



TAS / CAS

TRIBUNAL ARBITRAL DU SPORT
COURT OF ARBITRATION FOR SPORT
TRIBUNAL ARBITRAL DEL DEPORTE

CAS 2025/A/11918 Oliver Koch Hansen v. Union Internationale Motonautique

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

President: Mr David **Casserly SC**, Barrister in Lausanne, Switzerland

Arbitrators: Mr Jacob C. **Jørgensen**, Attorney-at-law in Birkerød, Denmark

Mr Mario **Vigna**, Attorney-at-law in Rome, Italy

in the arbitration between

Oliver Koch Hansen, Denmark

Represented by Mr Jens Hjortskov and Ms Emilie Nørgaard Larsen, Attorneys-at-Law with
Bech Bruun, Copenhagen, Denmark

– Appellant –

and

Union Internationale Motonautique, Monaco

Represented by Mr Riccardo La Cognata, Attorney-at-Law with Montone La Cognata
Partnership, Rome, Italy

– Respondent –

I. PARTIES

1. Mr Oliver Koch Hansen (the “Appellant”) is a Danish professional athlete competing in the sport of Aquabike.
2. Union Internationale Motonautique (the “Respondent” or “UIM”) is the international federation governing the sport of powerboating and Aquabike worldwide. According to Article 3 of its Statutes, the Respondent has its headquarters in the Principality of Monaco.
3. The Appellant and Respondent are jointly referred to as the “Parties”.

II. FACTUAL BACKGROUND

4. Below is a summary of relevant facts arising from the Parties’ written submissions and the oral hearing that took place on 10 February 2026. Additional references to facts and contentions arising from the Parties’ written and oral submissions are made, where relevant, in the legal analysis that follows. While the Panel has considered all the facts, allegations, legal arguments and evidence submitted by the Parties in the present proceedings, reference is made in this Award only to those matters necessary to explain the Panel’s reasoning and its decision.

A. Background Facts

5. On 3 August 2025, the Appellant participated in the Ski GP 1 class of the 2025 edition of the Aquabike Grand Prix of Hungary, held in Győr, Hungary (the “Competition”). The Competition formed part of, and was the penultimate grand prix of, the 2025 UIM Aquabike European Championship (the “European Championship”).
6. In Moto 3 (being the third race of the Competition, taking place after Motos 1 and 2) of the Competition (“Moto 3”), the Appellant (piloting boat no. 66) started the race from position 1 in the ‘Hole Shot 1’ starting lane. The ‘Hole Shot’ is the section of an Aquabike race-course between the starting pillar and the buoy marking the first turn.
7. The Appellant finished in first place in Moto 3, followed by Mr Quinten Bossche and Mr Mickael Poret in second and third place, respectively. However, after the conclusion of the race, in accordance with Rule 310.01.04 of the 2025 UIM Aquabike Rulebook (the “Rulebook”), a penalty of 25 seconds was imposed on both the Appellant and Mr Bossche for not having maintained their respective lanes in ‘Hole Shot 1’ for the requisite period after the start of the race, in violation of Rule 305.04 of the Rulebook.
8. As a result of such penalties:

- the Appellant was demoted from first place to second place in Moto 3. As such, the Appellant received 22 points (for second place), rather than 25 points (for first place);
 - Mr Bossche was demoted from second place to third place in Moto 3. As such, Mr Bossche received 20 points (for third place), rather than 22 points (for second place); and
 - Mr Poret was promoted from third place to first place in Moto 3. As such, Mr Poret received 25 points (for first place), rather than 20 points (for third place).
9. Notwithstanding his demotion in Moto 3, the Appellant finished in first place overall in the Competition (with 69 points out of a possible 75). However, as explained further below: (i) the points awarded for each race in the Competition (including Moto 3) count towards a rider's overall standing in the European Championship; and (ii) as such, the Appellant's demotion from first place to second place in Moto 3 resulted in him earning fewer points towards such standing (irrespective of his victory in the Competition itself).
10. The official results of Moto 3 were published at 18:00 on 3 August 2025.
11. Between 3-7 September 2025, the Appellant participated in the final grand prix of the European Championship, the Aquabike Grand Prix of Vichy, France. The Appellant finished in second place in the grand prix. Following the conclusion of the grand prix, the overall standings in the European Championship were finalised. Mr Poret finished in first place with 258 points, followed by the Appellant in second place with 256 points. Mr Poret therefore secured victory over the Appellant in the European Championship by a margin of two points.

B. The Protest

12. On 3 August 2025 at 18:31, the Appellant lodged a protest against the decision to impose a 25-second penalty upon him in Moto 3 (the "Protest"). The Appellant asserted that: (i) *"the desired result of protest"* was "[n]o penalty"; and (ii) his reason for protesting against the decision was that *"I was maintaining my line"*.
13. Later the same day, the "Protest Judge" appointed to determine the Protest rendered a decision rejecting the Protest (the "Protest Decision"). In the Protest Decision, the "Protest Judge" held that:

"After viewing the videos presented as evidence, as well as the footage from the organization's drone, the decision is to keep the penalty imposed by the Race Direction."

14. Later that evening (at 23:24), the Appellant filed a notice of his intention to appeal the Protest Decision (the “UIM Appeal Notice”). In the UIM Appeal Notice, the Appellant asserted, *inter alia*, that:

“On behalf of Oliver Koch Hansen (CC on this e-mail) and as team manager for Lindbergh Racing and Oliver, we hereby inform you that we want to make an appeal according to the art. 405 of the UIM rules [...]:

- *Penalty given – 25 second for not holding the lane (Same penalty was given to rider Quinten Bosche [sic] who according to his protest also confirms that Oliver had kept [sic] his line perfectly)*
- *Evidence – Official drone video from moto 3 of the race & Go Pro video from Oliver’s go pro camera shows clearly that there is absolutely no reason for any kind of penalty !*

Detailed evidence material and arguments will be given to UIM one of the coming days together with the appeal of the Protest Judge Minutes & Decision No 8.

[...]

This wrong penalty decision has fortunately no influence on the podium ranking at the European Championship Grand Prix in Gyor/Hungary – However it might have big influence on who is going to be [sic] European Champion after the GP in Vichy. By this wrong decision Oliver is now 10 points behind Morgan [sic] Poret otherwise the right difference will be only 2 points.”

15. On 4 August 2025, the Respondent wrote to the Appellant acknowledging receipt of the UIM Appeal Notice, setting out the relevant provisions of the Rulebook governing the appeals process, stating that the UIM International Court of Appeal (the “ICA”) was solely competent to hear and determine the appeal, and setting out the details of the bank account into which the Appellant was required to pay the requisite appeal fee.

C. The Proceedings before the UIM International Court of Appeal

16. On 5 August 2025, the Appellant filed his appeal brief in his appeal to the ICA (the “ICA Proceedings Appeal Brief”). In the ICA Proceedings Appeal Brief, the Appellant asserted, *inter alia*, that:

“The reason for the Appeal:

- *Instead of a clear win in Moto 3, I was penalized with +25 second and instead ends [sic] up in second place, loosing [sic] 3 points.*
- *Fortunately this wrong penalty decision did not change that I got first place in the SKI GP1 in the Hungarian Grand Prix, European Championship round 3.*
- *However it makes a big difference in the overall standings in the overall European Championship. By penalizing me with + 25 seconds, I loose [sic] 3 crucial points and on top of that my main competitor for the European Championship title, Michal [sic] Poret #77 gets 3 extra points So totally I loose [sic] 6 points in the difference in the overall EC standings between Michael [sic] and me. So instead of being only 4 points behind Michael [sic] in the overall standings, I am now 10 points behind Michael [sic] – So this wrong penalty decision might bee [sic] crucial for who will be UIM European Champion in SKI GP1 in 2025 !*

Arguments for you to accept my Appeal and delete the +25 seconds penalty:

1. On all of the enclosed 3 evidence video materials it is obvious that I make a perfect start and keep/maintain my lane 100% all the way to the hole shot buoy! [...]”.

