



**TAS / CAS**  
TRIBUNAL ARBITRAL DU SPORT  
COURT OF ARBITRATION FOR SPORT  
TRIBUNAL ARBITRAL DEL DEPORTE

**CAS 2024/A/10911 Ukrainian Chess Federation v. International Chess Federation (FIDE), Arkady Dvorkovich & Chess Federation of Russia**

## **ARBITRAL AWARD**

**delivered by the**

## **COURT OF ARBITRATION FOR SPORT**

**sitting in the following composition:**

President: Dr Georgios Petrochilos KC, Attorney-at-law in Paris, France  
Arbitrators: Prof. Dr Eligiusz Krzesniak, Attorney-at-law and Professor in Warsaw, Poland  
Mr Efraim Barak, Attorney-at-law in Tel Aviv, Israel  
In-house Clerk: Ms Stéphanie De Dycker, Clerk with the CAS, Lausanne, Switzerland

**in the arbitration between**

**Ukrainian Chess Federation**, Kiev, Ukraine

Represented by Mr David Pinsky, Ms Paris Aboro, Mr Alexander Gudko, Attorneys-at-law with Covington & Burling LLP, New York, United States of America

**Appellant**

**and**

**International Chess Federation**, Lausanne, Switzerland

**&**

**Mr Arkady Dvorkovich**, Russia

Both represented by Mr Luca Tettamanti and Mr Raphaël Bourré, Attorneys-at-law with Elite Law SA, Lugano, Switzerland

**First Respondent**

**Second Respondent**

**Chess Federation of Russia**, Moscow, Federation of Russia

Represented by Mr Yury Yakhno, Attorney-at-law with SILA International Lawyers, Moscow, Federation of Russia

**Third Respondent**

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## I. PARTIES

1. The Ukrainian Chess Federation (the “Appellant” or “UCF”) is the governing body of the sport of chess in Ukraine and is a member of the International Chess Federation.
2. The International Chess Federation (the “First Respondent” or “FIDE”) is the international governing body of the sport of chess. It is an association under the Swiss Civil Code with its headquarters in Lausanne, Switzerland.
3. Mr Arkady Dvorkovich (the “Second Respondent” or “Mr Dvorkovich”) is a Russian national who is President of FIDE since 3 October 2018 and re-elected on 7 August 2022.
4. The Chess Federation of Russia (the “Third Respondent” or the “CFR”) is the governing body of the sport of chess in the Federation of Russia and is a member of the FIDE.
5. The FIDE, Mr Dvorkovich and the CFR are jointly referred to as the “Respondents”.
6. The Appellant and the Respondents are jointly referred to as the “Parties”.

## II. FACTUAL BACKGROUND

7. The present appeal was brought by UCF against the decision (the “Decision”) of the Appeal Chamber of the FIDE Ethics and Disciplinary Commission (the “FIDE AC”), which found that:
  - i. The UCF lacked standing and did not meet admissibility requirements in respect of its allegation that the CFR and Mr Dvorkovich have violated the FIDE Charter and the FIDE Ethics and Disciplinary Code (the “EDC Code”) (together the “FIDE Rules”) as a result of their association with internationally sanctioned individuals on the Board of Trustees (“BoT”) and Supervisory Board (“SB”) of the CFR;
  - ii. The CFR violated the FIDE Rules by its recognition – and *de jure* incorporation into the CFR – of chess federations from the regions of Crimea, the city of Sevastopol, Donetsk, Kherson, Luhansk and Zaporozhye as part of the CFR (the “Regions”) and the organisation of numerous chess activities in the Regions; the CFR was consequently sanctioned with a fine in the amount of EUR 45,000, which would be substituted by a one-year exclusion in the event of non-payment in 21 days; and
  - iii. The UCF lacked standing in respect of its allegation that Mr Dvorkovich violated the FIDE Rules through his public statements and chairmanship of the Solkovo Foundation, a Moscow-based innovation centre sanctioned by the USA for supplying technology for Russia’s armaments sector.
8. Below is a summary of the relevant facts and allegations based on the Parties’ written

submissions, pleadings and evidence adduced at the hearing. Additional facts and allegations found in the Parties' written submissions, pleadings and evidence may be set out, where relevant, in connection with the legal discussion that follows. While the Panel has considered all the facts, allegations, legal arguments and evidence submitted by the Parties in the present proceedings, for which the Panel expresses its gratitude, it refers in this award (the "Award") only to the submissions and evidence it considers necessary to explain its reasoning and conclusions. The Panel notes that the facts of the case are largely uncontested.

**A. The facts of the case**

9. On 18 March 2014, following a referendum that was not authorized by Ukraine, the Russian Federation formally annexed the territory of Crimea.
10. On 27 March 2014, the General Assembly of the United Nations adopted Resolution 68/262 entitled "Territorial Integrity of Ukraine", by which:

*"1. Affirms its commitment to the sovereignty, political independence, unity and territorial integrity of Ukraine within its internationally recognized borders; [...]"*

*5. Underscores that the referendum held in the Autonomous Republic of Crimea and the city of Sevastopol on 16 March 2014, having no validity, cannot form the basis for any alteration of the status of the Autonomous Republic of Crimea or of the city of Sevastopol;"*

11. On 24 February 2022, the Russian Federation launched a large-scale invasion of Ukraine, in particular the regions of Donetsk, Luhansk, Kherson and Zaporozhye.
12. On 27 February 2022, the FIDE Council held an extraordinary meeting at which the following statements and resolutions were adopted:

*"FIDE expresses its grave concern about the military action started by Russian in Ukraine. FIDE stands united against wars as well as condemns any use of military means to resolve political conflicts. [...] No official FIDE chess competitions and events will be held in Russia and Belarus.*

*The FIDE supports the call of IOC and [...] [n]o Russian and Belarusian national flag be displayed or anthem be played in all FIDE-rated international chess events. [...]"*

*In order to safeguard FIDE from reputational, financial, and any other possible risks, FIDE terminates all existing sponsorship agreements with any Belarusian and Russian sanctioned and/or state-controlled companies and will not enter into new sponsorship agreements with any such companies.*

*FIDE Council condemns any public statement from any member of the chess community which supports unjustified military actions and brings [...]"*

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13. On 4 October 2022, amendments to the Constitution of the Russian Federation, incorporating the regions of Donetsk, Luhansk, Kherson and Zaporozhye into the list of constitutional entities being part of the Russian Federation, entered into force.
14. As from 2022, the CFR has been organising several chess competitions in the Regions.

