

CAS 2024/A/10355 Russian Olympic Committee (ROC) v. International Skating Union (ISU)

CAS 2024/A/10356 Aleksandr Galliamov et al. v. International Skating Union (ISU)

CAS 2024/A/10360 Figure Skating Federation of Russia v. International Skating Union (ISU)

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition

President: Mr Jordi López Batet, Attorney-at-Law, Barcelona, Spain

Arbitrators: Dr Ismail Selim, Doctor of Laws, Cairo, Egypt

Mr Patrick Lafranchi, Attorney-at-Law, Bern, Switzerland

Ad hoc Clerk: Mr Dennis Koolaard, Attorney-at-Law, Amsterdam, The Netherlands

in the arbitration between

Russian Olympic Committee (ROC), Moscow, Russian Federation

Represented by Mr Claude Ramoni and Mr Lucas Nanchen, Attorneys-at-Law, Libra Law SA, Lausanne, Switzerland

Appellant in CAS 2024/A/10355

&

Mr Aleksandr Galliamov, Russian Federation

Mr Nikita Katsalapov, Russian Federation

Mr Mark Kondratiuk, Russian Federation

Ms Anastasiia Mishina, Russian Federation

Ms Victoria Sinitsina, Russian Federation

Ms Kamila Valieva, Russian Federation

Jointly represented by Mr Andrea Pinna and Ms Olga Cucu, Attorneys-at-Law, Pinna Goldberg, Paris, France

Appellants in CAS 2024/A/10356

&

Figure Skating Federation of Russia (FSFR), Moscow, Russian Federation

Represented by Mr Robert B. García, Ms Anna V. Kozmenko, Mr Daniil Vlasenko and Mr Robert C. Ruggiero, Attorneys-at-Law, Curtis, Mallet-Prevost, Colt & Mosle LLP, New York, United States of America

Appellant in CAS 2024/A/10360

and

International Skating Union (ISU), Lausanne, Switzerland

Represented by Dr Fabrice Robert-Tissot and Ms Sumin Jo, Attorneys-at-Law, Bonnard Lawson Geneva Ltd., Geneva, Switzerland

Respondent

and

United States Olympic and Paralympic Committee (USOPC), Colorado Springs, Colorado, United States of America

United States Figure Skating Association (USFSA), Colorado Springs, Colorado, United States of America

Jointly represented by Mr Steven B. Smith and Ms Suzanne A. Crespo, Attorneys-at-Law, Bryan Cave Leighton Paisner LLP, Colorado Springs, Colorado, United States of America

Intervening Third Parties

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I. PARTIES

1. The Russian Olympic Committee (the “ROC”) is the national Olympic Committee of the Russian Federation, a constituent of the Olympic Movement. The ROC has its registered seat in Moscow, Russian Federation.
2. Mr Aleksandr Galliamov, Mr Nikita Katsalapov, Mr Mark Kondratiuk, Ms Anastasiia Mishina, Ms Victoria Sinitsina and Ms Kamila Valieva are Russian figure skaters (the “Russian Skaters” or the “ROC Skating Team”) who represented the ROC at the 2022 Beijing Olympic Winter Games.
3. The Figure Skating Federation of Russia (the “FSFR”) is the organisation charged with organising the training of Russian figure skaters that perform at Russian and international competitions, such as the Olympic Games. The FSFR has its registered seat in Moscow, Russian Federation. It is a member of the ISU.
4. The International Skating Union (the “ISU”) is the international governing body that globally oversees ice-skating as a sport and is one of the governing bodies of the sports included in the Olympic Winter Games. The ISU has its registered seat in Lausanne, Switzerland.
5. The United States Olympic and Paralympic Committee (the “USOPC”) is the national Olympic Committee of the United States of America (the “USA”) and has exclusive authority for the representation of the USA at the Olympic Games. The USOPC has its registered seat in Colorado Springs, Colorado, USA.
6. The United States Figure Skating Association (the “USFSA”) is the national federation for the sport of figure skating in the USA. USFSA is a member of the ISU. The USFSA has its registered seat in Colorado Springs, Colorado, USA.
7. The ROC, the Russian Skaters and the FSFR are hereinafter jointly referred to as the “Appellants”. The USOPC and the USFSA are hereinafter jointly referred to as the “Intervening Third Parties” and collectively with the Appellants and the ISU as the “Parties”.

II. INTRODUCTION

8. The present appeal arbitration proceedings concern three separate appeals lodged by the ROC, the Russian Skaters and the FSFR against a decision issued by the ISU on 30 January 2024 (the “Appealed Decision”) whereby the ISU re-ranked the first three teams at the 2022 Olympic Figure Skating Team Event (the “Olympic Figure Skating Team Event”), following the imposition of a four-year period of ineligibility on Ms Valieva by means of an award issued by the Court of Arbitration for Sport (“CAS”) in the consolidated proceedings *CAS 2023/A/9451*, *CAS 2023/A/9455* and *CAS 2023/A/9456* on 29 January 2024 (the “Valieva Award”).

9. By means of the Appealed Decision, the ROC Skating Team, which ranked first, was downgraded to third place, with the USA team being upgraded to first place, and the Japanese team being upgraded to second place.
10. The Appellants are requesting the Appealed Decision to be annulled, leaving in place the original ranking. The ISU and the Intervening Third Parties are requesting for a confirmation of the Appealed Decision.

III. FACTUAL BACKGROUND

11. Below is a summary of the main relevant facts, as established on the basis of the written submissions of the Parties and the evidence examined in the course of the proceedings and at the hearing. This background information is given for the sole purpose of providing a synopsis of the matter in dispute. Additional facts may be set out, where relevant, in connection with the legal discussion.

A. The doping test of Ms Valieva

12. From 21-26 December 2021, the Russian National Figure Skating Championship took place in Saint Petersburg, Russian Federation. Ms Valieva participated in and won the women's free skating event on 25 December 2021.
13. On 25 December 2021, Ms Valieva was subject to an in-competition doping control and provided a urine sample. The anti-doping authority that conducted the testing was RUSADA.
14. On 29 December 2021, Ms Valieva's sample was received by the Stockholm Doping Control Laboratory (the "Stockholm Laboratory").
15. On 7 February 2022, the Stockholm Laboratory issued an Adverse Analytical Finding ("AAF") for the presence of the prohibited substance Trimetazidine in Ms Valieva's urine sample.

B. The Olympic Figure Skating Team Event at the 2022 Beijing Olympic Winter Games

16. On 4 December 2019, the ISU published the document "*Qualification System for XXIV Olympic Winter Games, Beijing 2022*" (the "ISU QS"), which includes an Annex A entitled "*Olympic Figure Skating Team Event*" (the "Team Event Rules"). In accordance with the Team Event Rules, the ROC had to select one man, one woman, one pair and one ice dance pair to take part in the Olympic Figure Skating Team Event. The FSFR then selected – and the ROC entered – *inter alia*, Ms Valieva for the women's short program.
17. On 13 January 2022, Ms Valieva tested negative in Tallin, Estonia.
18. On 6 February 2022, after the short program of the men's Team Event, rhythm dance program of the Ice Dance Team Event, the short program of the pairs Team Event and

the short program of the women's Team Event (won by Ms Valieva, resulting in 10 points for the ROC Skating Team), the five highest ranked teams were qualified to continue the Olympic Figure Skating Team Event by competing in the Free Skating and Free Dance. The best ranked teams after the short programs / rhythm dance were:

- 1) ROC, 36 points;
 - 2) USA, 34 points;
 - 3) Japan, 33 points;
 - 4) Canada, 24 points;
 - 5) China, 22 points.
19. On 7 February 2022, Ms Valieva tested negative during the Olympic Figure Skating Team Event. In fact, all members of the ROC Skating Team tested negative during the 2022 Beijing Olympic Winter Games.
20. On the same date, 7 February 2022, after the free program of the men's Team Event, the free program of the pairs Team Event, the free dance program of the Ice Dance Team Event, and the free program of the women's Team Event (won by Ms Valieva, resulting in 10 points for the ROC Skating Team), the result of the Olympic Figure Skating Team Event was as follows:

Team Result*

Rank	Team	Nation	Total Points	Men	Women	Pairs	Ice Dance
1	ROC	 ROC	74	8 9 10 10	9 10	9 9	
2	United States of America	 USA	65	10 8 6 7	8 6 10 10		
3	Japan	 JPN	63	9 10 9 9	7 9 4 6		
4	Canada	 CAN	53	3 6 8 8	6 7 7 8		
5	People's Republic of China	 CHN	50	5 7 1 6	10 8 6 7		
6	Georgia	 GEO	FNR	7 7	5 3		
7	Italy	 ITA	FNR	6 2	4 8		
8	Czech Republic	 CZE	FNR	4 3	3 5		
9	Germany	 GER	FNR	2 5	1		
10	Ukraine	 UKR	FNR	4 2 2			

Note: Results are provisional

C. The Provisional Suspension of Ms Valieva

21. On 7 February 2022, as noted above, the Stockholm Laboratory issued an Adverse Analytical Finding ("AAF") for the presence of the prohibited substance Trimetazidine in Ms Valieva's urine sample of 25 December 2021.
22. On 8 February 2022, RUSADA informed Ms Valieva of an AAF and imposed a provisional suspension on her. Ms Valieva immediately requested a provisional hearing before RUSADA to rule on the issue of her provisional suspension.

23. On 9 February 2022, the RUSADA Disciplinary Committee decided to lift the provisional suspension imposed on Ms Valieva.
24. On 11 and 12 February 2022, the International Olympic Committee (the “IOC”), the World Anti-Doping Agency (“WADA”) and the ISU filed their respective applications with the CAS Ad Hoc Division against the RUSADA Disciplinary Committee decision of 9 February 2022, requesting it to be set aside.
25. On 14 February 2022, the CAS Ad Hoc Division dismissed the respective applications of the IOC, WADA and the ISU.

D. The Medal Ceremony of the Olympic Figure Skating Team Event

26. On 14 February 2022, the IOC issued a press release indicating, *inter alia*, that following the decision of the CAS Ad Hoc Division of the same day, Ms Valieva was allowed to compete in the women’s Single Skating competition on 15 February 2022 and, if qualified, on 17 February 2022. The IOC furthermore stated that, given the “*inconclusive situation*”, it would not hold a medal ceremony for the Olympic Figure Skating Team Event.
27. On 15 February 2022, counsel for the ROC sent a letter to the IOC concerning the allocation of medals in the competitions in which Ms Valieva took part or would take part in the 2022 Beijing Olympic Winter Games. With regard to the Olympic Figure Skating Team Event, the ROC indicated, *inter alia*, that any decision or sanction to be imposed on Ms Valieva would in any case not affect the result obtained by the ROC Skating Team in the following terms:

“The applicable rules clearly mention that a disqualification of the results obtained by a team may occur only if there is an antidoping rule violation during the period of the Olympic Games. There is no allegation that any member of the ROC figure skating team committed an antidoping rule violation during the period of the Olympic Games.

Assuming that the [AAF] reported in connection with the sample provided by Ms Kamila Valieva on 25 December 2021 is considered by the RUSADA doping hearing panel as an antidoping rule violation, as such violation occurred outside the period of the Olympic Games, it would in any case not affect the result obtained by the ROC figure skating team. There is no rule providing for such disqualification. The legal situation is identical as the situation of Mr Young in the CAS precedent CAS 2004/A/725 USOC v. IOC & IAAF.”

28. On 15 and 17 February 2022, Ms Valieva participated in the individual woman figure skating event at the 2022 Beijing Olympic Winter Games and finished in fourth place.
29. On 16 February 2022, counsel for the IOC responded to the ROC, indicating, *inter alia*, as follows:

“As you correctly note, ‘the IOC has the ‘sole authority’ to issue any decision regarding the awarding of any victory medal or diploma’.

The IOC Executive Board correctly exercised its discretion and any analogy with the matter in CAS OG 20/04 is misplaced.

Please note that the IOC has received formal confirmation by the [ISU] that the outcome of the pending RUSADA proceedings can have an impact on both, the Figure Skating Team event and the individual Woman Figure Skating event at the Beijing Olympic Winter Games 2022.

Under these circumstances, there can be no question of ‘well-established custom’ or ‘discrimination’.

Finally, any allegations that the IOC is attempting to ‘not fully comply with the CAS Award declaring Ms Kamila Valieva eligible to compete’ or to prevent her to ‘compete under the same conditions as other athletes’ are plainly wrong and contested.

In light of the above, the IOC does not see any reason to ‘review’ the IOC Executive Board decision of 14 February 2022 regarding the medal ceremonies.”

30. On 17 February 2022, Ms Valieva tested negative at the 2022 Beijing Olympic Winter Games.

31. On the same date, 17 February 2022, counsel for the ROC informed the ISU, *inter alia*, as follows:

“[...] [I]t is crystal clear that neither the Russian Anti-Doping Rules, nor the ISU antidoping rules (the ‘ISU ADR’), nor the Anti-Doping Rules for the Olympic Winter Games Beijing 2022 (the ‘IOC ADR’), provides for a cancellation of the result of a team in the event that the individual results of a member of such team are cancelled as per article 10.10 World Anti-Doping Code (and the equivalent in the applicable regulations).

[...] In view of the foregoing, I would be extremely grateful if the ISU could confirm to the IOC that, in accordance with the ISU ADR, the outcome of the pending RUSADA proceedings cannot have any impact on the result of the figure skating team events.”

32. On 18 February 2022, the ISU responded to the ROC, indicating, *inter alia*, as follows:

“The ISU, indeed, has communicated to the IOC that it confirms that ‘the outcome of the pending RUSADA proceedings can have an impact on both the Team Event in Figure Skating and the Women Figure Skating at the XXIV Beijing Olympic Winter Games 2022 and that such outcome is not predictable as of today’.

It is for RUSADA or CAS at the end to decide and then we will know the impact.”

33. On the same date, 18 February 2022, the United States Figure Skating Team sent a letter to the IOC, requesting it to reconsider its decision and decide to award the silver medal for the Olympic Figure Skating Team Event to the United States team in a public medal ceremony prior to the Closing Ceremony of the 2022 Beijing Olympic Winter Games.
34. On the same date, 18 February 2022, the members of the United States Figure Skating Team filed an application with the CAS Ad Hoc Division against the IOC, with the following request for relief:
- “[...] Applicants request that the IOC be ordered to present to them the silver medals that they earned in the Olympic Figure Skating Team Event in a public medal ceremony to be held prior to the close of the XXIV Winter Olympic Games.”*
35. On 19 February 2022, the CAS Ad Hoc Division dismissed the application of the members of the United States Figure Skating Team.

E. The anti-doping proceedings concerning Ms Valieva

36. On 24 January 2023, the RUSADA Disciplinary Committee rendered its decision (the “RUSADA Decision”), determining that Ms Valieva bore no fault, that Ms Valieva’s results of the Russian National Championships should be disqualified but not her results at the 2022 Beijing Olympic Winter Games and that no period of ineligibility was to be imposed on Ms Valieva.
37. Appeals were filed with CAS against the RUSADA Decision by RUSADA on 14 February 2023, by the ISU on 20 February 2023, and by WADA on 21 February 2023.
38. On 29 January 2024, CAS issued the Valieva Award, imposing a period of ineligibility of four years on Ms Valieva, starting on 25 December 2021. Regarding the disqualification of Ms Valieva, the CAS panel referred to Articles 11.1, 12.1 and 12.10 of the Russian Anti-Doping Rules (the “RADR”). Para. 7 of the operative part of the Valieva Award provides as follows:
- “All competitive results of Ms Kamila Valieva from 25 December 2021 are disqualified, with all the resulting consequences (including forfeiture of any titles, awards, medals, profits, prizes, and appearance money).”*
39. On the same date, 29 January 2024, a media release issued by CAS (the “CAS Media Release”) provided, *inter alia*, as follows:

“The consequences linked to the retroactive disqualification of Ms Valieva from past events, including from the Olympic Winter Games Beijing 2022, were not within the scope of this arbitration procedure and will have to be examined by the sports organisations concerned.”

F. The Appealed Decision

40. On 30 January 2024, the ISU issued the Appealed Decision, which in the pertinent part provides as follows:

“The [CAS] Panel in charge of the case between [RUSADA], the [ISU], [WADA] and the Russian figure skater Kamila Valieva rendered its verdict on January 29, 2024.

