

CAS 2024/A/10660 Ronan Labar & Lucas Corvée v. Badminton World Federation & Fédération Française de Badminton

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

Sole Arbitrator: Ms Annett Rombach, Attorney-at-Law, Frankfurt am Main, Germany

in the arbitration between

Ronan Labar & Lucas Corvée, France

Represented by Mr Christophe Bertrand, SCPA BERTRAND & Associés, Paris, France; and
Mr Laurent Vidal AARPI PUBLICA-AVOCATS, Paris, France

as Appellant

and

1/ Badminton World Federation (BWF), Malaysia

Represented by Mr Nicolas Zbinden and Mr Michael Kottmann, Kellerhals Carrard,
Lausanne, Switzerland

2/ Fédération Française de Badminton (FFBaD), France

Represented by Mr Nicolas Catterou, In-House Counsel

as Respondent

I. THE PARTIES

1. Mr Ronan Labar and Mr Lucas Corvée (the “Appellants” or “Labar/Corvée Pair”) are international-level badminton players of French nationality.
2. The Badminton World Federation (the “First Respondent” or “BWF”) is the international governing body for the sports of badminton, recognized as such by the International Olympic Committee (“IOC”). It has its headquarters in Kuala Lumpur, Malaysia.
3. The Fédération Française de Badminton (the “Second Respondent” or “FFBaD”) is the governing body for the sports of badminton in France and a member of the BWF.
4. BWF and FFBaD are collectively referred to as the “Respondents”. The Appellants and the Respondents are collectively referred to as the “Parties”.

II. FACTUAL BACKGROUND

5. Below is a summary of the main relevant facts and allegations based on the Parties’ written submissions, pleadings and evidence adduced during these proceedings. Additional facts and allegations may be set out, where relevant, in connection with the legal discussion that follows. Although the Sole Arbitrator has considered all the facts, allegations, legal arguments and evidence submitted by the Parties in the present proceedings, she refers in this Award only to the submissions and evidence it considers necessary to explain her reasoning.

A. The Dispute

6. The present appeal concerns the Appellants’ challenge of a decision taken by the First Respondent to correct its ranking list relevant for qualification for the Men’s Doubles competition at the Paris 2024 Olympic Games. The correction directly affected the Appellants in that they fell behind another French pair (the “Popov/Popov Pair”), which qualified, as the highest-ranked French pair, and as a direct result of the correction, for the Paris 2024 Olympic Games. While not challenging the qualification of the Popov/Popov Pair, the Appellants seek an award that BWF shall ensure, through the IOC, their participation in the Paris 2024 Olympic Games as a second French pair, due to exceptional circumstances.

B. The facts giving rise to the Dispute

7. On 11 May 2023, BWF published its “Qualification System” for the Paris 2024 Olympic Games (“BWF Qualification System”). According to the BWF Qualification System, 16 pairs (i.e. 32 players) were to participate in the Men’s Doubles competition. France had one of these quota places.
8. The allocation of the quota places was based on the so-called “Race to Paris Ranking List”, which recorded the results obtained by badminton players at special qualification competitions during a period of one year from 1 May 2023 to 28 April 2024 (the “Qualification Period”), as described in the “Qualification System” as follows:

“The ‘Race to Paris Ranking Lists’ of 30 April 2024 will be used to allocate the quota places in Men’s and Women’s Singles, and Men’s, Women’s and Mixed Doubles. Each list will be based on results achieved during the period 1 May 2023 and 28 April 2024”

[...]

“The ‘Race to Paris Ranking Lists’ of 30 April 2024 will be used to allocate 48 pairs quota places [Men’s Doubles, Women’s Doubles, Mixed Doubles], to the 16 highest ranked pairs in each event, respecting the maximum quota allocation per NOC per event.”

9. The FFBaD sporting regulations made direct and exclusive reference to the Race to Paris Ranking List for determining the players who would be nominated by it for the Men’s double competition for the Paris 2024 Olympic Games.
10. During the Qualification Period, the Appellants competed in a total of 25 competitions, beginning with the BWF Sudirman Cup Finals in May 2023, and ending with the 2024 European Championships held from 8-14 April 2024. Since the first competition played in May 2023, and all along the entire Qualification Period, the Appellants were the highest ranked French pair in the Race to Paris Ranking Lists. While the final Race to Paris Ranking List was to be published only on 30 April 2024, after the end of the Qualification Period, the BWF regularly published on its website “live” rankings for players to have an indication where they were ranked at a specific point in time during the Qualification Period. The “interim” character of these published live rankings was indicated by BWF as follows:

“Note: This ranking is not a final list of qualifiers for the Paris 2024 Olympic Games Badminton competition, nor in any way guarantees invitation to, or acceptance in, the Paris 2024 Olympic Games Badminton Competition for any particular player or pair. It is a representation of who could qualify should the accumulation of world ranking points from tournaments within the Olympic Qualifying Period as of this week be used to determine the list of qualifiers. Furthermore, this list does not account for either the host wildcard spots in Men’s and Women’s Singles, or any Tripartite Spots, as provided for in the regulations.”

11. After the last qualification competition, the Appellants were ranked 38th in the Race to Paris Ranking List. As such, they were the highest ranked French pair (before the Popov/Popov Pair, which was ranked 41st).
12. On 9 April 2024, the FFBaD announced that the Labar/Corvée Pair was ahead of the Popov/Popov Pair in the relevant rankings for the Olympic Games.
13. By e-mail of 15 April 2024, the National Technical Director of the FFBaD congratulated the Appellants on their “Race to Paris” ranking and invited them to take part in an “Olympic Team Day” and an “Olympic Media Day” hosted for French athletes qualified for the Olympic Games (pending their official selection by the FFBaD).
14. On 19 April 2024, the BWF issued a press release, informing that the Race to Paris Ranking List had to be corrected as a result of a “processing error”. In relevant part, the statement reads as follows:

“The Badminton World Federation (BWF) can respond to recent questions about a rankings processing error and point modifications updated in the most recent Olympic Games ‘Race To Paris Ranking Lists’.

Following stakeholder feedback on inconsistencies with team tournament points calculations, a full review was undertaken of all team tournaments including the TotalEnergies BWF Sudirman Cup Finals 2023 last year.

The processing error is linked to the implementation of a new rule effective 2023 regarding points calculations at team tournaments based on players’ average points and bonus points for winning matches.

It has, therefore, been necessary this week to make point modifications related to some team tournament points.

*Unfortunately, the consequences of the point modifications meant a few changes to Olympic qualifying positions, **most notably in relation to two French men’s doubles pairs, where the point modifications were enough to switch the ranking positions between Lucas Corvee/Ronan Labar and Christo Popov/Toma Jnr Popov, with the latter now ahead.***

After our checks and manual verifications over the last 48 hours, we can confirm all point calculations and ranking positions are now correct on the published ranking.