17. On 20 August 2025, the UIM filed its responsive brief in the ICA Proceedings (the “ICA Response Brief”). In the ICA Response Brief, the UIM rejected the arguments made by the Appellant in the ICA Appeal Brief and requested the ICA “*not to upheld [sic] the appeal*”. The crux of the UIM’s argument was that the official drone video footage demonstrated that the Appellant did not maintain his lane in ‘Hole Shot 1’ for the requisite period after the start of the race.
18. On 25 August 2025, the Appellant filed his reply brief in the ICA Proceedings (the “ICA Reply Brief”). In the ICA Reply Brief, the Appellant rejected the UIM’s case as set out in the ICA Response Brief. In particular, the Appellant asserted: (i) screenshots of the drone footage upon which the UIM relied were “*incomplete and misleading*”; (ii) the UIM (and the Protest Judge) had “*misunderstood the correct geometry of the Hole Shot 1 start lane*”; and (iii) the video and photographic (screenshot) evidence demonstrated that the Appellant had “*maintained a straight course from the beach to the Hole Shot 1 buoy*”.
19. On 12 September 2025, the ICA held an online hearing in which the Appellant and the UIM participated. At the conclusion of the hearing, the ICA issued the following procedural directions: “(i) *the UIM Prosecutor is granted a period of seven (7) days from the date of this Order to file submissions to the new documents received by the Appellant*

on August 26, 2025; (ii) The Appellant is further granted a further period of seven (7) days to file reply submissions in response to those of the UIM Prosecutor”.

20. On 19 September 2025, the UIM filed additional written submissions (the “UIM’s ICA Additional Submissions”). The crux of the argument set out in the UIM’s ICA Additional Submissions was that the Appellant’s *“claim that he launched directly and in a straight line toward the Hole Shot 1 buoy is proven wrong by the video footage”*.
21. On 26 September 2025, the Appellant filed additional written submissions in reply to the UIM’s ICA Additional Submissions (the “Appellant’s ICA Additional Submissions”). The crux of the argument set out in the Appellant’s ICA Additional Submissions was that *“[t]he video evidences, Go Pro videos, and other evidence material in this case, shows from all angles [sic], that [the Appellant] is taking a direct, straight and parallel line, all the way from the start on the beach to the yellow hole shot buoy”*.
22. On 1 October 2025, the ICA issued a “Verdict” rejecting the Appellant’s appeal.
23. On 31 October 2025, the ICA rendered its reasoned decision (the “Appealed Decision”). In the Appealed Decision, the ICA held, *inter alia*, that:

“7.6 *The Panel finds that the relevant point here is the orientation of the path to the Hole Shot, not merely its linearity. The mere fact that a rider proceeds in a straight lane does not satisfy Rule 305.04.01, requiring riders to remain within and parallel to their designated lanes, until the marker buoy.*

7.7 *The Panel is persuaded that the Appellant’s trajectory, to the approach to the marker buoy, was not parallel to his designated lane with the Hole Shot 1 axis, as required by the UIM Rule, rather being slightly angled toward the right side of the chute.*

7.8 *The Panel has carefully considered the Appellant’s submissions on the inherent limits and distortions of measurements associated with drone cameras at different altitudes and from a perspective.*

7.9 *Nevertheless, the visual record remains probative: taking into account the drone footage, the perspective and the known geometry of the chute, the Panel observes a progressive reduction of usable space for fleet 1, including the Appellant, consistent with the Appellant’s rightward drift.*

[...]

7.17 *The Panel finds, thus, that the trajectory followed by the Rider was not in compliance with the UIM Rule 305.04.01.*

7.18 *For all these reasons, the Panel, after an in-depth scrutiny of the Appellant's defenses on the dynamics of the facts, has no doubt on the occurred violation of such a Rule."*

24. The operative part of the Appealed Decision states as follows:

"The UIM International Court of Appeal, confirming the verdict of October 1, 2025, unanimously rules that:

- (i) The sanction imposing a time penalty of 25 seconds on boat no. 66 in Moto 3 of the Grand Prix of Hungary of the 2025 UIM Aquabike European Championship, held in Győr, Hungary, on August 3, 2025, is to be confirmed and consequently,*
- (ii) the Appeal lodged by the above Appellant is unfounded and thus rejected, with all consequences on the final rankings of the said Championship.*
- (iii) The Appeal fee is definitely acquired by the UIM.*
- (iv) All other motions are dismissed."*

25. On the same day, the Appealed Decision was notified to the Appellant.

III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

26. On 6 November 2025, in accordance with Articles R47 *et seq.* of the Court of Arbitration for Sport ("CAS") Code of Sports-related Arbitration (the "CAS Code"), the Appellant filed a Statement of Appeal before the CAS (the "Statement of Appeal") against the Respondent with respect to the Appealed Decision. In the Statement of Appeal, the Appellant nominated Mr Jacob Christian Jørgensen as arbitrator.

27. On 11 November 2025, the CAS Court Office wrote to the Parties, *inter alia*: (i) notifying the Statement of Appeal and accompanying exhibits; and (ii) setting a time limit of 10 days (from receipt of the letter by courier) for the Respondent to nominate an arbitrator.

28. On 12 November 2025, the Respondent informed the CAS Court Office, *inter alia*, that it nominated Mr Mario Vigna as arbitrator.

29. On 14 November 2025, the Appellant filed his Appeal Brief (the "Appeal Brief") in accordance with Article R51 of the CAS Code.

30. On the same day, the CAS Court Office wrote to the Parties acknowledging receipt of the Appeal Brief and, *inter alia*, invited the Respondent to file its Answer within twenty days of receipt of the CAS Court Office's letter by email.
31. Still on the same day, the Respondent wrote to the CAS Court Office: (i) asserting that it appeared from the Appeal Brief that the Appellant was refusing to pay the costs of the arbitration; and (ii) requesting a suspension of the deadline to file its Answer until the Appellant confirmed "*whether he intends to maintain his refusal to pay the arbitration-related costs [...]*".
32. On 17 November 2025, the Appellant wrote to the CAS Court Office stating that he was not refusing to pay the arbitration costs, but that, in his view, Article R65 of the CAS Code applied. The Appellant requested that the CAS determine whether Article R64 or Article R65 of the CAS Code applied to the present arbitration and confirmed that, in the event that the CAS determined that Article R64 of the CAS Code applied, he was "*prepared to bear the arbitration costs*". The Appellant concluded by stating that, in the circumstances, there was no reason to "*suspend or extend UIM's deadline for submitting an Answer*".
33. On 18 November 2025, the CAS Court Office wrote to the Parties: (i) informing the Parties that the Division President had decided to apply Article R64 of the CAS Code to these proceedings (on the basis that the Respondent is not an Olympic international federation); (ii) stating that the CAS Finance Director would write to the Parties regarding payment of an advance of costs; and (iii) stating that, pursuant to Article R55 of the CAS Code, the Respondent's time limit to file its Answer was set aside and would be fixed once the Appellant had paid his share of the advance of costs.
34. On 27 November 2025, the CAS Court Office wrote to the Parties: (i) acknowledging receipt of the Appellant's payment of his share of the advance of costs; and (ii) inviting the Respondent to submit its Answer within twenty days of receipt of the CAS Court Office's letter by email.
35. On 28 November 2025, pursuant to Article R54 of the CAS Code and on behalf of the Deputy President of the CAS Appeals Arbitration Division, the CAS Court Office confirmed the appointment of the Panel in the following composition:

President: Mr David Casserly SC, Barrister in Lausanne, Switzerland

Arbitrators: Mr Jacob C. Jørgensen, Attorney-at-law in Birkerød, Denmark
Mr Mario Vigna, Attorney-at-law in Rome, Italy

