewhat impaired due to the timing of said communication, considering that it was made in compliance with Article 21 of the LNOC Articles of Association, which had been in place since 2016.
 - (ii) The preparation of the ballots. The Appellant’s allegation that the IEC prepares the ballots in advance and that its members knew of these disqualifications before the General Assembly session is dismissed in light of the following: (a) Ms Audronė Šabūnienė, in her testimony before the Panel, confirmed that the original 24 candidates were on the ballot and that the voting ballots with the full list were printed only one day before the election; and (b) the Respondent provided evidence, which was confirmed by Ms Audronė Šabūnienė in her testimony, to show that the electronic content of the ballot for submissions to the LNOC EC were corrected on the spot after the eight candidates were disqualified.

- (iii) The nomination standards towards Mr Marcinkevičius' candidacies. There was no “inconsistent” or “arbitrary” standard in handling the candidacies of Mr Marcinkevičius for, respectively, the position of LNOC President and that of a member of the LNOC EC. Notably, the Appellant’s argument that the admission of a candidacy for the LNOC President’s role should entail the admission of a candidacy to the LNOC EC, since the latter represents a lower tier in the LNOC’s governing hierarchy, is devoid of merit. In fact, as clearly provided in the LNOC Articles of Association, there are specific eligibility standards to be met by candidates to the position of LNOC President, that do not apply to prospective members of the LNOC EC. In the present case, while Mr Marcinkevičius duly fulfilled the criteria established under Articles 52.9 and 52.10 of the LNOC Articles of Association for the LNOC presidency, he did not meet the requirements imposed under Article 21 of the LNOC Articles of Association in order to be elected as a member of the LNOC EC.
- (iv) The LTF President’s endorsement. Even though the nomination submissions were signed by the LTF President, such a signature cannot *ipso facto* cure the need for having formal representation on the day of the election. In fact, the signature was provided (a) at the time when the candidacies were filed and (b) for the mere purpose of validating it as proposed by a Member, considering that under Article 25.1 of the LNOC Articles of Association, Members are afforded the right “*to propose candidates to the NOCL governing bodies*”.
- (v) The rights of the LTF as a Member. LTF was not excluded from the voting process; quite the contrary, upon learning of its nominees’ disqualification, the Appellant did not abstain from voting. Instead, it exercised its vote and actively participated in the Election Session through its General Secretary.

119. In light of all the above, the results of the elections of the LNOC EC are hereby confirmed.

C. Violations concerning the lack of independence and neutrality by the IEC members

120. The Appellant’s final submissions regarding the alleged flaws of the election process at the General Assembly is that there was a violation of independence and neutrality by the IEC members. In particular, the Appellant argued that: (i) all three IEC members were observed participating in the voting process during the General Assembly, despite the LNOC Articles of Association requiring them to act as an impartial and independent body; and (ii) such conduct could be viewed as an improper influence on the election outcome, given that the IEC members decided to disqualify eight candidates to the LNOC EC.
121. At the outset, the Panel recalls that the composition of the IEC changed on 11 October 2024 during the Report Session, when two new members (along with Mr Česlav Okinčic as Chairman) were specifically appointed to oversee the elections at the General Assembly. In this context, the Panel notes that Mr Donatas Mačianskas and Mr Mindaugas Bilius, who voted at the Election Session, were from the erstwhile IEC. Given that the aforementioned persons were no longer part of the IEC, their voting has no relevance to the requirements of independence and neutrality of the IEC.