It is with deep regret that this ranking processing error was made, but the updates have been implemented to ensure the correct ranking positions are accurate.

The Olympic badminton qualification period officially ends 28 April 2024, with the final ‘Race To Paris Rankings Lists’ published 30 April.”

[emphasis added]

15. Through an explanatory note, the FFBaD explained that BWF’s error was made in calculating the points obtained by all the pairs having participated in the BWF Sudirman Cup Finals 2023, which took place from 15 to 21 May 2023. Because of this error, the Race to Paris Ranking List of 72 pairs changed, including the Appellants, falling from the 36th to the 37th place.
16. By letter of 23 April 2023, the Appellants asked BWF for “a solution to be found so that they can take part in the next Olympic Games”.
17. On 24 April 2024, the FFBaD, through its President, filed a “Complaint” within the meaning of BWF’s Complaint Procedure in accordance with Section 3.2 of the BWF Statutes, in which it supported the Appellant’s motion. In relevant part, the Complaint provided as follows (convenience translation provided by the Appellants):

“As soon as it is published, the World Rankings become official, so it is inconceivable that a correction could be made almost a year after the points were awarded to establish the rankings.

Lucas Corvée and Ronan Labar have suffered loss of opportunity to qualify for the 2024 Olympic Games, obvious moral prejudice and proven financial prejudice, in

particular due to the costs incurred over the last three years, the loss of qualification bonuses and the very likely loss of support from the sponsors with whom they are in contact. [...]

To compensate for these losses, which are the direct consequence of a double error by the BWF and a breach of Article 3.2.8 BWF Statutes, Section 5.3.9: REGULATIONS FOR ELIGIBILITY AND PROCESSING OF ENTRIES FOR WORLD CHAMPIONSHIPS, the FFBaD is requesting the exceptional qualification of Lucas Corvé and Ronan Labar for the 2024 Olympic Games in the men's doubles draw, in addition to the one of Toma Junior and Christo Popov.

As the French Olympic Federation, in agreement with the French National Olympic and Sports Committee, we will be taking steps with the International Olympic Committee and the Organising Committee of the 2024 Olympic Games to ensure that France has a 2nd pair of men's doubles following your error. We hope to find a way of rearranging the competition tables.

[...]

The FFBaD will use all possible means of recourse if the BWF does not accede to our request.”

[emphasis added]

18. By letter of 5 May 2024, the BWF, through its Secretary General, rejected the Appellants' and FFBaD's complaints. While expressly acknowledging that a computation error in the Race to Paris Ranking List had occurred, the BWF concluded that the Appellants could not derive any rights from such error. It also indicated that the invitation of a second French pair for the doubles competition in the Olympic Games would be violating the qualification regulations approved by the IOC.
19. By letter of 13 May 2024, the Appellants asked the FFBaD to ensure that the Olympic Selection Advisory Commission of the French Olympic Committee ("CNOSF") responsible for validating the nomination of athletes would consider "fairness" and "human values" in choosing the participants for the Olympic Games.
20. By e-mail of 14 May 2024, the President of the FFBaD wrote the following to the Appellants:

“The federation must respect the rules that have been established with the CNOSF [French Olympic Committee], which the latter has confirmed to us. The BWF ranking was therefore taken into account during today's CCSO.

Please note, however, that we continue to activate all levers to validate your participation in the Olympic Games (which, if necessary, may be confirmed during future CCSOs organized until July 5) taking into account the various elements linked to the regulations, case law, the transparency of the BWF and the ethics of sport.”
21. On 15 May 2024, the Olympic Selection Advisory Commission of the CNOSF published the list of athletes selected by the FFBaD for the Olympic Games. This list included the Popov/Popov Pair, but not the Appellants.
22. On 16 May 2024, the CNOSF addressed the IOC to obtain an additional quota place for

the Men's Doubles Competition on behalf of France. The IOC replied by letter of 7 June 2024, informing the CNOSF that “[w]hile noting the points outlined in your letter, we must respect the role of the [...] World Badminton Federation (BWF) in implementing the Olympic qualification system and determining the eligibility of the athletes”, and that “the IOC is unfortunately not in a position to grant additional quota places in the Olympic badminton competition for the French pair.”

23. On 20 May 2024, the President of the BWF confirmed, after a final review of the Chair of the Events Committee, that the BWF would not recommend an exception and the qualification of a second French pair for the Paris 2024 Olympic Games (the “Appealed Decision”). In relevant part, the Appealed Decision reads as follows:

“In summary we can therefore inform you that:

- *The BWF Council during its meeting on 28 April 2024 did not take any decision or had a position on the FFBaD letter of 25 April addressed to the BWF Executive Board. The Council referred the case to be conducted according to the BWF Complaint Procedures, due to and in respect of your Complaint letter sent to BWF on 25 April 2025.*
- *The Complaint was responded to on 5 May 2024 – including responding to claims made by the players themselves (through their lawyer). This review was carried out by the Secretary General being the most senior management staff to ensure the highest level of priority on the matter.*
- *A Council Meeting was called on 12 May 2024 following your email of 10 May 2024 and the letter of 8 May 2024 sent by the lawyer of the players. The Council discussed the case and agreed with the process undertaken was in of the Olympic qualification case.*
- *The BWF Council however referred the final review to the Chair of the Events Committee being the appropriate person to conduct a final review. This to ensure the greatest level of scrutiny was applied to this case.*
- *The Chair of the Events Committee agreed with the initial decision and furthermore confirmed that BWF would not recommend an exemption to qualify a second French pair for the Paris 2024 Olympic Games.*

The BWF sees the Complaint Procedures as exhausted and decisions as final. The qualification results as they stand today are therefore final.

It is finally worth noting that the BWF Council and the BWF Administration have looked very carefully into this case and treated it with the utmost caution, scrutiny, respect and impartiality.

It is very clear that BWF does not want such a situation to occur again. It creates unnecessary confusion and has led to an amplified disappointment for your two players from the host country, Ronan Labar and Lucas Corvé, for not qualifying as the first pair from France in Men's Doubles.

Despite the unfortunate circumstances we hope for your understanding and please express my deepest sympathies to the players. As a former Olympian, I do understand how the confusion must have created a lot of frustration.”

24. The BWF's refusal to recommend the Appellants, based on exceptional circumstances,

as a second French pair to participate in the Men's Doubles Competition at the Olympic Games is at the centre of this appeal.