Kamila Valieva (ROC) is found to have committed an Anti-Doping Rule Violation (ADRV) under Clause 4.1 of the [RADR] of 24 June 2021 [...] and the CAS imposed a period of four (4) years of ineligibility December 25, 2021 [sic].

As a result and according to art. 10.10 [ISU ADR] [...] and 12.10 of the [RADR], Ms. Valieva will be disqualified from all competitions which took place during the period of ineligibility, this includes the ISU European Figure Skating Championships 2022. She will also be disqualified from the Beijing 2022 Olympic Winter Games Women’s single competition and all her individual results and points in the Short Program and the Free Skating competitions will be dismissed leading to a re-ranking of the Team event results as follows:

Rank	Team	Nation	Total Team Points	Men SP	Men FS	Women SP	Women FS	Pairs SP	Pairs FS	Ice Dance RD	Ice Dance FD	Q
1	United States of America	USA	65	10	8	6	7	8	6	10	10	Q
2	Japan	JPN	63	9	10	9	9	7	9	4	6	Q
3	ROC	ROC	54	8	9	DSQ	DSQ*	9	10	9	9	Q
4	Canada	CAN	53	3	6	8	8	6	7	7	8	Q
5	People's Republic of China	CHN	50	5	7	1	6	10	8	6	7	Q
6	Georgia	GEO	FNR*	7		7		5		3		
7	Italy	ITA	FNR*	6		2		4		8		
8	Czech Republic	CZE	FNR*	4		3		3		5		
9	Germany	GER	FNR*	2		5				1		
10	Ukraine	UKR	FNR*			4		2		2		

SP=Short Program FS=Free Skating RD=Rhythm Dance FD=Free Dance Q=Top 5 teams qualified for the Free Skating/Free Dance

*DSQ=Disqualified *FNR= Final not Reached

[...] the ISU is in close contact with the [IOC] and the relevant ISU Member Federations in regard to the implementation of this decision.”

41. On 30 January 2024, the IOC published its intention to “award the medals in accordance with the ranking, which has to be established by the [ISU]”.
42. On 9 February 2024, the ISU published a press release that, *inter alia*, provides as follows:

“Further to the [ISU’s] Statement of January 30, 2024 [...] regarding Ms Kamila Valieva (ROC), the ISU takes the discussions within the Figure Skating community and the media with regard to the re-ranking of teams for the Olympic Winter Games (OWG) Beijing 2022 Team event very seriously.

The ISU wishes to express its understanding and appreciation for the patience of the Skaters and ISU Member Federations involved in the Team event, together with their families, friends and fans. They have already waited two years for certainty over the final results and medal distribution.

The opportunity to be awarded the correct medals within the special environment of an Olympic Winter Games was lost due to an Anti-Doping Rule Violation (ADRV). While all involved are determined to ensure proper recognition for the rightful medallists, we regret that moment in Beijing cannot be replicated.

The [CAS] decision announced on January 29 that the retroactive application of Kamila Valieva’s disqualification is the responsibility of the sports organization concerned, notably the ISU. The ISU has remained resolved to ensure that the applicable rules and principles as well as the CAS decision are correctly followed, and that any changes to the results were applied accordingly.

The decision of the ISU Council with regard to the consequences to the official results of the Team event of Beijing 2022, clearly expressed in the ISU Statement of January 30, 2024 [...], was based on a comprehensive evaluation from legal experts. This evaluation was, in turn, founded on the applicable rules and principles that are specific to this OWG Team event and is, therefore, the only decision that complies with the [Valieva Award]. For the sake of clarity, Rule 353 para 4 in the ISU Special Regulations is not applicable in this case.

In any complex and extraordinary situation like this, the reallocation of points could negatively affect the relative team ranking, adversely impacting teams that had nothing to do with the incident in question. Therefore, we have to abide by the rules and principles. In light of this case, we will further clarify the rules and principles moving forward to ensure any such cases are dealt with more efficiently in the future. [...]”

IV. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

43. On 20 February 2024, the ROC filed a Statement of Appeal with CAS, challenging the Appealed Decision in accordance with Articles R47 and R48 of the 2023 edition of the CAS Code of Sports-related Arbitration (the “CAS Code”). In this submission, the ROC nominated Dr Ismail Selim, Doctor of Laws in Cairo, Egypt, as arbitrator. The ROC named the ISU as a respondent and the IOC, the USOPC and the Japanese

Olympic Committee (the “JOC”) as “First Interested Party”, “Second Interested Party” and “Third Interested Party” respectively.

44. On 20 February 2024, the Russian Skaters filed a Statement of Appeal with CAS, challenging the Appealed Decision in accordance with Articles R47 and R48 CAS Code. In this submission, the Russian Skaters nominated Dr Ismail Selim, Doctor of Laws in Cairo, Egypt, as arbitrator. The Russian Skaters named the ISU as a respondent and the IOC, the USOPC and the JOC as “First Interested Party”, “Second Interested Party” and “Third Interested Party” respectively.
45. On 20 February 2024, the FSFR filed a Statement of Appeal with CAS, challenging the Appealed Decision in accordance with Articles R47 and R48 CAS Code. In this submission, the FSFR nominated Dr Ismail Selim, Doctor of Laws in Cairo, Egypt, as arbitrator. The FSFR named the ISU as a respondent and the IOC as an “*interested party*”.
46. On 26 February 2024, the CAS Court Office acknowledged receipt of the Statements of Appeal filed, referencing them as CAS 2024/A/10355, CAS 2024/A/10356 and CAS 2024/A/10360, respectively. The Appellants and the ISU were also invited to inform the CAS Court Office whether they agreed to consolidate the proceedings CAS 2024/A/10354 *Canadian Olympic Committee (COC) et al. v. International Skating Union (ISU) et al.*, CAS 2024/A/10355, CAS 2024/A/10356 and CAS 2024/A/10360. Furthermore, the CAS Court Office informed the ROC and the ISU in CAS 2024/A/10355 as follows (nearly identical letters were sent by the CAS Court Office in CAS 2024/A/10356 and CAS 2024/A/10360, with the exception that in CAS 2024/A/10360 only the IOC was called as an “*Interested party*” and the USOPC and the JOC not):

“I note that, while the Appeal is only directed against ISU as the sole Respondent, the Appellant indicated the [IOC], the [USOPC] and the [JOC] as ‘Interested Parties’.

Under the Code, there is no formal role for an ‘Interested Party’ in appeals proceedings. The only possibility under the Code allowing for the involvement of third parties in a pending CAS appeal procedure is through joinder or intervention, as per Article R41.2 et seqq. of the Code.

Consequently, the CAS Court Office will not formally include the ‘Interested Party’ in these proceedings, unless a request to join the arbitration is submitted – and subsequently granted – by any of these entities. These proceedings will, therefore, continue their course only with ISU.

Nonetheless, the CAS, although the Code does not provide for any such notification to third parties, will forward a copy of this letter and the Statement of Appeal enclosures, by email only, to the ‘Interested Parties’.”

47. On 29 February and 1 March 2024 respectively, the ISU informed the CAS Court Office in CAS 2024/A/10355, CAS 2024/A/10356 and CAS 2024/A/10360, that it agreed

to the consolidation of the four aforementioned proceedings. The ISU also requested that the proceedings would proceed in an expedited manner on the basis of Article R52(4) CAS Code.

48. On 1 March 2024, the IOC, *inter alia*, informed the CAS Court Office that it did not intend to be a formal party in CAS 2024/A/10355, CAS 2024/A/10356 and CAS 2024/A/10360. The IOC further confirmed that it would “award the medals of the figure skating Team Event at the 2022 Olympic Winter Games in accordance with the ranking determined by CAS”. Additionally, the IOC urged the Parties to consolidate the four proceedings so that a single award be rendered. Finally, specifically in CAS 2024/A/10355 and CAS 2024/A/10356, the IOC indicated that the prayers for relief related to the awarding of medals were inadmissible, as it considered that such prayers for relief went beyond the scope of the Appealed Decision. The IOC invited the Appellants to amend their prayers for relief at the latest with the Appeal Brief and, to the extent necessary, the Panel to dismiss such relief.
49. On 4 March 2024, the FSFR informed the CAS Court Office that it had no objection to the consolidation of CAS 2024/A/10355, CAS 2024/A/10356 and CAS 2024/A/10360, but objected to a consolidation with CAS 2024/A/10354.
50. On the same date, 4 March 2024, the Russian Skaters informed the CAS Court Office that they agreed to the consolidation of CAS 2024/A/10355, CAS 2024/A/10356 and CAS 2024/A/10360, but counsel for the Russian Skaters indicated that he could not respond regarding CAS 2024/A/10354, because the power of attorney granted to him by the Russian Skaters did not cover proceedings initiated against the Russian Skaters. The Russian Skaters also indicated that their appeal was filed against a decision issued by an international federation in a disciplinary matter and that such proceedings should therefore in principle be free pursuant to Article R65 CAS Code. Furthermore, the Russian Skaters indicated as follows:

“As it appears clearly from the dispositive of the Statement of Appeal, the Appellants seek a relief against ISU only. However, this does not implicate that IOC, USOPC and JOC are not parties to these proceedings, given that they have been affected by the [Appealed Decision] and, likely, by the award to be issued in these proceedings.

Furthermore, the Appellants are convinced that the question of which entity is party in the proceedings is a matter for the arbitral tribunal and not for the arbitration centre.”

51. On the same date, 4 March 2024, the ROC informed the CAS Court Office that it agreed to the consolidation of the proceedings CAS 2024/A/10355, CAS 2024/A/10356 and CAS 2024/A/10360, but opposed a consolidation with CAS 2024/A/10354. The ROC further indicated that its appeal was purely of a disciplinary nature and that the case should be free of charge as per Article R65 CAS Code. Furthermore, the ROC indicated as follows:

“The ROC has taken due note of the letter by the IOC confirming that it does not intent [sic] to play an active role in the procedure but will comply with the award to be issued by the CAS.

With respect to the USOPC and the [JOC], the ROC confirms its intent to have them as ‘parties’ to the procedure.”

52. On 5 March 2024, the CAS Court Office indicated that, following the agreement of the Appellants and the ISU, the proceedings CAS 2024/A/10355, CAS 2024/A/10356 and CAS 2024/A/10360 were consolidated and that it would be for the President of the CAS Appeals Arbitration Division, or her Deputy, to decide whether to consolidate such proceedings with CAS 2024/A/10354. Furthermore, the CAS Court Office indicated that, notwithstanding the objections of the ROC and the Russian Skaters, the CAS Court Office would request that the arbitration costs be paid in advance and that the objections concerning the application of Article R64 instead of Article R65 CAS Code would be submitted to the Panel, once constituted. The CAS Court Office further informed the Appellants and the ISU as follows:

“I note that ‘the ROC confirms its intent to have [USOPC] and the [JOC] as ‘parties’ to the procedure’. I note however that neither the [USOPC] nor the [JOC] have been designated as respondents in the Statement of Appeal. Similarly, the IOC, the USOPC and the JOC have not been designated as respondents in the [Russian Skaters’] Statement of Appeal.

Accordingly, subject to the filing of a request for intervention, they will not participate in the present procedures.”

53. On 6 March 2024, the USOPC and the USFSA filed a joint application to intervene in CAS 2024/A/10355, CAS 2024/A/10356 and CAS 2024/A/10360.
54. On 7 March 2024, the Appellants separately informed the CAS Court Office that they did not agree with the ISU’s request for the proceedings to proceed in an expedited manner on the basis of Article R52(4) CAS Code, but that they were interested in resolving this dispute in a timely manner. The ROC further requested that a case management conference be held on short notice.
55. On 8 March 2024, the CAS Court Office informed the Appellants and the ISU that, in light of the Appellants’ objection, no expedited proceedings would be implemented.
56. On 13 March 2024, the Russian Skaters, the ISU and the FSFR separately informed the CAS Court Office that they agreed to hold a case management conference on short notice.
57. On 14 March 2024, the CAS Court Office invited the Appellants and the ISU, since no Panel had been constituted yet, to liaise and discuss a procedural calendar and that, in the absence of an agreement on a procedural calendar, a case management conference would be organised once the Panel would be constituted.

58. On the same date, 14 March 2024, the ROC, the ISU and the Russian Skaters separately informed the CAS Court Office that they had no objection to the intervention of the USOPC and the USFSA. The ROC indicated that, actually, it had nominated USOPC as a party in its Statement of Appeal. The FSFR filed no position in this respect within the deadline granted by the CAS Court Office.
59. On 18 March 2024, the CAS Court Office informed the Parties that it would be for the President of the CAS Appeals Arbitration Division, or her Deputy, to rule on the USOPC's and the USFSA's joint request for intervention.
60. On 19 March 2024, the ROC informed the CAS Court Office that the Appellants and the ISU agreed on the following procedural schedule:

<i>Date</i>	<i>Activity</i>
<i>At the latest on 27 March 2024</i>	<i>Decision by the CAS about the intervention of USOPC and USFSA</i>
<i>27 March 2024</i>	<i>Deadlines for the filing of the Appeal Brief by the Appellants</i>
<i>8 May 2024</i>	<i>Deadline for the filing of the Answer by the Respondent and of the briefs of the intervening parties (if any)</i>
<i>10, 11, 12, 13 June 2024</i>	<i>Available dates for a hearing</i>
<i>20 June 2024</i>	<i>Reserve date for a hearing</i>

61. On the same date, 19 March 2024, the ISU confirmed its agreement to the procedural schedule submitted by the ROC.
62. On 20 March 2024, the CAS Court Office confirmed the procedural schedule agreed upon between the Appellants and the ISU, noting also the request that a hearing be held in a "hybrid mode". The Parties were also advised that the President of the CAS Appeals Arbitration Division decided that the present proceedings would not be consolidated with CAS 2024/A/10354, but that she reserved the possibility to appoint the same President of the Panel in all four cases.
63. On 22 March 2024, the ISU nominated Mr Patrick Lafranchi, Attorney-at-Law in Bern, Switzerland, as arbitrator.
64. On 27 March 2024, the CAS Court Office informed the Parties that the President of the CAS Appeals Arbitration Division, pursuant to Article R41.4 CAS Code, had granted the requests for intervention of the USOPC and the USFSA, indicating that, pursuant to Article R41.4(5) CAS Code, it would be for the Panel to determine the status of the USOPC and the USFSA and their rights in the procedure.
65. On the same date, 27 March 2024, the ROC filed its Appeal Brief in accordance with Article R51 CAS Code. The ROC filed the following document production requests:

"a. Any 'evaluation' or 'legal opinion' obtained by the ISU from any legal expert with respect to the [Appealed Decision] / the consequences of the

Valieva Award on the results and ranking of the 2022 Olympic Figure Skating Team Event.

[...]

- b. *Any communication by the ISU to the IOC, the USOPC, the JOC, the Canadian Olympic Committee or the Chinese Olympic Committee with respect to the [Appealed Decision] / the consequences of the Valieva Award on the results and ranking of the 2022 Olympic Figure Skating Team Event.*

[...]”

- 66. On the same date, 27 March 2024, the Russian Skaters filed their joint Appeal Brief in accordance with Article R51 CAS Code.
- 67. On the same date, 27 March 2024, the FSFR filed its Appeal Brief in accordance with Article R51 CAS Code. The FSFR filed the following document production requests:
 - “(1) *All documents relating to the ISU’s assertion in its press release of February 9, 2024 that its January 30, 2024 decision to re-rank the results at the Team Event of the 2022 Winter Olympics was based on a ‘comprehensive evaluation from legal experts,’ including without limitation a copy of the evaluation itself.*
 - (2) *All documents relating to any opinion or report regarding the ISU’s January 30, 2024 decision to re-rank the results at the Team Event of the 2022 Winter Olympics, including without limitation the report provided by Prof. Ulrich Haas regarding the matter in dispute here; and*
 - (3) *All communications between the ISU and any other organization or third party (including, without limitation, the [IOC], the USOPC, the JOC, the USFSA, the Canadian Olympic Committee, and Skate Canada) regarding the ISU’s decision to re-rank the results at the Team Event of the 2022 Winter Olympics, including without limitation any document explaining the basis for the ISU’s decision.”*
- 68. On 1 April 2024, the FSFR made certain inquiries to Mr Lafranchi to assess whether he was “*impartial and not biased toward the Russian sports federation in view of any current geopolitical factors*”, which inquiry was answered by Mr Lafranchi, following which no challenge was filed.
- 69. On the same date, 1 April 2024, the FSFR objected to the possibility referred to in the CAS Court Office letter dated 20 March 2024, stating that the President of the CAS Appeals Arbitration Division reserved the possibility of appointing the same president of the tribunal in the three consolidated proceedings and in CAS 2024/A/10354.