**B. Proceedings before FIDE Ethics and Disciplinary Commission**

15. On 7 September 2023, the FIDE Ethics and Disciplinary Commission (the “EDC”) received a complaint (the “Complaint”) from the UCF, Mr Andrii Baryshpolets and Mr Peter Heine Nielsen (the “Complainants”) against both the CFR and Mr Dvorkovich, FIDE President.
16. For the purpose of the present Award, the Complaint can be summarized as follows:
  - Firstly, the Complainants alleged that the CFR and Mr Dvorkovich violated the FIDE Rules as a result of their association with internationally sanctioned individuals on the CFR’s BoT and SB (collectively, the “Boards”). These individuals include the Secretary of the Russian Security Council, Sergei Shoigu, and the Kremlin’s chief spokesman, Dmitry Peskov (the “First Charge”).
  - Secondly, the Complainants alleged that the CFR violated the FIDE Rules by its recognition – and *de jure* incorporation into the CFR – of regional chess federations from the Regions as part of the CFR and the organization of numerous chess activities in those Regions; the Complainants also alleged that Mr Dvorkovich would be in breach of the FIDE Rules by being a member of the CFR BoT and because he participated as guest of honour to the Russian “Defender of the Fatherland Day” tournament organised by the CFR on 17 February 2022 (the “Second Charge”);
  - Thirdly, the Complainants alleged that FIDE’s President, Mr Dvorkovich, violated the FIDE Rules through his chairmanship of the Skolkovo Foundation, a sanctioned entity that supplied technology for Russia’s defence sector, as well as his public statements in support of Russia’s war in Ukraine (the “Third Charge”).
17. On 7 June 2024, following the opening of disciplinary proceedings before the EDC First Instance Chamber and the exchange of submissions between the above-mentioned parties, the panel appointed to decide on this matter as the EDC First Instance Chamber (the “EDC Panel”) took the following decision (the “EDC Panel Decision”):

“A  
*The Complaint brought by Mr. Baryshpolets and Mr. Heine Nielsen is not admissible. As the Ukrainian Chess Federation has been found to have legal standing, the case itself is not affected by this.*

*B 1*

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*The Respondent CFR is found to be in violation of the following articles in the EDC Code: 6.25 a) (damage to FIDE's reputation or bring chess into disrepute), art. 7.1 and 7.2 read with art. 4.3, 4.4 and 4.8 of the FIDE Charter (non-compliance with FIDE principles). CFR is also in breach of art. 11.4 a) of the Disciplinary Code read with art. 11 l) and m) of the FIDE Charter (violation of duty or obligation imposed by the FIDE Charter) – Violation of Statutes or GA decisions and art. 11.6 b) (disparagement of FIDE's reputation and interest).*

*B 2*

*CFR is sanctioned by a temporary exclusion of membership in FIDE, including any participation in FIDE meetings and events, in terms of art. 13.1 e) of the EDC Code, and with consequences in conformity with art. 13.6 (read with art. 10) of the FIDE Charter. The time of exclusion is two (2) years from the date of this decision. The exclusion does not affect the rights of players, arbiters, trainers, and clubs belonging to the CFR to participate in chess activities, in line with art 13.6 of the FIDE Charter.*

*B 3*

*The sanction under B 2 is suspended for a period of three (3) years from the date of this decision, provided that the CFR (i) abolishes the Board of Trustees or ensure that the individual members of the Board of Trustees, being currently subject to international sanctions, resign or are terminated from their positions therein within 60 days from the date hereof and evidencing to the EDC that this has been done; and (ii) the CFR immediately ceasing all of its chess-related activities in the occupied parts of Ukraine; Crimea and parts of Donetsk, Kherson and Luhansk regions, including allowing players and/or teams from such territories to participate in CFR chess events. If the CFR fails to meet the above-mentioned conditions of suspension within the 60 day-period, the sanction imposed in terms of B2 above will take immediate effect and be of full force.*

*B4*

*The suspension in terms of B3 is conditional on the CFR not being found guilty for having committed a similar breach of the EDC Code (compare B1) during the suspension period of three (3) years*

*C 1*

*The Respondent Arkady Dvorkovich is found to be in violation of the following articles in the Ethics Code: 6.16 d) (act as role model), art. 6.25 a) (damage to FIDE's reputation or bring chess into disrepute), art 8.1 c) (avoidance of improper association) read with art 8.2 and 8.12 (involvement with association or person whose activity is inconsistent with the objectives or interests of FIDE).*

*C 2*

*The Respondent Arkady Dvorkovich is sanctioned to a reprimand.”*

18. On 25 June 2024, Mr Arkady Dvorkovich filed an appeal against the EDC Panel Decision before the EDC Appeals Chamber (the “EDC AC”).
19. On 28 June 2024, the UCF, Mr Andrii Baryshpolets and Mr Peter Heine Nielsen filed a cross-appeal against the EDC Panel Decision before the EDC AC.

20. On 12 September 2024, following an exchange of submissions between the parties, the EDC AC rendered the following decision (the “Decision”):

- “24.1 *The appeal of Mr Dvorkovich against his conviction on the First Charge succeeds and the conviction is set aside.*
- 24.2 *The sanction imposed by the First Instance Chamber on Mr Dvorkovich is annulled.*
- 24.3 *The appeal of the CFR against its conviction on the First Charge succeeds and the conviction is set aside.*
- 24.4 *The appeal by the CFR against its conviction on the Second Charge fails and the conviction is confirmed and maintained.*
- 24.5 *The sanction imposed by the First Instance Chamber on the CFR is replaced with the following:*
- (a) *A fine of €45,000 payable to the FIDE Treasurer within 21 (twenty-one) days from the date of this decision; failing which, a temporary exclusion of membership in FIDE, including any participation in FIDE meetings and events, for a period of 1 (one) year commencing on the 22nd day from the date of this decision.*
- (b) *Proof of payment of the fine (if paid) must be submitted to the FIDE Office and the EDC chairman then in office by no later than 21 (twenty-one) days from the date of this decision.*
- 24.6 *The cross-appeal of the UCF, Mr Baryshpolets and Mr Nielsen fails and is dismissed.*
- 24.7 *The FIDE Council is urged to adopt and implement the recommendation made in paragraph 22.12 above.[...]”*

21. The reasoning underpinning the Decision is as follows:

“*APPEAL FINDINGS ON LEGAL STANDING AND ADMISSIBILITY OF ORIGINAL COMPLAINTS*

*17. The First Charge:*

*17.1. The CFR Board of Trustees and CFR Supervisory Board are bodies or structures in the internal organisation of the CFR. On the facts of the present case, the presence of sanctioned individuals on these Boards does not have an external effect as far as the outside world is concerned. It is difficult to conceive on what basis another chess federation or outside individual can claim to be ‘personally and directed affected by’ or to have ‘a direct and substantial interest’ in the composition of a chess federation’s internal governance structure.*