III. THE PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

25. On 9 June 2024, the Appellants filed their Statement of Appeal with the Court of Arbitration for Sport ("CAS") against the Appealed Decision, pursuant to Articles R47 *et seq.* of the CAS Code of Sports-related Arbitration (the "CAS Code") (the "Appeal"). The Appellants requested the appointment of a sole arbitrator.
26. On 13 June 2024, the CAS Court Office informed the Parties about the Appeal, requested the Appellants to file their Appeal Brief in accordance with Article R51 of the CAS Code and noted the Appellants' choice to proceed with its Appeal in the English language. In addition, the Respondents were invited to inform the CAS Court Office whether they agree to the appointment of a sole arbitrator.
27. On 19 June 2024, the Appellants filed their Appeal Brief in accordance with Article R51 of the CAS Code.
28. On 20 June 2024, the CAS Court Office acknowledged receipt of the Appeal Brief and invited the Respondents to submit their respective Answers within twenty (20) days, pursuant to Article R55 of the CAS Code.
29. On 21 June 2024, the First Respondent (not yet represented by legal counsel) submitted a letter to CAS containing a challenge of the CAS's jurisdiction and of the admissibility of the Appeal. The First Respondent requested that the Appeal be decided by a panel of three arbitrators and nominated Prof. Luigi Fumagalli as arbitrator, should the case proceed to the merits. It further agreed to English as the language of the proceedings. The CAS Court Office confirmed receipt of the First Respondent's letter on the same day and invited the Appellants and the Second Respondent to comment on the jurisdiction of the CAS by 25 June 2024. Furthermore, the CAS Court Office noted, in the same letter, the Appellant's request that a final award be rendered by 5 July 2024 and invited the Parties to comment, by no later than 25 June 2024, on the implementation of an expedited procedure pursuant to Article 52 (4) of the CAS Code.
30. On 24 June 2024, the Appellants provided comments on the First Respondent's challenge of jurisdiction and admissibility. The Appellants further submitted a formal request for the establishment of an expedited procedure. On the same day, the First Respondent wrote that it "*would be open to an expedited procedure, provided it is given adequate time to provide its Answer [...]*".
31. By correspondence of 25 June 2024, in view of the Appellants' and First Respondent's principal agreement to an expedited procedure, the CAS Court Office suggested to the Parties a procedural calendar for expedited proceedings.
32. On the same day, the Second Respondent informed the CAS Court Office that it "*should not formally be considered a respondent in these proceedings*" because "*none of the contested decisions [...] was taken by it*". The Second Respondent confirmed its agreement to an expedited procedure, but informed the CAS Court Office that it did not see any need to respond to the First Respondent's procedural objections. The CAS Court Office invited the Appellants to indicate, by no later than 26 June 2024, whether they maintain their appeal against the Second Respondent.

33. On 26 June 2024, the First Respondent proposed a different procedural schedule for the expedited proceedings (with a longer time limit for the filing of its Answer and no hearing). It requested that the jurisdiction of the CAS be decided on a preliminary basis prior to its Answer, for reasons of procedural economy. On the same day, the CAS Court Office (i) invited the Appellants to comment on the schedule proposed by the first Respondent, including the necessity of a hearing, (ii) advised the Parties that in the absence of an agreement on the procedural calendar, no expedited procedure would be implemented, and (iii) informed the Parties of the decisions of the Deputy Division President to refer the matter to a sole arbitrator (to be appointed in accordance with Article R54 (1) of the CAS Code) and not to deny, on a *prima facie* basis, the jurisdiction of the CAS at that stage of the procedure.
34. Still on 26 June 2024, the Appellants informed the CAS Court Office that (i) they maintain their appeal against the Second Respondent, and (ii) agree to the procedural calendar proposed by the First Respondent, but request that a hearing be held via videoconference. The Second Respondent also confirmed its agreement with the procedural calendar proposed by the Appellants.
35. On 27 June 2024, the First Respondent (i) reiterated its request that the jurisdictional issue be decided preliminarily by the sole arbitrator, once appointed, and (ii) deferred the decision as to the holding of the hearing to the sole arbitrator.
36. On 1 July 2024, pursuant to Article R54 of the CAS Code, and on behalf of the Deputy President of the CAS Appeals Arbitration Division, the CAS Court Office informed the Parties that the Panel appointed to decide the present matter was constituted as follows:

Sole Arbitrator: Ms Annett Rombach, Attorney-at-law, Frankfurt am Main, Germany.
37. On 2 July 2024, the CAS Court Office informed the Parties of the Sole Arbitrator's decision that the CAS has jurisdiction to entertain the appeal. In light of this decision, the CAS Court Office confirmed the time limit set for the Respondents' answers.
38. On 3 July 2024, the CAS Court Office, on behalf of the Sole Arbitrator, provided instructions to the First Respondent with respect to substantive issues to be addressed in the Answer.
39. On 4 July 2024, the Respondents submitted their Answers, respectively.
40. On 5 July 2024, the CAS Court Office informed the Parties of the Sole Arbitrator's decision to hold a hearing via videoconference, and delivered a hearing schedule.
41. On the same day, the CAS Court Office, on behalf of the Sole Arbitrator, transmitted the Order of Procedure to the Parties which was duly signed and returned by the Parties.
42. On 8 July 2021, a hearing was held via video-conference. The Parties did not raise any objection as to the composition of the Panel.
43. In addition to the Sole Arbitrator and Mr Fabien Cagneux, Managing Counsel at the CAS, the following persons attended the video hearing:

For the Appellants:

Mr Christophe Bertrand, Counsel
Mr Laurent Vidal, Counsel
Mr Ronan Labar, Athlete

Mr Lucas Corvé, Athlete

For the First Respondent:

Mr Nicolas Zbinden, Counsel
Mr Michael Kottmann, Counsel
Mr Thomas Haubro Lund, BWF
Mr Thomas Delaye-Fortin, BWF

For the Second Respondent:

Mr Nicolas Catterou, FFBaD
Mr Jérôme Careil, FFBaD
Mr Thierry Soler, FFBaD
Mr Nicolas Blanchard, Counsel

44. The hearing began at 8:00 am (CEST) and ended at 10:00 am (CEST) without any major technical interruption or difficulty.
45. The Parties were given the opportunity to present their cases, to make their submissions and arguments and to answer questions posed by the Sole Arbitrator. Upon closing the hearing, the Parties stated that they had no objections in relation to their respective rights to be heard and that they had been treated equally in these arbitration proceedings. The First Respondent maintained its objection to the jurisdiction of the CAS.
46. The Sole Arbitrator has carefully taken into account all the evidence and the arguments presented by the Parties, both in their written submissions and at the hearing, even if they have not been summarised in the present Award.

IV. THE POSITION OF THE PARTIES

47. The following outline of the Parties' positions is illustrative only and does not necessarily comprise every submission advanced by the Parties. The Sole Arbitrator confirms, however, that she has carefully considered all the submissions made by the Parties, whether or not there is specific reference to them in the following summary.