70. On 4 April 2024, the CAS Court Office confirmed the content of the CAS Court Office letter dated 26 March 2024, including the Division President’s authority to appoint the same president, as allowed under Article R50(3) CAS Code.
71. On 8 April 2024, the Russian Skaters requested that the advance of costs paid be refunded promptly and that the Panel, upon its constitution, would confirm that these proceedings are free pursuant to Article R65 CAS Code, without waiting for an award to be rendered.
72. On 17 April 2024, the CAS Court Office informed the Parties that, pursuant to Article R54 CAS Code and on behalf of the President of the CAS Appeals Arbitration Division, an arbitral tribunal of three arbitrators had been appointed.
73. On 23 April 2024, the CAS Court Office informed the Parties that Mr Dennis Koolaard, Attorney-at-Law in Amsterdam, The Netherlands, had been appointed as *Ad hoc* Clerk.
74. On 24 April 2024, the FSFR challenged the appointment of the President of the Panel appointed at that time, which challenge was supported by the ROC and the Russian Skaters.
75. On 26 April 2024, the CAS Court Office informed the Parties that such President of the Panel had decided to resign “*in order to ease the arbitration process and not due to the merits of the challenge*”.
76. On 8 May 2024, the ISU filed its Answer in accordance with Article R55 CAS Code. In its Answer, the ISU, *inter alia*, objected to the document production requests filed by the ROC and the FSFR.
77. On 8 May 2024, the USOPC and the USFSA filed their joint written submissions.
78. On 10 May 2024, the CAS Court Office informed the Parties that, pursuant to Article R54 CAS Code and on behalf of the President of the CAS Appeals Arbitration Division, the arbitral tribunal appointed to decide these proceedings was constituted as follows (the “Panel”):

President: Mr Jordi López Batet, Attorney-at-Law in Barcelona, Spain
Arbitrators: Dr Ismail Selim, Doctor of Laws in Cairo, Egypt
Mr Patrick Lafranchi, Attorney-at-Law in Bern, Switzerland
79. On 16 and 17 May 2024, following an inquiry of the CAS Court Office, all Parties individually requested a case management conference to be held.
80. On 23 May 2024, the CAS Court Office informed the Parties that the Panel had decided to hold a case management conference on 27 May 2024, with as topics to be addressed: i) the requests for production of documents and ii) the hearing date, organisation, schedule and format. The Parties were further informed that the hearing would be held on 11 or 12 June 2024. Finally, the Parties were informed that the USOPC and the USFSA would be considered “*intervening third parties in these proceedings, with right*”

to make allegations, attend hearings and the CMC, file and propose evidence and take part in all the procedural steps of these proceedings”.

81. On 24 May 2024, the FSFR informed the CAS Court Office that, although it had expressed its availability for a hearing on 11 or 12 June 2024, in light of the ISU’s recent submission, it did not consider it to be possible to have the hearing on those dates, because it needed additional time to be able to prepare a proper response to this submission and new evidence.
82. On 27 May 2024, a case management conference was held virtually. In addition to the members of the Panel, Ms Delphine Deschenaux-Rochat, CAS Counsel, and Mr Dennis Koolaard, *Ad hoc* Clerk, the following persons attended the case management conference:
- a) For the ROC:
 - 1) Mr Claude Ramoni, Counsel; and
 - 2) Mr Lucas Nanchen, Counsel.
 - b) For the Russian Skaters:
 - 1) Mr Andrea Pinna, Counsel; and
 - 2) Ms Olga Cucu, Counsel.
 - c) For the FSFR:
 - 1) Mr Robert B. García, Counsel;
 - 2) Ms Anna V. Kozmenko, Counsel;
 - 3) Mr Daniil Vlasenko, Counsel; and
 - 4) Mr Robert C. Ruggiero, Counsel.
 - d) For the ISU:
 - 1) Dr Fabrice Robert-Tissot, Counsel; and
 - 2) Ms Sumin Jo, Counsel.
 - e) For the USOPC and the USFSA:
 - 1) Mr John Anderson, USFSA General Counsel;
 - 2) Ms Suzanne A. Crespo, Counsel; and
 - 3) Mr Steven B. Smith, Counsel.
83. During the case management conference, the various document production requests were discussed, as well as the date, organisation, schedule and format of the hearing. During the case management conference, a discussion unfolded concerning the question whether the hearing dates that had initially been agreed upon could be maintained. The ROC indicated that the content of the ISU’s Answer was unexpected and contained a legal opinion of Prof. Thomas Probst requiring a response, which in its view made it impossible to have a hearing in two weeks’ time. Also, the Russian

Skaters considered that there was simply no time to prepare for the hearing properly, also given that additional documents could still be ordered to be produced by the Panel. The FSFR explicitly requested the opportunity to file a response to the ISU's Answer, together with a legal opinion, but considered this to be impossible within the time available until the scheduled hearing. The ISU indicated that it considered it important to maintain the hearing dates agreed upon. It argued that the procedural schedule was negotiated and agreed upon and that there was no way to get back from such agreement. The ISU further argued that the Appellants had Prof. Probst's legal opinion in their possession since 13 May 2024, but that the Appellants only now requested to respond. Alternatively, the ISU suggested to allow the Appellants a deadline of 10 days to file an expert report, limited to the scope of Prof. Probst's legal opinion. The USOPC and the USFSA jointly indicated that it was important to them to maintain the hearing dates agreed upon and that they wanted a decision before the start of the 2024 Paris Olympic Games, as only a medal ceremony at the 2024 Paris Olympics could provide some relief to their athletes.

84. On 31 May 2024, the CAS Court Office informed the Parties on behalf of the Panel that i) the requests for production of documents filed by the ROC and the FSFR were dismissed; and ii) the Appellants were granted a time limit until 9 June 2024 to file their comments strictly limited to the legal opinion of Prof. Probst filed with the ISU's Answer and to provide a legal expert opinion, if deemed appropriate. The Parties were informed that the reasons for the above-mentioned decisions would be provided in the final Award. Finally, the Parties were informed that the hearing would take place on 12 June 2024 in hybrid form, i.e., in person in Lausanne, Switzerland, as well as by video-conference. However, if all Parties agreed on a postponement of the hearing, the Panel would be available on 2, 3 or 4 July 2024, failing which the hearing would be held on 12 June 2024.
85. On 3 June 2024, the USOPC and the USFSA jointly informed the CAS Court Office that they did not want to postpone the hearing, as they considered it to be of great importance that a decision be issued before the 2024 Paris Olympic Games.
86. On 4 June 2024, the CAS Court Office, on behalf of the Panel, informed the Parties that, in the absence of an agreement between the Parties to postpone the hearing, the hearing would be held on 12 June 2024. The Parties were also invited to liaise and agree on a hearing schedule, failing which the Panel would prepare a hearing schedule.
87. On 7 June 2024, in view of the fact that no hearing schedule could be agreed between the Parties, the ROC and the ISU provided the CAS Court Office with their own suggested draft hearing schedules.
88. On 9 June 2024, the ROC filed its comments with respect to Prof. Probst's legal opinion.
89. On the same date, 9 June 2024, the Russian Skaters filed a memorandum sent by the ISU to Skate Canada on 9 February 2024 (the "Confidential Memo") as well as their joint comments with respect to Prof. Probst's legal opinion.

90. On the same date, 9 June 2024, the FSFR also filed a copy of the Confidential Memo, as well as its comments with respect to Prof. Probst's legal opinion.
91. On 7, 10 and 11 June 2024 respectively, ROC, the Russian Skaters, the FSFR, the ISU and the Intervening Third Parties returned duly signed copies of the Order of Procedure, provided to them by the CAS Court Office on 7 June 2024. The ROC, the Russian Skaters and the FSFR reiterated their view that the proceedings were governed by Article R65 CAS Code rather than by Article R64 CAS Code.
92. On 10 June 2024, the CAS Court Office provided the Parties with a tentative hearing schedule prepared by the Panel, inviting the Parties to submit any comments thereto.
93. On the same date, 10 June 2024, the Russian Skaters filed a copy of ISU Communication no. 1596 dated 13 November 2009 ("ISU Communication no. 1596") with the CAS Court Office that had allegedly been discovered earlier that day on the ISU's website. The Russian Skaters argued that ISU Communication no. 1596 contradicted Prof. Probst's legal opinion.
94. On the same date, 10 June 2024, with respect to the ROC's allegation that the ISU Special Regulations of 2020 were not filed by the ISU or Prof. Probst, the ISU indicated that such version "*does not seem to exist*", instead requesting leave to produce the 2018 version of the ISU Special Regulations.
95. On 11 June 2024, the CAS Court Office informed the Parties that the tentative hearing schedule provided to the Parties on 10 June 2024 was confirmed, given that no objections were filed by any of the Parties within the deadline granted.
96. On the same date, 11 June 2024, the Parties confirmed that they had no objection to the admissibility of ISU Communication no. 1596 and the 2018 version of the ISU Special Regulations respectively. The ISU additionally argued that ISU Communication no. 1596 was only valid until the next succeeding ISU Congress.
97. On 12 June 2024, a hearing was held in Lausanne, Switzerland. At the outset of the hearing, the Parties confirmed that they had no objection to the constitution and composition of the Panel.
98. The hearing was attended in person, unless indicated otherwise below. In addition to the members of the Panel, Ms Delphine Deschenaux-Rochat, CAS Counsel, and Mr Dennis Koolaard, *Ad hoc* Clerk, the following persons attended the hearing:
 - a) For the ROC:
 - 1) Mr Rodion Plitukhin, ROC Secretary General (remotely);
 - 2) Mr Victor Berezov, ROC Deputy Secretary General (remotely);
 - 3) Mr Claude Ramoni, Counsel; and
 - 4) Mr Lucas Nanchen, Counsel.

b) For the Russian Skaters¹:

- 1) Ms Victoria Sinitsina, one of the Russian Skaters (remotely);
- 2) Mr Nikita Katsalapov, one of the Russian Skaters (remotely);
- 3) Ms Anastasiia Mishina, one of the Russian Skaters (remotely);
- 4) Mr Aleksandr Galliamov, one of the Russian Skaters (remotely);
- 5) Mr Mark Kondratiuk, one of the Russian Skaters (remotely);
- 6) Ms Kamila Valieva, one of the Russian Skaters (remotely);
- 7) Mr Andrea Pinna, Counsel; and
- 8) Ms Olga Cucu, Counsel.

c) For the FSFR:

- 1) Mr Alexander Kogan, FSFR Director General (remotely);
- 2) Mr Robert B. García, Counsel;
- 3) Ms Anna V. Kozmenko, Counsel;
- 4) Mr Robert C. Ruggiero, Counsel;
- 5) Mr Daniil Vlasenko, Counsel (remotely); and
- 6) Ms Margarita Larshina, Interpreter (remotely).

d) For the ISU:

- 1) Dr Fabrice Robert-Tissot, Counsel; and
- 2) Ms Sumin Jo, Counsel.

e) For the Intervening Third Parties:

- 1) Mr John Anderson, USFSA General Counsel (remotely);
- 2) Mr Steven B. Smith, Counsel (remotely);
- 3) Ms Suzanne A. Crespo, Counsel (remotely); and
- 4) Ms France Farrell, Law Clerk at Counsel for Intervening Third Parties (remotely).

99. The following persons were heard, in order of appearance:

- 1) Mr Valery Artyukhov, Head Coach of the ROC Skating Team, witness called by the FSFR (remotely); and
- 2) Prof. Thomas Probst, Professor of Law, University of Fribourg, Switzerland, expert called by the ISU.

100. At the outset of the hearing, the Panel confirmed that, in the absence of any objections having been raised to the admissibility of ISU Communication no. 1596 and the 2018 version of the ISU Special Regulations respectively, such documents were admitted on file.

¹ The spelling of the names of the Russian Skaters in Latin script differed in the various communications of the Russian Skaters. The Panel applied the spelling of the names as indicated in their joint Statement of Appeal and Appeal Brief.

101. The witness and the expert were invited by the President of the Panel to tell the truth subject to the sanctions of perjury under Swiss law. The Parties had full opportunity to examine and cross-examine the witness and the expert. The FSFR made a request for production of documents during the hearing, which the Panel announced that it would resolve after the hearing.
102. The Parties were given full opportunity to present their cases, submit their arguments and answer the questions posed by the members of the Panel.
103. Before the hearing was concluded, the ISU and the Intervening Third Parties expressly stated that they had no objection to the procedure adopted by the Panel and that their right to be heard had been respected. The Appellants confirmed having no objections, but reserved their rights with respect to the various document production requests that were dismissed.
104. On 12 June 2024, the FSFR filed a copy of the PowerPoint presentation it had used during the hearing with the CAS Court Office.
105. On 17 June 2024, the CAS Court Office informed the Parties that the FSFR's request for document production made at the hearing was dismissed and that the reasons for such decision would be communicated in the Award.
106. On 19 June 2024, following a request of the Russian Skaters, the CAS Court Office provided the Parties with the recordings of the hearing.
107. On 9 July 2024, the Intervening Third Parties requested that the operative part of the Award be issued before the 2024 Paris Olympic Games, because they understood that in such case a medal ceremony for the USA team could be held in Paris.
108. On 16 July 2024, the FSFR informed the CAS Court Office that it considered the Intervening Third Parties' request as an improper attempt to pressure the Panel into issuing a precipitous decision and therefore objected to the request, also because no support was provided for the assertion that a medal ceremony would be held at the 2024 Paris Olympic Games.
109. On 18 July 2024, the Intervening Third Parties argued in essence that to conflate the absence of an announcement of a ceremony with a lack of readiness to conduct a ceremony at the Paris Olympic Games is simply incorrect.

V. SUBMISSIONS OF THE PARTIES AND REQUESTS FOR RELIEF

110. The following summaries of the Parties' positions are illustrative only and do not necessarily comprise every submission advanced. The Panel confirms, however, that it has carefully considered all the submissions made by the Parties, whether or not there is specific reference to them in the following summaries.

A. The ROC's Appeal Brief

111. The ROC's Appeal Brief, in essence, may be summarised as follows:

The results obtained at the Olympic Figure Skating Team Event are not individual results, but team results

- The Olympic Figure Skating Team Event has been conducted in accordance with the Team Event Rules. Skaters do not compete individually, but they represent their team. This follows from Articles 2.1, 2.2, 4.3, 4.4, 4.5, 5.1 and 5.2 of the Team Event Rules.
- Accordingly, Ms Valieva's results in the Olympic Figure Skating Team Event were accounted for her team, and not for her. This also follows from the way the results of the competition were published, demonstrating that the points were awarded to the teams. There is no mention in the official results list of the skaters who represented their team.
- Furthermore, according to the World Anti-Doping Code (the "WADC") and the ISU ADR, "Team Sport" is defined as "*a sport in which the substitution of players is permitted during a Competition*". The Olympic Figure Skating Team Event is clearly a competition with several "segments" and it qualifies as a single competition, where substitution of a skater is allowed.

The proper interpretation of the Valieva Award

- The ISU allegedly based its Appealed Decision, *inter alia*, on the Valieva Award, which cannot be interpreted as affecting the results or the points gained by the ROC Skating Team at the Olympic Figure Skating Team Event – despite Ms Valieva being a member.
- The reference in the Valieva Award to the disqualification of all "*competitive results of Ms Kamila Valieva*" must be interpreted as only her individual results, and not the results of any team she was a part of (which would then qualify as "*Team results*").
- In the Valieva Award, the CAS panel found it useful to specify that "[t]he consequences linked to the retroactive disqualification of Ms Valieva from past events, including from the Olympic Winter Games Beijing 2022, were not within the scope of this arbitration procedure and will have to be examined by the sports organisations concerned".
- As CAS only ordered the cancellation of Ms Valieva's individual results and did not rule on the consequences of Ms Valieva's ADRV on ROC's results at the Olympic Figure Skating Team Event, the ISU cannot rely on the Valieva Award to order the cancellation of the points obtained by the ROC Skating Team at the Women's Competition of the Olympic Figure Skating Team Event as per the Team Event Rules. Because of the negative effect of the Valieva

Award in accordance with Article 15 of the ISU ADR and the principle of *res judicata*, the ISU cannot pretend to “implement” the Valieva Award outside the scope of the Valieva Award.

