CAS 2025/A/11266 Turkish Weightlifting Federation et al. v. European Weightlifting Federation

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

President: Dr Heiner Kahlert, Attorney-at-law in Munich, Germany

Arbitrators: Dr Christophe Misteli, Attorney-at-law in Vevey, Switzerland

Mr Benoît Pasquier, Attorney-at-law in Zürich, Switzerland

in the arbitration between

Turkish Weightlifting Federation, Ankara, Türkiye

&

Dr Hasan Akkuş, Selçuklu, Konya, Türkiye

&

Dr Bülent Işik, Karaman, Türkiye

&

Keziban Ozel, Türkiye

&

Kenan Erdagi, Meram, Konya, Türkiye

Represented by Mr Claude Ramoni, Libra Law SA, Lausanne, Switzerland

Appellants

and

European Weightlifting Federation, Switzerland

Represented by Mr Marc Cavaliero, Mr Jaime Cambreleng Contreras and Ms Carol Etter, Cavaliero & Cambreleng, Geneva, Switzerland

Respondent

I. PARTIES

1. The Turkish Weightlifting Federation (the "First Appellant" or "TWF") is the national federation governing the sport of weightlifting in Turkey. It is a member of the International Weightlifting Federation (the "IWF") and the European Weightlifting Federation (the "EWF"). Dr Hasan Akkuş ("Dr Akkuş" or the "Second Appellant), Dr Bülent Işik, Ms Keziban Ozel, and Mr Kenan Erdagi (the "Third Appellant", the "Fourth Appellant" and the "Fifth Appellant", respectively) are individuals whom the TWF nominated for election to EWF offices (all four jointly referred to hereafter as the "Nominees").

2. The EWF (also "Respondent") is the European governing body for weightlifting and recognised as such by the IWF.

3. The First Appellant to Fifth Appellant are hereinafter jointly referred to as the "Appellants". The Appellants and the Respondent are hereinafter jointly referred to as the "Parties".

II. FACTUAL BACKGROUND

4. Below is a summary of the relevant facts based on the Parties' submissions (including the evidence adduced). Additional facts may be set out, where relevant, in connection with the legal discussion that follows. While the Panel has considered all the facts transpiring from the Parties' submissions in the present proceeding, it refers in its Award only to the facts it considers necessary to explain its reasoning.

A. EWF Presidency of Dr Akkuş and succession by Mr Conflitti

5. On 1 April 2021, Dr Akkuş was elected President of the EWF after winning the election against Mr Antonio Conflitti ("Mr Conflitti"), President of the Weightlifting Federation of Moldova.

6. On 23 June 2021, the International Testing Agency ("ITA") notified Dr Akkuş that it was pursuing an Anti-Doping Rule Violation ("ADRV") allegedly committed by him under Article 2.5 of the 2012 IWF Anti-Doping Regulations.

7. On 27 June 2021, Dr Akkuş resigned as EWF President.

8. On 18 December 2021, Mr Conflitti was elected to succeed Dr Akkuş as President of the EWF.

9. On 3 January 2023, the Court of Arbitration for Sport's Anti-Doping Division ("CAS ADD") upheld the ADRV charge against Dr Akkuş.

10. On 18 January 2024, the Court of Arbitration for Sport ("CAS"), on appeal, set aside the decision of the CAS ADD and cleared Dr Akkuş of the ADRV charge ("Akkuş Award").

11. On 3 July 2024, the Swiss Federal Tribunal dismissed the appeal filed by the IWF against the Akkuş Award.

B. Enactment of the Rule

12. In the meantime, on 13 April 2023, the EWF Congress approved a new edition of the EWF Constitution (the "2023 EWF Constitution"), replacing the edition from 2019 (the "2019 EWF Constitution"). Pursuant to Article 13.1 of the 2023 EWF Constitution, that new edition entered into force on 30 May 2023. In Article 3.4.4.1 of the 2023 EWF Constitution, entitled "*Rights of NF full Members*", the following new rule (the "Rule") was introduced:

> *"**3.4.4.1** In addition to any other provision of this Constitution, in any circumstance where persons representing a National Federation Member together incur at least Four (4) or more Anti-Doping Rule Violation sanctions (where each of the Anti-Doping Rule Violation sanctions resulted in the person concerned having a period of ineligibility of at least three (3) months imposed under the operation of the Anti-Doping Rules or any other such other Anti-Doping policy which is in force in accordance with the World Anti- Doping Code or which is otherwise consistent with the requirements of the World Anti- Doping Code) during the period of four (4) years commencing from the day which is fourteen (14) days before the Opening Ceremony of the next-to-last Olympic Games (that is, not the Olympic Games in the same year as that of the Electoral Congress, but rather the Olympic Games of the previous Olympiad) and ending on the closing date for nominating candidates for election to the Executive Board at the Electoral Congress, the National Federation Member shall be prohibited from nominating any candidate for election to the Executive Board, any EWF Commissions and Committees."*

13. The Rule remained unchanged when the 2023 EWF Constitution was amended on 17 February and 25 October 2024 (the latter amendment resulting in the "2024 EWF Constitution").

C. Events prior to the EWF Electoral Congress to be held on 11 April 2025

14. On 9 December 2024, all national member federations affiliated with the EWF, including the TWF, received an invitation from the EWF to participate in the EWF Ordinary Congress and EWF Electoral Congress to be held on 11 April 2025. Attached to the invitation were forms to nominate candidates for the 2025 EWF elections (the "Elections"), which were to be submitted to the EWF by 11 January 2025.

15. On 10 January 2025, the TWF submitted four such forms to the EWF, nominating Dr Akkuş as candidate for EWF Presidency, the Third Appellant as candidate for the EWF Medical Committee, the Fourth Appellant as candidate for the EWF Technical

Committee and the Fifth Appellant as candidate for the EWF Coaching and Research Committee.

16. On the same day, the EWF acknowledged receipt of the forms sent by TWF and stated that the EWF Vetting Panel (the "Vetting Panel") was in charge of the next steps, including reviewing all submitted documents.

17. On 10 February 2025, the EWF, on behalf of the Vetting Panel (from the email address elections2025@ewf.sport), forwarded to Dr Akkuş for his comments a letter dated 8 February 2025 sent by the Secretary General of Weightlifting Federation of Moldova to the Vetting Panel, which requested as follows:

> *"In this request to you, Distinguished Vetting Panel we would like to ask that before you make any decision regarding Mr. Akkus's eligibility to run for the title of President of the European Weightlifting Federation, the CAS verdict will be evaluated."*

18. On 14 February 2025, Dr Akkuş' counsel responded to the email dated 10 February 2025 (also directly to the Chairman of the Vetting Panel, Mr Efraim Barak). Among other things, the letter requested that the Vetting Panel investigate how the Moldovan national federation could send such letter prior to the names of the candidates having been published, and asked the Vetting Panel to take appropriate action to ensure the fairness of the electoral process, given that the EWF Electoral Congress would be held in Moldova.

19. On 25 February 2025, the EWF requested from the IWF "*the data related to all the EWF Member Federations in relation to* [the Rule]".

20. On the same day, Mr Oren Shai, a member of the EWF Executive Board (the "Executive Board"), forwarded an email from the Vetting Panel to Dr Akkuş' counsel for his comments. The said email contained a letter dated 13 February 2025 sent by the Weightlifting Federation of Slovenia to the Vetting Panel, which was identical in substance and almost identical in wording to the 8 February letter from the Moldovan national federation.

21. On 28 February 2025, Dr Akkuş' counsel responded to the above-mentioned email, requesting the Vetting Panel to confirm Dr Akkuş' eligibility and to investigate "*who is organizing an unfair campaign*" against him.

22. On 1 March 2025, the IWF provided to the EWF a list of doping sanctions related to EWF member federations. The list included the following seven sanctions for ADRVs committed by persons affiliated with the TWF:

- On 31 October 2022, four weightlifters had been sanctioned with a period of ineligibility of two years from 17 November 2021 to 16 November 2023 for ADRVs committed in April 2012. The relevant adverse analytical findings had been reported by the ITA on 18 November 2021 as part of a larger re-testing of samples.

- On 5 December 2023, one weightlifter had been sanctioned with a period of ineligibility of 22 months from 26 May 2023 to 25 March 2025 for an ADRV committed on 21 April 2023.

- On 11 January 2024, one weightlifter had been sanctioned with a period of ineligibility of three years from 26 May 2023 to 25 May 2026 for two ADRVs committed on 15 April 2023.

- On 8 April 2024, one weightlifter had been sanctioned with a period of ineligibility of two years from 8 April 2024 to 7 April 2026 for an ADRV committed on 1 April 2023.

23. On 3 March 2025, Mr Conflitti called for an Executive Board meeting on the same day. One of the agenda items was titled "*Application of the EWF Constitution Article 3.4.4.1*". The minutes of the Executive Board meeting of 3 March 2025 record, in their relevant part, as follows (the "Executive Board Decision"):

> *"5. Application of the EWF Constitution Article 3.4.4.1*
>
> *EWF President informed about ITA/IWF report about sanctions made by ITA in time frame related to the EWF Constitution Article 3.4.4.1. Oren Shai explained why EWF EB should notify affected countries about consequences to NFs regarding EWF Constitution Article 3.4.4.1, giving an example of a previous CAS case. It was presented that 4 NFs have more than 4 sanctioned persons during time frame related to the EWF Constitution Article 3.4.4.1.: Romania, Turkiya, Ukraine, Russia.*
>
> […]
>
> *All EWF EB members participated in discussion, raising different questions, like, why the VP doesn't make decisions, is it necessary to vote for the implementation of the Constitution article, can ITOs from these countries participate in EWF events, were these federations already sanctioned, or are these cases new.*
>
> *After discussion, Alex Padure and Maxim Agapitov were invited to leave the meeting.*
>
> *EWF EB members voted for the following motion, to notify affected EWF MFs that based on the official information received from International Testing Agency (ITA), through the IWF, on March 1st, 2025, persons representing the EWF NF that have incurred more than four (4) Anti-Doping Rule Violation sanctions of a period of ineligibility of three (3) months or longer, during the period from the day which is fourteen (14) days before the Opening Ceremony of the next-to-last Olympic Games until the closing date for nominating candidates, thereby falling under the provisions of Article 3.4.4.1 of the EWF Constitution which clearly establishes that the National Federation Member shall be prohibited from nominating any candidate for election to the Executive Board, any EWF Commissions and Committees.*

Voting result:
YES 8 and 1 YES by email
Abstained 1 and 1 Abstained by email
NO, 0
2 left the EWF EB"

24. On 4 March 2025, Mr Conflitti (signing as "*EWF President*") addressed a letter to the President of the TWF (the "Conflitti Letter") stating, in its relevant parts, as follows:

"Based on the official information received from International Testing Agency (ITA), through the IWF, on March 1st, 2025, persons representing the Turkish Weightlifting Federation have incurred more than four (4) Anti-Doping Rule Violation sanctions of a period of ineligibility of three (3) months or longer, during the period from the day which is fourteen (14) days before the Opening Ceremony of the next-to-last Olympic Games until the closing date for nominating candidates, thereby falling under the provisions of Article 3.4.4.1 of the EWF Constitution which clearly establishes that the National Federation Member shall be prohibited from nominating any candidate for election to the Executive Board, any EWF Commissions and Committees.