36. On 17 December 2025, the Respondent filed its Answer (the “Answer”) in accordance with Article R55 of the CAS Code.
37. On 18 December 2025, the CAS Court Office wrote to the Parties acknowledging receipt of the Answer. The CAS Court Office requested the Parties to confirm, by 9 January 2026, whether they preferred a hearing to be held in this matter (and, if so, their preferences as to format) and whether they requested a case management conference with the Panel. Further, the CAS Court Office stated:

“Unless the Parties agree or the President of the Panel orders otherwise on the basis of exceptional circumstances, Article R56 of the Code, provides that the Parties shall not be authorized to supplement or amend their requests or their argument, nor to produce new exhibits, nor to specify further evidence on which they intend to rely, after the submission of the Appeal Brief and of the Answer.”
38. On 23 December 2025, the Appellant sent a further written submission to the CAS Court Office.
39. On 29 December 2025, the CAS Court Office wrote to the Parties acknowledging receipt of the Appellant’s further written submission and confirming that such submission had not been shared with the Respondent or the Panel. The CAS Court Office invited the Appellant to file a letter by no later than 2 January 2026 setting out the reasons for his request to be authorised to supplement or amend his requests or his argument and to produce new exhibits. The CAS Court Office requested that the Appellant “*refrain from including any substantive submissions in this letter*” and confirmed that the Respondent would have an opportunity to respond to such letter before any decision was rendered by the Panel.
40. On 31 December 2025, the Appellant filed a “*Request to file a supplementary submission*” to be authorised to file further written submissions in response to the Respondent’s argument in its Answer on the Appellant’s alleged lack of interest in the present appeal (the “Request to File Supplementary Submissions”) along with permission to “*amend [his] claim of relief in a supplementary submission*”.
41. On 5 January 2026, the Appellant wrote to the CAS Court Office stating: (i) his preference that a hearing be held in this matter; and (ii) that he did not consider a case management conference to be necessary.
42. On the same day, the Respondent wrote to the CAS Court Office opposing the Appellant’s Request to File Supplementary Submissions (the “Response to Request to File Supplementary Submissions”). The Respondent, *inter alia*, requested that, in the event

the Appellant's Request to File Supplementary Submissions was granted, the Respondent be permitted to file a reply to such submissions.

43. On 12 January 2026, the CAS Court Office wrote to the Parties setting out the Panel's decision to:
- grant the Appellant's Request to File Supplementary Submissions strictly limited to the issue of the Appellant's alleged lack of interest in the appeal on the basis that "*additional submissions on this issue shall constitute a useful procedural step to resolve this matter*", to be filed by 16 January 2026;
 - grant, on the same basis, the Respondent's subsidiary request to file a reply to the Appellant's additional submissions, such reply submission also to be strictly limited to the issue of the Appellant's alleged lack of interest in the appeal; and
 - order the Appellant to expressly identify and substantiate, in his additional submission, the circumstances relied upon in support of his request to "*amend [the Appellant's] claim of relief accordingly in a supplementary submission*" (and the Panel informed the Parties that any decision on such request was reserved and would be made at a later point in the proceedings).
44. On 14 January 2026, the Appellant filed additional written submissions (the "Appellant's Additional Submissions").
45. On 20 January 2026, the Respondent filed additional written submissions (the "Respondent's Additional Submissions").
46. On 3 February 2026 and 4 February 2026 respectively, the Appellant and the Respondent returned a signed copy of the Order of Procedure to the CAS Court Office.
47. On 10 February 2026, a virtual hearing took place. In addition to the Panel and the CAS Counsel, Mr Francisco Mateo Pavía, the following individuals attended the hearing:

For the Appellant:

- Mr Oliver Koch Hansen, the Appellant;
- Mr Ole Koch Hansen (the Appellant's father);
- Mr Jens Hjortskov (Appellant's legal counsel);
- Ms Emilie Nørgaard Larsen (Appellant's legal counsel);
- Mr Kevin Reiterer (Appellant's witness);

- Mr Lars Magne Drange (Appellant's witness); and
- Mr Kerto Kase (Appellant's witness).

For the Respondent:

- Mr Riccardo La Cognata (Respondent's legal counsel);
- Mr Thomas Kurth (Respondent's Secretary General);
- Mr Sebastiano Pellecchia (Respondent's witness);
- Mr Luca Filiberti (Respondent's witness); and
- Mr Marco Pietrini (Respondent's witness).

48. At the outset of the hearing, the Parties confirmed that they had no objection as to the constitution of the Panel.
49. As a preliminary matter, the Panel invited the Parties to address the issue of whether Mr Poret ought to have been named as a respondent in the appeal (on the basis that, if the Appellant was successful in obtaining the relief he sought, such relief would have an impact on Mr Poret). The Parties addressed that question in the course of their oral and subsequent written submissions (see *infra* paras. 51, 53 and 54).
50. During the hearing, the Panel heard evidence from the above-mentioned party representatives and witnesses. Before taking their evidence, the Panel informed the witnesses of their duty to tell the truth, subject to the sanction of perjury under Swiss law. The Parties had the opportunity to examine and cross-examine the witnesses.
51. The Parties were each given a full opportunity to present their case, submit their arguments, question witnesses and experts, and answer questions from the Panel. At the conclusion of the hearing, the Panel informed the Parties that they would have the opportunity to file written submissions on the question of whether Mr Poret ought to have been included as a respondent and the consequences of his non-inclusion.
52. Finally, both Parties confirmed that they had no objections as to the manner in which the proceedings had been conducted.
53. On 12 February 2026, the CAS Court Office wrote to the Parties confirming that the Panel had set a time limit of 25 February 2026 for the Parties to file written submissions regarding the issue of the Appellant's decision not to name Mr Poret as a respondent in the present proceedings. The Parties were also invited to confirm, by 13 February 2026,

whether the Panel may refer to video footage of what appeared to be the Moto 1 and Moto 2 races available on the YouTube website.

54. On 13 February 2026, both Parties confirmed that they had no objection to the Panel relying on the video footage of the Moto 1 and Moto 2 races available on YouTube.
55. On 25 February 2026, both Parties filed their post-hearing briefs on the issue referred to in the CAS Court Office letter dated 11 February 2026.
56. On 11 March 2026, the CAS Court Office wrote to the Parties stating that the Panel noted the Appellant's statement in his post-hearing brief that he "*would not oppose to – subject to Panel's approval – that UIM and Oliver enter into a procedural agreement whereby Mickael Poret upon his request shall be entitled to join/intervene in the proceedings before CAS as a third party.*" The CAS Court Office further informed the Parties that if they entered into such a "*procedural agreement*", they should communicate such "*procedural agreement*" to the CAS Court Office by 18 March 2026.
57. On 17 March 2026: (i) the Appellant informed the CAS Court Office that he remained willing to enter into a "*procedural agreement*" on the participation of Mr Poret in these proceedings; (ii) the Respondent stated that it did not "*intend to adhere to the Appellant's proposal for a procedural agreement*"; and (iii) the CAS Court Office wrote to the Parties acknowledging that the Parties had not reached agreement regarding any procedural proposal.

IV. SUBMISSIONS OF THE PARTIES

58. The following outline of the Parties' submissions is illustrative only and does not necessarily comprise every submission advanced by the Parties. The Panel has nonetheless carefully considered all the submissions made and evidence presented by the Parties, whether or not there is a specific reference to them in the following summary.

A. The Appellant's submissions

1. The non-inclusion of Mr Poret as a respondent

59. The Appellant submits that Rule 403 of the Rulebook prevented him from filing his Protest against the Respondent and Mr Poret. At the time of the Protest, the Appellant was in any event unable to identify which riders should be included in his Protest because the overall rankings of the European Championship were not final at the time of the Protest.