No legal basis to cancel the points obtained by the ROC at the Olympic Figure Skating Team Event

- In view of the scope of the Valieva Award, if the ISU wanted to amend the results obtained by the ROC Skating Team at the Olympic Figure Skating Team Event, it would need a proper legal basis. However, the ISU had no legal basis to i) disqualify points awarded to the ROC based on Ms Valieva’s performance in the Olympic Figure Skating Team Event; and ii) amend the ranking of this competition.
- Previous CAS awards have already addressed the issue of the absence of a legal basis for sanctioning athletes or teams. More generally, CAS has often emphasised the need for a firm legal basis for any decisions taken by an association that imposes an obligation or a sanction on one of its members. It follows from CAS jurisprudence that, in order to amend the results of the ROC Skating Team / to deduct the points obtained by the ROC Skating Team at the Women’s Competition of the Olympic Figure Skating Team Event, the ISU needs to be able to identify a clear provision in its regulations or, in regulations governing the 2022 Beijing Olympic Winter Games, providing for such points’ deduction / re-ranking.
- Under Swiss law, the statutes and regulations of associations must be construed and interpreted in the same way as public laws. Any lack of clarity must be interpreted against the author of the wording (i.e. the ISU). The ISU confessed that there was no clear rule supporting the reasoning followed by it in the Appealed Decision by stating the following in a press release dated 9 February 2022: *“In light of this case, we will further clarify the rules and principles moving forward to ensure any such cases are dealt with more efficiently in the future”*.
- In the present case, there is simply no provision in force that provided that the retroactive disqualification of Ms Valieva’s individual results should result in the cancellation of points obtained by the ROC Skating Team at the Olympic Figure Skating Team Event and the re-ranking of the ROC Skating Team.
- As to the RADR, its Article 12.10 only relates to the sanctions on individuals. The consequences for teams are detailed in another chapter of the RADR. Article 13.2 of the RADR applies only if more than two members of a team in a team sport are found to have committed an ADRV during an event. However, in the present case, no violation has been committed during the 2022 Beijing Olympic Winter Games by any member of the ROC Skating Team (including Ms Valieva) and the ROC Skating Team cannot be sanctioned on this basis. Even if the Olympic Figure Skating Team Event was to be considered as a sport which is not a Team Sport but where awards are given to teams, there is no

provision in the RADR dealing with the disqualification of results / points obtained by such teams. Moreover, based on the RADR, it was not predictable for the members of the ROC Skating Team that their team results could be amended in the absence of any ADRV occurring during or in connection with the 2022 Beijing Olympic Winter Games.

- The conclusion would be the same under the ISU ADR. The ISU only referred to Article 10.10 of the ISU ADR as the legal basis of the Appealed Decision. The ISU can therefore no longer change the legal basis of the Appealed Decision. This would violate the principle of legality, as confirmed in CAS jurisprudence. Like for Article 12.10 of the RADR, Article 10.10 of the ISU ADR is clear: it refers only to individual results. In the present case, none of the norms of Article 11 of the ISU ADR can be applied because no member of the ROC Skating Team committed an ADRV during the 2022 Beijing Olympic Winter Games.
- For the sake of completeness and of clarity, possible other regulations that may serve as a legal basis for the Appealed Decision are analysed briefly, even if they have not been mentioned by the ISU. First, the Team Event Rules do not contain any provision allowing the ISU to deduct points scored by a member of a team in the Olympic Figure Skating Team Event. Second, and more generally, there is no provision in the ISU Regulations allowing for a cancellation of points, or disqualification of a member of a team except for Section 11 of the ISU ADR, which does not apply in the case at hand. Third, the Anti-Doping Rules applicable to the XXIV Olympic Winter Games Beijing 2022 (the “IOC ADR”) cannot either provide any legal basis for the Appealed Decision.

Breach of the principle of fairness / good faith / prohibition of arbitrariness / proportionality

- As ruled by CAS panels, the principle of good faith enshrined in Article 2.1 of the Swiss Civil Code (“*Every person must act in good faith in the exercise of his or her rights and in the performance of his or her obligations*”) is a mandatory rule with a broad scope of application.
- Similarly, “fairness” is a broad concept: any decision which breaches such principle may be disproportionate or arbitrary.
- The Appealed Decision (in addition to being issued without any proper legal basis) results in an unfair result and is breaching the principle of good faith and natural justice. The Stockholm Laboratory breached its obligations, as Ms Valieva’s sample was reported as an AAF with a delay of three weeks. Due to the failure to ensure that pre-Games tests are reported in due time, the ROC had absolutely no way of knowing that Ms Valieva’s sample collected on 25 December 2021 contained a prohibited substance. In good faith, the Appellants were entitled to believe that Ms Valieva’s test was negative in the absence of any report within the deadline provided for in the ISL.

- The ROC had three outstanding female skaters for the 2022 Beijing Olympic Winter Games. In addition to Ms Valieva, Ms Anna Shcherbakova (who ranked first in the Women's Competition) and Ms Alexandra Trusova (who ranked second in the Women's Competition) were objectively better than other competitors from other countries. The Team Event Rules provide for the possibility to select athletes at the last minute before competitions and also to substitute them. If the ROC had had the slightest doubt, it would have had the opportunity to select any of the two other Russian female skaters present.
- The ROC ranked first at the Olympic Figure Skating Team Event with 74 points, with the United States of America being ranked second with 65 points. This basically means that there is such a great margin between the two first teams that the presence of Ms Valieva made no difference to the outcome of this competition. If the ROC had been represented by Ms Shcherbakova or Ms Trusova, it would undoubtedly have finished in first place.
- The ROC has been unduly prevented from entering another athlete due to the failure by anti-doping authorities to comply with the applicable regulations.

112. On this basis, the ROC submit the following requests for relief in his Appeal Brief:

- "I. The appeal is upheld.*
- II. The decision issued on 30 January 2024 by the International Skating Union re-ranking the Figure Skating Team Event that took place in the Beijing 2022 Olympic Winter Games is annulled.*
- III. The three first places of the ranking of the Figure Skating Team Event of the Beijing 2022 Olympic Winter Games are confirmed as follows, with the resulting consequences in terms of allocation of Olympic Medals:*
 - (1) ROC – Gold Medal;*
 - (2) United States of America – Silver Medal;*
 - (3) Japan – Bronze Medal.*
- IV. The procedure shall be free of charge as per Article R65 CAS Code. In the event that arbitration costs are to be paid to the CAS, the International Skating Union shall be ordered to bear all arbitration costs and to reimburse the Russian Olympic Committee, any advance on costs paid by the later [sic], as well as the minimum CAS Court Office fee of CHF 1,000.*
- V. The International Skating Union shall be ordered to pay the Russian Olympic Committee a contribution towards the legal and other costs incurred within the framework of these proceedings in an amount to be determined at a later stage or at the discretion of the Panel."*

B. The Russian Skaters’ joint Appeal Brief

113. The Russian Skaters’ joint Appeal Brief, in essence, may be summarised as follows:

The Appealed Decision has no legal basis

- The principle of legality is a well-established principle of the *lex sportiva*. This principle must be respected when interpreting various applicable rules. Such principle requires that offences and sanctions must be clearly and previously defined by law, precluding the “adjustment” of existing rules to apply them to situations or behaviours that the legislator did not intend to penalise. In this respect, CAS awards have consistently held that sports organisations cannot impose sanctions without a proper legal or regulatory basis for them and that such sanctions must also be predictable.
- As a matter of principle, a rule applicable to individual competitors cannot be extended to teams. This was confirmed in the *Jerome Young* and *Marion Jones* cases (the “Relay Cases”).
- In the *Jerome Young* case, there was no express rule providing for the nullity of the results obtained by the team, one of whose members was later banned from the competition. The arbitrators finally ruled that the principle of legality prohibited them from annulling the results of the USA team, in the absence of rules to this effect. The USA relay team kept therefore its gold medal.
- In the *Marion Jones* case, the CAS panel held, *inter alia*, that “[t]his Panel does not accept, as the IOC would have it, to impose a sanction on the basis of inexistent or unclear rules or on the basis of logic or of an inexistent general principle. The panel acknowledges that the outcome of this case may be unfair to the other relay teams that competed with no doped athletes helping their performance; however, such outcome exclusively depends on the rules enacted by the IOC and the IAAF at the time of the Sydney Olympic Games.” (CAS 2008/A/1545).

The RADR and the ISU ADR do not support the Appealed Decision

- The only rules mentioned in the Appealed Decision are Articles 10.10 of the ISU ADR and 12.10 of the RADR, which have no bearing whatsoever on the results of a Team event.
- Article 10.10 of the ISU ADR cannot serve as a basis for the re-ranking of the teams. Article 10 is more generally entitled “*sanctions to individuals*”. This provision does not concern the competitive results obtained by a skater in a Team Event and for the team. The results obtained by a skater cannot be considered as individual results, but rather as team results.

- Similarly, Article 12.10 of the RADR cannot serve as a legal basis for the re-ranking of the teams. This provision is also intended to sanction individuals, not teams.
- The only provision related to the team results in the ISU ADR is Article 11.2. The conditions for the application of this provision are not met in the present case and it cannot be used as a basis for the re-ranking of the teams either. This article has a very limited scope of application as it refers to ADRVs committed “*during or in connection with one Competition in an Event*” (Article 11.2.3) and the disqualification of the team’s results in the specific Competition or Event.
- Ms Valieva’s ADRV occurred on 25 December 2021. It goes without saying that such a violation cannot be considered “*in connection with*” the 2022 Beijing Olympic Winter Games. In addition, Ms Valieva was tested twice during the Olympic Games, on 7 February 2022 and on 17 February 2022, and both tests were negative. It is therefore clear that Article 11.2 of the ISU ADR is not applicable.
- The ISU recognises that its rules and principles are not clear enough. The principle of legality precludes the “adjustment” of existing rules to apply to situations that the legislator did not intend to penalise. The “adjustment” of a rule initially applicable to individual results to a situation where team results are at stake is inadmissible.
- The Appealed Decision to disqualify 20 points obtained by the ROC Skating Team at the Olympic Figure Skating Team Event was based on an obscure decision-making process and on an “*evaluation from legal experts*”, known only to a small group of insiders, to which the Russian Skaters had no access whatsoever and were not able to review, assess and rebut.

The Valieva Award cannot serve as a legal basis to re-rank the teams

- As is clear from the operative part of the Valieva Award, the sanction imposed was aimed at the individual results of Ms Valieva, and not at the ROC Skating Team results, even though Ms Valieva was a member of the team. This interpretation is reinforced by the legal basis on which the CAS panel disqualified Ms Valieva’s competitive results. In reaching its decision, the CAS panel relied on the RADR, more specifically Articles 11.1, 12.1, 12.2 and 12.10, all of which relate to sanctions against individuals and the disqualification of individual results, and not to sanctions against teams or the disqualification of team results. At no point did the Valieva Award had to deal with the consequences or sanctions against teams, as this issue did not fall within the scope of the arbitration proceedings.
- Following the Appealed Decision, disqualification of 20 points fairly earned by Ms Valieva in the team competition would be tantamount to rewriting the Valieva Award and giving it a meaning and implications it simply cannot have.

The ISU's own previous practice does not support the ISU re-ranking decision

- The closest precedent the ISU has for how to handle a doping violation by a skater in a team event comes from the 2020 Youth Olympics (the “Nesterova Case”). Ukrainian pair skater Ms Sofia Nesterova tested positive at the Youth Olympic Games. She was part of Team Vision, composed by athletes from the Russian Federation, Hungary, Ukraine and Canada. Team Vision won the bronze medal with 18 points, from which two points were earned by Ms Nesterova and her partner. After Ms Nesterova tested positive, she and her partner were disqualified from the Pair Skating Event. However, the pair was not disqualified from the Team Event, and Team Vision was allowed to keep the two points earned by Ms Nesterova.
- Although specific rules apply to each competition, the ISU ADR must also be considered to have been applied to Ms Nesterova as the rules do not exclude the Youth Olympic Games from their scope of application. Based on that practice and the applicable rules, a similar result must be achieved in the present proceedings and the ROC Skating Team must keep the 20 points earned by Ms Valieva in the Olympic Figure Skating Team Event.

The rules applicable to the Olympic Winter Games Team Event do not support the re-ranking decided by ISU

- The ISU Special Regulations do not provide for a legal basis that would justify the re-ranking of the teams.
- Also Article 11.2 of the IOC ADR cannot possibly serve as a basis for the Appealed Decision, as it has a limited scope and applies only to situations where a member of the team is found to have committed an ADRV “*during the period of the Olympic Games Beijing 2022*”, while Ms Valieva’s ADRV occurred in December 2021. The result should have been similar to that of Ms Nesterova set forth above.

In the alternative, the principle of fairness requires that the Russian Skaters maintain their initial ranking

- Article 10.10 of the ISU ADR cannot serve as a basis to disqualifying the ROC Skating Team results. However, in the alternative, the Appealed Decision must be set aside because it is contrary to the principle of fairness. Factors that may be taken into account are for example the delays in result management, as well as the impact of the violation on the subsequent results.
- Ms Valieva’s ADRV dates back to 25 December 2021, i.e. more than 40 days before the 2022 Beijing Olympic Winter Games. Ms Valieva’s subsequent tests were negative: 13 January 2022 in Tallin, Estonia, and 7 and 17 February 2022 at the 2022 Beijing Olympic Winter Games. All Russian Skaters were clean athletes during the 2022 Beijing Olympic Winter Games. Ms Valieva’s positive doping sample collected in December 2021 had no impact whatsoever on the

ROC Team's results at the 2022 Beijing Olympic Winter Games and had not affected the results of the Olympic Figure Skating Team Event.

- The retroactive re-ranking of the teams would deprive all Russian Skaters, including Ms Valieva, of their fairly earned first place and would have significant negative competitive consequences on them. This would grossly violate the principle of fairness.
- In this respect, it must also be considered that some of the Russian Skaters are already retired athletes. It would be all the more unfair to deprive these skaters of their fairly won first place as they will never again be able to compete at the Olympic Games.

114. On this basis, the Russian Skaters submit the following joint requests for relief in their joint Appeal Brief:

- “- Upheld [sic] the appeal;
- Annul the decision issued by the International Skating Union issued on 30 January 2024 re-ranking the Figure Skating Team Event that took place in the Beijing 2022 Olympic Winter Games;
- Confirm that the Figure Skating Team representing the Russian Olympic Committee at the Beijing 2022 Olympic Winter Games shall be ranked first at the Figure Skating Team Event;
- Order the International Skating Union to reimburse the Skaters their legal costs and other expenses and bear the entirety [sic] costs of the arbitration.”

C. The FSFR's Appeal Brief

115. The FSFR's Appeal Brief, in essence, may be summarised as follows:

The ISU had no authority to re-rank the results of the Olympic Figure Skating Team Event

- In the Appealed Decision, the ISU erroneously relied on three authorities: i) the Valieva Award; ii) Article 10.10 of the ISU ADR; and iii) Article 12.10 of the RADR. None of those authorities provided the ISU with the power to re-rank the results of the Olympic Figure Skating Team Event.
- While the Valieva Award declared Ms Valieva's ineligibility to compete since 25 December 2021 and disqualified her individual competitive results since then, it did not authorise altering the results of the Olympic Figure Skating Team Event. The Valieva Award imposed no consequence or issued any finding on the Russian Skaters. Indeed, the Russian Skaters were not even a party to the proceedings.

- The ISU also had no authority to alter the results of the Olympic Figure Skating Team Event under Articles 10.10 of the ISU ADR and 12.10 of the RADR. Those provisions are effectively identical. These provisions provide for the disqualification of all competitive results by an individual athlete. Nothing in these provisions authorises the ISU to change the results of a team at a team event.
- To determine the potential consequences on a skater's team, one must look to Article 11.2 of the ISU ADR, but none of the scenarios set forth in this provision apply. The ISU therefore acted without authority and the Appealed Decision must be annulled.