Case Code	*ADVR Sanctions Date*	*Ineligibility Period*
RMIWF-2021-15	*31/10/2022*	*2 years*
RMIWF-2021-18	*31/10/2022*	*2 years*
RMIWF-2021-21	*31/10/2022*	*2 years*
RMIWF-2021-29	*31/10/2022*	*2 years*
RMIWF-2023-16	*11/01/2024*	*3 years*
RMIWF-2023-17	*05/12/2023*	*22 months*
RMIWF-2022-49	*08/04/2024*	*2 years*

Taking into account the clear wording of Article 3.4.4.1 of the EWF Constitution and the above information received from ITA after the closing date for nominating candidates, the EWF Executive Board has issued the resolution to notify to the Turkish Weightlifting Federation the provisions of the Article 3.4.4.1 of the EWF Constitution related to the prohibition from nominating any candidate for election to the Executive Board, any EWF Commissions and Committees. As a result, I hereby inform you that the candidates eventually nominated by your Federation for the 2025 EWF Elections cannot stand for election and will not be included in the list of candidates to be communicated to the Members together with the agenda for the Ordinary Congress in accordance with Article 5.2.1 of the Rules of Congress and Election.

Dear Mr. President, I'm sure that you agree that the respect of the EWF Constitution by all member federations is crucial to ensure uniformity in the application of the rules. This is even more the case in the present situation, as Article 3.4.4.1 of the EWF Constitution aims at upholding the EWF and our

Members' commitment to clean sport considering also that your Federation approved this particular amendment to the EWF Constitution in April 2023.
If you have any claims against the list provided by the ITA, please send them by March 11, 2025, at 10:00 CET."

25. On the same day, corresponding letters with the same substance were sent to the respective Presidents of the Ukrainian Weightlifting Federation, the Russian Weightlifting Federation and the Romanian Weightlifting Federation.

26. On 7 March 2025, Dr Akkuş' counsel responded to the Conflitti Letter, criticizing the Executive Board's application of the Rule for both substantive and procedural reasons, and setting a deadline until 10 March 2025 "*to retract the decision reflected in your letter of 4 March 2025 and confirm that the nominations of candidates by the Turkish Weightlifting Federation are valid.*"

27. On 10 March 2025, TWF's counsel (the same as Dr Akkuş' counsel) responded to the Conflitti Letter in similar fashion.

28. On 12 March 2025, the EWF website dedicated to the Elections was updated with a document under a link titled "*EWF 2025 Elections – List of Candidates*". This link contained only "*Annex A – Eligible Candidates* […]" of a document bearing the title "*EWF 2025 Elections – The Determinations of the Vetting Panel pursuant to Art. 7 of the EWF Constitution & the relevant Regulations*" (the "Appealed Decision"). The Appealed Decision, in its Annex A, did not contain the names of any of the candidates nominated by TWF, i.e., the Nominees.

29. The Appealed Decision, in addition to Annex A, also contained Annexes B and C, neither of which were published on the EWF website, but which were produced during the present proceedings, and provided to the Appellants. Annex B bore the title "*Candidates declared ineligible* […]" and contained a list of candidates (with names and nationalities redacted in the document provided to the Appellants in this arbitration) along with reasons for the findings of ineligibility. Annex C was entitled "*Candidates presented by a Member which is prohibited from nominating candidates in accordance with the EWF Executive Board decision*" and contained a list comprising the names of the Nominees as well as those of the candidates nominated by the national federations of Ukraine, Romania and Russia.

III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

30. On 18 March 2025, the Appellants filed their Statement of Appeal within the meaning of Article R48 of the Code of Sports-related Arbitration (2023 edition) ("CAS Code") with the Court of Arbitration for Sport ("CAS"). The Appellants requested that the matter be expedited in accordance with Article R52 of the CAS Code and proposed a procedural calendar. The Appellants also nominated Mr Pierre Muller as arbitrator.

31. On the same day, the CAS Court Office notified the Statement of Appeal to the Respondent.

32. On 19 March 2025, the Respondent agreed to an expedited procedure and communicated an amended proposed procedural calendar agreed with the Appellants.

33. On 20 March 2025, the CAS Court Office confirmed the procedural calendar agreed between the Parties, as follows:

- Filing of Appeal Brief: 20 March 2025
- Filing of Answer: 28 March 2025
- Hearing (if any): 2 or 4 April 2025
- Issuance of the operative part of the award: 7 or 8 April 2025.

34. On 20 March 2025, the Appellants filed their Appeal Brief within the meaning of Article R51 of the CAS Code, also containing a request for production of certain documents.

35. On 21 March 2025, the CAS Court Office invited the Respondent to file its comments on the document production request by 26 March 2025.

36. On 24 March 2025, the Respondent nominated Mr Benoît Pasquier as arbitrator and indicated that the Parties had agreed to hold the potential hearing in the proceedings on 2 April 2025.

37. On 25 March 2025, the CAS Court Office informed the Parties that the Appellants' arbitrator nominee Mr Pierre Muller had stated that he would be unable to serve as arbitrator in the present proceedings. Accordingly, the Appellants were requested to nominate another arbitrator within twenty-four hours.

38. Further, on the same day, the CAS Court Office sent to the Parties the Arbitrator's Acceptance and Statement of Independence form completed by Mr Pasquier.

39. On 26 March 2025, the Appellants appointed Dr Christophe Misteli as arbitrator and indicated that they did not wish to challenge the nomination of Mr Pasquier.

40. On the same day, the Respondent filed its comments on the document production request, stating *inter alia* that it intended to submit several of the documents requested with its Answer.

41. On 27 March 2025, the CAS Court Office stated that if the Appellants maintained their document production request after filing of the Answer, it would be for the Panel, once constituted, to rule on the remaining requests for document production in accordance with Article R44.3 of the CAS Code.

42. On 28 March 2025, the CAS Court Office sent the Notice of Formation of a Panel along with copies of the Acceptance and Statement of Independence forms signed by the arbitrators to the Parties, and informed them that the Panel was constituted as follows:

President: Dr Heiner Kahlert, Attorney-at-law in Munich, Germany

Arbitrators: Dr Christophe Misteli, Lawyer in Vevey, Switzerland

Mr Benoît Pasquier, Attorney-at-law in Zürich, Switzerland

43. On the same day, the Respondent filed its Answer within the meaning of Article R57 of the CAS Code, and highlighted that the following two exhibits would be emailed directly to the Panel for their viewing only, arguing that the documents were confidential:

- Exhibit R-11, being the "*Consolidated Anti-Doping Case List*".

- Exhibit R-17, being the Appealed Decision including its Annexes A, B and C.

44. On 29 March 2025, the CAS Court Office requested the Parties to indicate by 31 March 2025 if they preferred a hearing and a case management conference ("CMC") to be held in the present matter.

45. On 31 March 2025, the Respondent informed that it would prefer a hearing to be held in the matter on 2 April 2025, and deferred to the Panel on the necessity of holding a CMC.

46. On the same day, the Appellants confirmed their availability for a hearing on 2 April 2025 and indicated that they would defer to the Panel for the decision whether a CMC was necessary. Moreover, they reiterated their document production request and requested production of certain additional documents in view of the exhibits filed along with the Answer. In addition, they informed the Panel that the Appellants had filed a related appeal with the CAS, being CAS 2025/A/11283, and requested to be permitted to file the papers and proceedings with respect to the same in accordance with Article R56 of the CAS Code. Finally, the Appellants requested access to Exhibits R-11 and R-17.

47. Still on the same day, the CAS Court Office, on behalf of the Panel:

- advised the Parties that in accordance with Article R44.3 of the CAS Code, the Appellants' document production requests were granted, and invited the Respondent to file certain documents.

- invited the Respondent to file a redacted copy of Exhibit R-11 showing only those lines relating to athletes affiliated with the TWF.

- invited the Respondent to file a copy of Exhibit R-17 redacting the names and nationalities of all candidates in Annex B of the document. The Panel confirmed to

the Appellants that Annex B did not contain names of any candidates of the TWF, and invited the Appellants to confirm if they were comfortable with this confirmation or sought additional assurances in this regard.

- in accordance with Article R56(1) of the CAS Code, granted the Appellants' request to file the additional exhibits, with reasons for this decision to be included in the final Award.

- informed the Parties that it did not consider a CMC necessary.

48. On the same day, the Appellants accepted being provided with a copy of Exhibit R-17 with redacted names and nationalities of all candidates in Annex B of the document. Moreover, it requested that in accordance with Article R56 of the CAS Code, its application for provisional measures filed in CAS 2025/A/11283 be accepted as part of the case file.

49. On the same day, the Respondent filed the documents as directed by the Panel, including an audio recording of the Executive Board Meeting held on 3 March 2025.

50. Lastly, on the same day, the CAS Court Office, on behalf of the Panel, informed the Parties that in accordance with Article R56(1) of the CAS Code, the Appellants' request to file its application for provisional measures filed from CAS 2025/A/11283 was granted.

51. On 1 April 2025, the CAS Court Office, on behalf of the Panel, invited the Parties to sign and return a copy of the Order of Procedure.

52. On the same day, the Appellants provided a duly signed copy thereof.

53. On 2 April 2025, the Respondent also provided the CAS Court Office with a duly signed copy of the Order of Procedure.

54. On the same day, the Appellants produced an AI-generated transcript of the audio recording of the Executive Board Meeting held on 3 March 2025.

55. On 2 April 2025, a hearing was held via videoconference. In addition to the Panel and Ms Delphine Deschenaux-Rochat (CAS Counsel), the following persons were present:

- For the Appellants: Dr Hasan Akkuş (Second Appellant), Mr Claude Ramoni and Ms Monia Karmass (both counsel)

- For the Respondent: Mr Marc Cavaliero, Mr Jaime Cambreleng Contrera, Ms Carole Etter (all counsel)

- As a witness: Mr Efraim Barak (called by the Respondent)

56. At the outset of the hearing, the Parties expressly confirmed that they had no objections in respect of the procedure thus far.

57. During the hearing, the Respondent sought to produce a list that was shown to the Executive Board during the meeting held on 3 March 2025, which was objected to by the counsel for the Appellants. The Panel decided not to allow the production of such new document.

58. At the conclusion of the hearing, the Parties expressly confirmed that they had no objection to the procedure adopted by the Panel up to that point in time, and that their rights to be heard and to be treated equally had been respected.

59. On 4 April 2025, the CAS Court Office communicated to the Parties the operative part of the Award rendered by the Panel on the same day.

IV. SUBMISSIONS OF THE PARTIES

60. The following summary of the Parties' positions is illustrative only and does not necessarily comprise every submission advanced by the Parties. The Panel confirms, however, that it has carefully considered all submissions made by the Parties, including the evidence adduced, regardless of whether there is any specific reference to them in this Award.

A. The Appellants' submissions and requests for relief

61. The Appellants' submissions, in essence, may be summarised as follows:

- Pursuant to Article 7.2 of the 2024 EWF Constitution, a decision of the Vetting Panel that a person is not eligible may be appealed to CAS. Hence, the Panel has jurisdiction over the present appeal against the Appealed Decision.