60. The same principles applied to the proceedings before the ICA. Rule 405 of the Rulebook sets out that “*the rules for the protest procedure shall apply to the appeals procedure as well*”. The procedural rules applicable to the appeal proceedings before the ICA lack any legal basis that required the Appellant to name Mr Poret as a party in his appeal against the rejection of his Protest. Instead, it was Mr Poret’s responsibility to file a request with the ICA to be included as a party in the proceedings before the ICA pursuant to Article 6(5) of the ICA Procedural Rules. Mr Poret failed to file such request. In addition, the Appealed Decision did not address the absence of Mr Poret in the proceedings before the ICA.
61. Rule 409 of the Rulebook (governing appeals to the CAS) does not require the Appellant to inform Mr Poret of any appeal of the Appealed Decision. Only parties to the proceedings before the ICA are required to be “*notified of the arbitration procedure*” and Mr Poret was not party to proceedings before the ICA. At no point was the Appellant “*obligated to give third-party notice to Mr Poret*” and “*Mr Poret should not be a respondent in the proceedings before CAS*”.
62. In addition, Mr Poret is not directly and significantly affected by the decision of the CAS in the present matter, despite the fact that he could lose his European Championship title. In the Appellant’s view, this follows from the fact that “[w]hen an athlete is disqualified or given a time penalty, this will, by its very nature, always benefit one or more competitors. It is normal practice in CAS proceedings for those competitors not to become parties to any subsequent appeal. They are not ‘directly and significantly’ affected.” Mr Poret is only indirectly affected by the time penalty imposed on the Appellant and the upholding of the appeal by the Panel would merely correct the “*unjustified stripping of Oliver of his title*.” Further and in any event, Mr Poret “*must be assumed to have convergent and identical interest with*” the Respondent and would not be in a position to further contribute (beyond the submissions made, and evidence presented by, the Respondent) to the determination of the case, *i.e.* the time penalty imposed on the Appellant.
63. In light of the above, the Appellant submits that he was not required to name Mr Poret as a respondent in the present matter.

2. The time penalty and its consequences

64. Rule 305.04 requires that, once a race has started, all riders must maintain their lane until the marker buoy placed on the start chute. What that requires in practice is that riders must keep “*their relative position according to the starting grid, which allows for minor movements to one side or the other*”. Given the nature of Aquabike racing, being that it takes place on water, it is impossible for riders to maintain an absolutely straight line. In this context, a rider’s “*relative position should be understood as keeping the same order*”

among the other drivers without making sharp or unusual movements that could interfere with others” and, as such, Rule 305.04.01 “allows a certain margin for acceptable deviation from the line”.

65. The ICA was wrong to conclude that the wording of Rule 305.04 “*admits no exception*”, which conclusion “*is incorrect and entirely contrary to what ‘maintaining the lane’ means according to clause 305.04*”. A “*tolerable amount*” of movement is permitted as long as the rider “*does not move from one position to another in a way that would represent a change in the overall starting order*”.
66. After the start of Moto 3 in the Competition, the Appellant “*maintained a direct and parallel line towards the Hole Shot 1 buoy, remaining within his relative position according to the starting grid*”. Further, he “*maintained a reasonable distance from the other riders*” and “*at no point did [the Appellant] obstruct or impede any other rider whatsoever*”. That the Appellant did so is evidenced by official footage of Moto 3 captured by a drone, as well as screenshots taken from such footage, together with footage from the Appellant’s front and rear-facing Go Pro cameras and video footage from the opposite side of the lake from which the riders started Moto 3.
67. A deviation from the course taken by the Appellant immediately after the start of the race is “*permitted as long as the rider maintains their relative position according to the starting grid*”, and “[r]egardless of whether [the Appellant] deviated a few degrees to his right, he still maintained his lane”. One cannot expect a rider to “*maintain perfect lane discipline at all times*” given the circumstances of Aquabike racing (namely the “*numerous unpredictable factors*” including “*varying water conditions, differences in race setup, and unexpected occurrences on the course*”). It is “*established racing practice*” that the rider starting in pole position (the “*polesitter*”) is “*afforded a certain degree of discretion in setting the initial course to the buoy*”. The Appellant exercised such discretion appropriately “*while maintaining a parallel lane*”.
68. It is not possible to compare riders in the ‘Hole Shot 1’ and ‘Hole Shot 2’ starting lanes because, *inter alia*: (i) the “*length of the starting lane for Hole Shot 1 is significantly shorter than that of Hole Shot 2*” and, as such, the “*width of the Hole Shot 1 fleet will be automatically less, as they are required to begin preparing for the turn at the yellow Hole Shot 1 buoy earlier*”; (ii) the ‘Hole Shot 2’ lane is wider than the ‘Hole Shot 1’ lane “*both at the beach start and immediately after*”; and (iii) the “*fleet in the Hole Shot 2 lane will naturally tend to spread wider, as riders may attempt outside passes at full speed prior to reaching the first split buoy*”. In such circumstances, the width of the fleets in the ‘Hole Shot 1’ and ‘Hole Shot 2’ starting lanes differ and the Appellant cannot be held responsible for that.

69. In fact, it was other riders in the Moto 3 race that failed to maintain their lanes (namely the riders in lanes 3, 4 and 6). In such circumstances “[i]t appears that the Race Director, UIM Commissioner, and Protest Judge have made a mistake” and it is “unfair that [the Appellant] was penalised for an action for which other riders in the same moto should have been penalised instead”.
70. A comparison between the course taken by the Appellant at the start of Moto 3 and the courses taken by riders in the same position (i.e. in the “polesitter” position in the ‘Hole Shot 1’ starting lane) as the Appellant in Moto 1 and Moto 2 reveals that “[a]ll riders, including [the Appellant], followed the natural lane directly to the Hole Shot 1 buoy before making a sharp left turn towards the next buoy”. Further, the “polesitter” in the ‘Hole Shot 2’ starting lane in Moto 3 “followed precisely the same line” as the Appellant with each rider maintaining “a direct, straight and parallel lane from the beach start to the Hole Shot buoys”. Principles of “fairness and equal treatment in sports adjudication require consistency” and, as such, “[i]f identical racing lines in Moto 1, 2 and 3 were not penalised, then [the Appellant’s] action in Moto 3 should also not be sanctioned”.
71. In the Statement of Appeal, the Appellant made the following prayer for relief:
- “Oliver Koch Hansen disagrees with the [Appealed Decision] and requests that the decision is tried before the CAS given that the decision is decisive for Oliver Koch Hansen’s overall ranking in the 2025 UIM Aquabike European Championship. In Oliver Koch Hansen’s opinion the time penalty of 25 seconds is not legitimate and unjustified and the decision has to be reversed.”*
72. In the Appeal Brief, the Appellant made the following prayer for relief:
- “For the reasons stated below, Oliver requests that CAS upholds the appeal and annuls the time penalty of 25 seconds imposed to Oliver in boat no. 66 in Moto 3 of the Grand Prix of Hungary of the 2025 UIM Aquabike European Championship.”*
73. In his Additional Submissions, the Appellant made submissions as to why he ought to be permitted to amend the prayer for relief contained in Appeal Brief and set out the proposed amendments as follows:
- “1. For the reasons stated in Oliver’s appeal brief and supplementary submission, Oliver requests that CAS upholds the appeal and annuls the time penalty of 25 seconds imposed to Oliver in boat no. 66 in Moto 3 of the Grand Prix of Hungary of the 2025 UIM Aquabike European Championship.”*

2. Oliver requests that CAS orders UIM to adjust the overall ranking in the 2025 UIM Aquabike European Championship Ski Division GP1 accordingly.

3. Oliver requests that CAS orders UIM to award the 2025 Aquabike European Championship title in Ski Division GP1 to Oliver.”