*17.2. In terms of Article 4.10 of the FIDE Charter, FIDE observes strict neutrality in the internal affairs of its members but has the right and duty to evaluate their compliance with FIDE principles and their obligations towards FIDE. This means that in the review of the membership of a national federation, FIDE can and shall consider the member federation’s compliance with FIDE Principles (Article 4 of the FIDE Charter) and their member obligations (Article 11 of the FIDE Charter). If the member*

*federation fails to fulfil its duties, it may be suspended and ultimately expelled from FIDE (Article 13.1 of the FIDE Charter). Save as stated, FIDE must recognise and respect the national federation's autonomy and principal authority over chess activities in their own countries or territories (Article 9.1 of the FIDE Charter).*

*17.3. Therefore, regarding the First Charge, it would appear that none of the UCF, Mr Baryshpolets and Mr Nielsen can claim a legal interest or aggrievement based upon the fact that there are sanctioned individuals in the Board of Trustees and Supervisory Board of the CFR. If those sanctioned individuals were to be removed tomorrow, it would not in any way improve the situation for the UCF, Mr Baryshpolets and Mr Nielsen.*

*17.4. Another relevant consideration when testing the admissibility of the complaint in terms of Article 5.1 of the EDC Code is whether the alleged misconduct has been committed in the international sphere. In the view of the Appeal Chamber the presence of the sanctioned individuals in the respective Boards does not have international implications or does not affect the interests of other National Federations or the international chess community as a collective. It is an entirely domestic affair.*

*17.5. It follows that the complaint forming the subject matter of the First Charge, whether it is advanced by the UCF, Mr Baryshpolets or Mr Nielsen, must be held to be inadmissible for the reasons that the complainants do not have legal standing and the relevant conduct does not fall within the international sphere. [...]*

*18. The Second Charge:*

*18.1. The alleged misconduct under the Second Charge is the recognition of occupied Ukrainian territories as part of the CFR. More specifically, it refers to the CFR's organisation of chess events in the occupied territories and the integration of the chess players from these territories under the governance of the CFR.*

*18.2. In terms of Article 9.1 of the FIDE Charter, member federations have principal authority over chess activities in their own countries or territories. According to Article 9.2, only one federation for each country can be affiliated to FIDE as a member. In terms of Article 11(d), each member federation must maintain full control and governance of chess in its country with the only exceptions being unofficial and unrated events.*

*18.3. The word 'country' as used in the FIDE Charter has been defined as 'any country, state, territory or part of a territory recognised by the international community, in conformity with the Olympic Charter and the IOC regulations'. [...]*

*18.6. [...] [I]f one FIDE member federation were to organise official chess events or seek to exercise authority over chess activities in the country or territory belonging to another FIDE member federation, the first mentioned federation would infringe upon independence, territorial integrity and sovereignty of the last-mentioned federation.*

18.7. *The international community, as represented by the UN and IOC, regard the areas of Crimea, Donetsk, Kherson, Luhansk and Zaporozhye as part of Ukraine.*

18.8. *On the above basis the UCF, which is supposed to have principal authority over the chess activities in the mentioned occupied territories, is personally and directly affected by the alleged misconduct on the part of the CFR as contemplated in Article 5.2 (b) of the EDC Code. It follows that the UCF has legal standing in relation to the Second Charge and the relevant complaint of the UCF must be declared admissible. [...]*

19. *The Cross-Appeal:*

[...]

19.2. *The same applies in respect of the cross-appeal to the extent that it relates to the CFR's conviction of the Second Charge, i.e., it cannot be appealed. Although the respondents would otherwise have had a right of appeal on Mr Dvorkovich's acquittal under the Second Charge, they lack legal interest and appeal standing in relation to Mr Dvorkovich's alleged recognition of the occupied territories and his participation in the Defender of the Fatherland Day celebrations. There is no personal and direct interest of the UCF, Mr Baryshpolets and Mr Nielsen which is implicated by Mr Dvorkovich's relevant conduct.*

19.3. *As regards the respondents' cross-appeal in relation to the Third Charge (lack of political neutrality) on which Mr Dvorkovich was acquitted, again there does not seem to be any personal and direct implication for the interests of the UCF [...] because of Mr Dvorkovich's former chairmanship of the Skolkovo Foundation and his public statement on the Skolkovo website. The complaint related to Mr Dvorkovich's interview to the BBC in September 2018 has exceeded the time limit of three years in art. 5.1(e) of the EDC Code.*

19.4. *To the extent that Mr Dvorkovich's alleged conduct may have caused reputational harm for FIDE or the sport of chess, it is for FIDE, acting through one of its organs, to bring such a complaint. [...]*

19.5. *The respondents' interest in the reputation of FIDE and the sport of chess is at best an indirect interest. Accordingly, the respondents lack the necessary appeal standing.*

19.6. *Regarding the cross-appeal against the sanction imposed by the First Instance Chamber, the UCF, as an interested party in relation to the alleged misconduct of the CFR under the Second Charge, in principle, has a right of appeal. For purposes of admissibility of such cross-appeal against the sanction the Appeal Chamber will accept that a sufficient prima facie case has been established, assuming that the Appeal Chamber were to uphold the convictions, for the imposition of a more severe sanction having regard to the additional circumstances relied upon by the respondents which had not been taken into account by the First Instance Chamber. The UCF's cross-*

*appeal relating to the sanction is therefore admitted. [...]*

#### *APPEAL FINDINGS ON THE MERITS*

##### *20. The First Charge:*

*20.1. Given the Appeal Chamber's finding of the inadmissibility of the complaint under the First Charge, the First Charge falls to be dismissed and there is no reason for the Appeal Chamber to discuss the merits thereof. [...]*

##### *21. The Second Charge:*

*21.1. The Second Charge related mainly to the CFR's alleged recognition of the illegally occupied territories of Ukraine by way of the CFR's organisation of chess activities involving players from the occupied territories. [...]*

*21.13. In the respondents' reply of 23 August 2014 [i.e. 2024], they brought forward new evidence in the form of a news item published on the CFR web page on 7 August 2024. In this news report, the CFR announced the "inclusion of regional federations of all 89 constituent entities of the Russian Federation in terms of the CFR" and attached a document accrediting the list of regional federations. The list mentions, inter alia, the following regional federation members: Republic of Crimea, Chess Federation of the City of Sevastopol, Chess Federation Luhansk Peoples Republic, Chess Federation Donetsk Peoples Republic, Chess Federation of Zaporozhye Region and Chess Federation of the Kherson Region. It does not escape the Appeal Chamber that the CFR refers to regional federation members from "Republics" not recognized by the international community. [...]*