The ISU should not have re-ranked the results of the Olympic Figure Skating Team Event as a matter of fairness

- Even if the Panel finds that Article 10.10 of the ISU ADR or Article 12.10 of the RADR somehow authorise the ISU to re-rank the results of a team at a team event, it should nevertheless find as a matter of fairness that the ISU should not have stripped the Russian Skaters of the points earned by Ms Valieva.
- Article 10.10 of the ISU ADR and Article 12.10 of the RADR permit the disqualification of an individual's results only if it is fair. If fairness requires otherwise, the ISU is not permitted to disqualify an individual's results.
- Specifically in determining the issue of whether it is fair to disqualify an individual's results, CAS panels consider whether there was delay in the reporting of the ADRV and whether the violation affected any results. Also in this case these factors militate in favour of a finding that, as a matter of fairness, the ISU should not have disqualified Ms Valieva's results at the Olympic Figure Skating Team Event.
- Neither Ms Valieva nor any other member of the ROC Skating Team was informed of Ms Valieva's positive test in December 2021 until 8 February 2022, after the ROC Skating Team had already won the Olympic Figure Skating Team Event. Ms Valieva tested negative on 13 January and 7 February 2022. Two different CAS panels have found that the Stockholm Laboratory's delay in reporting the AAF was not attributable to Ms Valieva and that the Stockholm Laboratory was to blame for the delay.
- The Stockholm Laboratory's delay unfairly prejudiced the ROC Skating Team. The anti-doping authorities could have and should have reported the AAF of Ms Valieva before the 2022 Beijing Olympic Winter Games. If they had done so, the ROC Skating Team would have replaced Ms Valieva with another Russian skater in time to compete in the 2022 Beijing Olympic Winter Games. That would have prevented the loss of all the points of Ms Valieva.
- Mr Valery Artyukhov, the Head Coach of the ROC Skating Team, affirms in his witness statement that Russian skating has a rich pool of talented female

skaters that could have easily replaced Ms Valieva. In particular, in addition to Ms Valieva, it included Ms Sherbakova and Ms Trusova, who had been the favourites at international competitions before the 2022 Beijing Olympic Winter Games and who ultimately won the gold and silver medals at the individual competition of the 2022 Beijing Olympic Winter Games, respectively.

- Moreover, the ROC Skating Team did not need significantly more points to finish first at the Olympic Figure Skating Team Event without Ms Valieva. The second-place team (the USA) finished with only 65 points. Without Ms Valieva's points, the ROC Skating Team finished with 54 points. Thus, all it needed to finish in first place was 11 more points. Stripping all of Ms Valieva's points resulted in the ROC Skating Team losing 20 points. That was grossly unfair to the ROC Skating Team because it had been deprived of the opportunity to replace Ms Valieva with an available and highly skilled candidate before the Olympic Figure Skating Team Event due to the Stockholm Laboratory's failure to timely report the AAF.
- It was also grossly unfair because the ROC Skating Team's performance was not enhanced or affected by the use of any prohibited substances. There is no evidence that the performance of any member of the ROC Skating Team (including Ms Valieva) was enhanced or affected by the use of any prohibited substances. All member of the ROC Skating Team (including Ms Valieva) tested negative for all prohibited substances both before and during the 2022 Beijing Olympic Winter Games.
- When the CAS panel in the Valieva Award decided that the consequences would apply to Ms Valieva retroactively to the day of her positive test on 25 December 2021, it was not to impose an additional punishment on her. It did so because it found that it would be unfair to punish Ms Valieva for the anti-doping authorities' inexcusable delay in reporting her positive test.
- The same reasoning applies here with even more force. If it was unfair to punish Ms Valieva for the anti-doping authorities' delay in reporting her positive test, it would be even more unfair to punish the other members of the ROC Skating Team for the same delay given that they had committed no ADRV whatsoever and bear no responsibility for the delay in reporting Ms Valieva's test result of 25 December 2021.
- In sum, it was grossly unfair to the ROC Skating Team and a violation of the principle of proportionality for the ISU to strip the ROC Skating Team of all the points that Ms Valieva scored at the Olympic Figure Skating Team Event and thus demote it from first place to third.

116. On this basis, the FSFR submits the following requests for relief in its Appeal Brief:

“(a) Annulling the ISU's decision of January 30, 2024 to re-rank the results at the Figure Skating Team Event of the 2022 Winter Olympics;

- (b) *Reinstating the original results at the Figure Skating Team Event of the 2022 Winter Olympics to reflect that ROC finished in first place, the United States of America in second, and Japan in third;*
- (c) *Ordering the reimbursement of all of Appellant's expenses and other costs incurred in connection with this Arbitration, including attorney's fees and Appellant's internal costs;*
- (d) *Granting such other relief as the Tribunal deems just and proper."*

D. The ISU's Answer

117. The ISU's Answer, in essence, may be summarised as follows:

The Appealed Decision is not a sanction against the ROC (and/or the Russian Skaters) as a Team

- The Appealed Decision is an administrative measure implementing the consequences of the Valieva Award, which consists of cancelling all results of Ms Valieva at the 2022 Beijing Olympic Winter Games.
- Contrary to what the Appellants contend, the Appealed Decision does not impose "*Consequences on Teams*" as per the application of anti-doping regulations. Indeed, it does not impose a disqualification on the ROC Skating Team. In order for a measure to qualify as a sanction, it must have inflicted adverse effects in response to a (purported) violation of the rules or some form of misconduct of the addressee. This is not the case here.
- Therefore, any reference to the anti-doping regulations (be it the RADR, the ISU ADR and/or the WADC) and the alleged requirements to impose a sanction to teams is misplaced.

The Appealed Decision implements the Consequences of the Valieva Award

- As per Article 15.1.1 of the ISU ADR, the ISU has the obligation to implement the Valieva Award. It provides that a decision of CAS shall, after the parties to the proceedings are notified, automatically be binding beyond the parties to the proceedings upon the ISU and its Members, as well as every Signatory.
- The disqualification of Ms Valieva's results in the Valieva Award was based on Article 12.10 of the RADR. The Valieva Award solely concerned Ms Valieva and, consequently, ordered a "*sanction on individuals*" (Article 12 of the RADR; Article 10 of the ISU ADR; see also Article 10 of the WADC).
- Accordingly, the Appealed Decision implements the disqualification of "*all competitive results*" (emphasis added by the ISU) of Ms Valieva in the context of the Olympic Figure Skating Team Event. This leads to the overall re-ranking set out in the Appealed Decision.

- Since the Appealed Decision implements the consequences of the Valieva Award, Article 353(4) of the ISU Special Regulations is not applicable to this case.


Alternative reasoning based on Article 353(4) of the ISU Special Regulations

- As explained in Prof. Probst’s Legal Opinion, even if one were to apply Article 353(4) of the ISU Special Regulations, the outcome would be the same.
- Pursuant to the principles set forth in Article 353(4) of the ISU Special Regulations, a skater’s disqualification entails her/his loss of placement in the individual competition ranking and as a corollary, her/his team loses in the Team Event the points attributed to the placement achieved by her/him in the individual competition. Subsequently, the lower ranked athletes having finished the competition will move up in their ranking by one rank. As a corollary, their respective teams will gain one “*placement point*”, resulting in the following results:

Results*
成绩 / Résultats

After 4 of 4 Categories

Rank	Team	Men Single Skating		Women Single Skating		Pair Skating		Ice Dance		Total Points
		Qual.	Fin.	Qual.	Fin.	Qual.	Fin.	Qual.	Fin.	
1	ROC - ROC → 3rd rank	8	9	-40	-40	9	10	9	9	74 -20= 54
2	USA - United States of America → 1st rank	10	8	6	7+1	8	6	10	10	65 +1= 66
3	JPN - Japan → 2nd rank	9	10	9	9+1	7	9	4	6	63 +1= 64
4	CAN - Canada	3	6	8	8+1	6	7	7	8	53 +1= 54
5	CHN - People's Republic of China	5	7	1	6+1	10	8	6	7	50 +1= 51
Final Not Reached										
6	GEO - Georgia	7		7		5		3		22
7	ITA - Italy	6		2		4		8		20
8	CZE - Czech Republic	4		3		3		5		15
9	GER - Germany	2		5				1		8 *
10	UKR - Ukraine			4		2		2		8 *


LAKERNIK Alexander, ISU
Technical Delegate

Tie break: ☐
— ROC: 10 + 9 = 19
— CAN: 8 + 9 = 17

- Pursuant to Section 4 of the ISU QS, the primary tie breaking criterion provides that “[t]he highest aggregate Team points per Team from the two (2) best places in different disciplines will break the tie”. If applied to the present case, the 3rd rank in the Olympic Figure Skating Team Event pertains to the ROC as published in the Appealed Decision.

Discretion of the ISU in the implementation of the ISU Regulations

- Article 353 of the ISU Special Regulations was adopted by the ISU Congress in accordance with the ISU Constitution. This rule was not challenged in judicial proceedings on grounds of voidness or voidability for a potential violation of

the ISU Constitution and/or Regulations or Swiss law of associations. Therefore, the official duty of the ISU's executive bodies is to implement and apply this rule to the present matter.

- By virtue of the principle of autonomy of the association (see Article 63(1) of the Swiss Civil Code – the “SCC”), sports federations are empowered to issue sporting regulations which are binding on their members and, in case of breach of said regulations, to impose sanctions. Sports federations enjoy “*broad autonomy*” (“*large autonomie*”) in the exercise of their regulatory functions.
- Therefore, the ISU, as an association of Swiss law, has a wide discretion in the implementation of such administrative measure and/or consequences of the disqualification of “[...] *all competitive results* [...]” of Ms Valieva as per the Valieva Award in the context of the Olympic Figure Skating Team Event.
- Pursuant to CAS jurisprudence, the broad autonomy in implementing its own rules is only limited to “*exceptional circumstances*”, which are subject to a high threshold. Although they have the burden of proof (Article 8 of the SCC), the Appellants have not established that such a high threshold would be met, i.e. that the Appealed Decision is arbitrary, discriminatory, that it breaches any mandatory legal principle and/or that there is a “*blatant and manifest breach*” that would “*offend a basic sense of justice*”.
- The Appealed Decision to only disqualify Ms Valieva and the results she achieved, including her results in the Olympic Figure Skating Team Event, is the only decision that complies with the Valieva Award and is supported by the rules applicable to the Olympic Figure Skating Team Event.

Reply to the Appellants' submissions

- The Appellants' argument that the Appealed Decision lacks legal basis is wrong from the outset. In the Valieva Award, the CAS panel held that there was a legal basis (Article 12.10 of the RADR) for imposing such a disqualification of “[...] *all competitive results* [...]”. There is no reason not to disqualify Ms Valieva's results in the Olympic Figure Skating Team Event.
- The Appellants further invoke that the Olympic Figure Skating Team Event is a “*Team Sport*” and that Article 11 of the ISU ADR on the “*Consequences to Teams*” cannot apply. The Olympic Figure Skating Team Event is not a Team Sport, since a substitution cannot occur during the competition.
- Furthermore, as acknowledged by the Appellants, Article 11.2.2 of the ISU ADR requires that the ADRV has occurred “[...] *during or in connection with an Event* [...]”, which is not the case.
- As to the Relay Cases invoked by the Appellants, they are irrelevant to the case at hand. In these cases, the relay team results were annulled. By contrast, in the

present case, it is only Ms Valieva's results which are annulled and not the results of the ROC Skating Team itself.

- Also, Article 12.10 of the RADR does not provide that only results achieved in individual competitions should be disqualified. There is no reason to exclude Ms Valieva's results obtained during the period of ineligibility in other competitions, such as the 2022 Beijing Olympic Winter Games.
- As to the ISU's own previous practice with respect to the results of Ms Nesterova at the Youth Olympic Games, as the Appellants themselves acknowledge, "*specific rules apply to each competition*". The Mixed NOC Team Event involves athletes from different nations who compete in the same team. This is a different competition, taking place during a different event, and which is subject to different rules. Moreover, the competition concerned related to the results obtained by pair skaters. In this context, one fails to see how the ISU could have developed a (binding) "practice".
- The Appellants cannot invoke any arguments of fairness, based on Article 10.10 of the ISU ADR. This point was decided in the Valieva Award and cannot be relitigated before this Panel. Moreover, the ROC Skating Team is not disqualified. In fact, the Appealed Decision to only disqualify the results of Ms Valieva in the Olympic Figure Skating Team Event is the only decision that complies with the Valieva Award. The Appellants do not explain on which legal basis the ISU should (and could) have taken into account that the Stockholm Laboratory (purportedly) breached its obligations by not reporting immediately the AAF regarding Ms Valieva. In any event, such breach (if confirmed) was committed by the Stockholm Laboratory, a third party (*res inter alios acta*).

118. On this basis, the ISU submits the following requests for relief in its Answer:

"On the request for document production:

1. To dismiss the request for document production made by the ROC and the FSFR.

On the admissibility of the appeal:

2. To leave for the CAS panel to decide whether the appeal filed by the Appellants is admissible.

On the merits:

3. To dismiss the appeal filed by the Appellants against the decision of the ISU Council, published by press release on 30 January 2024, to award the ROC 54 points and rank them in third position after re-ranking the figure skating Team Event at the 2022 Olympic Games, following the CAS award of 29 January 2024 rendered in the (consolidated) cases CAS 2023/A/9451 (RUSADA v. Valieva), CAS

2023/A/9455 (ISU v. Valieva, Rusada, FSFR) and CAS 2023/A/9456 (WADA, RUSADA & Valieva [sic]).

4. *To confirm the ISU decision of 30 January 2024 and the corresponding results:*

Rank	Team	Nation	Total Team Points	Men SP	Men FS	Women SP	Women FS	Pairs SP	Pairs FS	Ice Dance RD	Ice Dance FD	Q
1	United States of America	USA	65	10	8	6	7	8	6	10	10	Q
2	Japan	JPN	63	9	10	9	9	7	9	4	6	Q
3	ROC	ROC	54	8	9	DSQ	DSQ*	9	10	9	9	Q
4	Canada	CAN	53	3	6	8	8	6	7	7	8	Q
5	People's Republic of China	CHN	50	5	7	1	6	10	8	6	7	Q
6	Georgia	GEO	FNR*	7		7		5		3		
7	Italy	ITA	FNR*	6		2		4		8		
8	Czech Republic	CZE	FNR*	4		3		3		5		
9	Germany	GER	FNR*	2		5				1		
10	Ukraine	UKR	FNR*			4		2		2		

SP=Short Program FS=Free Skating RD=Rhythm Dance FD=Free Dance Q=Top 5 teams qualified for the Free Skating/Free Dance

*DSQ=Disqualified *FNR= Final not Reached

5. *To grant to Respondent an award against the Appellants for its legal costs and other expenses pertaining to these appeal proceedings before the Court of Arbitration for Sport.*
6. *To order the Appellants to bear the costs of these appeal proceedings before the Court of Arbitration for Sport and to reimburse the Respondent's share of the advance of costs accordingly."*

E. The USOPC's and the USFSA's joint submission

119. The USOPC's and the USFSA's joint submission, in essence, may be summarised as follows:

- The Appellants' challenge to the Appealed Decision rests primarily on their argument that the ISU did not have the authority to disqualify Ms Valieva's competitive results in the Olympic Figure Skating Team Event. To the contrary, the ISU was required to enforce the Valieva Award, which dictated that Ms Valieva's results be disqualified, including in the Olympic Figure Skating Team Event.
- The Appealed Decision is an administrative accounting dictated by the Valieva Award.
- Article 15.1.2 of the ISU ADR further provides that "[t]he ISU and its Members shall recognize and implement a decision and its effects as required by Article 15.1.1, without any further action required", on the earlier of the date the ISU

received actual notice of the decision or the date the decision is placed into ADAMS.