A. The Appellants' Position and Request for Relief

48. The Appellants submits the following in substance:
 - The BWF made a serious administrative error in the points calculation for the Race to Paris Ranking List. The mistake was not corrected for 11 months, and when BWF finally corrected it shortly before the end of the Qualification Period, the Appellants had already played their last qualification tournament. The BWF is liable for the mistake. When federations draw up rules and selection criteria for competitions such as the Olympic Games, they must ensure that they are fully and correctly implemented.
 - BWF should have checked the accuracy of the Race to Paris Ranking List long before April 2024. Indeed, in December 2023, the BWF had been warned for the first time about a potential calculation error (with respect to a tournament that had taken place shortly before), where points had allegedly been awarded incorrectly to several players. The BWF eventually corrected this error a few weeks later (in February or March) without any public notification of either the error or its

rectification. The occurrence of this error should necessarily have alerted the BWF's technical and sports teams, who should have immediately double-checked the accuracy of the Race to Paris Ranking List from the start of the qualification phase.

- Article 3.2.8 of Section 5.3.9 of the BWF Statutes confirms that if a mistake is identified in a ranking list, and a Player / pair is found eligible to compete on rectification of such mistake, BWF will include both Players / pairs (i.e. originally selected and the one found eligible due to rectification of error) in the draw of that event. Although Article 3.2.8 applies literally only to the World Ranking List, the ratio of such provision should apply in the present case, too.
- Based on the Race to Paris Ranking List drawn up and published by the BWF (and taken up by the FFBaD throughout the qualification period), the Appellants organized their qualification schedule for the Olympics. The Appellants' entire strategy regarding the choice and management of qualification competitions relied on the Race to Paris Ranking List. Had the Race to Paris Ranking List been correct from the beginning, the Appellants' would have re-organized their schedule, including by playing additional tournaments.
- In particular, the Athletes chose not to participate in three tournaments (in Indonesia, Azerbaijan and Uganda) which would have gained them more ranking points.
- The Athletes had legitimate expectations to be selected for the Olympic Games. The BWF's conduct, by not correcting the Race to Paris Ranking List immediately after the Sudirman Cup Finals 2023, induced legitimate expectations in the Appellants' mind that the ranking was correct under the BWF rules and that they would be selected through the established qualification system. Throughout the qualification period and until their final competition at the European Championships, the Appellants held the unwavering belief that they had secured qualification for the Olympic Games.
- The doctrine of legitimate expectations, which is accepted in CAS case law, provides a procedural and, in some jurisdictions, a substantive right, where representations have been made to a person by someone in authority (e.g. CAS OG 16/005 & 16/007).
- Legitimate expectations were also fuelled by the FFBaD. According to Annex 1 of the FFBaD High Level Athletes Convention, titled "Selection modalities", the selection of French athletes for the badminton event refers directly and exclusively to the Race to Paris Ranking List. The FFBaD's conduct made the Appellants believe that they had been selected as the French pair to participate in the Doubles competition at the Olympic Games.
- The Appellants' non-selection would result in financial and moral prejudices.

49. The Appellants request the following relief:

- "i. **DECLARING** the appeal admissible;*
- ii. **ANNULLING** the decision of the Badminton World Federation dated May 20,*

2024 in the form of failure to recommend Mr Ronan LABAR and Mr Lucas CORVÉE to the French Olympic Committee as a participant of Badminton discipline at the XXXIII Olympic Games in Paris;

- iii. **DECLARING** that, in the pending procedure CAS 2024/A/10661, the Appellants are entitled to request the annulling of the decision of the International Olympic Committee dated June 7, 2024 in the form of failure to grant Mr. Ronan LABAR and Mr. Lucas CORVÉE quota places for participation in the XXXIII Olympic Games in Paris, Badminton discipline;
- iv. **DECLARING** Mr. Ronan LABAR and Mr. Lucas CORVÉE selected to represent France in the XXXIII Olympic Games in Paris, Badminton discipline;
- v. **ORDERING** the Badminton World Federation, the IOC and the French Badminton Federation to place Mr. Ronan LABAR and Mr. Lucas CORVÉE in the Olympic Team of France and to make all arrangements necessary to enable Mr. Ronan LABAR and Mr. Lucas CORVÉE to represent France in the Badminton discipline at the XXXIII Olympic Games in Paris, including obtaining the corresponding accreditation of the International Olympic Committee;

In any case:

- vi. **ORDERING** the Respondents to pay all arbitration costs, including the Appellants' counsels' costs and expenses."
50. During the hearing, the Appellants clarified their requests for relief. In particular, they clarified that, as part of their Request No. (v.) ("*to make all arrangements necessary to enable Mr. Ronan LABAR and Mr. Lucas CORVÉE to represent France in the Badminton discipline at the XXXIII Olympic Games in Paris*") they request – as the very minimum – that the BWF be ordered to recommend to the IOC an additional quota place for a second French pair.

B. The First Respondent's Position and Request for Relief

51. The First Respondent submits the following in substance:

- The CAS has no jurisdiction over the Appeal. The Appealed Decision is final and binding and cannot be appealed, absent an arbitration clause in favour of CAS. More specifically, the CAS's jurisdiction cannot be derived from Article 30.1 of the BWF Constitution.
- Decisions taken by the Chair of the Events Committee shall be final and not subject to appeal under BWF's Complaint Procedures. The Appealed Decision was the outcome of a "Complaint" under these Procedures.
- The Appeal is also inadmissible. As per CAS jurisprudence, it is the Appellants' obligation to identify all relevant respondents. CAS Panels have refused to render an award in circumstances where such award would have an effect on the legal interests of a non-party. In the present case, the Appellants can only be selected in replacement for the Popov/Popov Pair. However, the Popov/Popov Pair is not a party to the Appeal. The award of an additional quota place can only be made by the IOC. The IOC is also not a party to the Appeal.

In addition, matters of selection are solely within the discretion of the National Olympic Committees, here the CNSOF. The BWF has no right to force a NOC to prioritize certain athletes. Equally, the BWF has no right to force a NOC to select a specific athlete, which is always a matter within their discretion. In conclusion, the Athlete failed to identify “the proper respondents” in the present proceedings because they did not include the Popov/Popov Pair, the IOC, and/or the CNSOF as respondents.