B. The Respondent’s submissions

1. The non-inclusion of Mr Poret as a respondent

74. The Respondent submits that the Appellant was required to name both the Respondent and Mr Poret as respondents in the present appeal procedure. If the Appellant’s appeal is upheld, Mr Poret would be deprived of his “*legitimate title*” (i.e. the European Championship title). Such consequences would “*directly impact on Mr Poret*”. In other words, the Appellant “*aims to overturn the 2025 UIM Aquabike European Championship final ranking, which would result in taking away the title won by Mr. Poret on the race course and give it to the Appellant on the table, there cannot be any residual doubt on the fact that Mr. Poret is a ‘necessary’ party to these proceedings and was to be called to be part of the arbitration.*”
75. The Appellant’s failure to name Mr Poret as a respondent in the present proceedings should result in the dismissal of the Appellant’s appeal in order to avoid “*contradictory legal states for the omitted party*”.

2. The time penalty and its consequences

76. Rule 305.04 of the Rulebook provides that “[i]t is a rider’s responsibility to maintain their lane until the designated marker buoy placed on the start chute”. The text of Rule 305.04 does not contemplate any exceptions. Rule 310.01.04 of the Rulebook provides for “*a Stop-and-Go or equivalent time penalty*” if a rider fails to maintain their lane.
77. The framework set out by the relevant rules “*does not allow to consider any of the arguments brought forward by the Appellant, which are to be rejected*”. An important underlying rationale of Rule 305.04 is the safety of riders. At the start of a race, “*all the drivers start full steam ahead with to gain any possible advantage*” and “[i]t goes without saying that such a situation constitutes the most dangerous in this kind of motorsport (in any motorsport, actually)”. Given such underlying rationale, there can be “*no ‘flexibility’ in interpreting the strictness of the rule imposing to maintain the given starting lane*”. This was “*well known*” to the Appellant, who has previously received penalties for failing to maintain his lane.
78. The “*key evidentiary element*” in this case is the aerial video footage of Moto 3. Such video footage demonstrates that:

- the water conditions were flat and stable, such that it was not “*difficult for riders to maintain their lines*”;
- the Appellant does not appear to have been “*disturbed*” by other riders;
- the “*Appellant’s trajectory, in approaching the marker buoy, was not parallel to his designated lane with the Hole Shot 1 axis, as required by the UIM Rule, rather being slightly angled toward the right side of the chute*”; and
- there was a “*progressive reduction of usable space for fleet 1, including the Appellant, consistent with the Appellant’s rightward drift*” and “*riders in positions P3 to P5 on the Appellant’s right-hand side experienced wakes and disturbed water to a greater extent than would be expected if the polesitter’s lane had been strictly parallel*”.

79. The Appellant’s submissions “*on the inherent limits and distortions of measurements associated with drone cameras at different altitudes, and from a different perspective are frankly meaningless*”. The “*visual record remains probative*” and, in light of such evidence, the Appellant’s “*infringement is not questionable, and the penalty given was hence righteous and fair*”.

80. During the hearing, the Respondent further submitted that the decision to impose a 25-second time penalty against the Appellant is a so-called field-of-play decision. Therefore, the Panel is prevented from reviewing and interfering with such a decision.

81. In the Answer, the Respondent made the following prayers for relief:

- “I) Preliminarily: To adjudge and declare that the Appellant’s claim lacks of interest and hence to reject the Appeal and uphold the Decision rendered by the UIM International Court of Appeal on the 31st October 2025.
- II) Eventualiter, on the merits, to adjudge and declare that the Appellant’s claim is groundless and thus dismiss any Appellant’s motions and uphold the Decision rendered by the UIM International Court of Appeal on the 31st October 2025;
- III) In any event, to order the Appellant to pay the costs of this arbitration and a contribution towards the Respondent’s legal fees and costs.”

V. JURISDICTION

82. Article R47(1) of the CAS Code provides that:

“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.”

83. The Appellant relies upon Rule 409 of the Rulebook, which, *inter alia*, provides that:

“A party of the appeal procedure has the right to ask for a final arbitration at the CAS (Court of Arbitration for Sport). The commencement of the arbitration procedure requires the acceptance of the mandate by the CAS. In the Event that the CAS refuses to accept the mandate for arbitration the decision of the UIM International Court of Appeal remains final. The CAS procedure must abide by the following rules.”

84. The jurisdiction of the CAS is not contested by the Respondent and is, in any event, confirmed by the Parties’ signature of the Order of Procedure.

85. The CAS therefore has jurisdiction to hear the present appeal.

VI. ADMISSIBILITY

86. Article R49 of the CAS Code provides, *inter alia*, that:

“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 [...].”

87. In accordance with Rule 409.03 of the Rulebook:

“The intention to ask for arbitration must be notified in writing to the secretariat of the UIM by the interested party within 7 days of the day following the notification of the appeal decision.”

88. The Appealed Decision was notified to the Appellant on 31 October 2025 and the Appellant filed his Statement of Appeal on 6 November 2025 (see *supra* paras. 25 and 26). Therefore, the appeal was filed within the applicable time limit.

89. The Respondent objects to the admissibility of the appeal on the basis that the Appellant lacks legal interest to seek the relief requested in his Appeal Brief. More specifically, the Respondent submits that the Appellant has no interest in the appeal because the time penalty imposed upon him did not affect the outcome of the Competition. In the view of

the Respondent, the Appellant “conveniently “forgot” to say that he did not lose the European title because of the time penalty passed onto him, but simply given that he ranked 2nd at the Grand Prix of France, behind the Belgian rider Quinten Bossche [...] with an average gap of around 25 seconds”. As such, “by challenging the decision of the UIM ICA before the CAS the Appellant intends to instrumentally use the Panel to overturn an unsatisfactory sport result (which entirely depended on him) and achieve a more comfortable walkover”.

90. The Appellant, in turn, submits that the Appealed Decision is not only wrong but was decisive for the Appellant’s overall ranking in the European Championship. Although the time penalty imposed upon him in Moto 3 of the Competition did not affect the Appellant’s overall ranking in the Competition, such time penalty “presumably impacted which driver who became European Champion after the Grand Prix of Vichy, France, as [the Appellant] ended up 2 points behind Michael [sic] Poret in the overall standings”.
91. The Panel carefully considered the submissions of the Parties regarding the issue of legal interest.
92. The Panel notes that the issue of legal interest is generally distinguished from the issue of standing, which is addressed below. Under Swiss law, the issue of legal interest is an admissibility requirement and a condition for access to justice. A request is deemed inadmissible if the person who files a request lacks legal interest. In this regard, Article 59 paras. 1 and 2 lit. a) of the Swiss Civil Procedure Code (“CPC”) provides as follows:

“The court shall consider an action or application provided the procedural requirements are satisfied.

Procedural requirements are in particular the following:

a. the plaintiff or applicant has a legitimate interest.”

93. The requirement of legal interest “serves first and foremost public interests, i.e. to restrict the case load for the courts by striking ‘purposeless’ claims from the court’s registry. This public interest is clearly evidenced by the fact that the courts examine this (procedural) condition *sua sponte* (Art. 62 CCP). Even if aspects of public interest before state courts are not easily transferable *mutatis mutandis* to arbitration proceedings (cf. GIRSBERGER/VOSER, *International Arbitration*, 3rd ed. 2016, no. 1194), this Panel holds that a claim shall be deemed inadmissible if it clearly does not serve the purpose of the Appellant.” (CAS 2016/A/4602, para. 49).
94. In the present matter, the Panel notes that the Appealed Decision was directed against the Appellant by rejecting his appeal against the decision to impose a 25-second time penalty

against him, which ultimately had an impact on the overall rankings of the European Championship. Therefore, the Panel finds that the Appellant has sufficient legal interest to seek the relief requested in his Appeal Brief.