The Appellants' arguments should be rejected

- The underlying assumption of the Appellants in their Appeal Briefs is that the Appealed Decision is a sanction against the ROC Skating Team in the Olympic Figure Skating Team Event. They are wrong for a number of independent reasons. The ISU plainly did not disqualify the ROC Skating Team. Only Ms Valieva's competitive results in the Short Program and Free Skate were replaced with "DSQ", as required by the Valieva Award. The ROC Skating Team still earned the bronze medal. Had the ISU disqualified the ROC Skating Team, it would have taken the ROC Skating Team out entirely.
- The Appellants argue that, because Article 10 of the ISU ADR and Article 12 of the RADR are entitled "*Sanctions on Individuals*", this somehow means that sanctions issued under those provisions cannot have any impact on a team. However, under Article 23.4 of the ISU ADR, "[t]he headings used for the various Parts and Articles of the Code are for convenience only and shall not be deemed part of the substance of the Code or to affect in any way the language of the provisions to which they refer".
- In addition, the actual language of Article 12.10 of the RUSADA ADR and Article 10.10 of the ISU ADR require disqualification of, respectively, "*all other results achieved by the Athlete at Competition*" and "*all other competitive results of the Skater*". This language covers points earned by Ms Valieva at the Olympic Figure Skating Team Event. Nothing in Article 12.10 of the RADR, Article 10.10 of the ISU ADR or the Valieva Award prohibits any possible impact on other athletes as a result of such disqualification.
- The Valieva Award does not contain any exception regarding the disqualification of Ms Valieva's competitive results in team events.
- The ROC mistakenly asserts that the CAS panel in the Valieva Award expressly stated that "*[t]he consequences linked to the retroactive disqualification of Ms Valieva from past events, including from the Olympic Winter Games Beijing 2022, were not within the scope of this arbitration procedure and will have to be examined by the sports organisations concerned*". To the contrary, this statement comes from a 29 January 2024 Media Release issued by CAS. Accordingly, it has no bearing on the actual meaning of the Valieva Award. The Valieva Award itself contains no such language.
- There is no need to consider Article 11.2 of the ISU ADR relating to disqualification of teams. Here, there was no such ADRV at the Olympic Games. Thus, Article 11.2 is of no relevance. The ROC Skating Team was not disqualified – which would have been the result had the ISU applied Article 11.2.

- The Appellants make much of the Relay Cases. However, the Appealed Decision was not a sanction against the ROC Skating Team (unlike in the Relay Cases), but rather an administrative result of the Valieva Award’s disqualification of all competitive results achieved by Ms Valieva. The Relay Cases are further distinguishable because those CAS panels concluded that there was not a rule providing for the sanction imposed. Here, not only is the Appealed Decision not a sanction, but it is clearly required by the rules.
- In the alternative, the Appellants argue that the Appealed Decision must be set aside based on fairness. However, the CAS panel already considered the issue of fairness in the Valieva Award, and the Appellants have no basis to claim that this Panel should consider fairness as to them.
- Ms Valieva tested positive on 25 December 2021. The Valieva Award was issued on 29 January 2024, almost exactly two years and one month later. Thus, if the CAS panel imposed a four-year period of ineligibility on Ms Valieva, and her competitive results from 25 December 2021 forward were disqualified, she would effectively be serving a six-year suspension. Under Article 12.13.1 of the RADR, the CAS panel had the option to backdate the start of Ms Valieva’s period of ineligibility, implying the disqualification of all competitive results during that period. The issue for the CAS panel was, between Article 12.10 and Article 12.13.1 of the RADR, what was fair? The CAS panel made its fairness decision by backdating Ms Valieva’s period of ineligibility, so that she did not end up effectively serving six years. Moreover, this decision benefitted Ms Valieva in that her period of ineligibility will be over approximately one year and 11 months after the Valieva Award was issued, rather than four years from then. Thus, the Valieva Award already addressed the issue of fairness as it relates to the disqualification of Ms Valieva’s competitive results.
- While fairness is mentioned in Article 12.10 of the RADR, it is only in the context of the individual athlete. “Fairness” is thus applied to Ms Valieva, not to other athletes, nor to the ROC or FSFR.
- Lastly, to the extent that the Appellants argue that the Appealed Decision is somehow disproportional, this argument must also be rejected. Numerous CAS Awards have confirmed that the WADC is proportional in its approach to sanctions, such that proportionality shall not be considered beyond what is already in the WADC.

120. On this basis, the USOPC and the USFSA jointly submit the following requests for relief in their joint submission:

- “a. Confirmation that the USOPC and USFSA are permitted to intervene and participate in the Appeals;*
- b. That CAS uphold the ISU Decision and the Event results as re-ordered therein; and*

- c. *An award to Intervenors of their arbitration costs and an appropriate contribution towards their legal fees and expenses incurred in connection with the proceedings.”*

VI. JURISDICTION

121. Article R47 CAS Code provides, *inter alia*, 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.”

122. Article 13.2.1 of the 1 January 2021 edition of the ISU ADR provides as follows:

“In cases arising from participation in an ISU Event or an International Events or in cases involving International-Level Skaters, the decision may be appealed exclusively to CAS.”

123. Rule 61(2) of the 15 October 2023 Olympic Charter provides as follows:

“Any dispute arising on the occasion of, or in connection with, the Olympic Games shall be submitted exclusively to the Court of Arbitration for Sport, in accordance with the Code of Sports-Related Arbitration.”

124. The ROC and the FSFR rely on the afore-mentioned provisions in conferring jurisdiction on CAS.

125. The Russian Skaters rely on Article 6 of the Conditions of Participation for NOC Delegation Members Olympic Winter Games Beijing 2022 (the “Entry Form”) that they were required to sign in order to participate in the 2022 Beijing Olympic Winter Games. Article 6 of the Entry Form provides as follows:

“Unless otherwise agreed in writing by the IOC, any dispute or claim arising in connection with my participation at the Games, not resolved after exhaustion of the legal remedies established by my NOC, the International Federation governing my sport, Beijing 2022 and the IOC, shall be submitted exclusively to the Court of Arbitration for Sport (‘CAS’) for final and binding arbitration in accordance with the Arbitration Rules for the Olympic Games, and the Code of Sports-related Arbitration. The seat of arbitration shall be in Lausanne, Switzerland and the language of the procedure English. The decisions of the CAS shall be final, binding and non-appealable, subject to the appeal to the Swiss Federal Court.”

126. The ISU submits that, pursuant to Article 26(1) and (2) of the June 2021 edition of the ISU Constitution (the “ISU Constitution”), the jurisdiction of CAS is given only in relation with specific decisions made by the ISU Disciplinary Committee or the ISU

Council. However, the ISU explicitly confirms that it “*is nonetheless willing to have the present dispute being directly resolved by the CAS*” and that “*the ISU hereby recognises the CAS’s jurisdiction over the present dispute (‘Einlassung’), without prejudice to the validity of the above-mentioned limitations provided for in the ISU Constitution*”.

127. The jurisdiction of CAS is further confirmed by the Order of Procedure duly signed by the Parties.
128. Based on the aforementioned, it follows that CAS has jurisdiction to adjudicate and decide on the present dispute.

VII. ADMISSIBILITY

129. Article R49 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.”

130. Article 13.6.1 of the ISU ADR provides , *inter alia*, as follows:

“The time to file an appeal to CAS shall be twenty-one (21) days from the date of receipt of the decision by the appealing party.”

131. The Appealed Decision was published on the ISU’s website on 30 January 2024. Given that the appeals in CAS 2024/A/10355, CAS 2024/A/10356 and CAS 2024/A/10360 were all filed on 20 February 2024, the appeals are filed within the applicable 21-day deadline.

132. The ISU maintains that pursuant to Article 17(2)(a) of the ISU Constitution, the ISU Congress has the “*superior decision-making power*”, which provision provides as follows:

“Decisions taken by the Council in the exercise of its functions and powers shall be final and shall not be subject to appeal except as explicitly set forth in other provisions of the ISU Statutes. All final decisions of the Council are subject to the exercise of the superior decision-making power of the Congress at the next following Ordinary or Extraordinary Congress. See Article 30, paragraph 21.”

133. The ISU nonetheless “*recognises the CAS’s jurisdiction (respectively, does not challenge the admissibility of the appeals) in the present dispute, without prejudice to the validity of the above-mentioned requirements regarding the exhaustion of internal remedies*”.

134. Consequently, based on the abovementioned and considering that the ISU specifically indicated that it does “*does not challenge the admissibility of the appeal*”, the Panel finds that the appeals are admissible.

VIII. APPLICABLE LAW

135. Article R58 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.”

136. The Appealed Decision specifies that the re-ranking of the Olympic Figure Skating Team Event was decided pursuant to Article 10.10 of the ISU ADR and Article 12.10 of the RADR (which respective contents do not materially differ with respect to the issues to be decided in the matter at hand) further to the issuance of the Valieva Award. In the Appealed Decision, the re-ranking of results by the ISU was not based on Article 11 of the ISU ADR (entitled “*consequences on teams*”) or Article 13 of the RADR (entitled “*Consequences for Teams*”). The results of the ROC Skating Team in the Olympic Figure Skating Team Event were not disqualified (indeed, based on the Appealed Decision the ROC was ranked third, normally entitling it to a bronze medal).
137. The ROC agrees with the ISU that the question of the possible consequences of the Valieva Award on the Olympic Figure Skating Team Event’s results shall be decided by applying the ISU ADR, and not in accordance with the ISU Special Regulations. The ROC notes that the ISU also makes reference to the RADR and addresses such regulations. Similarly, according to the ROC, disqualification of results obtained by a team at the Olympic Games following a decision in an anti-doping matter may also be addressed in accordance with the IOC ADR. Since the ISU has its seat in Lausanne, Switzerland, the ROC submits that Swiss law may also apply on the merits in accordance with Article R58 CAS Code.
138. The Russian Skaters do not specifically address the applicable rules and regulations issue in their written submissions, but they argue that Article 10.10 of the ISU ADR and Article 12.10 of the RADR have no bearing whatsoever on the results of the Olympic Figure Skating Team Event. They also maintain that the ISU Special Regulations do not provide for a legal basis that would justify the re-ranking of the teams and that the IOC ADR cannot possibly serve as a basis for the Appealed Decision.
139. The FSFR also does not specifically address the applicable rules and regulations issue in its written submissions, but it submits that neither Article 10.10 of the ISU ADR nor Article 12.10 of the RADR provided the ISU with the power to re-rank the results of the Olympic Figure Skating Team Event.

140. The ISU maintains that the applicable ISU regulations are the following: i) the ISU Constitution (edition of June 2021); ii) the ISU General Regulations (edition of June 2021); iii) the ISU Special Regulations (edition June 2021); and iv) the ISU QS. The ISU further argues that the following anti-doping regulations have been invoked by the Appellants and are to be examined where applicable: i) the ISU ADR; ii) the RADR; and iii) the WADC (edition 2021). Finally, the ISU submits that, since the ISU has its seat in Lausanne, Switzerland, Swiss law may also apply subsidiarily.
141. The Intervening Third Parties argue that, since RUSADA was the Results Management Authority, the RADR are applicable to Ms Valieva's anti-doping case. Furthermore, the ISU's rules apply to the ISU's enforcement of the Valieva Award. The Intervening Third Parties in particular rely on Article 10.10 of the ISU ADR and Article 12.10 of the RADR.
142. The Panel notes that in the Appealed Decision, the ISU is implementing the consequences of the disqualification of all competitive results of Ms Valieva as per the Valieva Award. To do so, the ISU takes into account and applies its own regulations (in particular, the ISU ADR). The Appealed Decision also makes reference to the RADR, the set of rules on which the Valieva Award is based.
143. The Panel also considers that this appeal shall be resolved in accordance with the ISU regulations (in their condition of "*applicable regulations*" in the sense of Article R58 of the CAS Code), including the ISU ADR – which is specifically cited in the Appealed Decision – but specifically excluding Article 353(4) of the ISU Special Regulations for the reasons set out below.
144. The Panel finds that Article 353(4) of the ISU Special Regulations is of no relevance to the matter at hand and shall thus not apply to the resolution of the dispute, essentially because (i) the ISU itself already indicated in its press release dated 9 February 2024 that "*Rule 353 para 4 in the ISU Special Regulations is not applicable in this case*" and (ii) the Panel has not been provided by the other Parties with any convincing reason why such article should apply *in casu*.
145. Therefore, the Panel will not enter into the ISU's subsidiary contention based on which, even if Rule 353(4) of the ISU Special Regulations would apply, *quod non*, the Appealed Decision should still be confirmed, as this hypothetical event is irrelevant to the case.
146. The Panel also notes that (i) there is not a choice of law by the Parties in the sense of Article R58 CAS Code given the certain disparity in the Parties' approach to which specific regulations shall apply to the case as seen above and (ii) the ISU is domiciled in Switzerland. Based on this and on the content of Article R58 CAS Code, the Panel considers that Swiss Law shall be applicable to the case on a subsidiary basis.

IX. PRELIMINARY ISSUES

A. The Document Production Requests of the ROC and the FSFR

147. On 31 May 2024, the CAS Court Office informed the Parties on behalf of the Panel that the requests for production of documents filed by the ROC and the FSFR were dismissed and that the reasons for such decision would be provided in the final Award.
148. Article R44.3 of the CAS Code stipulates that “*a party may request the Panel to order the other party to produce documents in its custody or under its control. The party seeking such production shall demonstrate that such documents are likely to exist and to be relevant*”.
149. The considerations of the Panel for dismissing the various document production requests of the ROC and the FSFR are set forth below.

Evaluation from legal experts / opinions or reports about the Appealed Decision (para. 180.a of the ROC’s Appeal Brief and para. 79.1 & 2 of the FSFR’s Appeal Brief)

150. The Panel observes that the Appealed Decision as well as the press release issued by the ISU on 9 February 2024 contain the legal basis invoked and the grounds relied upon by the ISU to justify the Appealed Decision.
151. The Panel also notes that in the aforementioned press release, the ISU expressly mentioned that “*The decision of the ISU Council with regard to the consequences to the official results of the Team event of Beijing 2022, clearly expressed in the ISU Statement of January 30, 2024 [...], was based on a comprehensive evaluation from legal experts*”, and that in its Answer to the Appeal Brief it admitted that “*the evaluation from legal experts, to which the ISU’s press release [...] referred to, was provided by registered attorneys*”.
152. Therefore, the Panel has no doubt that said “*evaluation from legal experts*” exists.
153. This being said, the Panel is of the view that the evaluations or opinions received by the ISU in the lead-up to issuing the Appealed Decision are an internal matter for the ISU. Such evaluation or opinions may have been received from persons within and outside the ISU, but what matters is what is indicated in the Appealed Decision and in the subsequent explanation by means of the press release dated 9 February 2024.
154. Insofar the evaluations relied upon derived from persons inside the ISU, the Panel finds that such views do not have to be disclosed, just like an arbitral tribunal or another decision-making body is not required to disclose notes of the deliberations and the decision-making process.
155. Insofar the evaluations relied upon derived from persons outside the ISU, the Panel finds that these should be in principle covered by legal privilege between the ISU as the client and the legal service provider.

156. Notwithstanding all the above, even if the legal expert opinions obtained by the ISU would contradict the reasoning set forth in the Appealed Decision and in the press release of 9 February 2024, the Panel finds that such expert opinions could not be assimilated to the view of the ISU but would only represent the view of the person(s) consulted. The ISU may have formed a view based on the expert opinions obtained, but the Appealed Decision is solely based on the reasoning the ISU publicly communicated by means of the Appealed Decision as well as the press release of 9 February 2024.
157. Finally and in any event, the Panel (composed of three legal experts) finds that it is capable of forming a view on the regulatory framework applicable in the matter at hand and on how it shall be applied based on the submissions of the Parties and the evidence taken in these proceedings, without the views of the legal experts apparently consulted by the ISU. The Panel considered that having such views on file would be unnecessary and irrelevant.

Communications between the ISU and third parties, including the IOC, the USOPC, the JOC, the Canadian Olympic Committee (the “COC”), the Chinese Olympic Committee or Skate Canada with respect to the Appealed Decision or the impact of the Valieva Award on the results and ranking of the Olympic Figure Skating Team Event, including documents explaining the basis for the Appealed Decision (para. 180.b of the ROC’s Appeal Brief and para. 79.3 of the FSFR’s Appeal Brief)

158. The Panel has little doubt that some communications may have existed between the ISU and the sport entities (or part of them) referred to above.
159. However, the Panel is of the view that:
- The ISU’s opinion about the impact of the Valieva Award to the present case has been already expressed by the ISU in the Appealed Decision, in the ISU’s press release dated 9 February 2024 and in the submissions made in these proceedings,
 - Subsequent to the dismissal of the documents production request, the FSFR submitted on 9 June 2024 the Confidential Memo dated 9 February 2024 which was discussed during the hearing, and
 - Whatever the other sports entities referred to above may think or may have thought on the impact of the Valieva Award herein and whatever they may have discussed in their exchange of communications with the ISU is simply their opinion, the opinion of third parties, which the Panel of course respects but does not find relevant to the case.
160. As mentioned above, the Panel has sufficient elements to decide the case based on the Parties’ submissions, the very abundant evidence brought to the proceedings and the applicable regulations. The Panel heard all the Parties’ positions and opinions on the various controversial issues of the case, including the ISU’s position that is sufficiently known by the Appellants, who had several opportunities to comment on and rebut it in

these proceedings. The Parties' positions are those that matter and are relevant, and not those of third parties expressed in formal or informal correspondence exchanged with the ISU.