- The Appeal fails to succeed also on the merits. The final Race to Paris Ranking List was the only ranking decisive to determine who would qualify for the Olympic Games. The (incorrect) ranking lists published on the BWF’s website during the Qualification Period were interim in nature, and the BWF clearly indicated that these rankings in no way guaranteed the allocation of a quota for the Paris 2024 Olympic Games through a special note. The Appellants cannot obtain any right from the interim rankings.
- Obviously, the Appellants have no right (*per se*) to participate in the Paris 2024 Olympic Games. At best, the Athletes can expect that the BWF applies its own qualification rules correctly when deciding on the final ranking, which was the case here: the final version of the ‘Race to Paris Ranking Lists’ was the one published on 30 April 2024, and it is uncontroversial that this ranking was correct (and placed the Appellants behind the Popov/Popov Pair). The BWF has not changed the rules, but simply applied them.
- The reference to Article 3.2.8 of Section 5.3.9 of the BWF Statutes is unhelpful. The provision does not apply to the qualification for the Paris 2024 Olympic Games but to BWF World Championships. In fact, in the context of the Paris 2024 Olympic Games the IOC is the competent regulator and therefore, only the rules and regulations enacted or approved by the IOC are relevant for the allocation of quota places.
- The clerical mistake in previous, informative versions of the Race to Paris Ranking Lists did not create any “legitimate hopes or expectations”. The Appellants’ claim that they relied on the interim Race to Paris Ranking List is opportunistic and artificial. Ranking points are not attributed based on the number of competitions (i.e. the more competition you do, the more points you get), but based on the 10 best results (which give rise to the most points). It is therefore wrong and pure speculation to assert that the Appellants “*could have had the opportunity to earn more points by competing in more tournaments*”, as this would have depended on the results and the level of the competition in question. In any event, the difference in points between the two pairs was extremely small, such the Appellants cannot seriously claim that the erroneous rankings with the points differences applicable in this case (484 points) had any impact on their strategic choices.

52. The First Respondent requests the following relief:

- “1. The appeal filed by Mr Ronan Labar and Lucas Corvéé is inadmissible, or in the alternative is dismissed.
2. The arbitration costs shall be borne by Mr Ronan Labar and Mr Lucas Corvéé jointly and severally.

3. *BWF is granted a significant contribution to its legal and other costs.*”

C. The Second Respondent’s Position and Request for Relief

53. The Second Respondent submits the following in substance:

- The FFBaD had no choice but to confirm the selection of the Popov/Popov Pair, because – according to the corrected Race to Paris Ranking List – the Popov/Popov Pair was the highest-ranked French Pair. Under no circumstances can the Appellants replace the Popov/Popov Pair. Its selection was made in full compliance with French and international selection rules, which was validated by the CNOSF on 14 May 2024.
- To compensate for the prejudices suffered by the Appellants, which are the direct consequence of an error made by the BWF, the FFBaD supports the request for the exceptional qualification of the Appellants for the 2024 Olympic Games in the Men’s Doubles competition through an additional quota place. Such additional quota place can, however, only be granted through the BWF and the IOC. There are no practical difficulties in allocating an additional quota place, as the singles draw for the 2024 Olympic Games will also have an odd number of players in each group, so this can also be applied to the Men’s Doubles draw.

54. Beyond its expression of support to exceptionally admit the Appellants as the second French pair for the Men’s Doubles draw, the FFBaF has not introduced any specific request for relief.

V. JURISDICTION

55. Article R47 of the CAS Code provides as follows:

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

56. The Appellants rely on Article 30.1 e) and g) of the BWF Constitution, which provide as follows:

“30. Authority

30.1. *Members or persons dealing with the Federation or sharing in its activities, including a person who:*

- *Participates as a player in an event under the authority of the Federation; [...]*

shall recognise and accept the following, subject to sub-paragraph g):

- a) the Statutes of the Federation;*
- b) the Federation’s authority on all matters concerning international Badminton;*
- c) the mandatory nature of the Statutes;*
- d) the Federation’s jurisdiction and the right to make any decision or impose any sanction based on the Statutes of the Federation;*
- e) **that the Federation appeals, complaints and dispute resolution processes must be fully exhausted before taking any case to the Court of Arbitration for Sport (CAS);***
- f) that any appeal against decisions of the Federation and its judicial bodies must be lodged in accordance with the Judicial Procedures;*
- g) **the Court of Arbitration for Sport (CAS) as the only competent judicial authority external to the Federation, to the exclusion of any ordinary court of law in respect of the Federation and its Constitution and its rules, any civil judicial authority of any country and any other arbitration body;***
- h) the decision of the CAS resolving any appeal may not be challenged in any forum or on any ground except as set out in Chapter 12 of the Swiss Federal Code on Private International Law; and*
- i) the requirement to abide by the decisions of the Federation and/or CAS without attempting to hinder their application.”*

[emphasis added]

57. BWF argues that the CAS does not have jurisdiction in the present case, because – in its view – Article 30.1 of the BWF Constitution does not include an arbitration clause, but merely provide for a generic “political commitment” by the “BWF community” to CAS being the ultimate judicial authority in respect of the BWF Statutes. Furthermore, BWF maintains that paragraph f) highlights that appeals must be lodged in accordance with the Judicial Procedures, and that Article 38 of such Judicial Procedures limits appeals to the CAS to decisions rendered by the BWF Independent Hearing Panel. No right of appeal exists in respect of the Appealed Decision, which was rendered by the Chair of the Event Committee under the BWF Complaint Procedures, the BWF argues.

58. Indeed, the Complaint Procedure, under which the BWF Chair of the Events Committee reviews decisions responding to a Complaint (see Section 3 A.4. of the Complaint Procedure) provides as follows (Section 3 A.5.):

*“The Chair of the Event Committee shall make a decision in relation to the complaint. **Such decision shall be final and not subject to appeal.**”*

59. The BWF, by relying on this provision, seems to suggest that its decisions on Complaints are not subject to any external judicial review outside the federation at all.
60. The Sole Arbitrator disagrees with this interpretation. It is clearly contradicted by BWF’s own Constitution – its supreme legal framework, which supersedes its other internal regulations, including the Complaint Procedures. Read in conjunction, Article 30.1 e) and g) of the BWF Constitution (cited above) highlight that the CAS shall be the ultimate external judicial forum for any appeal against decisions taken by the BWF. While Article 30.1 e) of the BWF Constitution clarifies that the internal (appeal) remedies have to be exhausted before the CAS can be seized, Article 30.1 g) designates the CAS as the only and exclusive external court to decide over an appeal. What the BWF Constitution does not say is that CAS jurisdiction is limited to certain (appeal) decisions, and excluded for others.
61. In fact, access to an independent judicial authority (including state courts and independent arbitral tribunals such as the CAS) is a fundamental legal right of any person, enshrined, e.g., in Article 29a of the Swiss Constitution, or Article 6 of the European Human Rights Convention (ECHR). Irrespective of the (non-)applicability of these legal regimes to BWF, which is seated in Malaysia, the fundamental right of an athlete to have access to an independent court also belongs to a good governance mandatory for all international sports federations that are signatories to the Olympic Charter.
62. Therefore, in view of the fundamental importance of an athlete’s right to obtain an external and independent judicial review of decisions and measures taken by sports federations, Section 3 A.5. of the Complaint Procedures must be interpreted restrictively. That means that the finality and non-appealability of the mentioned decisions only prohibits *internal* appeals before the Independent Hearing Panel (or any other internal appeal body within BWF), but does not restrict *external* appeals, which are primarily and exhaustively addressed by Article 30.1 e) and g) of the BWF Constitution. Article 30.1 e) and g) is more than a mere “political commitment”. It is an umbrella clause providing persons bound by the BWF Constitution with access to CAS against any BWF decision for which the internal remedies (if any) have been exhausted. The BWF does also not contest that the Appellants are bound by the BWF Constitution.
63. As a result, the CAS has jurisdiction to decide the present matter.