- The applicable rules on the merits of the present dispute are the successive versions of the EWF Constitution, i.e., the 2019 EWF Constitution, the 2023 EWF Constitution or the 2024 EWF Constitution, as the case may be. Further, pursuant to Article R58 of the CAS Code, as the EWF has its seat in Zurich, Swiss law may also apply on the merits.

- The Appealed Decision is undated, but it was issued and published on the EWF website on 12 March 2025. The Statement of Appeal was filed within the applicable 21-day deadline of Article R49 of the CAS Code. Moreover, the Appealed Decision is an appealable decision within the meaning of CAS jurisprudence (see CAS 2021/A/2000; CAS 2018/A/5661). Therefore, the appeal is admissible.

- Without even referring to the merits of the case, the Panel should nullify the vetting process and uphold the present appeal due to numerous conflicts of interests, a breach of confidentiality, and the lack of reliability and independence of the vetting process. In particular, the Vetting Panel failed to provide any reasons for the Appealed Decision, which instead were only provided in the Conflitti Letter, i.e. by another candidate in the elections. Also, there is complete opacity with respect to how the Vetting Panel has been constituted and how it

operates. In addition, the communication channel to the Vetting Panel is an email address (elections2025@ewf.sport) managed by the EWF administration, excluding correspondence with the Vetting Panel other than through the EWF's current administration. Similarly, Mr Oren Shai, member of the Executive Board, improperly plays a decisive role in the context of the Vetting Panel. There was also a breach of confidentiality by the EWF administration and Mr Conflitti, which interfered with the vetting process – while EWF national federations were not supposed to be aware of the names of the candidates for the 2025 EWF Elections prior to their publication by the Vetting Panel on 12 March 2025, the Moldovan national federation (of which Mr Conflitti is President) sent a letter about Dr Akkuş' candidacy on 8 February 2025. Along the same lines, despite the Vetting Panel having jurisdiction for all matters relating to eligibility of candidates and elections, the Executive Board met several times to discuss the EWF Elections. By issuing the Appealed Decision, the Vetting Panel followed the wish of Mr Conflitti and the current EWF administration that the candidates nominated by TWF be deemed ineligible. By contrast, the Vetting Panel did not take any action or respond to Dr Akkuş' repeated complaints and requests regarding the integrity of the election process.

- CAS jurisprudence has confirmed that despite the *de novo* principle, very serious procedural breaches cannot be cured, and the matter has to be referred back to the first instance body (CAS 2015/A/4319, para. 51 and CAS 2016/A/4511, para. 62). As mentioned, the Appealed Decision was issued without grounds, implying that the Appellants are unaware as to why they were deemed ineligible. Further, the Appellants were not properly heard during the vetting process. Moreover, the vetting process was extremely long and the Appealed Decision was published as late as possible, preventing candidates unduly declared ineligible from undertaking any campaign before the elections.

- If the reasons for declaring the Nominees ineligible were those mentioned in the Conflitti Letter, the Vetting Panel misapplied the Rule. It is unclear from the Rule during which period ADRVs have to have been "*incurred*", in particular due to the ambiguous reference to "*Olympic Games in the same year as that of the Electoral Process*" (2025 is not an Olympic year) and the fact that regardless of which Olympic Games this reference points to, the resulting period would not be four years as mentioned elsewhere in the Rule. In any event, regardless of how one understands this period, the four ADRVs from 2012 would not fall within it because the relevant point in time is when the ADRV was committed, not when the sanction was imposed. This follows not only from a literal reading of the Rule, but also from its rationale, which was to uphold the EWF and its members' current commitment to clean sport. It would make no sense to prevent nominations by the TWF for ADRVs that were committed more than thirteen years earlier. Further confirmation is provided by a systematic interpretation, inter alia because the WADA model rules, after which the Rule is modelled, are linked to the date of commission of the ADRV, and because Article 6.5.2.8 of the 2024 EWF Constitution declares candidates ineligible for election if they committed an ADRV within the last 10 years – it would not make any sense if

candidates would be eligible for elections if they themselves committed a breach more than ten years ago, but would not be eligible if a breach has been committed by someone else within their national federation more than ten years ago. At the very least, the principle of *contra proferentem* should apply and the Rule should be construed to mean that offences committed thirteen years before the Elections shall not be relevant.

- In any case, it would violate the principle of non-retroactivity if the Rule, which was adopted in April 2023, would apply to doping offences committed as early as 2012. Article 4.1.3.1 of the 2023 EWF Constitution confirms that amendments to the EWF Constitution shall not have retroactive effect. Had the EWF sought for the Rule to exceptionally take retroactive effect, it should have stated so explicitly.

- In addition, the statute of limitations prevents the EWF from taking into account doping cases from 2012 in the context of the 2025 EWF elections. According to the World Anti-Doping Code (Article 17) and the IWF Anti-Doping Rules adopted as per the same Code, the statute of limitation for doping offences is ten years. Similarly, under Article 60 (1) of the Swiss Code of Obligations, the statute of limitations for civil claims does not exceed ten years (with some exceptions).

- Moreover, applying the Rule to doping offences from 2012 violates the principle of proportionality. This principle applies regardless of whether one qualifies the Appealed Decision as a sanction or an administrative measure (CAS 2020/O/6689, para. 719 and CAS OG 20/004, para. 8.14). In CAS OG 20/004, the panel ruled that a doping offence committed in 1994 could not be taken into consideration for purposes of accreditation for the 2020 Tokyo Olympics. This rationale applies here as well, even more so as exclusion from the Elections means that the Nominees cannot exercise any function within the EWF until 2029, which is 17 years after the doping offences.

- Further, the Respondent cannot argue that the Vetting Panel did not issue itself any decision on the Rule, but instead simply relied on a prior decision thereon by the Executive Board:

    - First, according to Section 8(d)(1) of the Candidates Nomination Rules, the Vetting Panel has sole jurisdiction to decide on any matter relating to eligibility. This includes the Candidate Nomination Rules and Candidate Eligibility Rules, which provide that any candidate must be nominated by a national federation entitled to submit nominations. While Article 3.8.1 of the 2024 EWF Constitution provides that the Executive Board may impose sanctions on a national federation if a national federation has not complied with its obligations under Article 3.3 of the 2024 EWF Constitution, that latter Article does not include or refer to the Rule.

    - Secondly, no decision was made by the Executive Board before the start of the electoral process. Even if the Executive Board could apply the

Rule, once the electoral process had commenced and members of the Executive Board had submitted their candidacies, they were all in a situation of conflict of interest.

- Thirdly, while CAS 2022/A/8915, 8918, 8919 & 8920 ruled that a similar provision to the Rule in the IWF's statutes fell within the competence of the IWF Executive Board, the same rationale could not be applied here, in particular because the Conflitti Letter cannot reasonably be construed as a decision against the TWF, given that it lacks any *animus decidendi*. In particular, it is clear that the Conflitti Letter was not a final decision as it granted the TWF a deadline to submit their position. The Executive Board did not take any final decision after expiry of that deadline. Also, only the Appealed Decision was communicated to all the Appellants (by publishing it on the EWF website), while the Conflitti Letter was only communicated to the TWF. Moreover, if the Executive Board had intended to render a decision, it would have followed the applicable procedure under Article 3.8 of the 2024 EWF Constitution for sanctioning a member, which it clearly did not do. Accordingly, there is no decision by the Executive Board on which the Vetting Panel could have relied.

- Fourthly, even if the Executive Board had taken any decision, it would have been null and void pursuant to Article 20 of the Swiss Code of Obligations. A decision that is null and void may not be relied upon by the Vetting Panel. Therefore, it is for the Panel in this arbitration to determine *incidenter*, when assessing the legality of the Appealed Decision, whether any decision of the Executive Board relied upon by the Vetting Panel was null and void.

- In addition, the Appealed Decision also breaches the fundamental right of the EWF Congress to elect officials, as granted to it by Article 4.1.5 of the 2024 EWF Constitution. While it is admissible for federations to provide for vetting procedures or criteria for candidates, the behaviour of EWF and its officials, the obscure process of vetting, the interference by officials applying to be re-elected at the Elections, the timing of the subsequent communications from the EWF and the above issues affecting the Appealed Decision result in fraudulently depriving the Congress from its absolute right to elect the officials it deems fit. This breaches Swiss law on associations, the Olympic Charter and the basic democratic principles that must govern any sporting organisation belonging to the Olympic movement (CAS 2023/A/9757, para. 453).

- Moreover, the Appealed Decision does not allow the competent bodies within the EWF to be constituted in accordance with the 2024 EWF Constitution. As per Article 8.2 and 8.3 of the 2024 EWF Constitution, the Coaching Research and Scientific Committee shall consist of a Chairperson and six members but there are only four eligible candidates; the Medical Committee shall also consist of a Chairperson and six members, but there is only one eligible candidate.

- Finally, the letters by other EWF member federations challenging Dr Akkuş' eligibility are misconceived. The Akkuş Award has found Dr Akkuş not guilty of any ADRV. Other considerations by that CAS panel are outside the scope of the arbitration, which was the allegation of doping offences, and are therefore irrelevant. Also, Article 6.5.2.11 of the 2024 EWF Constitution cannot be construed as a broad provision allowing the Vetting Panel to freely assess which person is deemed fit to serve as official. This Article provides that such assessment can only be made in "*accordance with the Vetting Rules*".

62. The Appellants made the following requests for relief in their Appeal Brief:

"I. The appeal is upheld.

II. The 'Determinations of the Vetting Panel' for the EWF 2025 Elections are null and void / are set aside, with respect to the eligibility of candidates nominated by the Turkish Weightlifting Federation.

III. The Turkish Weightlifting Federation is entitled to nominate candidates for the 2025 EWF Elections.

IV. Hasan Akkuş is an eligible candidate for the position of EWF President.

V. Bülent Işik is an eligible candidate for the position of member of the EWF Medical Committee.

VI. Keziban Ozel is an eligible candidate for the position of member of the EWF Technical Committee.

VII. Kenan Erdagi is an eligible candidate for the position of member of the EWF Coaching and Research Committee.

VIII. The European Weightlifting Federation is ordered to postpone the elections scheduled to take place on 11 April 2025 at a later date, to take place not before 11 May 2025.

IX. The European Weightlifting Federation is ordered to bear all arbitration costs and to reimburse the Appellants the minimum CAS Court Office fee of CHF 1,000 as well as any advances on costs paid by them.

X. The European Weightlifting Federation shall be ordered to pay to the Appellants a contribution towards their legal and miscellaneous costs incurred within the framework of these proceedings in an amount that will be specified at a later stage."

B. The Respondent's submissions and requests for relief

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

- Pursuant to Article R58 of the CAS Code and applicable EWF Constitution, the applicable law is the regulations of the EWF and, additionally, Swiss law.