*21.16. [I]n its evaluation of the CFR's conviction on the Second Charge, the Appeal Chamber is possessed of evidence which was not available to the First Instance Chamber and which evidence changes the facts as accepted by the First Instance Chamber in paragraphs 122 and 123 of the First Instance Decision, namely, that according to the evidence in front of the First Instance Chamber, there had been no formal decision taken by the CFR to include the regional chess federations in the occupied territories as members of the CFR. This new evidence also renders the IOC's decision in October 2023 to suspend the ROC for including, as its members, the regional sports organisations which are under the authority of the NOC of Ukraine (namely, Donetsk, Kherson, Luhansk and Zaporozhye) highly relevant and directly applicable. [...]*

*21.17. In arbitral proceedings before the CAS (CAS 2023/A/10093) the ROC sought the setting aside of its suspension by the IOC. The CAS Panel held that the IOC decision did not breach the principles of legality, equality, predictability or proportionality (the ROC's grounds of challenge). As a result, the ROC appeal was dismissed, and the IOC decision remains in force.*

*21.18. The CAS held, in response to the argument that the ROC has no power in relation*

*to the armed conflict in Ukraine, that the IOC decision did not sanction the ROC for the armed conflict. Rather, the IOC decision sanctioned the ROC because it had accepted regional Ukrainian organisations as members in violation of rules 28.5 and 30.1 of the Olympic Charter. Rule 28.5 defines the territorial jurisdiction of an NOC and provides that the geographical areas over which an NOC exercised jurisdiction must coincide with the geographical limits of the ‘country’ in which it is established and has its headquarters. Rule 30.1 defines ‘country’ wherever the expression appears in the Olympic Charter as meaning ‘an independent state recognised by the international community’.*

*21.19. The CAS Panel considers that resolution ES-11/4 of the UN General Assembly (passed with a vote of 143 in favour, 5 against and 35 abstentions) is overwhelming evidence that the international community did not recognise the boundaries that Russia sought to achieve by its annexation of the relevant regions and that the international community recognised Ukraine as an independent state which included the relevant regions. By admitting the regional sports organisations of the relevant regions as its members, the ROC violated the territorial integrity and sovereignty of the corresponding Ukraine sporting bodies.*

*21.20. The same arguments apply with equal force in the present case. By inclusion of the regional chess federations in the occupied territories as CFR members, and by the organisation of chess events in the territories of the relevant regional chess federations which are recognised in the CFR rating system, the CFR violates the territorial integrity and sovereignty of the UCF. It also violates the principles enshrined in the FIDE Charter to the effect that each FIDE member federation has principal authority over the chess activities in its own country and has to the duty to maintain full control and governance of chess in its country with the borders of its country fixed in conformity with the Olympic Charter and the IOC regulations as an expression of the views of the international community.*

*21.21. Considering the specific breaches of the EDC Code faced by the CFR, the Appeal Chamber considers that the CFR’s guilt in terms of Articles 7.1 and 7.2 (duty to comply with FIDE principles as set out in FIDE Charter) has been established with reference to Article 4.8 of the Charter – FIDE shall promote friendly relations between and among member associations, clubs, officials and players.*

*21.22. It speaks for itself that taking over the chess organisation and governance in regions belonging to a neighbouring federation is the antithesis of the promotion of friendly relations with such federation. The CFR is also guilty of the breach of Article 11.4 (a) of the EDC Code (violation of statutes or GA decisions) by failing to promote amicable and courteous relations with other member federations (Charter, Article 11(m)).*

*21.23. Regarding the issue of whether the CPR’s conduct in the occupied territory damages, actually or potentially, affects FIDE’s reputation, the Appeal Chamber’s view is that this question must be answered in the affirmative. The international community expects FIDE to organise its affairs in accordance with the provisions of*

*the FIDE Charter (and the IOC expects FIDE to comply with the Olympic Charter and IOC decisions) and the hypocrisy of double standards could make the CFR's conduct disreputable in the eyes of the public, if no disciplinary action is taken by FIDE against the CFR (Compare the decision of the Appeal Chamber in EDC case number 2/2022 Karjakin at paragraph 7.17). In any event, the CFR's conduct in the occupied territories of Ukraine could lead to a reasonable (but erroneous) impression that FIDE supports and/or associates itself with the military invasion and annexation by Russia of the occupied territories in the Ukraine and in this way harm FIDE's reputation.*

*21.24. It is accordingly the conclusion of the Appeal Chamber that the First Instance Chamber's conviction of the CFR on the Second Charge was correct (Decision, paragraph 123).*

*21.25. In conclusion, the outcome of the appeal against the convictions by Mr Dvorkovich and the CFR is as follows:*

*21.25.1 Mr Dvorkovich's appeal against his conviction on the First Charge succeeds.*

*21.25.2 The CFR's appeal against its conviction on the First Charge succeeds.*

*21.25.3 The CFR's appeal against its conviction on the Second Charge fails.*

## **SANCTION**

*22.*

*22.1 As regards the CFR, the First Instance Chamber imposed a single sanction in respect of the convictions on both the First Charge and the Second Charge.*

*22.2 Having set aside the CFR's convictions on the First Charge, but maintaining the conviction on the Second Charge, the Appeal Chamber is free to interfere with the sanction imposed by the First Instance Chamber in accordance with Procedural Rule 42.3.*

*22.3 The Appeal Chamber considers, in determining a suitable sanction, all the considerations listed in Article 14.2 of the EDC Code.*

*22.4. The offence that the CFR is convicted of (nominally, the failure to maintain friendly relations with the UCF, but fundamentally, the breach of the UCF's territorial integrity and sovereignty as guaranteed by the FIDE Charter) is very serious and strikes at the core of the basis upon which chess associations all over the world have agreed to associate themselves with each other in the FIDE organisation. [...]*

*22.6 In the proceedings before the First Instance Chamber and on appeal, the CFR submitted that the sanction of a temporary exclusion from FIDE membership as provided for in Article 13.1(e) of the EDC Code is against the scheme of the FIDE Charter and beyond the powers of the EDC. [...] Suffice it to say that the necessary power appears from Article 26.6 of the Charter, to be read together with Article 13.1(e)*

*of the EDC Code. [...]*

*22.10 The Appeal Chamber understands the CFR to rely on FIDE's omission to formulate rules and regulations regarding the organisation of chess activities in disputed territories and the precedents which exists within FIDE of other national federations occupying and organising chess activities in territories belonging to another chess federation as a factor for mitigation of the sanction.*