95. In the light of the above, the Panel finds that the Appellant's appeal is admissible.

VII. THE APPELLANT'S REQUEST TO AMEND HIS PRAYERS FOR RELIEF

96. On 31 December 2025, the Appellant filed his Request to File Supplementary Submissions (see *supra* para. 40), wherein he, *inter alia*, requested to amend his prayers for relief as follows:

- “1. For the reasons stated in Oliver's appeal brief and supplementary submissions, Oliver requests that CAS upholds the appeal and annuls the time penalty of 25 seconds imposed to Oliver in boat no. 66 in Moto 3 of the Grand Prix of Hungary of the 2025 UIM Aquabike European Championship.
2. Oliver requests that CAS orders UIM to adjust the overall ranking in the 2025 UIM Aquabike European Championship Ski Division GP1 accordingly.
3. Oliver requests that CAS orders UIM to award the 2025 Aquabike European Championship title in Ski Division GP 1 to Oliver.”

97. The Panel notes that Article R56(1) of the CAS Code provides, *inter alia*, that:

“Unless the parties agree otherwise or the President of the Panel orders otherwise on the basis of exceptional circumstances, the parties shall not be authorized to supplement or amend their requests or their argument, to produce new exhibits, or to specify further evidence on which they intend to rely after the submission of the appeal brief and of the answer.”

98. In the absence of an agreement between the Parties on the Appellant's request to amend his submissions, particularly his prayers for relief, the Panel notes that, in principle, it may only admit such submissions on the basis of exceptional circumstances in accordance with Article R56(1) of the CAS Code. However, the Panel considers that it is only required to decide on the admission of the amended prayers for relief if such amended prayers were not already expressly or implicitly contained in the Appellant's Statement of Appeal or Appeal Brief.

99. In this respect, the Panel notes that, according to para. 4.7 of the Appealed Decision, before the UIM ICA, the Appellant “request[ed] the ICA to annul the 25-second penalty,

to reinstate his result in Moto 3, and thereby correct the overall standings in the Championship” (see also supra para. 16).

100. Subsequently, in his Statement of Appeal before the CAS, the Appellant stated that the ICA had rejected his request “*with all consequences on the final rankings of the [European] Championship*” and that he “*disagrees with the decision*”, i.e. the Appealed Decision, “*and requests that the decision is tried before CAS given that the decision is decisive for Oliver Koch Hansen’s overall ranking in the 2025 UIM Aquabike European Championship.*”

101. Finally, in his Appeal Brief, the Appellant stated as follows:

“It is worth noting that the penalty decision did not affect the podium ranking at the Grand Prix of Hungary of the 2025 UIM Aquabike European Championship. However, the penalty presumably impacted which driver who became European Champion after the Grand Prix of Vichy, France, as [the Appellant] ended up 2 points behind Michael Poret in the overall standings.”

102. Although the Appellant’s use of the term “*presumably*” is less clear, the Panel concludes that, taking into account the context in which the Appeal Brief was submitted, the Appellant made clear the impact of his appeal being upheld (on the overall standings in the European Championship) in the Appeal Brief.

103. In light of the foregoing, the Panel finds that the Appellant’s requests relating to the change of the overall rankings of the 2025 UIM Aquabike European Championship were already at least implicitly included in his prayers for relief sought in the Statement of Appeal and Appeal Brief, noting that the latter was filed “*in continuation of [his] statement of appeal*”. Therefore, the Panel considers that it does not need to decide whether the amended prayers for relief submitted on 31 December 2025 could or should be admitted on the basis of exceptional circumstances pursuant to Article R56(1) of the CAS Code.

VIII. LAW APPLICABLE TO THE MERITS

104. Article R58 of the CAS Code provides that:

“The Panel shall decide the dispute according to the applicable regulations and, subsidiarily, to the rules of law chosen by the parties or, in the absence of such a choice, according to the law of the country in which the federation, association or sports-related body which has issued the challenged decision is domiciled or

according to the rules of law the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision.”

105. Based on Article R58 of the CAS Code, the Panel finds that the various rules and regulations of the UIM, particularly the Rulebook, are primarily applicable to the merits of the present appeal.
106. The Panel further notes that the applicable rules and regulations of UIM do not contain any provision providing for the law that shall apply subsidiarily in the event that the need arises to fill a *lacuna* in the various rules and regulations of the UIM. At the hearing on 10 February 2026, both Parties confirmed their agreement that Swiss law shall apply subsidiarily to their dispute in accordance with Article R58 of the CAS Code. Swiss law shall therefore apply subsidiarily.

IX. POWER OF REVIEW

107. Article R57(1) of the CAS Code states that “[t]he Panel has full power to review the facts and the law.”
108. Therefore, the Panel finds that it has, in principle, full power to review the dispute and the evidence *de novo* without any limitations to the issue or scope of review before the initial instance(s). Therefore, the Panel’s power of review regarding the Appealed Decision is, in principle, unlimited.
109. However, the Panel notes that the Respondent submitted during the hearing (see *supra* para. 80) that the Panel’s power of review could be limited if the disciplinary sanction imposed upon the Appellant would be considered a so-called “*field-of-play decision*” (see e.g. the CAS cases *CAS 2021/A/8119*; and *CAS 2021/A/8186*). In the light of the Panel’s conclusions set out in Section X.A. below, the Panel need not (and does not) rule upon the Respondent’s submission.

X. MERITS

110. The relevant questions to be addressed by the Panel are the following:
- a. Does the Respondent have standing to be sued (alone) in the present proceedings?
 - b. If so, should the 25-second time penalty imposed upon the Appellant be annulled and, if so, what are the consequences of such annulment?

A. Does the Respondent have standing to be sued (alone)?

111. At the outset, the Panel must determine whether the Respondent has standing to be sued (alone) in the present matter, which is a matter reviewed *ex officio* by CAS panels (*ex multis*, CAS 2018/A/5799, para. 113; and CAS 2012/A/2906, para. 76).
112. The Appellant submits that he was prevented from naming Mr Poret as a respondent in the Protest and in the appeals proceedings before the ICA based on the applicable procedural rules (*i.e.* those contained in Rules 403 and 405 of the Rulebook). The Appellant further submits that Mr Poret is not directly and significantly affected by the outcome of the present proceedings and cannot contribute (beyond the submissions made, and evidence presented by, the Respondent) to the determination of whether the time penalty imposed on the Appellant ought to be annulled.
113. In turn, the Respondent submits that the Appellant was required to name Mr Poret as a respondent in the present proceedings. The Respondent submits that such conclusion follows from the fact that upholding the Appellant’s appeal would have a direct impact on Mr Poret in that it would deprive him of his “*legitimate title*” (*i.e.* the European Championship title). The Respondent ultimately submits that the non-inclusion of Mr Poret in the present proceedings should result in the dismissal of the appeal.
114. At the outset, the Panel notes that the question of standing to be sued (*légitimation active/passive*) is an issue of substantive law (see, *e.g.* the CAS cases CAS 2008/A/1639, para. 11.2; CAS 2013/A/3047, para. 52; and CAS 2016/A/4602, para. 61). The prevailing view is that such concept establishes the requirement for another party to be named as a respondent if an appellant’s requests for relief, should they be accepted, would determine the substantive rights of that other party (see, *e.g.* the CAS cases CAS 2004/A/594, para. 7.7; CAS 2013/A/3047; CAS 2024/A/10478, para. 94).
115. The Panel observes that, as regards prescribing against whom an appeal against a decision of the ICA may be brought, the Rulebook provides that:

“409.01 – GENERAL

A party of the appeal procedure has the right to ask for a final arbitration at the CAS (Court of Arbitration for Sport). [...]