- The Appellants' accusations against the integrity of EWF's governance and electoral process are both misplaced and unsupported by the record. First, the Appellants' portrayal of Mr Conflitti as having unilaterally engineered a campaign to exclude rival candidates from the election is false. The decision to apply the Rule was adopted by the Executive Board in accordance with its constitutional powers. Mr Conflitti merely signed the decision in his capacity as EWF President. Secondly, it is untrue that the letter from the Moldovan national federation (of which Mr Conflitti is the President) would show any breach of confidentiality by Mr Conflitti. Rather, the Balkan Weightlifting Federation had previously sent an email to the EWF highlighting its support for Dr Akkuş as EWF President. Therefore, Dr Akkuş had voluntarily disclosed his candidacy before the vetting process had concluded. Thirdly, the Appellants' claim of opacity regarding the composition of the Vetting Panel is false as its composition was announced during the EWF Special Congress 2024, which was attended by the TWF (and Dr Akkuş himself), as reflected in the public minutes of that Congress. Fourthly, the Appellants mischaracterize the role of Mr Oren Shai, who merely acted as an administrative secretary to the Vetting Panel, transmitting communications prepared by the Vetting Panel itself. Finally, the Appellants' suggestion, without any evidence, that the Vetting Panel would have simply followed the alleged "wishes" of the EWF President, is misconceived and inappropriate.

<u>The appeal is inadmissible because it is directed against the wrong decision</u>:

- The appeal is directed against the Appealed Decision and seeks a declaration that the TWF was entitled to nominate candidates and that the Nominees were eligible for election. However, the Vetting Panel did not – and could not, due to the Executive Board's exclusive competence – take any decision in this regard. Rather, this had already been determined in the Executive Board Decision. As a consequence, the appeal goes beyond the powers of the Panel, whose review is limited to the objective and subjective scope of the decision appealed against (CAS 2007/A/1426, para. 3; CAS 2023/A/9829, para. 63). At the same time, the Appellants lack any legal interest in pursuing this appeal as their requests are not helpful to pursue their ultimate goals.

- The Executive Board's exclusive competence to apply the Rule follows from Articles 5.3.1.17 and 5.3.1.18 of the EWF Constitution. The Appellants' attempt to derive a different result from Article 3.8 of the EWF Constitution must fail. The latter Article deals with an entirely different issue, namely sanctions that can be imposed on national federations that do not comply with their obligations under Article 3.3 of the 2024 EWF Constitution. The Rule does not intend to

sanction a national federation's conduct (much less for failure to comply with their obligations under Article 3.3 of the 2024 EWF Constitution) but rather to temporarily curtail a member federation's nomination right as provided for under Article 3.4 of the 2024 EWF Constitution. In fact, the Rule is of an administrative nature and focusses on the prohibition of a national federation to nominate candidates. This is also confirmed by the rationale of the Rule, which was introduced to protect the integrity of sport governance and to restore credibility within the Olympic movement.

- The Vetting Panel's sole task, by contrast, is to rule "*whether a person is Eligible to become or to remain an EWF Official*" (Article 7 of the 2024 EWF Constitution). Thus, the Vetting Panel's responsibility is to analyse the individual characteristics of each candidate. By contrast, the 2024 EWF Constitution does not provide that the Vetting Panel is competent to determine the rights of a national federation. The right to nominate candidates is governed by Article 3.4 of the 2024 EWF Constitution ("*Rights of NF full members*"), which is the same Article that also contains the Rule. The only other reference to the Rule is in Article 3.5.3 of the EWF Constitution (Article 3.5 being entitled "*Rights of Affiliate Member*"). This alone indicates that the Clause only concerns national federations and that the consequence of its application is to temporarily withdraw a right of a national federation. The Vetting Panel is not provided with any competence under the Clause or, more generally, under Article 3.4 of the EWF Constitution. The limited scope of the Vetting Panel's mandate was also confirmed by Mr Efraim Barak, the Chairman of the Vetting Panel, in his oral witness testimony. It is further confirmed by the award in CAS 2022/A/8915, 8918, 8919 & 8920, in which the CAS, while analysing an IWF provision identical to the Rule, did not consider that the provision could fall under the competence of an electoral / vetting panel.

- As a result of the Executive Board Decision, the Vetting Panel had no candidates from the TWF to assess and no authority to override the Executive Board Decision, which is reflected in Annex C of the Appealed Decision. The Nominees were not considered ineligible; instead, the TWF was barred from nominating anyone in the first place. The Vetting Panel's conduct was not refusal to act, but a correct application of the regulatory framework and a consequence of the Executive Board Decision.

- The Appellants are seeking that this Panel take decisions that the Vetting Panel, whose decision is being challenged, could not have taken. Therefore, the Appellants' requests lie outside the scope of the present proceedings. Similarly, as the Vetting Panel did not – and could not – rule on the Nominees' eligibility, the Appellants did not suffer any legal prejudice from the Appealed Decision. In turn, the only relevant legal act that affected the TWF, i.e., the Executive Board Decision, falls outside the scope of the present proceedings. Therefore, the Appeal is misdirected, and the Appellants have no legal interest to pursue their claims against the Vetting Panel (cf. Article 59(2) of the Code of Swiss Civil Procedure and CAS 2016/A/4602, paras. 48 *et seq.*).

Alternatively, the Appeal must be rejected on the merits:

- First, given the lack of any direct or legitimate interest of the Appellants in the annulment of the Appealed Decision, they also lack standing to appeal pursuant to CAS jurisprudence.

- Secondly, the Rule was correctly applied (by the Executive Board). It is clear that the Rule intends to cover the most recent full Olympic cycle, i.e. from the opening ceremony of the 2020 Tokyo Olympics until 11 January 2025 (the closing date for nominating candidates for the 2025 EWF Elections). Even if it referred instead to a full four-year period before 11 January 2025, or starting from the 2020 Tokyo Olympics, the result would be the same. In either case, more than four ADRV sanctions would have been incurred within the relevant time period by persons affiliated with the TWF. Contrary to the Appellants' argument, it is irrelevant when those ADRVs were committed because, based on the plain wording of the Rule, it is the date of the sanction that counts ("*persons representing a National Federation Member together incur at least Four (4) or more Anti-Doping Rule Violation sanctions*", emphasis added by the Respondent). This is also confirmed by the term "*incur*", which is defined as "*to become liable or subject to*". A person does not incur a sanction at the time when the ADRV is committed, but rather once the relevant sanction is imposed. This interpretation is not only consistent with the wording of the Rule, but it also ensures legal certainty as the date of a sanction is objective, verifiable, and final. By contrast, using the date of the underlying conduct would make the Rule dependent on unresolved allegations or preliminary facts, which would undermine the Rule's legal clarity. In fact, such interpretation would defeat the purpose of the Rule as complex doping cases (such as those involving reanalysis) are often adjudicated only after several years. Contrary to the Appellants' argument, the principle of *contra proferentem* does not apply. There is no ambiguity in the Rule and the various methods of interpretation all lead to the same outcome. In addition, the said principle is generally applicable to private contracts where one party had no influence over the drafting. By contrast, TWF is a member of the EWF and was entitled to participate in the legislative process that led to the adoption of the Rule by an amendment which was proposed in November 2022, to which the TWF did not provide any comments, and which it did not challenge after it was adopted.

- Thirdly, even if the Executive Board Decision were within the scope of the present arbitration (*quod non*), all the procedural arguments raised against it by the Appellants are incorrect:

    - The timing of the Executive Board Decision is irrelevant. The Executive Board began to analyse whether the said Article applies to any national federation after "*the closing date for nominating candidates for election*", as mentioned in the Rule. The Executive Board Decision was rendered after it received the relevant anti-doping data from the IWF. The EWF had no prior knowledge of the dates on which the relevant sanctions were imposed.

- The Executive Board Decision reflects an "*animus decidendi*" and all elements for a decision in accordance with CAS jurisprudence. In particular, the Executive Board Decision was final, and time was given to the TWF to respond until 11 March 2025 only in relation to "*any claims against the list provided by the ITA*". That anti-doping data has not been disputed by the Appellants until today. Even the Appellants' counsel acknowledged that the Executive Board Decision was a decision when he requested Mr Conflitti "*to retract the decision reflected in your letter of 4 March 2025*".

- There was no conflict of interest when members of the Executive Board who were standing for election voted on the Executive Board Decision. The Rule sets out objective and automatic criteria and the Executive Board's role is limited to confirming whether those conditions are met or not, i.e., there is no discretion or evaluative component that would allow for bias or manipulation. The Board did not assess the eligibility of any person but made a general determination regarding the national federations' right to nominate candidates based on the anti-doping data. The Executive Board Decision also did not single out the TWF but prohibited four national federations from nominating candidates based on objective criteria. In any case, nine members of the Executive Board voted in favour while two abstained and none voted against. Hence, one can speak of a collegiate unanimous decision.

- The audio recording of the Executive Board Meeting of 3 March 2025 shows that there was no conspiracy. Instead, the matter was discussed openly for two and half hours and all Executive Board Members voted freely.

- The Executive Board Decision is not null and void as per Article 20 of the Swiss Code of Obligations. This allegation is also outside the scope of the present Appeal, which challenges only the Appealed Decision of the Vetting Panel. The Executive Board Decision should have been challenged in the courts of Zurich, not before CAS.

- Fourthly, the consequences of the Rule on the TWF are proportionate:

  - The Rule is administrative in nature and operates automatically upon satisfaction of objective criteria. It is limited to a defined period and applies where at least four doping sanctions (higher than three months) have been imposed. It restricts only a national federation's right to nominate candidates for a single electoral cycle, and not indefinitely.

  - The Appellants' reliance on CAS OG 20/004 is misplaced as in that case, the Panel found that a life-long exclusion from Olympic accreditation based on a single historical ADRV which had occurred 27 years ago was disproportionate, primarily because the rule in question was vague, open-ended and lacked any time limitation. By contrast, the said Article is

precisely drafted and contains a clear threshold and time frame which leads to a pre-defined consequence. There is no discretion or subjectivity in its application and it was applied consistently to all national federations.

- The Appellants claim that the Nominees should not suffer the consequences of the ADRVs that were committed in 2012. Even if the Panel were to consider that this raises questions of proportionality, it should take into account that, at the time when the four Turkish weightlifters committed their ADRVs (in April 2012), the TWF was presided by Dr Akkuş. Consequently, there is no reason why he should be allowed to hide behind the time elapsed since the ADRVs were committed.

- Lastly, the principle of non-retroactivity has not been violated. That principle is applicable only in disciplinary proceedings, whereas the Rule is administrative in nature. In addition, Swiss law distinguishes between genuine retroactivity (when a new rule is applied to legal situations already completed in the past, which is generally impermissible) and non-genuine retroactivity (when a new rule is applied to current circumstances rooted in past facts, which is lawful if no vested rights are infringed). The Rule involves non-genuine retroactivity as it governs future procedural rights (of national federations to nominate candidates) by reference to objectively verifiable past events (i.e., imposition of doping sanctions). In any case, the Rule satisfies all conditions of permitted genuine retroactivity, i.e., (i) it is limited in time; (ii) it does not lead to serious breach of equalities; (iii) it is justified by relevant grounds; and (iv) it does not infringe vested rights.

64. The Respondent made the following requests for relief:

"Prayer 1: The Appeal shall be declared inadmissible.

Prayer 2: In the alternative, the Appeal shall be dismissed.

Prayer 3: In any event, the Appellants shall be ordered jointly or individually to bear the costs of the arbitration and to contribute substantially to the legal fees incurred by the Respondent."

