

TAS

Tribunal Arbitral du Sport
Chambre ad hoc - Sochi 2014



CAS

Court of Arbitration for Sport
Ad hoc Division - Sochi 2014

MEDIA RELEASE (6)

MEN'S SKI CROSS

THE APPEALS FILED BY CANADA AND SLOVENIA ARE DISMISSED

Sochi, 23 February 2014 – The *ad hoc* Division of the Court of Arbitration for Sport (CAS) has dismissed the two urgent applications filed by Alpine Canada Alpin (ACA) and the Canadian Olympic Committee (COC) and by the Slovenian Olympic Committee (SOC), both against the decision rendered by the Competition Jury of the International Ski Federation (FIS) on 21 February 2014.

The decision challenged was related to protests made by ACA, with the support of the COC, and by the SOC “regarding the actions of the French team competing on February 20, 2014 in the Men’s Ski Cross competition”. The FIS Competition Jury decided that the protests could not be entertained because they have not been filed on time after the race.

The ACA/COC/SOC requested the disqualification of all of the French competitors from the 20 February 2014 Ski Cross Big Final competition (Jean-Frédéric Chapuis, Arnaud Bovolenta and Jonathan Midol) and the correction of the final rankings. They alleged that, just before the Big Final, French support staff changed the shaping of the lower leg suits of the riders creating an aerodynamic effect that the Appellants submitted was contrary to the International Freestyle Skiing Competition Rules (“ICR”).

The CAS Panel in charge of this matter, composed of Prof. Luigi Fumagalli (Italy), President, Mr Patrick Lafranchi (Switzerland) and Prof. Matthew Mitten (USA) heard the representatives of the Appellants and of the Respondents FIS and IOC between 11:00pm and 3:30am on 22-23 February 2014 in the CAS premises in Sochi. Representatives of the French NOC and of the Organizing Committee of the Games also attended the hearing as interested parties. The Panel delivered its decision today at 1pm.

The arbitrators rejected the applications. They found that the FIS was correct in determining that the protests had been filed late. The Big Final took place at around 3:00pm, the protest of the SOC was filed at 9:47pm and the one of the COC was filed at 10:33pm.

The CAS Panel noted that the Applicants did not comply with the explicit requirement of Articles 3050.1 and 3050.3 ICR that “[n]o Protest shall be considered by the Jury unless” a written protest is made “to a [FIS] Jury member within 15 minutes of completion of the last competition run of that phase of competition”. The CAS Panel emphasized that the Applicants’ delay of more than six hours in filing a written Protest was not justified in the circumstances of the case: the Applicants became aware of the possibility that the three French Competitors may have violated the ICR at the time the Big Final of the Competition was run. No valid excuse that would justify the consideration of their claims has been offered.

For further information related to the CAS activity and procedures in general, please contact Mr. Matthieu Reeb, CAS Secretary General, Ayvazovsky Hotel, 1 Morskoy Boulevard, Imeretinskaya Lowland, Adler District, Russia, 354340. Tel: (7 862) 44 71 650; fax: (7 862) 44 71 656, or consult the CAS website: www.tas-cas.org