409.02 – PARTIES OF THE ARBITRATION PROCEDURE

- a. The UIM will be party of the arbitration procedure and will be represented by the chairman of the UIM International Court of Appeal.*

b. *Any other party of the appeal procedure shall be notified of the arbitration procedure and may join the arbitration procedure as party by written declaration to the UIM office or directly to the CAS.”*

116. Rules 409.01 and 409.02 are silent as to whether a party seeking to appeal a decision of the ICA must name as a respondent in any appeal a party who was not party to the proceedings before the ICA but who nevertheless may be (directly or indirectly) affected by the outcome of any appeal proceedings.

117. In the absence of any provision governing the naming of third parties as respondents in appeals proceedings against decisions of the Respondent in general, and the ICA in particular, the starting point of the assessment whether a party has standing to be sued (alone) is Swiss law, *i.e.* the law that applies subsidiarily to the present proceedings pursuant to Article R58 of the CAS Code and the agreement between the Parties, as confirmed during the hearing on 10 February 2026 (see *supra* para. 106).

118. Turning to Swiss law, Article 75 of the Swiss Civil Code (“SCC”), which applies to resolutions of a general assembly and, by analogy, to other decisions of associations, provides as follows:

“Any member who has not consented to a resolution which infringes the law or the articles of association is entitled by law to challenge such regulation in court within one month of learning thereof.”

119. According to this provision, as a general rule, a challenge against such decision must be directed against the association itself (cf. Riemer, BK-ZGB, Art. 75, para. 68). However, it is well established in CAS jurisprudence that, in certain circumstances, a challenge must be directed not only against the relevant association, but also against another party or parties (see, *e.g.*, the CAS cases *CAS 2013/A/3047*, para. 52; *CAS 2020/A/7356*, para. 64; *CAS 2021/A/8225*, para. 80; and *CAS 2024/A/11091*, paras. 101-102).

120. In order to determine whether the Appealed Decision is to be directed against the association exclusively or whether the appeal must also be directed against another party, a panel is generally required to determine whether any other party (beyond the association) is “*sufficiently affected by the matter at hand in order to qualify as a proper respondent within the meaning of the law*” (see, *e.g.*, the CAS case *CAS 2017/A/5227*, para. 35 and *CAS 2020/A/7356*, para. 64).

121. In their commentary on the CAS Code, Mavromati and Reeb summarise the position under Swiss law as follows:

“Under Swiss law, a party has standing to be sued and may be summoned before the CAS only if it has some stake in the dispute because something is sought against it and is personally obliged by the disputed right at stake. According to the SFT both ‘standing to sue’ and ‘standing to be sued’ are related to the merits of the case as this is determined based on Article R58 of the CAS Code. The panel should first examine the pertinent rules of the federation and, in the absence of a rule in this respect, one should apply Swiss law (if the association is based in Switzerland).” (Mavromati D and Reeb M, *The Code of the Court of Arbitration for Sport Commentary, Cases and Materials* (2nd ed. (2025) Wolters Kluwer), p. 451).

122. As a preliminary point, the Panel notes the Appellant’s submission that he was not required to name Mr Poret as a respondent in the Appellant’s initial Protest or the Appellant’s appeal to the ICA. The Panel notes that neither Rule 403 (governing the initial Protest) nor Rule 405 (governing the appeal to the ICA) of the Rulebook appear to provide a mechanism whereby the Appellant was able to name Mr Poret as a respondent in the proceedings preceding the Appellant’s appeal to the CAS. However, the question before the Panel in relation to the issue of standing to be sued is whether the Appellant should have directed his appeal filed with the CAS on 6 November 2025 solely against the Respondent or against both the Respondent and Mr Poret. In such circumstances, it is unnecessary for the Panel to resolve the issue of whether Mr Poret ought to have been named as a respondent in the initial Protest or in the appeal to the ICA.
123. The question of whether the Appellant ought to have named Mr Poret as a respondent in his appeal filed with the CAS depends on whether Mr Poret’s legal status would be directly affected by the outcome of the present proceedings. If Mr Poret’s legal status would be directly affected, Mr Poret would have to have been given an opportunity to be heard in the present proceedings before CAS and to defend his own legal rights (see, e.g., the CAS cases *CAS 2008/O/1808*, para. 69; *CAS 2023/A/9611*, para. 91; and *CAS 2024/A/11091*, para. 102).
124. In this respect, the Panel has identified a broad spectrum in CAS jurisprudence in which previous CAS panels were faced with the similar question of assessing whether a third party, generally a direct competitor of the appellant, was directly affected by the outcome of the proceedings before CAS in so-called “*vertical disputes*” (i.e. disputes between an appellant and a sporting federation or regulator).
125. At one end of the spectrum, there are cases in which it is clear that a third party would be directly affected by the outcome of the proceedings before CAS in the context of a “*vertical dispute*”.

126. For example, in the CAS case *CAS 2011/A/2654*, the Namibian Football Association (“NFA”) had lodged a protest with the Confédération Africaine de Football (“CAF”) to have the scores of two matches that the NFA’s team had played against Burkina Faso (during qualification for the African Cup of Nations (“AFCON”)) reversed on the basis that Burkina Faso had fielded an ineligible player. The Bureau of the African Cup of Nations Committee rejected the NFA’s protest for lack of compliance with the AFCON regulations. The NFA appealed that decision to the CAF Appeal Board. The CAF Appeal Board heard the NFA’s appeal with the NFA and Fédération Burkinabé de Football (*i.e.* the national football association of Burkina Faso) present. The CAF Appeal Board deemed the protest inadmissible for lack of compliance with the AFCON regulations. The NFA appealed against that decision to the CAS. The relief sought by the NFA included, *inter alia*, relief to the effect that the decision of the CAF be set aside and the scores in the matches played between the NFA’s team and Burkina Faso be reversed (with the effect that the NFA’s team would participate in the final round of the Africa Cup of Nations at the expense of Burkina Faso). *Inter alia*, the CAF challenged the extent of the NFA’s prayers for relief in the absence of Burkina Faso as a respondent. The CAF argued that it lacked standing to be sued alone because the relief ultimately sought by the NFA affected the rights of a third party (Burkina Faso) which was not present to defend itself. The panel held that, by virtue of the NFA’s failure to include Burkina Faso as a respondent, the scope of its review was limited to the prayers for relief of which the CAF alone was subject (with the effect that the prayers for relief of which Burkina Faso was the subject were excluded from the scope of the Panel’s review):

- “14. *Secondly, the Respondent challenged the extent of the Appellant’s prayers for relief in the absence of Burkina Faso as a respondent to these proceedings, claiming the CAF lacked the standing to be sued and that the relief ultimately sought affected the rights of that third party, which was not present to defend itself.*
15. *The Panel noted the Respondent’s agreement to be a respondent in this matter, confirmed by its participation in this arbitration, the signing of the order of procedure and its clarification given at the hearing that it wished to respond to allegations made against it, but the Panel also noted the Respondent’s position that the Burkina Faso FF should have been the “principle” respondent in this matter.*
16. *The Respondent directed the Panel to Article R48 of the Code. The Appellant did not bring the Burkina Faso FF into these proceedings and the scope of the Panel’s review is limited to those prayers that the Respondent is the subject of. The Appellant’s prayers for relief included the request that the Panel determine that “[...] Burkina Faso should lose*

the two matches by penalty (3-0). This again would have the consequence that the team of the Namibian Football Association would take part in the final round of the Africa Cup of Nations instead the team of Burkina Faso”.