V. JURISDICTION

65. Pursuant to Article R47 of the CAS Code:

"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 […]*".* (emphasis added)

66. As the Appealed Decision was issued by the Vetting Panel, which is a body of the EWF, the wording "*statutes* […] *of the said body*" in Article R47 of the CAS Code is a reference to the EWF Constitution. According to Article 7.2 of the 2024 EWF Constitution (which was in force when the Appealed Decision was rendered, and when the present appeal was filed),

> *"A decision of the Vetting Panel* […] *that a person is not Eligible may be appealed to the CAS."*

67. As explained in more detail below, the Panel finds that the Appealed Decision did decide that the Nominees were "*not Eligible*". Accordingly, it follows from Article 7.2 of the 2024 EWF Constitution that CAS has jurisdiction over the present appeal. There is also no indication that the 2024 EWF Constitution, or any other applicable regulation, would provide for legal remedies that the Appellants would have had to exhaust prior to the appeal.

68. The Panel further notes that while the EWF argued that the Appealed Decision did not make any finding as to the eligibility of the Nominees, it did not object to the jurisdiction of CAS. Instead, it expressly confirmed the same by signing the Order of Procedure without any jurisdictional reservation.

69. For the above reasons, the Panel rules that it has jurisdiction to adjudicate the present case.

VI. ADMISSIBILITY

A. Timeliness of the appeal

70. Article R49 of the CAS Code provides 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* […]*".*

71. Accordingly, Article R49 of the CAS Code accords priority to any time limit for appeal provided for in the statutes or regulations of the governing the body that issued the decision appealed against. The EWF Constitution does not provide for any such time limit, and neither was the Panel referred to any EWF regulation that would do so. Consequently, the applicable time limit is 21 days from receipt of the Appealed Decision by the Appellants.

72. It has remained undisputed that the Appealed Decision was issued on 12 March 2025. Therefore, the Statement of Appeal, which was filed on 18 March 2025, was well within the time limit for appeal.

B. Scope of the appeal

73. According to Article R57 para. 1 of the CAS Code, when deciding upon appeal, the CAS "*has full power to review the facts and the law*", i.e., to decide the case *de novo*. However, the Panel subscribes to the well-established CAS jurisprudence whereby, despite this broad power of review, the scope of any CAS appeal procedure is limited to the object of the dispute that was before the previous instance (see CAS 2005/A/835 & 942, para. 13; CAS 2006/A/1206, para. 3; CAS 2007/A/1426, para. 22; CAS 2009/A/1919, para. 27).

74. The Appellants' requests for reliefs I (that the appeal be upheld), IX (that the Respondent be ordered to bear the arbitration costs) and X (that the Respondent be ordered to contribute to the Appellants' legal fees and expenses) are clearly within the scope of appeal. In respect of the remaining requests, the Panel finds it useful to distinguish between three groups of requests, each of which will be addressed in turn below.

1. Requests related to the eligibility of the Nominees (requests II and IV-VII)

75. The Appellants' request for relief II (that the Appealed Decision be set aside with respect to the eligibility of the Nominees) and IV-VII (that each of the Nominees be declared eligible) all relate to the eligibility of the Nominees. The Respondent argues that those requests are beyond the scope of the appeal because allegedly the Appealed Decision does not contain any ruling on the Nominees' eligibility. Instead, in the Respondent's view, the Vetting Panel abstained from any such determination because it was bound by the Executive Board Decision, whereby the TWF was prevented from nominating any candidates in the first place. For the following reasons, the Panel is not convinced by this line of argument.

76. Pursuant to Article 7 of the EWF Constitution, the Vetting Panel is "*responsible for determining whether a person is Eligible to become* […] *an EWF Official* […]". According to Article 7.1 of the EWF Constitution, the Vetting Panel "*will conduct its activities in accordance with the Vetting Rules that appear in the candidate Eligibility Rules and the candidate nomination Rules* […]". The Candidate Eligibility Rules, in turn, provide in Section 1 that only "[a] *Full Member authorized by the Constitution to nominate a candidate for election* […]" may nominate candidates for election. Similarly, the Candidate Nomination Rules require in Section 4(d) that a nomination must be signed and dated by a "[a] *Full Member that is entitled and eligible under the Constitution to make that nomination.*" Moreover, Section 5(b) of the Candidate Nomination Rules requires the President and General Secretary of the nominating Full Member to sign a declaration confirming that the nominating Full Member is "*Eligible under the Constitution, to make the nomination*".

77. Reading those provisions together, it seems obvious to the Panel that part of the Vetting Panel's mandate was to determine whether each candidate was nominated by a national federation that was entitled/eligible to nominate a candidate pursuant to the EWF Constitution. This is precisely how the Vetting Panel understood its mission, as confirmed both by Annex C of the Appealed Decision and by the testimony of Mr Barak

in this arbitration. When the Vetting Panel considered, as it did for the Nominees (and others), that the member federation making the nomination was not in fact entitled to nominate any candidates, it effectively disallowed the relevant candidates from standing for election by not including them in Annex A of the Appealed Decision (entitled "*Eligible Candidates*"). The Panel finds that this amounted to a decision that the relevant candidates were not eligible for the election.

78. In the Panel's view, it makes no difference that the Vetting Panel did not include those candidates in Annex B of the Appealed Decision, entitled "*Candidates declared ineligible*", but rather included them in the separate Annex C, which did not mention the term eligibility. According to well-established CAS jurisprudence, it is the substance of a document, not its form, that determines the legal quality of that document (cf., in the context of whether a document is a decision, CAS 2010/A/2315, para. 9). In relation to the Nominees, the substance of the Vetting Panel's decision was that the Nominees could not stand for election due to reasons stemming from the "*Vetting Rules*" referenced in Article 7.1 of the EWF Constitution – which were the rules to be applied by the Vetting Panel in determining "*whether a person is Eligible*" under Article 7 of the EWF Constitution.

79. Accordingly, the Panel considers that the Vetting Panel did, in substance, find that the Nominees were ineligible for the 2025 EWF Elections. The Panel also notes that in CAS 2022/8915 & 8918-8920, para. 69, the panel likewise considered that the application of an IWF rule virtually identical to the Rule resulted in the nominated candidates being ineligible.

80. Consequently, the Appellants' requests that seek to set aside the Vetting Panel's finding on the eligibility of the Nominees, and to replace it with a declaration that the Nominees are in fact eligible, fall squarely within the scope of the appeal.

2. Request relating to the TWF's right to nominate candidates (request III)

81. With their request for relief III, the Appellants seek a declaration whereby the TWF is entitled to nominate candidates. The Respondent argues that the request is beyond the scope of the appeal because the Vetting Panel did not, and could not, take any decision on the TWF's right to nominate candidates.

82. The Panel agrees that there is no indication in the Appealed Decision, or elsewhere in the record, that the Vetting Panel did in fact take any decision of its own regarding the TWF's right to nominate candidates for the Elections. To the contrary, the title of Annex C makes very clear that the Vetting Panel simply deferred in this regard to the Executive Board Decision ("*Candidates presented by a Member which is prohibited from nominating candidates in accordance with the EWF Executive Board decision*", emphasis added by the Panel). The same was also confirmed by Mr Barak in his testimony, which the Panel found credible.

83. However, the Panel considers that even in the absence of any actual decision by the Vetting Panel on the TWF's right to nominate candidates for the Elections, the Appellants' request for relief III would nonetheless fall within the scope of the appeal

if the Vetting Panel had the power to make, but failed to make, a determination of its own in this regard (cf. CAS 2005/A/899, para. 13; CAS 2018/A/5661, para. 89). As the *de novo* powers of this Panel upon appeal are identical to those of the previous instance, i.e. the Vetting Panel, it would be within the powers of this Panel to decide on the TWF's right to nominate candidates if the Vetting Panel could have taken such decision, no matter whether it actually did so.

84. That said, the Panel is not satisfied that the Vetting Panel was in fact competent to take any decision of its own on the TWF's right to nominate candidates. This follows from an interpretation of the 2024 EWF Constitution. On the Swiss law principles governing such interpretation, the Panel will be guided by the jurisprudence of the Swiss Federal Tribunal aptly summarized by the Panel in CAS 2013/A/3365, at para. 139, which the Parties also seemed to accept:

> *"According to the SFT, the starting point for interpreting is indeed its wording (literal interpretation). There is no reason to depart from the plain text, unless there are objective reasons to think that it does not reflect the core meaning of the provision under review. This may result from the drafting history of the provision, from its purpose, or from the systematic interpretation of the law. Where the text is not entirely clear and there are several possible interpretations, the true scope of the provision will need to be narrowed by taking into account all the pertinent factors, such as its relationship with other legal provisions and its context (systematic interpretation), the goal pursued, especially the protected interest (teleological interpretation), as well as the intent of the legislator as it is reflected, among others, from the drafting history of the piece of legislation in question (historical interpretation) (SFT 132 III 226 at 3.3.5 and references; SFT 131 II 361 at 4.2). When called upon to interpret a law, the SFT adopts a pragmatic approach and follows a plurality of methods, without assigning any priority to the various means of interpretation (SFT 133 III 257 at 2.4; SFT 132 III 226 at 3.3.5)"*

85. Starting with a literal interpretation, the Panel notes that the Rule itself does not mention the Vetting Panel. Neither does any other provision in the EWF Constitution specifically say that the Vetting Panel (or any other EWF body, for that matter) is in charge of determining whether the Rule applies in a given case. Hence, if at all, any competence of the Vetting Panel to decide on the applicability of the Rule could be derived from Section 1 of the Candidate Eligibility Rules, and/or Sections 4(d) and 5(b) of the Candidate Nomination Rules. Such grant of competence in the Candidate Eligibility Rules and the Candidate Nomination Rules, however, is prevented by Articles 5.3.1.17 and 5.3.1.18 of the EWF Constitution, which provide as follows:

> *"**5.3.1** Subject to the exclusive powers and ultimate authority of Congress, the Executive Board will have full power and authority to manage the affairs of the EWF, including any powers delegated to it by Congress in accordance with Article 4.1.12, as well as the power (and responsibility) to:*
>
> […]

> ***5.3.1.17*** *Resolve and determine any matters or disputes for which an alternative resolution mechanism is not provided for in this Constitution; and*
> ***5.3.1.18*** *Decide all matters not reserved to another body by this Constitution or by a mandatory provision of Swiss law."* (emphasis added by the Panel)

86. As per the plain wording of Articles 5.3.1.17, the Executive Board is competent to resolve, decide or determine any matters or disputes for which the EWF Constitution itself does not foresee the competence of another body or an alternative dispute resolution mechanism. The Candidate Eligibility Rules and the Candidate Nomination Rules do not form part of the Constitution. Rather, as confirmed both by their name and by the table of context preceding the EWF Constitution, they are "*Rules*". It is clear from the "*Rules of Construction*" preceding the EWF Constitution, which consistently distinguish between "*the Constitution and Rules*", that Rules are distinct from the Constitution. Accordingly, any grant of competence to the Vetting Panel that could override the residual competence of the Executive Board provided for in Articles 5.3.1.17 and 5.3.1.18 of the EWF Constitution would need to be based on the EWF Constitution itself.

