



## MEDIA RELEASE

### TOKYO 2020 OLYMPIC GAMES (6)

#### The Court of Arbitration for Sport (CAS) Ad Hoc Division registers its seventh procedure; issues its decision in the matter CAS OG 20/04 Maxim Agapitov v. IOC

*Tokyo, 24 July 2021* – The Ad Hoc Division of the Court of Arbitration for Sport (CAS) has registered a new arbitration procedure: *Vitaliy Khudyakov (KAZ) v. Fédération Internationale de Natation (FINA)*.

Vitaliy Khudyakov, a marathon swimmer from the Republic of Kazakhstan, has filed an application with the CAS Ad hoc Division seeking a ruling that he be entitled to compete in the marathon swimming event at the Olympic Games Tokyo 2020.

In 2019, Vitaliy Khudyakov participated in the marathon swimming event at the 9th Asian Open Water Swimming Championships (19- 21 April 2019), which was identified at that time as a qualifying event for the Olympic Games Tokyo 2020, achieving the gold medal and thus the Olympic qualification. However, on 16 July 2021, FINA informed the Swimming Federation of the Republic of Kazakhstan that the 9th Asian Open Water Swimming Championships was not a Qualification Event for the Tokyo Games 2020 as they were not confirmed as such in the official qualification pathway set out in FINA bylaw BL 9.3.7.6.3. The issue will be to determine if the 9th Asian Open Water Swimming Championships was a qualifying event for the Olympic Games Tokyo 2020 or not.

The Panel of arbitrators appointed to decide this selection dispute, composed of Mr Juan Pablo Arriagada, President, (Chile), Ms Thy My Dung Nguyen (Vietnam) and Prof. Song Lu (China), will hold a hearing on 25 July 2021 and will issue a decision as soon as possible thereafter.

In addition, the CAS Ad Hoc Division has issued the following decision in the arbitration procedure: CAS OG 20/04 Maxim Agapitov v. International Olympic Committee (IOC): the application filed by Mr Maxim Agapitov is upheld and the accreditation delivered to him in June 2021 for the Olympic Games in Tokyo will have to be reinstated.

On 16 July 2021, the IOC informed Mr Agapitov, Acting President of the European Weightlifting Federation and President of the Russian Weightlifting Federation, that he did not meet the criteria for accreditation of International Weightlifting Federation (IWF) officials for the Olympic Games Tokyo 2020, in particular the condition that officials must “*not have a personal history linked to any anti-doping rule violation and/or sanction*”. Mr Agapitov filed an application with the CAS Ad hoc Division on 21 July 2021 seeking a ruling that he be declared eligible to participate in the Tokyo 2020



Olympic Games as a member of the IWF delegation, and that the IOC be ordered to reinstate his accreditation for the Games.

The Panel of arbitrators appointed to decide the dispute, composed of Ms Carine Dupeyron, President, (France), Mr Manfred Nan (Netherlands) and Mr Francisco Müssnich (Brazil), held a hearing on 22 July 2021 by video-conference. At the conclusion of the hearing, the Panel deliberated and prepared its Arbitral Award which was notified to the parties on 24 July 2021.

The Panel found that the evidence submitted by the parties was sufficient to demonstrate that Mr Agapitov did meet the criteria established by the IOC to receive an accreditation (in the sport of weightlifting) in relation to the Olympic Games Tokyo 2020, despite an anti-doping rule violation (ADRV) committed in 1994, at the time of his athlete's career. The Panel considered that the criteria in case of any ADRV committed at any time in an athlete's life was clearly disproportionate.