17. *The Panel noted that it was ultimately the choice of the Appellant against whom it appealed, but by not including the Burkina Faso FF as a party, the Panel has determined that its scope of review is limited to a review of the Appealed Decision alone. In the event that, on the merits, it is determined to overturn the Appealed Decision, then this Panel would be unable to go further and issue an award that would have the effect of replacing Burkina Faso with Namibia at AFCON 2012.*

18. *The essence of the dispute is between two national federations, where one believes the other has fielded an ineligible player. It has sought a decision to that effect from its Confederation and for the Confederation to then penalize that other national federation firstly by reversing the match scores and then to recalculate the qualification points replacing one national federation with the other in AFCON 2012. The Panel does not consider the CAF as the “passive subject” of the claim brought before CAS by way of the appeal against CAF’s decision, as CAF’s rights are not relevant to the relief sought by the Appellant. The Panel are satisfied that the CAF does not have the standing to be sued in relation to the entirety of the Appellant’s prayers for relief, but it has participated in these proceedings willingly and is therefore accepting that its Appealed Decision be reviewed, but not that the relief after that sought by the Appellant be entertained.”*

127. Further examples of cases falling at such end of the spectrum include the CAS cases *CAS 2013/A/3047*, *CAS 2013/A/3228* and *CAS 2024/A/11091*.

128. At the other end of the spectrum, there are cases in which it is less clear that a third party would be directly affected by the outcome of the proceedings before CAS in the context of a “vertical dispute”.

129. For example, in the CAS case *CAS 2016/A/4642*, Phnom Penh Crown Football Club (“PPCFC”) appealed against a decision of the Asian Football Confederation (“AFC”) refusing PPCFC permission to participate in the AFC Cup 2017. The apparent effect of the decision against which PPCFC appealed was that another football club based in Phnom Penh, Nagaworld FC, would have taken PPCFC’s place in the competition. PPCFC named only the AFC as a respondent in its appeal (*i.e.* it did not name Nagaworld

FC as a respondent). AFC argued that, regardless of the merits of the appeal, Phnom Penh's failure to name Nagaworld FC as a respondent was fatal to the appeal. The panel disagreed and held that the appeal ought not to be dismissed on the basis that Nagaworld FC had not been named as a respondent:

- “120. *The present Panel does unequivocally accept the principle that no order for relief can be granted which affects the rights of absent third parties: see B v R, CAS 2004/A/594, paragraph 7.7. The cited Namibia case is clearly in that category. The foundation of the Namibia FA's case was its protest that the Federation Burkinabe de Football ("the Burkina Faso FF") had fielded an ineligible player in two 2012 Africa Cup of Nations qualification matches between Namibia and Burkina Faso, both won 4-1 by Burkina Faso. Namibia's protest was rejected by the Appeal Board of the Confederation Africaine de Football ("CAF") following a hearing at which the Burkina Faso FF had been present, but when the Namibia FA appealed to the CAS it made CAF the sole respondent. The relief sought by the Namibia FA on its CAS appeal included reversal of the two match scores to declare Namibia 3-0 winners and recalculation of qualification points. The effect would have been replacement of Burkina Faso by Namibia in the final round of that competition.*
121. *The CAS decision in the Namibia case was a clear application of the principle which, as indicated in paragraph 116 [sic 120] above, this Panel accepts.*
122. *We do not consider the same principle is applicable to the facts of the present case. The key point is a crucial distinction between Nagaworld's interests and Nagaworld's rights. It is obvious that Nagaworld has an interest in the outcome of this appeal. If the Appellant club was admitted to the Competition, Nagaworld could have been required to drop out [...].*
- [...]
126. *As matters stood on the day of the hearing on 19 August 2016, Nagaworld was the Cambodian football club admitted to the Competition. But it is fallacious to treat Nagaworld as then having a right to participate in the Competition which could have been taken away from it by the success of this appeal. Nagaworld's right was to have the statutes and regulations of the FFC and the AFC correctly and fairly applied in relation to the Competition. The effect was that if the*

Appellant had been properly refused admission to the Competition in accordance with those statutes and regulations, then Nagaworld was entitled to have the question of its own admission to the Competition considered in accordance with the same statutes and regulations. If, on the other hand, the Appellant had been unfairly refused admission to the Competition, so that in accordance with those statutes and regulations the Appellant ought to have been the only Cambodian club admitted to entry by the AFC, then Nagaworld had no right at all to participation in the Competition.

127. *It follows that the result of this appeal as between the Appellant and the AFC also determined whether Nagaworld ever had any right to participate in the Competition. It was the AFC which applied its statutes and regulations so as to refuse the Appellant admission to the Competition. Once it had been determined by this Panel that the AFC had applied them wrongly and that the Appellant had been unjustifiably refused admission, it followed that Nagaworld had never had any right to participate. Nagaworld's rights (i.e. as mentioned in paragraph 122 above, to have the statutes and regulations of the FFC and the AFC correctly and fairly applied in relation to the Competition) had been fully respected, with the result that as far as participation in the AFC Competition was concerned it could have lost out this year simply by having coming second to the Appellant in the Cambodian League.*
128. *The result is that even if the AFC had denied the participation of Nagaworld in the Competition on the basis of the Panel's decision, that would not have taken away any legal right of Nagaworld. [...]."*
130. Further examples of cases falling at such end of the spectrum include the CAS cases *CAS 2022/A/9175 & CAS 2022/A/9176* and *CAS 2024/A/10590*.
131. In due consideration of the foregoing CAS jurisprudence, the Panel concludes that a spectrum of cases exist, spanning from cases in which third parties would not be affected at all by the relief sought in a CAS appeal, to those where third parties would be indirectly affected by such relief (but not to such an extent, or in such a manner, that they must be named as a respondent in the appeal), to those where third parties would be so directly affected by the relief sought that they must be named as a respondent in the appeal. It is also apparent that the question of whether a particular party is so directly affected by the relief sought in an appeal that such party must be named as a respondent in such appeal, is one which turns on the particular facts and circumstances of each individual case.

132. In the present case, the Panel concludes that the granting of relief to one party (the Appellant) in proceedings against another party (the Respondent) which would have the effect of revoking the European Championship title that has already been obtained by a third party (Mr Poret), sits comfortably within the category of cases in which the third party would be so directly affected by the relief sought that they must be named as a respondent in the appeal. This is not a case of a sporting or economic interest being merely indirectly affected, but one in which the legal position of a third party would be directly altered by the relief sought.
133. Specifically, the Appellant's objective is to overturn his 25-second time penalty in Moto 3 of the Competition, change the points awarded to himself and to Mr Poret in respect of such race and consequently change the overall ranking of the European Championship (by demoting Mr Poret to second place and promoting himself to first place). If the Panel upheld the Appellant's appeal and granted his prayers for relief (including those which seek to change the overall standings of the European Championship), such decision would ultimately have a direct effect on Mr Poret (that is, revoking his title of European champion). In such circumstances, Mr Poret has a right to be heard in the appeal. Mr Poret should therefore have been named as a respondent in these proceedings in order that such a right could be respected.
134. The Appellant failed to name Mr Poret as a respondent in these proceedings. As a matter of Swiss law, standing to sue and to be sued are matters of substantive (as opposed to procedural) law and, as such, an absence of standing leads to dismissal of a claim (rather than a rejection of a claim as being inadmissible) (see, *e.g.*, the CAS cases *CAS 2013/A/3278*, para. 55, and *CAS 2024/A/10514*, paras. 85 and 98).
135. In view of all of the above, the Panel finds that the Appellant's appeal must be dismissed. In such circumstances, the Panel need not consider the second issue on the merits, *i.e.* whether the 25-second time penalty imposed upon the Appellant should be annulled and, if so, the consequences of such annulment.

XI. COSTS

(...)

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The appeal filed by Oliver Koch Hansen on 6 November 2025 against the decision rendered on 31 October 2025 by the UIM International Court of Appeal is dismissed.
2. The decision rendered on 31 October 2025 by the UIM International Court of Appeal stands.
3. (...).
4. (.).
5. All other motions and/or prayers for relief are dismissed.

Seat of arbitration: Lausanne, Switzerland

Date: 11 August 2026

THE COURT OF ARBITRATION FOR SPORT

David Casserly SC
President of the Panel

Jacob C. Jørgensen
Arbitrator

Mario Vigna
Arbitrator