*22.11 Nevertheless, the Appeal Chamber suspects that the existence of other examples of the non-compliance with FIDE's principles regarding the sovereignty of each member federation's territory could have caused the CFR to underestimate the consequences of its activities in the occupied Ukrainian territories. However, the fact that some FIDE member federations do not comply strictly with the FIDE Charter in the context of territorial disputes does not excuse the RCF from respecting and applying the relevant FIDE principles. FIDE is committed, and compelled by its Charter, to respect the internationally recognised borders of all countries around the world. [...]*

*22.14 As a further mitigating circumstance, the Appeal Chamber considers the CFR's outstanding contribution to the FIDE family and the development of chess as a sport over a long time.*

*22.15 Regarding the UCF's cross-appeal in respect of the sanction, for the reasons stated above, the Appeal Chamber does not believe a more severe sanction than that imposed in the first instance is called for; on the contrary, given the abovementioned mitigating circumstances and the fact that the CFR's appeal against its conviction on the First Charge has succeeded, justice demands that a lesser sanction be imposed.*

*22.16 The only forms of sanction available to the EDC in the case of a national federation member, other than a temporary exclusion from membership, is a warning, reprimand or fine. A warning or reprimand is clearly inappropriate given the severity of the offence at hand. A fine up to a maximum of €50,000 may be imposed within the time limit and according to the methods specified by the EDC (Article 13.1(c) of the EDC Code). [...]*

*22.19 [...] In the judgment of the Appeal Chamber a fine close to the maximum in the amount of €45,000 would be suitable with the proviso that if the fine is not paid within the specified period, an alternative sanction of the temporary exclusion from membership will be substituted therefor (in accordance with the precedent in EDC case no. 1/2019). This measure is unfortunately necessary to ensure the actual payment of the fine within the specified period.”*

### **III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT**

22. On 3 October 2024, the UCF filed an appeal against the Decision before the Court of Arbitration for Sport (“CAS”) and submitted a Statement of Appeal pursuant to Article R48 of the Code of Sports-related Arbitration (2023 edition) (the “CAS Code”). The

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UCF nominated Prof. Dr Eligiusz Krzesniak, Attorney-at-law in Warsaw, Poland, as arbitrator.

23. On 7 October 2024, the CAS Court Office informed the Parties that the present arbitration proceedings had been assigned to the Appeals Arbitration Division of the CAS and invited the UCF to file its Appeal Brief within the prescribed time limit and the Respondents to appoint an arbitrator.
24. On 16 October 2024, the Respondents jointly nominated Mr Efraim Barak, Attorney-at-law in Tel-Aviv, Israel, as arbitrator.
25. On 23 October 2024, within the agreed time limit, the UCF filed its Appeal Brief with the CAS Court Office.
26. On 24 October 2024, the Second and Third Respondents informed the CAS Court Office that they would not pay their shares of the advance of costs and that they requested the time limit to file their Answer be fixed once the advance of costs be paid by the UCF.
27. On 16 December 2024, following payment by the UCF and FIDE of the advance of costs, the CAS Court Office invited the Respondents to file their Answer within the prescribed time limit.
28. On 17 December 2024, the UCF informed the CAS Court Office that it would henceforth be represented by counsel, and requested to be permitted to submit an amended Appeal Brief.
29. On 18 December 2024, the First and Second Respondents informed the CAS Court Office that it would henceforth be represented by counsel, and requested that the time limit to file their Answers be extended.
30. On 18 December 2024, the CAS Court Office invited the Respondents to comment on the UCF's request to file an amended Appeal Brief.
31. On 20 December 2024, the UCF provided further reasons for its request to submit an amended Appeal Brief and informed the CAS Court Office that, should its request to file an amended Appeal Brief be rejected, the UCF objected to the First and Second Respondents' request to extend the time limit to file their Answers.
32. On 23 December 2024, the First Respondent informed the CAS Court Office that it would abstain from commenting on the UCF's request to file an amended Appeal Brief but commented on the requested extension of the time limit to file their Answers.
33. On the same day, the Second and Third Respondents separately informed the CAS Court Office that they objected to the UCF's request to file an amended Appeal Brief.
34. On the same day, the CAS Court Office informed the Parties that the Deputy Division President had decided to grant the First and Second Respondents a 10-day extension of

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the time limit to submit their Answers, and that the Appellant's request to submit an amended Appeal Brief would be decided upon by the Panel, once constituted.

35. On 27 December 2024, the UCF filed with the CAS Court Office a petition challenging the prospective appointment of Mr Efraim Barakas arbitrator in this matter.
36. On 3 January 2025, the CAS Court Office invited the Respondents to provide their position with respect to such challenge.
37. On 8 January 2025, the CAS Court Office informed the Parties that the Deputy Division President had decided to grant the Respondents' request for a final extension of the time limit for the filing of their Answers.
38. On 10 January 2025, the Respondents provided their comments with respect to the challenge.
39. On 14 January 2025, the CAS Court Office communicated to the Parties the comments provided by Mr Efraim Barak with respect to the challenge filed by the Appellant against his appointment as arbitrator in this matter and invited the UCF to indicate whether it wished to maintain its challenge.
40. On 22 January 2025, the UCF informed the CAS Court Office that it maintained its challenge with respect to his appointment as arbitrator in this matter.
41. On 24 January 2025, within the agreed time limit, the Respondents filed their Answer with the CAS Court Office.
42. On 28 January 2025, the CAS Court Office invited the Parties to indicate whether they preferred a hearing to be held in this matter or for the Panel to issue an award based solely on the Parties' written submissions. In addition, the CAS Court Office invited the Parties to indicate whether they requested a case management conference ("CMC") with the Panel.
43. On 3 and 4 February 2025, the Respondents informed the CAS Court Office that they considered that neither a hearing nor a CMC was necessary in this matter.
44. On 4 February 2025, the UCF informed the CAS Court Office that it requested that both a hearing and a CMC be held in this matter. The UCF also reiterated its request for leave to file an amended Appeal Brief.
45. On 24 April 2025, the CAS Court Office issued an Order on Challenge rendered by the Challenge Commission of the International Council of Arbitration for Sports, dismissing the petition challenging the appointment of Mr Efraim Barak as arbitrator in this matter.
46. On 25 April 2025, the CAS Court Office informed the Parties that the Panel appointed to decide the present procedure was constituted as follows:

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President: Dr Georgios Petrochilos KC, Attorney-at-law in Paris, France

Arbitrators: Prof. Dr Eligiusz Krzesniak, Attorney-at-law and Professor in  
Warsaw, Poland