VI. ADMISSIBILITY

64. Article R49 of the CAS Code provides – in its pertinent parts – as follows:

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

65. The Appealed Decision was notified to the FFBaD (and the Appellants) on 20 May 2024. The Appeal was filed on 9 June 2024, i.e. within the time limit of 21 days prescribed in Article R49 of the CAS Code, which is authoritative in the present case in the absence of any other time limit in the BWF Statutes.
66. The questions (i) whether the Appellants are entitled to pursue this Appeal despite the fact that they are not the addressees of the Appealed Decision (standing to sue), and (ii) whether they have named the correct Respondents (standing to be sued) will be addressed in the merits section below.
67. Therefore, the Appeal is admissible.

VII. APPLICABLE LAW

68. Article R58 of the 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 the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision.”

69. The Appellants requested that the Respondents agree for the dispute to be decided *ex aequo et bono* because the dispute is “exceptional” and requires “a very special treatment”. The Respondents did agree to such proposition.
70. Hence, the Sole Arbitrator has to identify the “*applicable regulations*” for the purposes of Article R58 of the Code. The “*applicable regulations*” are those contained in the rules and regulations of the BWF because the appeal is directed against a decision issued by the BWF Chair of the Event Committee, which was passed applying the BWF rules and regulations.
71. As a result, BWF’s rules and regulations shall apply primarily. Malaysian law, being the law of the country in which BWF is domiciled, applies subsidiarily.

VIII. MERITS

72. Turning to the merits of the case, the Sole Arbitrator finds as follows:

A. Preliminary Issue: The Appellants’ Standing to Appeal

73. The first question to be addressed in relation to the Appeal is whether the Appellants have standing to appeal the Appealed Decision. The Appealed Decision was rendered by the BWF upon a Complaint filed by the FFBaD. Accordingly, the addressee of the Appealed Decision is only the FFBaD, not the Appellants.
74. Because of the substantive nature of the issue of standing, the law applicable to this question is defined by Article R58 of the CAS Code, under which the Sole Arbitrator has to apply, primarily, BWF’s rules and regulations, and, subsidiarily, Malaysian law. The BWF rules are silent on the issue. While the Sole Arbitrator is not familiar with Malaysian law (and none of the Parties has pleaded Malaysian law in this proceeding), she notes that

neither of the Respondents has contested the Appellants' standing to sue a decision which directly affects their legal rights and interests. In fact, the result of the Appealed Decision could not concern the Appellants more directly, because it deprives them of the desired quota place for the Olympic Games. Therefore, under the sufficient legal interest-test accepted in CAS jurisprudence on the issue of standing (see, e.g., CAS 2020/A/6713; CAS 2008/A/1674; CAS 2014/A/3744 & 3766), there is no doubt that the Appellants have standing to appeal the Appealed Decision.

B. The Undisputed Facts

75. The factual background underlying the Appeal is largely undisputed. In particular, it is undisputed:

- That one French pair was to qualify for the Olympic Games based – principally – on the number of ranking points obtained during the 12-months Qualification Period;
- That at the very beginning of the Qualification Period (in May 2023), a calculation error occurred in awarding the Labar/Corvée Pair for participation in one tournament too many ranking points, based on the application of outdated rules;
- That the error was entirely BWF's fault and entirely within BWF's sphere;
- That the error remained unnoticed for approximately 11 months, and was not corrected until after the Appellants had played their last qualification tournament;
- That the mistake was corrected in mid-April 2024, still (and shortly) before the release of the final and binding Race to Paris Ranking List on 30 April 2024, depriving the Appellants of any chance to take further sporting influence on the ranking;
- That the correction of the mistake had the immediate result that the Appellants fell behind the Popov/Popov Pair in the Race to Paris Ranking List, which means that they were no longer the highest-ranked French pair (as they had been before the correction of the mistake during the entire Qualification Period);
- That, on the basis of the final Race to Paris Ranking List released on 30 April 2024, the FFBaD recommended the Popov/Popov Pair to the CNSOF for nomination to the Olympic Games, as the highest-ranked French pair;
- That the FFBaD, at the same time, recommended and supported that the Appellants be included in the Olympic Games in addition to the Popov/Popov Pair, due to exceptional circumstances, and that the FFBaD filed a respective Complaint to the BWF;
- That the CNSOF applied with the IOC for an additional quota place on behalf of the Appellants;
- That the IOC replied that it *"must respect the role of ... the Badminton World Federation (BWF) in implementing the Olympic qualification system and determining the eligibility of the athletes."*
- That the BWF declined to apply with the IOC for an additional quota place on

behalf of the Appellants because it did not see any unfairness.

C. The Disputed Facts

76. What remained contested throughout these proceedings is the impact of the ranking mistake on the Appellants' qualification strategy and tournament planning. In this respect, the Labar/Corvée Pair argued:
- That they would have adopted a different strategy for their planning of qualification tournaments, in particular, that they would have played three more tournaments in January/February 2024, in which they would have had a very realistic chance to obtain more points so that they would have qualified as the best French pair for the Olympic Games;
 - That they relied on the Race to Paris Ranking List and adopted their qualification strategy in reliance on the Race to Paris Ranking List (which was updated every week).
77. The BWF argued:
- That the points difference was so narrow that it is inconceivable that the Appellants would have changed their strategy had the Race to Paris Ranking List been correct from the beginning, or had it been corrected earlier.