87. As mentioned above, neither the Rule itself nor any other provision in the EWF Constitution provides that the Vetting Panel is competent to decide on the application of the Rule. Neither does any other provision of the EWF Constitution that mentions the Vetting Panel refer to, or even allude to, the Rule. This holds true, in particular, for Article 7 of the Constitution, which is the main Article governing the Vetting Panel and setting out its mission. Had the drafters of the EWF Constitution wished for the Vetting Panel to decide on the application of the Rule, one would have expected them to say so, or – at the very least – for the EWF Constitution to indicate a connection between the Vetting Panel and the Rule. Yet, this is plainly not the case.

88. Even if one were prepared to consider Section 1 of the Candidate Eligibility Rules, and/or Sections 4(d) and 5(b) of the Candidate Nomination Rules within the framework of a systematic interpretation of the EWF Constitution, those provisions do not in fact provide for any competence of the Vetting Panel to decide on the applicability of the Rule. Instead, those provisions merely say that the Vetting Panel must satisfy itself that the relevant candidate was nominated by a national federation that is entitled to nominate candidates. The provisions do not, however, shed any light on whether this task shall be discharged by relying on a decision of a competent body regarding the applicability of the Rule, or whether the Vetting Panel shall make such determination itself. At best, this crucial question is left unanswered by those provisions within the Candidate Eligibility Rules and the Candidate Nomination Rules. Hence, they do not lend any support to the Appellants' position of reading into the EWF Constitution a competence of the Vetting Panel to decide on the applicability of the Rule.

89. Similarly, contrary to the Appellants' argument, Section 8(d)(1) of the Candidate Nomination Rules does not provide that the Vetting Panel is competent to decide any matters related to eligibility. Instead, said provision requires candidates to provide written consent "*to the jurisdiction of the Vetting Panel and any decision, determination and adjudication of the Vetting Panel*". As this provision does not say what the

jurisdiction of the Vetting Panel is, it cannot possibly be understood as granting the Vetting Panel the competence to decide on the application of the Rule.

90. Rather, the Panel finds that a systematic interpretation militates against the Vetting Panel being competent in this regard. The systematic position of the Rule in Article 3.4 of the EWF Constitution, which is entitled "*Right of NF full Members*", confirms that the Rule curtails a membership right, namely the right to nominate candidates for EWF elections (which is likewise provided for in Article 3.4, specifically in Articles 3.4.3 and 3.4.4 of the EWF Constitution). It is clear from Article 7 of the EWF Constitution that the Vetting Panel's mandate is solely to decide on the eligibility of individuals. This is categorically different from a determination on a national federation's membership rights within the EWF Constitution.

91. In the Panel's view, neither the undisputed legislative history behind the Rule (the pressure on weightlifting federations to increase their anti-doping efforts in order to remain part of the Olympic movement) nor the undisputed related purpose of the rule (to protect the EWF from being governed by officials nominated by national federations with endemic doping problems) allow for any conclusions as to which body within the EWF should be in charge of the application of the Rule.

92. While there is some force to the Appellants' argument that from the perspective of the objective to avoid any conflicts of interest, it would be preferrable for the Vetting Panel rather than the Executive Board to decide on the application of the Rule, such conflicts of interest do not necessarily exist within the Executive Board in all cases, and could also be addressed differently (e.g. by the relevant Executive Board members recusing themselves from the relevant vote). In any case, it is not for the Panel to act as legislator and to re-write the EWF Constitution in a way that may (or may not) be perceived as more appropriate from a policy perspective.

93. Therefore, the Panel concludes that there is no grant of competence in favour of the Vetting Panel with respect to the application of the Rule. Instead, based on Articles 5.3.1.17 and 5.3.1.18 of the EWF Constitution, that decision falls within the residual competence of the Executive Board. The Panel notes for completeness that in CAS 2022/A/8915 & 8918-8920, the panel likewise concluded that an IWF body comparable to the Vetting Panel was not competent to apply an IWF rule almost identical to the Rule; however, since some of the provisions relied upon by the panel in that case to reach that conclusion are not to be found in the EWF Constitution, the Panel did not place any decisive reliance on that award.

94. To conclude, as the Panel's powers do not go beyond those of the Vetting Panel, whose decision is the subject of the present appeal, it follows that the Appellants' request for a declaration regarding the TWF's right to nominate candidates goes beyond the scope of the appeal. Consequently, the said request must be declared as inadmissible on that issue.

3. Request relating to the postponement of the 2025 EWF Elections (request VIII)

95. With their request for relief VIII, the Appellants seek a postponement of the 2025 EWF Elections. Such postponement was, of course, not the subject matter of the Appealed Decision. However, the Panel finds that, in substance, this request amounts to a request for provisional measures under Article R37 of the CAS Code. After all, with this request for relief, the Appellants seek to preserve the *status quo* until a decision on the merits of the other requests has been rendered, so that elections are held only once it is clear whether the Nominees may stand for election. This is a typical conservatory or protective measure admissible under Article R37 of the CAS Code (see Mavromati/Reeb, The Code of the Court of Arbitration for Sport, 2015, Article R37 para. 4; RIGOZZI/HASLER, in: ARROYO, Arbitration in Switzerland – The Practitioner's Guide, 2nd edition, 2018, Article R37 para. 13). As such, the Panel finds that request VIII is within the scope of the appeal.

C. Legal interest

96. Pursuant to the applicable Swiss law, declaratory relief may be sought only if the requesting party establishes a sufficient legal interest in the declaration sought. This has been aptly summarized as follows in CAS 2009/A/1870, para. 55:

> *"According to the predominant view the prerequisites for a declaratory judgment are – in principle – threefold. According thereto the party seeking declaratory relief must show a legal interest to do so. The latter presupposes that the declaratory judgment is necessary to resolve a legal uncertainty that threatens the Claimant (TF 17.8.2004 – 4C 147/2004). According to constant Swiss jurisprudence a legal interest is missing if a declaratory judgment is insufficient or falls short of protecting the Claimant's interests (ATF 116 II 196; 96 II 131). The latter is the case – inter alia – if a party must file a further claim or request in order to obtain the judicial relief sought or if there are better or easier ways to pursue and protect the Claimant's legal interests (ATF 123 III 429; 99 II 174)."*

97. Having ruled that the Appealed Decision effectively declared the Nominees ineligible for the 2025 EWF Elections, the Panel has no hesitation to find that the Nominees, who are prevented from standing for election, have a legal interest in seeking a declaration from the Panel confirming their own eligibility (i.e, requests for relief IV-VII), and to see the Appealed decision set aside in that regard (i.e., request for relief II).

98. In respect of the TWF's request that the Panel declare that the TWF is entitled to nominate candidates, the Panel has already found that such request is beyond the scope of the appeal. Therefore, the Panel does not find it necessary to make any ruling on whether the TWF has the requisite legal interest to seek that declaration.

99. In summary, the Panel finds that request for relief III is inadmissible, while the other requests for relief are admissible.

VII. APPLICABLE LAW

100. Article R58 of the CAS Code provides 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."*

101. The Parties agree, and so does the Panel, that the "*applicable regulations*" in this case are the relevant editions of the EWF Constitution and regulations, and that Swiss law applies subsidiarily as the EWF's seat is in Switzerland.

VIII. OTHER PROCEDURAL ISSUES

102. As mentioned above, pursuant to Article 56(1) of the CAS Code, the Panel upheld the Appellants' request to file additional exhibits, *viz.* their filings in the parallel CAS arbitration in which they challenged the Executive Board Decision. The reasons behind this decision were (i) the obvious interrelation between the two CAS arbitrations, (ii) the fact that those filings had been made on the same day as (in case of the Statement of Appeal and Appeal Brief in the other case) or subsequent to (in case of the Request for Provisional Measures in the other case) the filing of the Appeal Brief in the present case, and (iii) the fact that the Appeal Brief had been filed within a mere eight days of the Appealed Decision, given the urgent nature of the case, and (iv) the Appellants became aware only upon receipt of the Respondent's Answer that the Respondent's main argument was that the Appellants had challenged the wrong decision. In the Panel's view, those reasons constituted exceptional circumstances within the meaning of Article 56(1) of the CAS Code, and justified admitting the additional exhibits to the record.

IX. MERITS

103. As a threshold matter, the Panel dismissed the Respondent's argument that the Appellants lack standing to appeal given an alleged lack of any legitimate interest in the annulment of the Appealed Decision. To the extent that the Appellants' requests for relief are within the scope of the appeal, the Panel has already affirmed their legal interest. For the same reason, the Appellants have standing to appeal.

104. This being said, the Panel will move to address the Appellants' requests for relief seeking declarations that the Nominees are eligible, before turning to the request that the Appealed Decision be set aside. Thereafter, the Panel will address the Appellants' request that the Panel order a postponement of the Elections.

A. Requests for declarations of eligibility (requests IV-VII)

105. For those requests to be successful, the Panel would need to find that the Vetting Panel should not have relied on the Executive Board Decision to assume that the TWF had no right to nominate any candidates. Only if this reliance was misplaced, further questions would arise, such as whether the Vetting Panel should instead have assessed itself whether the Rule was applicable, and whether each of the Nominees fulfilled all the personal eligibility requirements provided for in the EWF Constitution and Rules. The Panel will therefore now turn to the threshold question of whether the Vetting Panel was bound by the Executive Board Decision.

106. It has already been ruled above that it was the Executive Board, not the Vetting Panel, that was competent to determine whether the Rule applied to the TWF. The Appellants argue that the Executive Board did not in fact make use of this competence because, in their view, the Executive Board Decision is not in fact a 'decision' in the legal sense of that term and because, even if it were, it would be null and void. The Panel will deal with each of those two arguments in turn below.

1. Legal quality of the Executive Board Decision

107. The Panel subscribes to the well-established CAS jurisprudence on what a decision is, namely (i) a unilateral act that is (ii) addressed to one or more specific recipients and (iii) is intended to produce legal effects (often referred to as *animus decidendi*) (see, *ex multis*, CAS 2004/A/659; CAS 2013/A/3148, para. 116). The Appellants seem to accept, and the Panel sees no reason to doubt, that the Executive Board Decision was a unilateral act by the Executive Board that was addressed to a specific recipient, namely the TWF (with identical unilateral acts being addressed simultaneously to three other national federations).

108. Contrary to the Appellants' view, the Panel considers that the Executive Board Decision also was intended to produce legal effects. As per the wording of the Executive Board Decision, the Executive Board resolved to "*notify affected EWF MFs* [Romania, Russia, Turkey and Ukraine] *that* […] *persons representing* [them] *have incurred more than four (4) Anti-Doping Rule Violation sanctions* […] *during* [the relevant period], *thereby falling under the provisions of* [the Rule] *which clearly establishes that the National Federation Member shall be prohibited from nominating any candidate for election* […]" (emphasis added).

109. Admittedly, the wording of the Executive Board Decision seems unnecessarily complicated. In view of the recording of the relevant Executive Board meeting, this wording seems to have been the result of lengthy discussions at the relevant Board Meeting on the nature of the Executive Board Decision, namely whether the Executive Board would "*apply*", "*activate*" or "*implement*" the Rule. This discussion then resulted in a compromise wording involving the term "*notify*". Regardless, the underlined part of the Executive Board Decisions clearly constitutes a finding by the Executive Board that the Rule was applicable to the TWF. The Panel does not find that anything that was said during the relevant Executive Board meeting (to the extent reflected in the audio recording) could call such finding into question. While some members raised doubts as

to whether the Executive Board needed to take any decision at all, nine of eleven Executive Board members eventually voted in favour of such decision, with the other two abstaining.