Mr Efraim Barak, Attorney-at-law in Tel Aviv, Israel

47. On 9 May 2025, the CAS Court Office informed the Parties that, as a result of the outstanding procedural requests and issues, the Panel had decided to hold a CMC and consulted the Parties on a possible CMC date.
48. On 19 May 2025, the Panel held a CMC with the Parties by videoconferencing.
49. On 27 May 2025, following the CMC, the CAS Court Office informed the Parties that the Panel had decided to hold a hearing in this matter via videoconference and, as a result, consulted the Parties on possible hearing dates. Furthermore, the Panel invited the Parties to file – before the hearing – a second round of concise “skeleton” written submissions, within the following limitations: the UCF was authorised to submit a limited Appeal Skeleton provided that it would not add to or alter its requests and that it would exhibit any documentary evidence that it had not until then relied upon, explaining how each of these documents complies with Article R57 of the CAS Code; and the Respondents thereafter were authorised to submit Skeleton Replies within the same limitations and provided they would explain (to the extent they requested so) why the new documentary evidence relied upon and exhibited with the Appeal Skeleton should be excluded by virtue of Article R57 of the CAS Code. The Panel also invited the Parties to propose deadlines to file their Skeleton submissions, to the extent possible agreed between them. Further detail on this aspect of the written phase of the proceedings is provided in section VIII below.
50. On 4 June 2025, upon receiving the Parties confirmed availability, the CAS Court Office informed the Parties that the hearing in this matter would be held on 16 September 2025 by videoconference and invited the Parties to communicate the list of the persons who would be attending the hearing. The CAS Court Office also invited the Parties to provide the Panel with a joint hearing schedule.
51. On 6 June 2025, the Respondents requested the Panel to provide the reasons for its decision to authorise the filing of pre-hearing written submissions as per Article R56 of the CAS Code and to reconsider such decision.
52. On 13 June 2025, the CAS Court Office, on behalf of the Panel, provided further reasons for its decision to allow the filing of pre-hearing written submissions and provided the time limits for the filing of such submissions by the Parties.
53. On 11 July 2025, the UCF filed its Appeal Skeleton with the CAS Court Office, which was communicated to the Respondents on 15 July 2025.
54. On 15 July 2025, the First and Second Respondents requested an extension of the time limit to file their Skeleton Replies and commented on the length of the Appeal Skeleton.

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55. On 23 July 2025, the CAS Court Office informed the Parties that the Panel had decided, in order to preserve the equality of arms, to extend by four days the Respondents' time limit to file their Skeleton Replies and that the Respondents' Skeleton replies may be of a length equal to the Appellant's.
56. On 27 July 2025, the UCF requested the Panel to reconsider its decision to extend the time limit granted to the Respondents to file their Skeleton replies.
57. On 31 July 2025, the UCF and the CFR communicated to the CAS Court Office the list and contact details of their participants at the hearing.
58. On 7 August 2025, the First and Second Respondents communicated to the CAS Court Office the list and contact details of their participants at the hearing.
59. On the same day, the Parties informed the CAS Court Office that they had not been able to agree on a joint hearing schedule and separately provided their respective suggestions to the Panel.
60. On 20 August 2025, the CAS Court Office, on behalf of the Panel, provided to the Parties a tentative hearing schedule for the Parties to comment upon, and informed the Parties that the Panel would be assisted in this matter by Ms Stéphanie De Dycker, Attorney-at-law and in-house Clerk with the CAS.
61. On 21 August 2025, the UCF accepted the hearing schedule provided by the Panel.
62. On 22 August 2025, the First and Second Respondents provided their comments as to the hearing schedule.
63. On the same day, the Third Respondent informed the CAS Court Office that it did not object to the hearing schedule provided by the Panel; the Third Respondent also requested that the time limit to file its Skeleton Reply be extended.
64. On 27 August 2025, the CAS Court Office informed the Parties that the Panel had decided (i) to deny the Appellant's request for reconsideration of the Panel's decision to extend the time limit granted to the First and Second Respondents to file their Skeleton Replies, and (ii) to grant to the Third Respondent an equivalent extension to file its Skeleton Reply.
65. On 5 September 2025, within the extended time limit, the Respondents filed their Skeleton Replies with the CAS Court Office.
66. On 9 September 2025, the Second Respondent informed the CAS Court Office that he would not attend the hearing and that he requested leave to file a written statement instead. In addition, the First and Second Respondents objected to the presence at the hearing of Mr Andrii Baryshpolets and Mr Peter Nielsen as representatives of the UCF.
67. On 10 September 2025, the CAS Court Office invited the Parties to comment on the First and Second Respondents' objection.

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68. On 11 September 2025, the UCF objected to filing of the Second Respondent’s written statement as well as to the First and Second Respondents’ objection to the presence at the hearing of Mr Andrii Baryshpolets and Mr Peter Nielsen as representatives of the UCF.
69. On 12 September 2025, the CAS Court Office issued an order of procedure (the “Order of Procedure”) and requested the Parties to return a completed and signed copy, which the Parties did on 15 and 16 September 2025.
70. On 15 September 2025, the CAS Court Office informed the Parties that the Panel had decided (i) to dismiss the First and Second Respondents’ objection to the presence at the hearing of Mr Andrii Baryshpolets and Mr Peter Nielsen as representatives of the UCF, and (ii) to accept the written statement of the Second Respondent as a document submitted under the responsibility of his counsel.
71. On 16 September 2025, a hearing was held by videoconference. In addition to the members of the Panel, Mr Fabien Cagneux, CAS Managing Counsel, and Ms Stéphanie De Dycker, Clerk with the CAS, the following persons attended the hearing:
- For the UCF:
- Mr Andrii Baryshpolets, representative of the UCF
  - Mr Peter Heine Nielsen, representative of the UCF
  - Mr David Z. Pinsky, counsel
  - Ms Paris Aboro, counsel
  - Mr Alexander Gudko, counsel
  - Ms Gaby Vasquez, counsel
- For the First and Second Respondents:
- Mr Aleksandr Martynov, representative of FIDE
  - Mr Luca Tettamanti, counsel
  - Mr Raphaël Bourré, counsel
- For the Third Respondent:
- Mr Yury Yakhno, counsel
  - Ms Daria Lukienko, counsel
  - Mr Maksim Kozyrev, counsel
72. At the outset of the hearing, the Parties confirmed that they had no objection as to the constitution of the Panel. The Parties thereafter were given a full opportunity to present their case, submit their arguments and answer questions from the Panel.
73. At the end of the hearing, the Parties confirmed that they had no objection as to the conduct of the proceedings, save for the First and Second Respondents’ objection (noted above) relating to the Panel’s procedural directions dated 27 May 2025.
74. On 27 October 2025, considering the significant activity performed by the Panel in this matter so far, the CAS Court Office asked the Appellant and the First Respondent to pay an additional advance of costs.