D. The Decision

78. The particular difficulty for the Appellants in lodging their Appeal and requests for relief is that numerous stakeholders are involved on the road for athletes to be admitted for participation at the Olympic Games:
79. (1) Initially, it is only for the IOC to determine, for each Olympic sport and competition, the number of available quota places. Similarly, the IOC is the only competent body to create additional quota places within its sole discretion. For the Men's Doubles competition in badminton, 32 quota places (for 16 pairs) were initially established. France had one of these quota places. (2) The BWF is responsible for implementing a qualification system applicable to all international athletes striving for an available quota place. In accordance with the BWF Qualification System released in May 2023, and more specifically the final Race to Paris Ranking Lists announced at the end of the Qualification Period, it is then (3) for each national federation, here the FFBaD, to propose, based on the final Race to Paris Ranking Lists, the best-ranked athletes to (4) the CNSOF, which – as the French National Olympic Committee ("NOC") – is the only instance competent to officially nominate athletes for the Olympic Games. Only athletes who were nominated by their respective NOC may (5) be admitted by the IOC to participate in the Olympic competition(s).
80. This (complex) multi-step qualification system is characterized by a clear distinction of competences and responsibilities of each involved federation or committee. The Sole Arbitrator must respect the limits of these competences, and cannot act *ultra vires* by obliging a respondent party to do something outside its respective competence. This would amount to an award that is (legally) impossible to be complied with. Similarly, the Sole Arbitrator cannot render an award against a non-party whose interests would be

directly affected by the award (constant CAS jurisprudence, see, e.g., CAS 2011/A/2654).

81. It follows directly from these principles:

- That the Appellants' request no. **ii.** (see above at para. 49), must be dismissed, because it is directed against the BWF, which – albeit a proper respondent in the present proceeding – has no authority to recommend athletes to the CNSOF as participants of the Olympic Games. The recommendation of athletes to the CNSOF is within the exclusive competence of the FFBaD, and the BWF cannot override such competence owned exclusively by the national federation. Consequently, the Sole Arbitrator cannot override such competence either. Furthermore, the Sole Arbitrator notes that the FFBaD's recommendation of the Popov/Popov Pair to the CSNOF was based on the (correct) final Race to Paris Ranking List. Evidently, when comparing the interests of the highest-ranked pair (Popov/Popov) with the interests of a *believed-to-be* highest ranked pair (Labar/Corvée), no matter how legitimate the belief is, it was not arbitrary or abusive by the FFBaD to find that the former must prevail. In any event, because the Popov/Popov Pair is not a party in these proceedings, the Sole Arbitrator would be barred from rendering any award in which the Popov/Popov Pair is deprived of its selection by the FFBaD and eventual nomination by the CNSOF.
- That the Appellants' request no. **iii.** (see above at para. 49), which is directed only against the IOC (and which was initially part of a separate CAS appeal lodged by the Appellants against the IOC under reference no. CAS 2024/A/10661), must also be dismissed. The IOC is not a party in these proceedings, which means that the Sole Arbitrator cannot render any decision against the IOC (see also CAS 2020/A/6713).
- That the request no. **iv.** (see above at para. 49) must also be dismissed, because the Sole Arbitrator cannot declare the Appellants to be "*selected to represent France in the [...] Olympic Games in Paris*", because such an award would directly affect the rights of the CSNOF, which has not been named as a respondent in these proceedings. In this context the Sole Arbitrator notes that she would be barred from such award also because France has only one quota place, and such quota place was lawfully provided to the highest ranked French pair (see above).

82. The focus of this Appeal is, therefore, on the Appellants' request no. **v.**, seeking that the BWF be ordered "*to make all arrangements necessary to enable Mr. Ronan LABAR and Mr. Lucas CORVÉE to represent France in the Badminton discipline at the XXXIII Olympic Games in Paris, including obtaining the corresponding accreditation of the International Olympic Committee*". During the hearing, the Appellants clarified that this request included – as the very minimum – that the BWF be ordered to recommend to the IOC an additional quota place for a second French pair.

83. It is not disputed between the Parties that the BWF would have the right to make such recommendation to the IOC. However, in the Appealed Decision, the BWF explained that it would not recommend to the IOC an exemption to qualify a second French pair for the Olympic Games. The IOC, in turn, made it clear (in its letter dated 7 June 2024, quoted

above at para. 22) that it “*must respect the role of the [...] World Badminton Federation (BWF)*” and that it would not create an additional quota place against the will of the BWF.

84. Therefore, the decisive question in these appeals proceedings is whether the Appellants have a right to demand from the BWF that it recommends to the IOC the creation of an additional quota place on behalf of a second French pair.
85. As a matter of principle, the Sole Arbitrator accepts that it is within each international federation’s (“IF’s”) discretion whether, and if so, under which circumstances, it (exceptionally) recommends to the IOC the creation of additional quota places beyond those originally established. It can only be under exceptional circumstances that an athlete may have a direct right to request such a recommendation from the IF, because the imposition of an obligation on the IF to apply for an additional quota place would erode its discretion and interfere with its legally protected autonomy of associations. Therefore, only when circumstances are present under which the IF’s discretion is reduced to zero, *i.e.* in which the IF has no discretion *not* to apply for the additional quota, the concerned athlete has an immediate right that the IF takes the requested action.
86. A relevant scenario in which the required reduction of the IF’s discretion to zero (with a corresponding right by an athlete) has been accepted is the doctrine of “legitimate expectations” described in CAS jurisprudence as follows (see CAS 16/005 & 16/007):

“The doctrine of legitimate expectations provides a procedural and, in some jurisdictions, a substantive right, where representations have been made to a person by someone in authority. It is designed to protect individuals from an abuse of process. A procedural legitimate expectation is based on the presumption that a person in authority will follow a certain process in making decision, while a substantive legitimate expectation arises where a person in authority makes a lawful representation that an individual will receive a substantive benefit.”

87. The doctrine of legitimate expectations is a manifestation of the more general principle of good faith and the principle of trust, which apply to IFs when they establish and apply qualification systems for major events.
88. In the present case, the Qualification System established by the BWF is not challenged. To the extent relevant here, it provides the following (D.1 – Quota Places):

“The ‘Race to Paris Ranking Lists’ of 30 April 2024 will be used to allocate the quota places in Men’s and Women’s Singles, and Men’s, Women’s and Mixed Doubles. Each list will be based on results achieved during the period 1 May 2023 and 28 April 2024. Participation in any of the following events will count towards the respective ‘Race to Paris Ranking Lists’ during the qualification period:

[List of events]”

89. The Qualification System describes clearly and transparently that an athlete’s ranking in the Race to Paris Ranking List will principally be decisive in terms of his or her right to be selected and nominated by the relevant national federation and the NOC. Therefore, based on the Qualification System, athletes can principally rely on the Race to Paris Ranking List, and build legitimate expectations that their individual ranking is sufficient – or not sufficient – to qualify for the Olympic Games. No other (soft) criteria are

established enabling the national federation and/or NOC to disregard the highest-ranked athlete(s) in the Race to Paris Ranking List and choose someone else.

