



MEDIA RELEASE

THE EUROPEAN COURT OF HUMAN RIGHTS (ECHR) REJECTS THE REQUEST OF CLAUDIA PECHSTEIN TO REFER HER CASE TO THE GRAND CHAMBER OF THE ECHR

THE MATTER PECHSTEIN/MUTU/CAS/SWITZERLAND IS NOW OVER AND THE ECHR JUDGMENT OF 2 OCTOBER 2018 BECOMES FINAL AND BINDING

Lausanne, 5 February 2019 - The Court of Arbitration for Sport (CAS) has noted the ruling of the European Court of Human Rights (ECHR) in relation to the cases between Claudia Pechstein (speed skating / Germany), Adrian Mutu (football / Romania) and Switzerland. Following the judgment rendered by the 3rd Chamber of the ECHR on 2 October 2018, Claudia Pechstein filed a request to refer the matter to the Grand Chamber of the ECHR, composed of 17 judges. Such request was dismissed today by a Panel of the ECHR Grand Chamber.

Under Article 44 § 2 (c) of the European Convention on Human Rights, the judgment of a Chamber becomes final when the Panel of the Grand Chamber rejects the request to refer under Article 43 of the Convention. It means that the ECHR judgment of 2 October 2018 is now final and binding. With such judgment, the ECHR confirmed that the Court of Arbitration for Sport (CAS) is a genuine independent arbitration tribunal, offering the guarantees provided by Article 6 § 1 of the European Convention on Human Rights, and that such sports jurisdiction is necessary for uniformity in sport.

The ECHR also determined that the CAS should have allowed a public hearing considering that Claudia Pechstein had requested one. Following the recommendation of the ECHR, the CAS has already implemented new rules in order to allow public hearings in disciplinary and/or ethics matters.



The dispute involving Claudia Pechstein and the International Skating Union (ISU) started in 2009:

- 2009: ISU found the athlete guilty of an anti-doping rule violation and imposed a 2-year ban;
- 2009: the CAS confirmed the sanction;
- 2010: the Swiss Federal Tribunal rejected the appeal filed by the athlete against the CAS award;
- 2010: the Swiss Federal Tribunal rejected the request for judicial review filed by the athlete;
- 2014: the Munich Regional Court affirmed its jurisdiction and partially upheld the claim filed by the athlete against the ISU;
- 2015: the Higher Regional Court of Munich partially confirmed the decision of the Munich Regional Court;
- 2016: the German Federal Tribunal upheld the appeal filed by the ISU and recognized the jurisdiction of CAS;
- 2018: the ECHR rejected the claim filed by the athlete;
- 2019: the ECHR rejected the request of the athlete to refer the matter to the Grand Chamber of the ECHR for a further judicial review.

CAS was created in 1984 to provide dispute resolution services to the sports world. For over 35 years, it has settled disputes involving athletes, coaches, federations, sponsors, agents, clubs, leagues and organizers of sports events from almost every country in the world through arbitration and mediation procedures. It handles over 550 cases each year.