110. It is also manifest that the Executive Board intended to produce legal effects as a result of the applicability of the Rule, namely the curtailment of the TWF's right to nominate candidates explicitly mentioned in the Executive Board Decision. Had the Executive Board not intended for this legal effect to apply, it would be difficult to explain why the curtailment of the nomination right is specifically mentioned in the Executive Board Decision. Also, it is clear from the audio recording of the relevant meeting that the Executive Board was well aware what the consequence of the application of the Rule would be.

111. Although the Executive Board Decision itself (as opposed to the Conflitti Letter) was made available to the Appellants only during this arbitration, the Panel finds that this does not change the legal nature of that document. In addition, the Conflitti Letter, albeit using different words, did communicate to the TWF the substantive content of the Executive Board Decision. While the Appellants appear to criticize that the Conflitti Letter was not sent to the Nominees as well, the Panel finds that there was no obligation for the EWF to do so – the Executive Board Decision curtailed a right of the TWF, making the TWF the proper addressee of the Executive Board Decision and, therefore, of the Conflitti Letter.

112. While the Appellants rightly noted that the Conflitti Letter also included a deadline for the TWF to submit any claims it might have against the doping-related information mentioned in the Conflitti Letter, the Panel does not share the Appellants' view that this deadline meant that the Executive Board Decision was lacking an *animus decidendi*.

113. First, it is undisputed that no such deadline existed in the Executive Board Decision itself. The Appellants themselves have argued, and the Panel agrees, that Mr Conflitti could not rule on the applicability of the Rule by himself. It follows that him setting a deadline cannot possibly call into question the Executive Board's *animus decidendi*.

114. Secondly, the only paragraph in the Conflitti Letter that explains the Executive Board Decision (as indicated by the wording "*The EWF Executive Board has issued the resolution* […]") states very clearly, and without any reservation or condition, that any candidates nominated by the TWF "*cannot stand for election*". Against the background of this unambiguous statement, the deadline mentioned by Mr Conflitti at the end of the Conflitti Letter could not reasonably be understood in the way suggested by the Appellants, namely that the TWF's candidates could in fact stand for election, as long as the EWF Executive Board did not take a decision after expiry of the deadline to apply the Rule. Rather, when seen it its context, the deadline merely provided the TWF with a chance to establish that the Executive Board Decision had been rendered on an incorrect factual basis, in which case the Executive Board could have re-considered the matter.

115. Similarly, the Panel is not convinced by the Appellants' argument that the Executive Board Decision could not have been intended as a decision because the procedure set

out in Article 3.8 of the 2023 EWF Constitution for the imposition of sanctions was not followed. Article 3.8 of the 2023 EWF Constitution applies only to sanctions imposed for violations of Article 3.3 of the 2023 EWF Constitution. There is no suggestion that the TWF violated Article 3.3 of the 2023 EWF Constitution. Hence, Article 3.8 of the 2023 EWF Constitution is plainly not applicable.

116. Consequently, the Panel is satisfied that the Executive Board took a decision to the effect that the Rule was applicable and that the TWF was, therefore, prevented from nominating any candidates. Given the above-mentioned allocation of competences within the EWF regarding the application of the Rule, the Vetting Panel was, in principle, bound by the Executive Board Decision. There is, however, one exception to that principle: If the Executive Board Decision was null and void pursuant to Article 20 (1) of the Swiss Code of Obligations, it would have been legally non-existent so that there would not have been any decision to which the Vetting Panel could have been bound (cf. also CAS 2007/A/1392, para. 22). In other words, the Panel agrees with the Appellants that it needs to assess *incidenter* whether the Executive Board Decision was null and void. Contrary to the Respondent's argument, this is not beyond the scope of the appeal because the nullity of an association's decision must be respected *ex officio* (see BGE 86 II 87, decision of 12 Mai 1960, para. 6.b). Therefore, the Panel will now turn to the question of whether the Executive Board Decision was null and void.

2. Validity of the Executive Board Decision

117. According to the jurisprudence of the Swiss Federal Tribunal,

> *"The nullity of an association resolution, which in contrast to mere contestability can also be asserted after the expiry of the one-month contestation period under Art. 75 CC, can be based either on a serious formal defect or on a serious defect of a substantive nature (Riemer, loc. cit., N 91/94 on Art. 75 CC). A resolution is null and void due to its content in particular if its content is impossible or contrary to the law or morality, as well as if it violates the right of personality (BGE 93 II 31 E. 3 p. 33 with reference). In the event of a violation of mandatory objective law, nullity is to be assumed in particular in the event of a violation of public interests, third-party interests or unavailable membership rights. On the other hand, mere contestability is given if rights are impaired that the members can dispose of - in particular in the case of resolutions that result in unequal treatment of the members (Riemer, loc. cit., N 115 on Art. 75 ZGB and N 164 on Art. 70 ZGB; Heini/Scherrer, Basler Kommentar, N 34 on Art. 75 ZGB)."*
>
> Swiss Federal Tribunal, decision of 20 April 2006, 4C.57/2006, para. 3.2 (Panel's translation from the German original); see also CAS 2013/A/3148, para. 137.

118. According to the prevailing view, in case of doubt, the decision shall be treated as challengeable only (see CAS 2010/A/2188, para. 38; CAS 2018/A/5745, para. 148).

119. The Appellants have submitted that the Executive Board Decision is flawed because of "*numerous conflicts of interest*", because the Rule was misapplied, and because this misapplication violates the principle of non-retroactivity, the statute of limitations and

the principle of proportionality. The Panel will address each of those arguments in turn below.

i. Conflict of interest

120. The Appellants argue that all Executive Board members were in a conflict of interest because either they were themselves candidates in the election or "*they have functions in, or are related to, national federations which nominated candidates*", in each case providing them with a personal interest in the outcome of the elections.

121. Even assuming that all Executive Board members were exposed to a conflict of interest, the consequence would be (if at all) that all those Executive Board members would not have been entitled to vote on the Executive Board Decision (be it under Article 2(2) or 68 of the Swiss Civil Code, see HANS MICHAEL RIEMER, in: Berner Kommentar, 1990, Art. 68 ZGB, para. 8). However, according to the Swiss Federal Tribunal, a decision issued by a Swiss association with votes of members not entitled to vote is merely challengeable, as opposed to null and void (cf. Swiss Federal Tribunal, BGE 39 II 483 et seq.; in relation to cooperatives and stock companies also BGE 80 II 271, decision of 28 September 1954, para. 1.d); BGE 86 II 87, decision of 12 Mai 1960, para. 6.b)). Hence, even if the Panel were prepared to accept the Appellants' argument that all Executive Board members were in a conflict of interest, this would not render the Executive Board Decision null and void under Swiss law.

122. Even if one took a stricter view than the Swiss Federal Tribunal and considered that a decision of an association is null and void if the requisite majority was only reached by counting votes of members not entitled to vote (see, e.g., HANS MICHAEL RIEMER, in: Berner Kommentar, 1990, Art. 75 ZGB, para. 111), the Executive Board Decision would still only be challengeable. This is because, at the very least, the Appellants have failed to discharge their burden of substantiation and proof in respect of their allegation that those Executive Board members who did not themselves act as candidates in the elections did in fact have any function in, or were related to, national federations in such a way that this could amount to a conflict of interest. Indeed, the Appellants did not specify how many Executive Board members were not themselves candidates in the election. The record suggests that there were four (Mr Buckley, Mr Kipshizde, Mr Shai and Ms Tong) and that three of them (Mr Buckley, Mr Shai and Ms Tong) voted in favour of the Executive Board Meeting. In other words, a majority would have been reached even if one discounted the votes of the other seven Executive Board members who voted on the Executive Board Decision.

123. The foregoing applies with even greater force as the Panel is not prepared to accept the Appellants' suggestion that Executive Board members were exposed to a conflict of interest simply because they were candidates in the elections themselves, regardless of whether they had anything to gain from the TWF being prohibited to nominate candidates. The Appellants did not specify which Executive Board members were candidates in the election and for which positions they were candidates. However, from the record, it seems that Mr Fassot and Mr Mihaljovic ran for positions for which the TWF did not nominate any candidates (Executive Board and Secretary General, respectively), while Ms Caruana ran for the EWF Medical Committee, which was

supposed to comprise six members, with Ms Caruana and the Third Appellant being the only candidates. On the Appellants' own case, the Executive Board members knew, when voting on the Executive Board Decision, who the candidates in the Election were. If that was so, it is difficult to assess why Mr Fassot, Mr Mihaljovic or Ms Caruana could have seen any personal interest in the TWF losing its right of nomination. After all, it would have been obvious to them that the TWF's nominations could not possibly have any impact on their chances of being elected.

124. In summary, therefore, based on the record of this arbitration, the Panel is of the view that only the remaining four of the eleven Executive Board members could be said to (indirectly) have had a personal interest at stake when voting on the curtailment of the TWF's right to nominate candidates. The Panel does not need to decide whether this situation amounted to a conflict of interest that deprived those four members of their voting right in respect of the Executive Board Decision because, even if that were the case, this would not result in the Executive Board Decision being null and void, for the reasons set out in paragraphs 121 and 122 above.

ii. Misapplication of the Rule

125. The Parties have made extensive submissions on the interpretation of the Rule. Indeed, the Panel considers that the Rule is not a model of clarity, in particular regarding the description of the relevant time period. However, even if the Appellants' interpretation of the Rule were correct, the Panel fails to see how a mere misinterpretation of the Rule could render the Executive Board Decision null and void. Specifically, according to the Swiss Federal Tribunal, the contents of a decision render that decision merely challengeable if the rights impaired as a result of such decision can be disposed of by the member in question (see paragraph 117 above). The TWF could, of course, have waived its right to nominate any candidates for the Election. Accordingly, there is no basis for concluding that a mere (alleged) misapplication of the Rule would, in and of itself, render the Executive Board Decision null and void.

iii. Principle of non-retroactivity

126. The Appellants argue that the application of the Rule to the TWF violated the principle of non-retroactivity because the Rule was adopted in April 2023 but was applied to ADRVs committed in 2012. The Respondent argues, inter alia, that the principle of non-retroactivity only applies to disciplinary sanctions, and that the Executive Board Decision is instead administrative in nature.

127. The Panel notes that there is CAS jurisprudence suggesting that the principle of non-retroactivity applies also to non-disciplinary matters (see, in particular, CAS 2014/A/3776, para. 276). However, for the reasons set out below, it is not necessary for the Panel to take a view on this question, or to determine whether the Executive Board Decision was disciplinary or administrative in nature.