90. In the present case, the Appellants do not dispute that the final Race to Paris Ranking List published by the BWF on 30 April 2024 is correct. They also do not challenge that, based on this ranking, the Popov/Popov Pair had obtained a right to be recommended to the CNSOF for nomination to the Olympic Games, as the highest-ranked French pair. However, the Appellants argue that they have had legitimate expectations that they – and not the Popov/Popov Pair – would be the highest-ranked pair in the final Race to Paris Ranking List, because they were listed as the best French pair still after the last qualification tournament due to an administrative error made by the BWF that remained undetected for 11 months, i.e. for almost the entire Qualification Period.
91. The BWF admits that it made a clerical mistake, and that the correction of this mistake had the immediate result that the Appellants fell behind the Popov/Popov Pair in the final Race to Paris Ranking List. The BWF, while regretting the mistake, argues – however – that the Appellants are not entitled to rely on the doctrine of legitimate expectations, for essentially two reasons:
 - The clear disclaimer (quoted above at para. 10) published with each interim Race to Paris Ranking List, indicating to athletes that they cannot derive any right for qualification from these rankings; and
 - The failure to prove any influence of the mistake on the Appellants' sporting results.
92. The Sole Arbitrator rejects both arguments. Based on the record before her, including the testimony given by the Appellants during the oral hearing, she is sufficiently satisfied that the Appellants justifiably relied on the Race to Paris Ranking List, and that an earlier correction of the mistake could have led to a different points situation based on a different qualification strategy they may have adopted had they known about the true situation:
93. First, the note BWF published with each interim Race to Paris Ranking List (see above at para. 10) had the only purpose to inform athletes that this was not the “final” ranking, but a mere “*representation of who could qualify should the accumulation of world ranking points from tournaments within the Olympic Qualifying Period as of this week be used to determine the list of qualifiers*”. It cannot be interpreted in a sense that the BWF (tacitly) reserved its right to change the points accumulated up until each publication of the list. To the contrary, the publication of the weekly ranking has the very purpose to indicate to athletes where they are ranked after each week, where their direct opponents are ranked, and what the “live” difference in points is. This information is important precisely because athletes need to determine and manage their further qualification strategy, which involves a decision as to which further tournaments to play at what time. This decision involves major thinking and planning in terms of training, travelling, recovering, and – last but not least – financial budget. Therefore, athletes are principally entitled to rely on the correctness of the information published by the BWF weekly in the interim Race to Paris Ranking List. They simply have no other means to manage their qualification strategy.
94. Second, the BWF is fully responsible for having maintained a wrong ranking for almost the entire Qualification Period (11 months). The incorrect ranking was confirmed every

week, when the Race to Paris Ranking List was updated, on the basis of the mistake made already in May 2023. Although BWF admits that athletes are “guided” by the ranking, it undertook no effort to examine the ranking, not even after it was notified, in December 2023, about other mistakes in the Race to Paris Ranking List, relating to the men’s singles. It was only in April 2024, after the Appellants had completed their last qualification tournament, that the mistake was rectified, to the Appellants immediate detriment. No other athlete was affected in that he or she lost the right to participate in the Olympic Games. The mistake is the result of the BWF’s own negligence, and there is no indication that the Appellants knew (or should have known) about the calculation error.

95. Third, the Sole Arbitrator relies on Mr. Labar’s and Mr. Corvée’s oral testimony given during the hearing, regarding their strategic decisions that relied on the interim Race to Paris Ranking Lists. Both players presented themselves as credible and honest athletes, who would potentially have adopted a different tournament planning had they been aware of the true ranking points situation. BWF’s counterargument that there is also the possibility that the sporting results would have remained the same is irrelevant. There must only a possibility of a different outcome, no certainty.
96. Forth, The Sole Arbitrator’s decision is also guided by Article 3.2.8 of Section 5.3.9 of the BWF Statutes, which reads as follows:

“Rectification of Entry

*3.2.8. If a mistake is identified in the World Ranking list as on the Eligibility Date and a Player / pair is found eligible to compete on rectification of such mistake, **BWF will include both Players / pairs (i.e. originally selected and the one found eligible due to rectification of error) in the draw of that Event.**”*

97. Albeit not directly applicable for Olympic Games (but only for World Championships) the *rationale* of this provision is fully transferrable to the present case: the injustice created by non-qualification due to incorrect rankings can be undone most appropriately by entering both affected pairs to the competition. In this case, this means that BWF has to do everything under its control to achieve entry of the disadvantaged pair through a respective application for an additional quota place with the IOC.
98. As a result, BWF’s argument that it has no legal duty to recommend an additional quota place on behalf of a second French pair to the IOC is rejected. In fact, a legal duty of the BWF to do so arises out of its own mistake and the detrimental situation it created for the Appellants. In view of the legitimate expectations the Appellants could derive from the interim Race to Paris Ranking Lists, the BWF has no discretion: it must do everything under its control to rectify the detrimental effects of its mistake. This includes a recommendation to the IOC that an additional quota place for France be created. The requested recommendation does also not prejudice the BWF, because the final word to add an additional pair to the Olympic competition rests, in any event, with the IOC (which could still decide not to follow the recommendation).
99. The Sole Arbitrator’s decision is not going to set a dangerous precedent: as per the BWF’s own submission, ranking mistakes almost never occur, and if they occur, they almost never have effects as drastic as in this case. The BWF’s Secretary General confirmed during the hearing that this is not an everyday situation. To his knowledge, Article 3.2.8 of Section 5.3.9 of the BWF Statutes had never been applied.

IX. Costs

(...)

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The Court of Arbitration for Sport has jurisdiction to entertain the appeal filed on 9 June 2024 by Ronan Labar and Lucas Corvée against the decision issued on 20 May 2024 by the Badminton World Federation.
2. The appeal filed on 9 June 2024 by Ronan Labar and Lucas Corvée against the decision issued on 20 May 2024 by the Badminton World Federation is partially upheld.
3. The decision issued on 20 May 2024 by the Badminton World Federation is set aside to the extent that it confirms that the Badminton World Federation would not recommend to the International Olympic Committee an exemption to qualify a second French pair for the Paris 2024 Olympic Games.
4. The Badminton World Federation is ordered to take the appropriate steps to recommend to the International Olympic Committee an exemption to qualify a second French pair for the Paris 2024 Olympic Games on the basis that:
 - i. Ronan Labar and Lucas Corvée were immediately and detrimentally affected by a mistake in the “Race to Paris Ranking List” maintained by the Badminton World Federation, and
 - ii. Badminton World Federation did not correct the mistake in the “Race to Paris Ranking List”, which occurred in May 2023, before April 2024, i.e. less than three weeks before the end of the qualification period for the Paris 2024 Olympic Games.
5. (...).
6. (...).
7. All other and further motions or prayers for relief are dismissed.

Seat of arbitration: Lausanne, Switzerland

Operative part of the award notified on 8 July 2024

Date: 7 May 2025

THE COURT OF ARBITRATION FOR SPORT

Annett Rombach
Sole Arbitrator