#### IV. SUBMISSIONS OF THE PARTIES AND REQUESTS FOR RELIEF

75. This section of the Award sets forth a summary of the Parties' main arguments rather than a detailed account. In so doing, the Panel refers to the areas concerned by the Decision (Crimea, Donetsk, Kherson, Luhansk and Zaporozhye) as "the Regions", although the Parties have used different terminology (e.g. "the occupied territories").
76. The Panel has of course closely considered all of the submissions made and evidence adduced by the Parties, even if not expressly mentioned in this section of the Award or in the analysis below.

##### A. The UCF

77. In the Appeal Skeleton, the UCF requested the following relief:

*"The UCF requests the Panel to:*

- a. Reverse the [AC]'s finding that the First Charge was not admissible and that the CFR and Mr. Dvorkovich were not liable thereunder;*
- b. Reverse the [AC]'s finding that the appropriate sanction for the CFR's breach of the Second Charge is a fine of EUR 45,000;*
- c. Reverse the [AC]'s finding that the Third Charge was not admissible;*

*[...] Sanction:*

- a. The CFR by a temporary exclusion of membership in FIDE for 5 years;*
- b. Arkady Dvorkovich with exclusion from office.*

*[...] In the alternative, to reinstate the sanctions imposed by the EDC(FI) Decision:*

- a. To sanction the CFR by a temporary exclusion of membership in FIDE for 2 years;*
- b. To sanction Arkady Dvorkovich to a reprimand."*

78. The UCF's submissions (as crystallized in its Appeal Skeleton and at the hearing) may be summarized as follows:

- The UCF has standing to appeal before CAS:
  - o The UCF is entitled to appeal the Decision as per article 35.4 of the FIDE Charter and article 17.2 of the EDC; based on these provisions, the UCF has standing to appeal the Decision before the CAS, as it was an "*unsuccessful party*" before the EDC AC; hence there is no need to demonstrate a sufficient legal interest. The above-cited provisions should be read together, taking into consideration that the EDC is a *lex specialis* and a *lex posterior* to the FIDE Charter.
  - o The UCF is not a third party in the proceedings opposing FIDE to the CFR before the EDC AC but a respondent; as a result, the CAS jurisprudence denying standing by a third party to request the imposition of higher sanctions in the context of a "vertical" dispute, which was developed in the FIFA context, is not applicable in the present matter.

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- In any event – even if the Panel were to apply a “sufficient legal interest” standard – the UCF has standing to appeal the Decision before the CAS because it had standing to appeal the EDC Panel decision with respect to each of the First, Second and Third Charge before the EDC AC.
- Article 5.2 (a) of the EDC provides for the necessary standing to the UCF as a member federation of FIDE and the FIDE family without the need to demonstrate that it is personally and directly affected.
- With respect to the Second Charge: The EDC AC was wrong to reduce the sanction imposed upon the CFR
  - CAS panels operate a *de novo* review of the facts and the law of the present matter; although they should not easily ‘tinker’ with a well-reasoned sanction, CAS panels have mandate to reduce the sanctions imposed even if they do not reach the conclusion that they are “evidently and grossly disproportionate to the offence”.
  - Article 13.1 (e) of the EDC Code provides that the EDC is empowered to sanction a federation’s breaches with temporary exclusion from membership.
  - The sanction imposed upon the CFR is disproportionate to the offence committed:
    - The mitigating factors which were relied upon by the EDC AC are insufficient to justify the reduced sanction imposed upon the CFR:
      - the fact that FIDE did not take any decision as to CFR’s duty not to hold chess events in the Regions and/or not to grant the people from these Regions the right to participate in these events organized by the CFR, is not a mitigating factor. Firstly, FIDE Council officially stated that no FIDE chess competitions would be held in the Russian Federation and Belarus. Secondly, the EDC AC disregarded the aggravating fact that the CFR has not acted consistently with the CAS decision in the matter CAS 2023/A/10093, which upheld the International Olympic Committee (“IOC”)’s indefinite suspension of the Russian Olympic Committee following its incorporation of regional Ukrainian organizations as members.
      - the fact that the CFR has contributed to the FIDE family and the development of chess cannot justify the reduced sanction imposed upon the CFR by the EDC AC: everyone is equal before the law, and the CFR did not even start to remedy to its actions; further, any contribution by the CFR to the development of chess is outweighed by the gravity of the

CFR's breaches and other aggravating factors.

- the fact that the CFR was successful in its appeal before the EDC AC should have been offset by the fact that pending the EDC AC Decision and notwithstanding the EDC Panel Decision which found the CFR's behavior in violation of the FIDE Rules, the CFR took additional steps to incorporate the regional chess federations into its membership structure.
- The EDC AC failed to consider the following aggravating factors:
  - the severe culpability degree of CFR: the CFR did not even dispute the fact that it organized multiple chess events in the Regions, which constitutes intentional violations of multiple FIDE Rules; besides, many of these violations came after the express finding that CFR's conduct violated FIDE Rules.
  - the harm caused by CFR's violation of another FIDE member's sovereignty is immeasurable and goes well beyond pecuniary harm; in addition, the EDC AC overlooked CFR's vast economic resources, resulting in the fine imposed having no deterrent effect at all.
  - CFR has shown complete lack of remorse for its actions, which it continued even after the Decision sanctioning them.
  - the EDC AC failed to consider the CFR's conduct during the proceedings, in particular its attacks on the EDC and its powers after the EDC Panel Decision was rendered.
- The sanction imposed upon the CFR by the Decision is inconsistent with EDC past practice, according to which temporary exclusions from membership was imposed for considerably less serious offences.
- With respect to the First Charge: the EDC AC erred in finding that the First Charge was inadmissible and in acquitting CFR and Mr Dvorkovich
  - The EDC AC erred in finding that the First Charge was inadmissible since:
    - The UCF had standing to bring the First Charge before the EDC instances pursuant to article 5 of the EDC Code, according to which legal persons members of the FIDE family are not required to demonstrate that they are "personally and directly affected by the alleged misconduct" or otherwise have a "direct and substantial interest in the matter" in order to have standing before EDC instances; article 5.2 (b) of the EDC Code only applies to natural persons. In any event, the UCF is "directly affected by the alleged misconduct" and has a "direct and substantial interest in the matter":