161. Consequently, the Panel dismissed the document production requests of the ROC and the FSFR.

B. The Appellants' Request to Respond to Prof. Probst's Legal Opinion

162. On 31 May 2024, the CAS Court Office informed the Parties on behalf of the Panel that the Appellants were granted a time limit until 9 June 2024 to file their comments strictly limited to the legal opinion of Prof. Probst (filed with the ISU's Answer) and to provide a legal expert opinion, if deemed appropriate, and that the reasons for such decision would be provided in the final Award.
163. The considerations of the Panel for granting the Appellants a time limit to comment on the legal opinion of Prof. Probst are set forth below.
164. The Panel noted that the views expressed by the ISU in its Answer were not totally consistent with the grounds set forth in the Appealed Decision and in the press release of 9 February 2024. It was indicated in the press release that Article 353(4) of the ISU Special Regulations was not applicable. Although this view was maintained by the ISU in its Answer, it nonetheless set forth an extensive subsidiary reasoning, largely based on Prof. Probst's legal opinion, entirely based on Article 353(4) of the ISU Special Regulations.
165. The Panel considered that the Appellants had not been able to defend themselves against the subsidiary reliance of the ISU on Article 353(4) of the ISU Special Regulations and therefore considered it appropriate to afford the Appellants the opportunity to respond thereto in writing.
166. The Panel was cognisant of the fact that it granted the Appellants only a relatively short period of time to file comments with respect to Prof. Probst's legal opinion. However, the Panel considered this justified, because the Appellants only requested for a possibility to respond during the case management conference held on 27 May 2024, while they had already been in possession of Prof. Probst's legal opinion since 13 May 2024 and had agreed in due time to hold a hearing on 10, 11, 12, or 13 June 2024, being aware that the Respondent's deadline to file its Answer ended on 8 May 2024. The Panel therefore considered that the Appellants were at least partially responsible for the short deadline themselves and in any event believes that the deadline granted to the Appellants was more than sufficient considering the limited scope of the comments to be provided by them as regards of the CAS letter of 31 May 2024. In any event, as set forth below, the Panel considers Prof. Probst's legal opinion irrelevant to the case.

C. The Document Production Request of the FSFR at the Hearing

167. On 17 June 2024, the CAS Court Office informed the Parties that the FSFR’s request for document production made at the hearing was dismissed and that the reasons for such decision would be communicated in the Award.
168. The considerations of the Panel for dismissing the reiterated document production request of the FSFR are set forth below.
169. During the examination of Prof. Probst, it was revealed that he had been provided with the “*comprehensive evaluation from legal experts*” referred to in the ISU’s press release of 9 February 2024, but that he had not listed such documentation in the documents assessed in preparing his legal opinion.
170. In short, the FSFR submitted during the hearing that, if any privilege applied to the documents requested to be produced, such privilege had been waived by Prof. Probst’s acknowledgement that he had reviewed such documents in preparing his legal opinion.
171. The Panel considered that the fact that Prof. Probst apparently had been provided access to the “*comprehensive evaluation from legal experts*” does not have a material impact on the grounds based on which the Panel dismissed the document production requests of the ROC and the FSFR on 31 May 2024 already. The Panel refers to these grounds in section IX. A of this award for the sake of brevity.
172. In particular, the Panel finds that the views expressed in such “*comprehensive evaluation from legal experts*” cannot be assimilated to the view of the ISU but would only represent the view of the person(s) consulted. The ISU may have formed a view based on the opinions obtained, but the Appealed Decision is solely based on the reasoning the ISU publicly communicated by means of the Appealed Decision as well as the press release of 9 February 2024.
173. In any event, the Panel considers Prof. Probst’s legal opinion and expertise irrelevant in this case, because the Panel finds that Article 353(4) of the ISU Special Regulations is not applicable in the matter at hand, as explained above. It is also for this reason that the Panel did not find it necessary to summarise the content of Prof. Probst’s legal opinion and the Appellants’ comments in response thereto in the present Award.
174. Consequently, the Panel considered it appropriate to dismiss the reiterated document production requests of the FSFR.

X. MERITS

A. The Main Issues

175. The main issues to be resolved by the Panel are the following:
- i. Are the prayers for relief of the ROC with respect to being awarded a gold medal admissible?

- ii. Were the results of Ms Valieva in the Olympic Figure Skating Team Event correctly disqualified?
 - iii. Was the ROC Skating Team correctly downgraded from first to third place?
 - i. *Are the prayers for relief of the ROC with respect to being awarded a gold medal admissible?*
176. On 1 March 2024, the IOC, *inter alia*, informed the CAS Court Office that it did not intend to be a formal party in CAS 2024/A/10355, CAS 2024/A/10356 and CAS 2024/A/10360. The IOC further confirmed that it would “award the medals of the figure skating Team Event at the 2022 Olympic Winter Games in accordance with the ranking determined by CAS”. Finally, specifically in CAS 2024/A/10355 and CAS 2024/A/10356, the IOC indicated that the prayers for relief related to the awarding of medals were inadmissible, as it considered that such prayers for relief went beyond the scope of the Appealed Decision. The IOC invited the Appellants to amend their prayers for relief at the latest with the Appeal Brief and, to the extent necessary, the Panel to dismiss such relief.
177. The Russian Skaters’ prayers for relief in their joint Statement of Appeal, *inter alia*, provided as follows (emphasis added):
- “3. Confirm that the Figure Skating Team representing the Russian Olympic Committee at the Beijing 2022 Olympic Winter Games consisting of Nikita Katsalapov, Mark Kondratiuk, Aleksandr Galliamov, Anastasiia Mishina, Victoria Sinitsina and Kamila Valieva shall be ranked first at the Figure Skating Team Event **and shall be awarded a Gold Medal.**”
178. This specific prayer for relief was amended as follows in the Russian Skaters’ joint Appeal Brief:
- “Confirm that the Figure Skating Team representing the Russian Olympic Committee at the Beijing 2022 Olympic Winter Games shall be ranked first at the Figure Skating Team Event;”
179. The ROC’s prayers for relief in its Statement of Appeal, *inter alia*, provided as follows (emphasis added):
- “III. The three first places of the ranking of the Figure Skating Team Event at the Beijing 2022 Olympic Winter Games are confirmed as follows, **with the resulting consequences in terms of allocation of Olympic Medals:**
- (1) **ROC – Gold Medal;**
 - (2) *United States of America – Silver Medal;*
 - (3) *Japan – Bronze Medal.*”

180. However, despite the IOC's request and unlike the Russian Skaters, the ROC did not alter this prayer for relief in its Appeal Brief, as a consequence of which the Panel will assess whether the ROC's prayer for relief with respect to being awarded a gold medal is admissible.
181. The Panel observes that the scope of the Appealed Decision remained limited to re-ranking the results of the Olympic Figure Skating Team Event. The Appealed Decision did not determine anything with respect to the medals to be awarded by the IOC, nor could it, as awarding medals is the sole prerogative of the IOC.
182. Although the Panel noted the IOC's remark that it will "*award the medals of the figure skating Team Event at the 2022 Olympic Winter Games in accordance with the ranking determined by CAS*" and that a potential decision of the Panel on the ranking of the Olympic Figure Skating Team Event may well result in the corresponding medals being awarded, the Panel finds that it lacks the specific authority to decide on the awarding of medals itself, also because the IOC is not called as a respondent in the present appeal arbitration proceedings.
183. Consequently, prayer for relief no. III in the ROC's Appeal Brief is admissible insofar it seeks to alter the ranking of the teams in the Olympic Figure Skating Team Event, but inadmissible insofar it seeks a gold medal being awarded to the ROC.

ii. Were the results of Ms Valieva in the Olympic Figure Skating Team Event correctly disqualified?

184. As a starting point, the Panel finds that the ISU was required to give effect to and implement what was decided by the CAS panel in the Valieva Award.
185. This follows from Article 15 of the ISU ADR (entitled "*IMPLEMENTATION OF DECISIONS*"), more specifically from Articles 15.1.1, 15.1.1.4 and 15.1.2, which respectively provide as follows:

"15.1.1 A decision of an anti-doping rule violation made by a Signatory Anti-Doping Organization, an appellate body (Article 13.2.2 of the Code) or CAS shall, after the parties to the proceeding are notified, automatically be binding beyond the parties to the proceeding upon the ISU and its Members, as well as every Signatory in every sport with the effects described below:

[...]

15.1.1.4 A decision by any of the above-described bodies to Disqualify results under Article 10.10 for a specified period automatically Disqualifies all results obtained within the authority of any Signatory during the specified period.

15.1.2 The ISU and its Members shall recognize and implement a decision and its effects as required by Article 15.1.1, without any further

action required, on the earlier of the date the ISU receives actual notice of the decision or the date the decision is placed into ADAMS.”

186. The Panel finds that it follows from the afore-cited provisions that the ISU is not afforded any discretion, but that it is simply bound by the Valieva Award and is held to give effect to it, regardless of whether it agreed or disagreed with what was decided in the Valieva Award.
187. As addressed in more detail below, it is for this reason that the majority of the Panel finds that the Appealed Decision did not amount to a disciplinary decision. The ISU did not exercise any disciplinary power with the issuance of the Appealed Decision, it merely took the administrative measures required to implement the Valieva Award.
188. The key question to be answered by the Panel is whether the ISU implemented the Valieva Award correctly, i.e., should the ISU only have disqualified the results obtained by Ms Valieva in individual competitions or also the results obtained by Ms Valieva in the Olympic Figure Skating Team Event. The majority of the Panel finds that this does not change the fact that the Appealed Decision is of an administrative rather than of disciplinary nature.

a. The Valieva Award

189. Paras. 6 and 7 of the operative part of the Valieva Award provide respectively as follows:
 - “6. *A period of four (4) years ineligibility is imposed on Ms Kamila Valieva, starting on 25 December 2021. Any period of provisional suspension served by Ms Kamila Valieva shall be credited against the period of ineligibility imposed.*
 7. *All competitive results of Ms Kamila Valieva from 25 December 2021 are disqualified, with all the resulting consequences (including forfeiture of any titles, awards, medals, profits, prizes, and appearance money).”*
190. Item 7 of the operative part of the Valieva Award refers to “*all competitive results*”. Even if such item does not expressly specify whether only results obtained by Ms Valieva in individual competitions are to be disqualified or also her results in team events such as the Olympic Figure Skating Team Event, the majority of the Panel finds that an indication supporting the latter interpretation is that, as mentioned above, reference is made to a disqualification of “*All competitive results*”. The majority of the Panel considers that this reference is broad, global and that it would be illogical for such wording to be used while the intention was to leave Ms Valieva’s results in the Olympic Figure Skating Team Event intact.
191. When applying the principle of *res judicata*, the starting point to determine the binding effects are the conclusions of the adjudicatory body (i.e., the operative part of a decision). However, it is equally true that, in order to fully understand the conclusions, a Panel may

fall back on the grounds of a decision in order to interpret the operative part. In this respect, the Panel refers to SFT 144 I 11, where the Swiss Federal Tribunal (the “SFT”) determined the following (free translation into English):

“The res judicata effect of an earlier decision basically only means that the operative part of the decision is binding. However, further circumstances, namely the reasons for the decision, can be relied upon to determine the scope of the ruling of the operative part.” (SFT 144 I 11, para. 4.2)

192. Turning to such interpretation of the grounds of the Valieva Award, the majority of the Panel notes that also in the reasoning of the Valieva Award, the CAS panel does not specifically distinguish between individual results and team results, but instead generally indicates that *“the results achieved by the Athlete at Competitions, starting from the date on which the Athlete tested positive [...] are disqualified with all resulting consequences, including forfeiture of all medals, points and prizes”*, which supports item 7 of the operative part of the Valieva Award.

193. The majority of the Panel also observes that it does not appear from the Valieva Award that Ms Valieva specifically requested that her results obtained in the Olympic Figure Skating Team Event should not be disqualified, even though she had the right to invoke fairness with respect to the disqualification of such results on the basis of Article 12.10 of the RADR, which reads as follows:

“In addition to an automatic Disqualification of results achieved at a Competition during which a positive test was collected, pursuant to Chapter XI of the Rules (In-Competition or Out-of-Competition), all other results achieved by the Athlete at Competitions, starting from the date on which the Athlete tested positive or the date on which the other violation of the Rules was committed (including the period of Provisional Suspension or Ineligibility) shall be disqualified with all of the resulting Consequences including forfeiture of any medals, points and prizes, unless otherwise required by the principle of fairness.”

194. Furthermore, the Panel also notes that the IOC and the ISU already informed the ROC by letters dated 16 and 18 February 2022 that the outcome of the anti-doping proceedings concerning Ms Valieva could have an impact on the Olympic Figure Skating Team Event. Moreover, the IOC’s press release dated 14 February 2022 provided that, given the *“inconclusive situation”*, it would not hold a medal ceremony for the Olympic Figure Skating Team Event. Despite these indications, the ROC, the FSFR and the Russian Skaters apparently did not deem it necessary to try to intervene in Ms Valieva’s anti-doping proceedings to contend that the results in the Olympic Figure Skating Team Event should be left intact as a matter of fairness.

195. The majority of the Panel finds the above considerations important in the sense that the CAS panel in the Valieva Award had the discretion to apply fairness by potentially leaving certain results obtained by Ms Valieva intact. The CAS panel in the Valieva Award did not consider it appropriate to exercise such discretion with respect to Ms Valieva’s results obtained in the Olympic Figure Skating Team Event. The Panel finds that such decision

has a *res judicata* effect and that it is barred from altering the findings in the Valieva Award, as this falls outside the scope of the present appeal arbitration proceedings.

196. Insofar the ROC argues that, in the Valieva Award, the CAS panel found it useful to specify that “[t]he consequences linked to the retroactive disqualification of Ms Valieva from past events, including from the Olympic Winter Games Beijing 2022, were not within the scope of this arbitration procedure and will have to be examined by the sports organisations concerned”, such allegation is misconceived. This statement was not made in the Valieva Award, but rather in a press release issued by CAS, which does not have *res judicata* effect.
197. This notwithstanding, the statement in the CAS press release is accurate. The CAS panel rightly did not address the re-ranking of the Olympic Figure Skating Team Event in the Valieva Award. The consequences of the Valieva Award are implemented by the ISU by means of the Appealed Decision.
198. The ROC also argued that the ISU cannot pretend to “implement” the Valieva Award outside the scope of such award. The Panel finds that the ISU did not do this with the Appealed Decision. The disqualification of Ms Valieva’s results was within the scope of the Valieva Award, but the CAS panel decided not to apply the discretion afforded to it to leave results obtained by Ms Valieva intact. Accordingly, the Panel finds that the ISU was required to disqualify all Ms Valieva’s competitive results from the date the positive sample was collected, which includes her results in the Olympic Figure Skating Team Event.
199. Furthermore, the majority of the Panel notes that item 7 of the operative part of the Valieva Award also specifically provides that points obtained by Ms Valieva are forfeited without making any reservation with respect to the Olympic Figure Skating Team Event, which conclusion is consistent with the grounds of the Valieva Award.
200. Consequently, for all the reasons set forth above, the Appealed Decision is consistent and compliant with the Valieva Award.

b. Article 10.10 of the ISU ADR

201. Article 10.10 of the ISU ADR (entitled “*Disqualification of Results in Competitions Subsequent to Sample Collection or Commission of an Anti-Doping Rule Violation*”) provides as follows:

“In addition to the automatic Disqualification of the results in the Competition which produced the positive Sample under Article 9, all other competitive results of the Skater obtained from the date a positive Sample was collected (whether In-Competition or Out-of-Competition), or other anti-doping rule violation occurred, through the commencement of any Provisional Suspension or Ineligibility period, shall, unless fairness requires otherwise, be Disqualified with all of the resulting Consequences including forfeiture of any medals, points and prizes.”

202. Article 10.10 of the ISU ADR refers to certain terms that are defined in the ISU ADR. Such defined terms are set forth below:

“Disqualification: See Consequences of Anti-Doping Rule Violations above.”