128. Under Swiss law, there is a distinction between genuine and non-genuine retroactivity. In the words of the Swiss Federal Tribunal,

> *"Case law distinguishes between genuine and non-genuine retroactivity. A genuine retroactive effect exists if a law* […] *is linked to an event that occurred before it came into force and which has been completed by the time the new provision comes into force. This genuine retroactive effect is only unobjectionable under constitutional law if the retroactive effect is expressly provided for in a law or is clearly evident from it, is limited in time within a reasonable framework, does not lead to disruptive inequalities, serves a public interest worthy of protection and respects vested rights. Non-genuine retroactivity is based on circumstances that arose under the rule of the old law but are still ongoing when the new law comes into force. In principle, non-genuine retroactivity is permissible provided it does not conflict with vested rights* […]*."*
>
> Swiss Federal Tribunal, decision of 6 June 2016, 1C_18/2016, para. 6.2 (translation by the Panel of the German original)

129. The Panel finds that, at least in the present case, the Rule only has a non-genuine retroactive effect. All relevant ADRVs sanctions were either imposed after the Rule came into force (on 30 May 2023) or, in the case of the four ADRVs committed in 2012, they were still ongoing until November 2023, which was several months after the Rule took effect. While the underlying ADRVs were all committed – or, in the Swiss Federal Tribunal's terminology, completed – before the Rule entered into force, the Panel agrees that it is the sanctions imposed, not the ADRVs committed, to which the Rule is linked. This follows from the plain language of the provision ("*incur* […] *Anti-Doping Rule Violation sanctions*", emphasis added). While the Panel accepts that there are both teleological and systematic arguments for linking the Rule instead to the date of commission of the relevant ADRV, there are likewise teleological arguments for choosing the date of the sanction, in particular legal certainty and the fact that well-hidden doping practices, which sometimes can only be discovered and sanctioned years later, would otherwise often fall outside the temporal scope of application of the Rule. As it is not for the Panel to re-write the Rule, the Panel does not find that, on balance, the Appellants' teleological and systematic arguments are sufficient to override the clear wording of the Rule. Due to this result of the interpretation of the Rule, there is also no room for the application of *interpretatio contra proferentem*.

130. The Panel further notes that the application of the Rule did not infringe on any vested rights. Rather, it concerned future nomination rights of EWF member federations. Therefore, the Panel concludes that this is a case of admissible non-retroactivity, assuming that the principle of non-retroactivity is applicable to the Rule.

131. The Panel is also not convinced by the Appellants' argument that any retroactive application of the Rule would violate Article 4.1.3.1 of the 2023 EWF Constitution (and can therefore leave open whether any such violation would have rendered the Executive Board Decision null and void). Contrary to the Appellants' view, Article 4.1.3.1 of the 2023 EWF Constitution makes no statement at all on whether provisions of the 2023 EWF Constitution could have retroactive effect. Rather, Article 4.1.3 of the 2023 EWF Constitution provides the EWF Congress with the power to issue, amend or annul "*Rules*", and sub-Article 4.1.3.1 merely states that "[t]*hose Rules will be amended or annulled with effect from such date as Congress may specify, but such amendment or*

annulment will not have a retroactive effect." As is clear from the Rules of Construction preceding the EWF Constitution, the Rules are distinct from the Constitution (see para. 86 above). The 2023 EWF Constitution does not make any similar statement regarding amendments to the EWF Constitution itself. In any event, even if Article 4.1.3.1 of the 2023 EWF Constitution was applied by analogy to amendments to the 2023 EWF Constitution, this would not help the Appellants because the Rule was not an amendment to the 2023 EWF Constitution, but rather to the 2019 EWF Constitution. The 2019 EWF Constitution, in turn, did not contain the language to be found in Article 4.1.3.1 of the 2023 EWF Constitution. Accordingly, there is nothing in the 2023 EWF Constitution to suggest that the Rule cannot apply to the seven ADRV sanctions relied upon by the EWF, especially if, as mentioned above, none of those sanctions had already been completed when the Rule entered into force.

132. Consequently, the Panel concludes that there is no violation of the principle of retroactivity. Therefore, it also does not fall to be decided whether a violation of the principle of retroactivity would have rendered the Executive Board Decision null and void.

iv. Statute of limitations

133. The Appellants refer to Article 17 of the World Anti-Doping Code and the IWF Anti-Doping Rules as well as Article 60(1) of the Swiss Code of Obligations, all of which provide (in principle) for a statute of limitations of ten years. In the Appellants' view, it follows from those provisions that doping offences committed more than 10 years before the 2025 EWF elections cannot trigger any consequences.

134. The Panel finds that none of those provisions are applicable here: Neither does the Executive Board Decision impose a sanction under the World-Anti Doping Code or the IWF Anti-Doping Rules for commission of an ADRV, nor does it concern any civil law claim that could be time-barred under Article 60(1) of the Swiss Code of Obligations. For this reason alone, the Executive Board Decision cannot be considered null and void for having breached any of those provisions.

v. Principle of proportionality

135. The Panel notes that in accordance with well-established CAS jurisprudence, the Panel's review in disciplinary matters is limited to whether the sanction imposed is "*evidently and grossly disproportionate to the offence*" (see, *ex multis*, CAS 2014/A/3467, para. 121; CAS 2018/A/5939, para. 68). The same must hold true if, as advocated by the Appellants and, indeed, confirmed by some CAS tribunals (e.g., CAS 2022/A/8868, paras. 83 and 91; contra CAS 2016/A/4579, para. 94), the principle of proportionality applies also to administrative measures. Hence, regardless of whether the Executive Board Decision qualifies as a sanction or an administrative measure, the Appellants would need to show that the curtailment of the TWF's nomination right was evidently and grossly disproportionate. The Panel finds that they have failed to do so.

136. To begin with, the Panel does not consider it evidently and grossly disproportionate for an international sports federation to provide that if persons representing a national

member federation have received at least four sanctions of a certain magnitude for ADRVs within a period of (approximately) four years (or significantly less, depending on the interpretation of the Rule), such national member federation shall be prevented from nominating any candidates for a limited period of time. Indeed, the Panel does not understand the Appellants themselves to have suggested otherwise.

137. Instead, the Appellants seemed to focus on the timing of the curtailment of the TWF's nomination right, which came almost 13 years after commission of the relevant ADRVs. The Panel accepts that this is a significant period of time, but is not convinced that this passage of time alone makes the Executive Board Decision evidently and grossly disproportionate. In particular, the Panel does not find it evidently and grossly disproportionate for the Rule to use as the relevant point in time the imposition of the sanction, rather than the commission of the ADRV. As mentioned before, there are certainly arguments against this policy choice, but there are also reasonable arguments for it.

138. That being so, it does not seem evidently and grossly disproportionate if, in some cases, ADRVs that could only be detected through re-testing years after the fact would trigger the application of the Rule long after the commission of the relevant ADRVs. While the Panel does not exclude that, at some point, the passage of time may be too long, it does not consider this to be the case here. As the statute of limitations for ADRVs is normally 10 years, it is to be expected that in some cases, the relevant sanction will only be imposed more than 10 years after the commission of the ADRV. Accordingly, a period of 13 years between commission of the ADRV and application of the Rule does not appear evidently and grossly disproportionate *per se*. In addition, the Panel notes that three further ADRVs were committed by Turkish athletes between 1 and 21 April 2023, meaning that only one further ADRV was required to trigger the Rule. Accordingly, it cannot be said that the application of the Rule was solely, or even predominantly, due to the ADRVs committed in 2012. This further supports the Panel's view that the timing of those ADRVs does not, in and of itself, render the Executive Board Decision evidently and grossly disproportionate.

139. For the avoidance of doubt, the Panel finds that the facts of the present case are decisively different from those in CAS OG 20/004, relied upon by the Appellants. In that case, a person had committed an ADRV approximately 27 years earlier (i.e., more than twice the time at issue here), had already served a two-year suspension in that regard (while the TWF has not suffered any similar consequences), and had his Olympic accreditation withdrawn based on a rule that did not provide for any temporal limitation (contrary to the Rule, which is limited to ADRV sanctions imposed during a certain period of approximately four years (or less) preceding the closing date for submitting nominations).

140. For all of the above reasons, the Panel finds that the Executive Board Decision is valid and enforceable. Accordingly, the Vetting Panel was bound by that decision, which had not been successfully challenged before a competent tribunal at the time, and correctly concluded that the Nominees could not stand for the election because they had not been nominated by a national federation that was entitled to nominate candidates.

141. Consequently, the Panel dismisses the Appellants' requests for relief with which they seek a declaration of eligibility.

B. Request to set aside the Appealed Decision to the extent it declared the Nominees ineligible (request II)

142. As the Vetting Panel correctly considered in the Appealed Decision that it was bound to the Executive Board Decision and that the Nominees could therefore not stand for election, the only basis for setting the Appealed Decision aside could be procedural flaws from which the Appealed Decision may have suffered. In this regard, the Appellants referred to the Vetting Panel's alleged failure to hear the Appellants and to state reasons for its decision as regards the Nominees, the timing and allegedly excessive duration of the vetting process, the alleged opacity with respect to the composition and operation of the Vetting Panel, the alleged improper influence of the Executive Board on the Vetting Panel's work, an alleged breach of confidentiality as regards Dr Akkuş' candidacy, and the Vetting Panel's failure to act on Dr Akkuş' complaints about the election process.

143. The Panel finds that it may leave open whether the Appellants discharged their burden of proving the foregoing allegations. In any case, the Panel notes that if it were to set aside the Appealed Decision based on any of the alleged procedural flaws, this would not help the Appellants because it would not change the fact that, because of the Executive Board Decision, the Nominees could not stand for election in any case because they have not been nominated by a national federation entitled to nominate candidates. In such circumstances, the Panel finds it appropriate to uphold the general principle whereby, due to their *de novo* nature, the CAS appeals procedure has a "*curing effect*" in relation to any procedural flaws from which the previous instance decision may have suffered (see, *ex multis*, CAS 94/129, para. 59; CAS 2009/A/1920, para. 28; CAS 2013/A/3262, para. 83). Therefore, the request that the Appealed Decision be set aside is likewise dismissed.

C. Request to postpone the elections (request VIII)

144. As mentioned above, the Appellants' request that the Panel order a postponement of the 2025 EWF elections is, in effect, a request for provisional measures to maintain the status quo pending the Panel's decision on the other requests for relief. Given that the Panel has dismissed all other requests for relief, it sees no reason for preserving the status quo.

X. COSTS

(…)

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The appeal filed by the Turkish Weightlifting Federation, Dr Hasan Akkuş, Dr Bülent Işik, Ms Keziban Ozel and Mr Kenan Erdagi on 18 March 2025 against the decision rendered by the EWF Vetting Panel on 12 March 2025 is inadmissible insofar as the Appellants seek a declaration that the Turkish Weightlifting Federation is entitled to nominate candidates for the 2025 EWF Elections.

2. The appeal filed by the Turkish Weightlifting Federation, Dr Hasan Akkuş, Dr Bülent Işik, Ms Keziban Ozel and Mr Kenan Erdagi on 18 March 2025 against the decision rendered by the EWF Vetting Panel on 12 March 2025 is dismissed on the merits in respect of the other requests for relief.

3. The decision rendered by the EWF Vetting Panel on 12 March 2025 is confirmed.

4. (…).

5. (…).

6. All other motions or prayers for relief are dismissed.

Seat of arbitration: Lausanne, Switzerland
Date: 11 August 2025 (operative part issued on 4 April 2025)

THE COURT OF ARBITRATION FOR SPORT

Dr Heiner Kahlert
President of the Panel

Dr Christophe Misteli
Arbitrator

Mr Benoît Pasquier
Arbitrator