122. That said, even assuming *arguendo* that Mr Okinčic – who is also member of the new IEC – voted at the elections, there is no evidence that such circumstance – whose appropriateness might be questioned in terms of good governance or best practice – amounted to a formal violation of the LNOC Articles of Association. Furthermore, it must be noted that Mr Okinčic, in his capacity as member of the previous IEC, had himself admitted the Appellant’s candidacy for the position of LNOC President. Accordingly, there are no factual elements capable of casting doubt on his neutrality in the present matter.
123. In fact, the LNOC Articles of Association are silent on what would constitute a conflict of interest and the Panel observes, based on the evidence on file, that the voting during the Election Session was done through a secret ballot. Therefore, all votes, including those of the IEC members, remained confidential, and their choice cannot have any impact on the transparency or fairness of the election process.
124. Furthermore, the Panel points out that the Appellant has only made vague and unsubstantiated comments relating to the violation of independence and neutrality by the IEC members and to the fact that their conduct “could be viewed as an improper influence” but has not provided any evidence demonstrating such violation or that the alleged participation of IEC members caused a deviation from the standard election process of the LNOC. Nor did the Appellant raise any objection at either the Report Session (when the new IEC was elected) or the Election Session (when members of the old and/or new IEC could vote on behalf of Members). In this respect, the Panel notes that, when electing the IEC members at the Report Session, they were all described as duly representing one of the Members, as follows:
- “For work during the LNOC GA Election Session, the LNOC Independent Election Commission of the following composition was proposed:*
- Chairperson of the Commission: Česlav Okinčic, authorised representative of the Lithuanian Golf Federation*
- Member of the Commission: Asta Narmontė, Secretary General of the Lithuanian Paralympic Committee*
- Member of the Commission: Indre Čelkiene, President of the Lithuanian Students’ Sports Association”*
125. However, no objection as to potential issues related to their “double role” was raised by any Member.
126. Lastly, the Appellant did not provide any evidence of significant irregularities resulting from such alleged participation, such that it would be necessary to invalidate the entire election process.
127. Therefore, the Panel concludes that the fact that the (old and/or new) IEC members voted during the Election Session did not lead to a violation of the IEC members’ duty to remain independent and neutral during the LNOC elections and, in any event, did not affect their outcome.

128. Accordingly, the Appealed Decision was adopted in compliance with the LNOC Articles of Association, with no flaw in the process that could lead to “revoke” it and must be confirmed.
129. However, as a final observation, the Panel wishes to express its concerns regarding the nomination process of LNOC in respect of the IEC.
130. In particular, as also discussed during the hearing, Article 52.1 of the LNOC Articles of Association provides that “*At the NOCL GA preceding the elective session, the NOCL GA shall elect an independent election commission which shall be fully responsible for developing, monitoring and conducting the election process as a whole (from the receipt of the nominations until the proclamation of the final results)*”. Following a specific question from the Panel, the Respondent clarified that the IEC that eventually excluded the eight candidates to the position of member of the LNOC EC was itself elected at the Report Session on the day of the election.
131. While, from a formal and literal perspective, the Report Session may be said to “precede” the Election Session, it nevertheless remains the case that electing the IEC at the Report Session results in one IEC evaluating the candidacies and a different IEC verifying the candidacies’ power and confirming the final results on the election day. Accordingly, although there is no evidence that any material irregularity occurred in the present case, this structure creates the possibility that members of the former IEC might admit candidacies that they themselves would later be entitled to vote on in the General Assembly and/or, in any case, apply standards that the newly appointed IEC would not have endorsed.
132. As such system carries the inherent risk of undermining the principles of good governance and transparency that ought to underpin the LNOC electoral framework, the Panel recommends that the LNOC reconsiders both the drafting and the practical application of Article 52.1 of the LNOC Articles of Association.

XI. CONCLUSIONS

133. In view of all the above, after taking into consideration all evidence adduced and all arguments advanced by the Parties, the Panel concludes that:
 - (i) The submissions of candidacies for the position of LNOC President were filed within the timelines stipulated under the LNOC Articles of Association and thus there was no flaw in the elections thereof.
 - (ii) The eight candidates for the position of member of the LNOC EC were rightfully excluded from the elections and, in any case, there was no prejudice to the rights of the Appellant and/or to the validity of the overall elections of the LNOC EC;
 - (iii) The IEC members did not violate their duty to remain independent and neutral during the LNOC elections.
134. Consequently, the appeal is dismissed in its entirety.

135. The above conclusions render it unnecessary for the Panel to address any other requests made by the Parties. Accordingly, all other or further claims or requests submitted by the Parties are hereby dismissed.

XII. COSTS

(...)

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The Appeal filed on 31 October 2024 by the Lithuanian Triathlon Federation against the decisions rendered at the LNOC General Assembly's election session on 11 October 2024, regarding the election of the LNOC's governing bodies, is dismissed in its entirety.
2. The decisions rendered at the LNOC General Assembly's election session on 11 October 2024, regarding the election of the LNOC's governing bodies, are confirmed.
3. (...).
4. (...).
5. All other and further motions or prayers for relief are dismissed.

Seat of arbitration: Lausanne, Switzerland

Date: 27 October 2025

THE COURT OF ARBITRATION FOR SPORT

Mario Vigna
President of the Panel

Gaetan Verhoosel KC
Arbitrator

Marek Palus
Arbitrator