“Consequences of Anti-Doping Rule Violations (“Consequences”): A Skater's or other Person's violation of an anti-doping rule may result in one or more of the following: (a) Disqualification means the Skater's results in a particular Competition or Event are invalidated, with all resulting Consequences including forfeiture of any medals, points and prizes; (b) Ineligibility means the Skater or other Person is barred on account of an anti-doping rule violation for a specified period of time from participating in any Competition, Event or other ISU activity or funding as provided in Article 10.14; (c) Provisional Suspension means the Skater or other Person is barred temporarily from participating in any Competition, Event or other ISU activity prior to the final decision at a hearing conducted under Article 8; (d) Financial Consequences means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation ; and (e) Public Disclosure means the dissemination or distribution of information to the general public or Persons beyond those Persons entitled to earlier notification in accordance with Article 14. Teams in Team Sports may also be subject to Consequences as provided in Article 11.”

“Competition: A single race, match, game or singular sport contest. For stage races and other sport contests where prizes are awarded on a daily or other interim basis the distinction between a Competition and an Event will be as provided in the ISU Rules. A single skating competition or race, regardless of how many segments, heats or qualifying rounds it consists of, provided that it leads to one final result. A Skater competing in such competition may be competing as an individual or as a member of a Team.”

203. At the outset, the Panel observes that Article 10 of the ISU ADR is entitled “*sanctions on individuals*”. However, as argued by the Intervening Third Parties, pursuant to Article 23.4 of the ISU ADR, “[t]he headings used for the various Parts and Articles of the Code are for convenience only and shall not be deemed part of the substance of the Code or to affect in any way the language of the provisions to which they refer”. On this basis, the majority of the Panel finds that Article 10 of the ISU ADR is not strictly limited to individual sports, competitions or events.
204. Looking at the wording of the applicable provisions itself, i.e., Article 10.10 of the ISU ADR, it does not refer to competitive results obtained in individual sports, competitions or events. Rather, Article 10.10 of the ISU ADR refers to “*all other competitive results*” and “*all of the resulting Consequences including forfeiture of any medals, points and prizes*”. The Panel finds that this wording could hardly have been formulated any broader.
205. The Panel finds that, unless fairness is applied in leaving results obtained intact, the ISU is required to disqualify results obtained by an athlete that is sanctioned for an ADRV.

206. Accordingly, the Panel finds that, based on Article 10.10 of the ISU ADR, the ISU was required to disqualify all results obtained by Ms Valieva in the period between the date of the positive test (25 December 2021) and the date of issuance of the Valieva Award (29 January 2024).
207. The majority of the Panel finds that, insofar as relevant, the same derives from Article 12.10 of the RADR. Furthermore, Article 12.13.1 of the RADR specifically provides that, in case of backdating of the starting date of a period of ineligibility, “*All competitive results achieved during the period of Ineligibility, including retroactive Ineligibility, shall be disqualified*”, which provision is materially the same as Article 10.13.1 of the ISU ADR. Also these provisions do not restrict the disqualification of results to results obtained in individual sports, competitions or events.
208. Article 11.2 of the ISU ADR (entitled “*Consequences to Teams*”) provides as follows:
- “11.2.1 *An anti-doping rule violation committed by a member of a team, including substitutes, in connection with an In-Competition test automatically leads to Disqualification of the result obtained by the team in that Competition, with all resulting Consequences for the team and its members, including forfeiture of any medals, points and prizes.*
- 11.2.2 *An anti-doping rule violation committed by a member of a team, including substitutes, occurring during or in connection with an Event may lead to Disqualification of all of the results obtained by the team in that Event with all Consequences for the team and its members, including forfeiture of all medals, points and prizes, except as provided in Article 11.2.3.”*
- 11.2.3 *Where a Skater who is a member of a team committed an anti-doping rule violation during or in connection with one (1) Competition in an Event, if the other member(s) of the team establish(es) that he/they bear(s) No Fault or Negligence for that violation, the results of the team in any other Competition(s) in that Event shall not be Disqualified unless the results of the team in the Competition(s) other than the Competition in which the anti-doping rule violation occurred were likely to have been affected by the Skater’s anti-doping rule violation.”*
209. Article 11 of the ISU ADR specifically addresses the potential disqualification of results of a team. However, the Panel reiterates that the result of the ROC Skating Team in the Olympic Figure Skating Team Event is not disqualified as such, only the individual results of Ms Valieva in the Olympic Figure Skating Team Event are disqualified. It is therefore clear that Article 11 of the ISU ADR has not been applied and is not applicable to the matter at hand. A discussion on whether Article 11 of the ISU ADR could have been applied to the results of the ROC Skating Team and whether the ROC Skating Team falls under the definition of “*Team Sport*” in the ISU ADR is redundant, because it was not applied.

210. Footnote 38 to Article 9 of the ISU ADR potentially provides for a third option that is different from “*Team Sport*” and “*Individual Sport*”:

“[Comment to Article 9: For Team Sports, any awards received by individual players will be Disqualified. However, Disqualification of the team will be as provided in Article 11. In sports which are not Team Sports but where awards are given to teams, Disqualification or other disciplinary action against the team when one or more team members have committed an anti-doping rule violation shall be as provided in the applicable rules of the International Federation.]”

211. The majority of the Panel finds that this footnote is not applied in the matter at hand, because no disciplinary action is taken against the ROC Skating Team as such. However, insofar the Olympic Figure Skating Team Event was considered as a sport where awards are given to teams, and in the absence of a specific rule deviating from Article 10.10 of the ISU ADR, the Panel finds that Article 10.10 of the ISU ADR is applicable to such sport, mandating the disqualification of individual results.
212. The mere fact that the disqualification of Ms Valieva’s results in the Olympic Figure Skating Team Event have an impact on the result of the ROC Skating Team in the Olympic Figure Skating Team Event does not mean that a sanction is imposed on the ROC Skating Team. Rather, the disqualification of Ms Valieva’s results in such competition is merely a consequence of the ADRV committed by Ms Valieva.
213. The majority of the Panel finds that Ms Valieva’s results in the Olympic Figure Skating Team Event are clearly distinguishable from the results of the other Russian Skaters, even though their individual scores are eventually added up to a total team score of the ROC. This is not always the case in team competitions. For example, it would be impossible, artificial and/or difficult to disqualify competitive results of an individual basketball player in a basketball game or of an individual athlete in a relay competition. However, the disqualification of Ms Valieva’s results in the context of the Olympic Figure Skating Team Event is easy to implement without impacting on the individual scores of the other Russian Skaters. It is the specific nature of the Olympic Figure Skating Team Event that allows for the disqualification of individual results in case an ADRV is committed.
214. Insofar the ROC argues that there is simply no provision in force that provides that the retroactive disqualification of Ms Valieva’s individual results should result in the cancellation of points obtained by the ROC Skating Team in the Olympic Figure Skating Team Event, the Panel finds that Article 10.10 of the ISU ADR is such legal basis, as rightly applied by the ISU in the Appealed Decision.
215. Consequently, the majority of the Panel finds that the Valieva Award and the disqualification of Ms Valieva’s results in the Olympic Figure Skating Team Event do not contradict but are compatible with Article 10.10 of the ISU ADR.

c. The Relay Cases

216. The Appellants, and the Russian Skaters in particular, argue that the Relay Cases prove that an ADRV committed by one retrospectively sanctioned athlete cannot result in consequences imposed on a team.
217. However, the Panel notes that the crucial difference between the issue at stake in the matter at hand and the Relay Cases is that here no sanction was imposed on a team but that only the results of Ms Valieva in the Olympic Figure Skating Team Event were disqualified, whereas in the Relay Cases the results of an entire team were disqualified.
218. The Panel therefore finds that the Relay Cases are irrelevant for deciding the matter at hand.

d. Previous practice applied by the ISU

219. The Appellants, and the Russian Skaters in particular, further make reference to the Nesterova Case, where the results of Ms Nesterova and her partner were allegedly not disqualified from Team Vision although Ms Nesterova was subsequently found to have committed an ADRV.
220. The majority of the Panel finds that it was not provided with sufficient evidence to determine whether the situation of the Nesterova Case is similar to the situation in the matter at hand and/or capable to exert any influence in the matter at hand. Indeed, the majority of the Panel does not know whether the decision by means of which a period of ineligibility was imposed on Ms Nesterova also determined that “*all other competitive results*” obtained after the date her positive sample was collected were to be disqualified. It is also not clear whether the period of ineligibility imposed on Ms Nesterova was backdated and whether the regulations applicable to such case are the same or similar to the case at hand.
221. Consequently, the majority of the Panel does not consider it established that the Appealed Decision is inconsistent or incompatible with the previous practice applied by the ISU.

e. The potential application of the principle of fairness

222. The Appellants also argue that the Appealed Decision (in addition to being issued without any proper legal basis) results in an unfair result and is breaching the principle of good faith and natural justice. On this basis, the Appellants request the results of the Olympic Figure Skating Team Event to be left intact.
223. The Panel finds that the applicable regulatory framework does not allow for a general application of the principle of fairness. The principle of fairness is already embedded in the applicable regulatory framework, in particular in Article 10.10 of the ISU ADR and Article 12.10 of the RADR.
224. Ms Valieva had the right to invoke fairness in the proceedings resulting in the Valieva Award, but she opted to have the period of ineligibility imposed on her to be backdated

(which was granted to her in the Valieva Award), rather than potentially leaving the results she had obtained intact.

225. In any event, Ms Valieva did not specifically request that the results obtained by her in the Olympic Figure Skating Team Event be left intact, nor did the CAS panel in the Valieva Award see any reason to deviate from the general rule that “*all other competitive results*” obtained after the date her positive sample was collected were to be disqualified.
226. Accordingly, the majority of the Panel finds that Ms Valieva had the chance to invoke fairness with respect to her results in the Olympic Figure Skating Team Event, but did not do so, and that the ISU had no discretion to deviate from the Valieva Award but instead was required to implement the administrative consequences thereof in conjunction with Article 10.10 of the ISU ADR. Because the ISU had no discretion to deviate from the Valieva Award, the Panel finds that (acting as an appeals body) it also does not have such discretion.
227. Against this background, the majority of the Panel finds it pointless to speculate as to what might have happened had the ROC been able to replace Ms Valieva with another female skater in the Olympic Figure Skating Team Event.
228. Consequently, the Panel finds that it has no discretion to potentially apply the principle of fairness with respect to the re-ranking of the results of the Olympic Figure Skating Team Event.
229. In any event and for the sake of completeness, the majority of the Panel does not find that (i) the ISU has acted unfairly, arbitrarily or in bad faith in issuing the Appealed Decision, (ii) the Appealed Decision’s result is disproportionate, (iii) the delays of the Stockholm Laboratory in reporting Ms Valieva’s AAF should have had any impact on the issuance of the Appealed Decision, as it constitutes a *res inter alios acta* vis-à-vis the ISU.

f. Conclusion

230. In view of all the above, the majority of the Panel finds that the Appealed Decision has a legal basis and that the ISU correctly implemented the Valieva Award by disqualifying the results of Ms Valieva in the Olympic Figure Skating Team Event.

iii. Was the ROC Skating Team correctly downgraded from first to third place?

231. In view of the above conclusion that Ms Valieva’s results in the Olympic Figure Skating Team Event were correctly disqualified, the final issue to be assessed is whether the ISU also correctly re-ranked the results of the Olympic Figure Skating Team Event.
232. The majority of the Panel finds that the Appellants’ argument that the ISU Regulations do not provide for a legal basis that would justify the re-ranking of the teams is to be dismissed. Article 15.1.1.4 of the ISU ADR provides for the automatic disqualification of the results obtained by Ms Valieva, thus requiring a re-ranking of the results of the

Olympic Figure Skating Team Event. The fact that the ISU, in its press release of 9 February 2024, mentioned that it will “*clarify the rules and principles*” does not distort the aforementioned understanding.

233. Should the disqualified points acquired by Ms Valieva have been distributed among other competitors, the Panel finds that the situation could have been possibly different, but given that the ISU did not do so, no legal basis was required beyond the Valieva Award and Article 10.10 of the ISU ADR to deduct the points obtained by Ms Valieva from the total number of points obtained by the ROC Skating Team.
234. The majority of the Panel finds that disqualifying results would be meaningless if it would not have any impact on the results of the competition concerned.
235. As already noted above, the majority of the Panel finds that the ISU correctly did not impose sanctions on the ROC Skating Team as a whole, but limited itself to disqualifying the results of Ms Valieva, including those achieved in the context of the Olympic Figure Skating Team Event.
236. Although it is true that the disqualification of Ms Valieva’s results in the Olympic Figure Skating Team Event had an adverse impact on the result achieved by the ROC Skating Team in such Event and although it is regrettable for the members of the ROC Skating Team that did not commit an ADRV, the Panel finds that this is an inherent consequence of Ms Valieva’s ADRV and the applicable regulatory framework, including in particular the effect of the Valieva Award pursuant to Article 15.1.1 of the ISU ADR.
237. Since Ms Valieva earned 20 points for the ROC Skating Team, the majority of the Panel finds that the only logical conclusion for the ISU was to deduct these 20 points from the total number of points earned by the ROC Skating Team in accordance with the Valieva Award and Article 10.10 of the ISU ADR, resulting in the following outcome of the Olympic Figure Skating Team Event:

Rank	Team	Nation	Total Team Points	Men SP	Men FS	Women SP	Women FS	Pairs SP	Pairs FS	Ice Dance RD	Ice Dance FD	Q
1	United States of America	USA	65	10	8	6	7	8	6	10	10	Q
2	Japan	JPN	63	9	10	9	9	7	9	4	6	Q
3	ROC	ROC	54	8	9	DSQ	DSQ*	9	10	9	9	Q
4	Canada	CAN	53	3	6	8	8	6	7	7	8	Q
5	People's Republic of China	CHN	50	5	7	1	6	10	8	6	7	Q
6	Georgia	GEO	FNR*	7		7		5		3		
7	Italy	ITA	FNR*	6		2		4		8		
8	Czech Republic	CZE	FNR*	4		3		3		5		
9	Germany	GER	FNR*	2		5				1		
10	Ukraine	UKR	FNR*			4		2		2		

SP=Short Program FS=Free Skating RD=Rhythm Dance FD=Free Dance Q=Top 5 teams qualified for the Free Skating/Free Dance

*DSQ=Disqualified

*FNR= Final not Reached

238. Accordingly, following the deduction of the points earned by Ms Valieva, the majority of the Panel finds that the ISU correctly ruled that the automatic consequence of the Valieva Award was that the ROC downgraded from first to third place, that the USA team upgraded from second to first place and that the Japanese team upgraded from third to second place.
239. Consequently, the majority of the Panel finds that, following the re-ranking, the ROC Skating Team was correctly downgraded from first to third place.

B. Conclusion

240. Based on the foregoing, the Panel holds by majority that:
- i) Prayer for relief no. III in the ROC's Appeal Brief is admissible insofar it seeks to alter the ranking of the teams in the Olympic Figure Skating Team Event, but inadmissible insofar it seeks a gold medal being awarded to the ROC.
 - ii) The results of Ms Valieva in the Olympic Figure Skating Team Event were correctly disqualified.
 - iii) The ROC Skating Team was correctly downgraded from first to third place.
241. All other and further motions or prayers for relief are dismissed.

XI. COSTS

(...)

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The appeal filed on 20 February 2024 by the Russian Olympic Committee against the decision issued on 30 January 2024 by the International Skating Union is dismissed.
2. The appeal filed on 20 February 2024 by the Russian Skaters (Mr Aleksandr Galliamov, Mr Nikita Katsalapov, Mr Mark Kondratiuk, Ms Anastasiia Mishina, Ms Victoria Sinitsina and Ms Kamila Valieva) against the decision issued on 30 January 2024 by the International Skating Union is dismissed.
3. The appeal filed on 20 February 2024 by the Figure Skating Federation of Russia against the decision issued on 30 January 2024 by the International Skating Union is dismissed.
4. The decision issued on 30 January 2024 by the International Skating Union is confirmed.
5. (...).
6. (...).
7. (...).
8. (...).
9. All other and further motions or prayers for relief are dismissed.

Seat of arbitration: Lausanne, Switzerland

Date: 12 May 2025

(Operative part of the award notified on 25 July 2024)

THE COURT OF ARBITRATION FOR SPORT

Jordi López Batet
President of the Panel

Ismail Selim
Arbitrator

Patrick Lafranchi
Arbitrator

Dennis Koolaard
Ad hoc Clerk