- The CFR's inclusion of individuals involved with Russia's war in Ukraine on its Boards signals to the chess communities that the CFR and FIDE do not reject the ongoing military invasion of Ukraine. Removing those individuals from CFR's Boards would therefore improve the situation of the UCF because it would show FIDE does not condone the ongoing military invasion of Ukraine.
  - Nothing in the FIDE Rules prevents a FIDE member federation to bring a complaint related to the interest of the game of chess.
  - The Complaint does not strictly concern internal political decisions of the CFR: FIDE's obligation to respect a member federation's autonomy over its political decisions does not apply when such decisions relate to Russia's invasion of Ukraine, which incurred a condemnation by a resolution of the United Nations.
- CFR's misconduct is covered by the Code as it took place "in the international sphere" within the meaning of article 4.7 (a) of the EDC Code: CFR's association with sanctioned individuals in connection with the invasion of Ukraine affects the interests of another member federation, namely the UCF, as governing body responsible for the occupied territories as well as the international chess community as a collective; alternatively, CFR's conduct qualifies as one that took place "in the national sphere" but shows "international implications" as provided under article 4.7 (b) (i) of the EDC Code for the same reasons.
- The First Charge against the CFR and Mr Dvorkovich is well-founded:
    - By maintaining the composition of its Boards, the CFR violates its obligation to act with "integrity" and "responsibility" and to not "act in manner likely to bring the sport [or FIDE] into disrepute", as provided under article 6.10 of the EDC Code. Having on the Boards individuals who are sanctioned for their involvement with Russia's invasion of Ukraine also violates CFR's obligation to respect "all internationally recognized human rights" and undermines any possibility of "friendly relations between member federations" in particular with the UCF, as provided under article 4.3 and 4.8 of the FIDE Charter combined with article 7 of the EDC Code.
    - Mr. Dvorkovich's association with sanctioned individuals breaches his duties as FIDE President, in particular his obligation to act as "a role model" as per article 6.16 of the EDC Code, to "foster a positive image of FIDE" and to "maintain good relations between and among FIDE member federations", as per articles 18.2 and 18.3 of the FIDE Charter, avoid "improper associations" as per article 8.1 (c) of the EDC Code

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and to act in the best interest of FIDE, as provided under article 8.3 and 8.13 of the EDC Code.

- As demonstrated by Mr Peskov’s role as de facto spokesman for the CFR as well as SB’s decision to leave the European Chess Union and instead join the Asian Chess Federation, the Boards are not inactive bodies within the CFR. Alternatively, even if the function of these individuals within CFR’s Boards were merely honorary, conferring such honorary titles within the CFR causes in any event harm to the reputation of FIDE by tarnishing the image of chess.
  - The fact that sanctions are not universal is not relevant either; the association with sanctioned individuals is improper because these persons’ activity was condemned by the international community.
- With respect to the Third Charge: the EDC AC erred in finding that the Third Charge was inadmissible and in acquitting CFR and Mr Dvorkovich:
- The EDC AC erred in finding that the Third Charge was inadmissible since:
    - The UCF had standing to bring the Third Charge before the EDC instances pursuant to article 5 of the EDC Code, which provides that legal entities members of the FIDE family are not required to demonstrate that they are “personally and directly affected by the alleged misconduct” or otherwise have a “direct and substantial interest in the matter” in order to have standing before EDC instances; article 5.2 (b) of the EDC Code only applies to natural persons. In any event, the UCF was “directly affected” by Mr Dvorkovich’s alleged misconduct as his public statements suggest that FIDE takes no issue with the fact that the CFR now governs the Regions, whereas the UCF is required under the FIDE Charter to serve as governing body in these territories.
    - Mr Dvorkovich’s alleged misconduct is covered by the Code as it took place “in the international sphere” within the meaning of article 4.7 (a) of the EDC Code: as the official representative of an international federation, Mr Dvorkovich’s statements have global implications, specifically where his statements were published online and relate to Russia’s invasion of Ukraine, i.e. a cross-border issue.
  - The Third Charge against Mr Dvorkovich is well-founded: Mr Dvorkovich’s public statements in which he supported Russia’s invasion of Ukraine and referred to the development of chess in the occupied territories as a “humanitarian issue” and to Ukrainians as “nazis”, including in his capacity of President of the FIDE as well as the fact that his presidency of the FIDE overlapped with his chairing of the Skolkovo Foundation, which is an institution that developed technology to enable Russia’s war in

Ukraine, demonstrate that Mr Dvorkovich violated his obligation to remain politically neutral under article 8.46 and 11.6 (b) of the EDC Code.

**B. FIDE & Mr Dvorkovich**

79. In its Answer and Skeleton Reply, the FIDE requests the following relief:

- I. The Ukrainian Chess Federation has no standing to appeal to CAS and/or its appeal is groundless.*
- II. The appeal of the Ukrainian Chess Federation shall be dismissed.*
- III. The Appealed Decision issued by the FIDE AC shall be confirmed in full.*
- IV. The Ukrainian Chess Federation shall bear all the costs of this arbitration procedure;*
- V. Ukrainian Chess Federation shall compensate the FIDE – International Chess Federation for the legal and other costs incurred in connection with this arbitration procedure in an amount to be determined at the discretion of the Panel, but no less than CHF 30,000.”*

80. In his Answer and Skeleton Reply, Mr Dvorkovich requests the following relief:

- I. The Ukrainian Chess Federation has no standing to appeal to CAS and/or its appeal is groundless.*
- II. The appeal of the Ukrainian Chess Federation shall be dismissed.*
- III. The Appealed Decision issued by the FIDE AC shall be confirmed in full.*
- IV. The Ukrainian Chess Federation shall bear all the costs of this arbitration procedure;*
- V. Ukrainian Chess Federation shall compensate Mr Arkady Dvorkovich for the legal and other costs incurred in connection with this arbitration procedure in an amount to be determined at the discretion of the Panel, but no less than CHF 30,000.”*

81. The (separate) submissions filed by FIDE and Mr Dvorkovich are substantively concordant and, as crystallized in their Skeleton and at the hearing, may be summarized as follows:

- The UCF lacks standing to appeal before CAS:
  - o The Decision was rendered in the context of a vertical dispute and strictly concerns a disciplinary matter between the disciplinary authority, namely FIDE, and the addressee of the disciplinary measure, in this case the CFR. CAS case law denies legal standing to members who are not directly affected to request the imposition of higher sanctions against another member. Such limitation is expressly incorporated in article 35.4 of the FIDE Charter which reserves legal standing to “parties directly aggrieved by a decision” and in any event prevails over any other FIDE Rules, in

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particular article 17.2 of the EDC Code. The UCF is neither the addressee of the disputed measure nor a directly affected third party and has thus no standing to appeal before CAS in this matter.

- Article 5.2 of the EDC Code does not provide legal standing to the UCF either: the EDC AC rightly interpreted article 5.2 (b) of the EDC Code as referring to both natural and legal persons, which is also confirmed by the systemic interpretation, in particular article 8.1 of the EDC Procedural rules, in which no differentiation is made between legal and natural persons; the UCF therefore needs to demonstrate that it is directly and personally affected by the situation under article 5.2 of the EDC Code too.
- Applying this criterion in the present case:
  - The UCF lacks standing with respect to the First Charge since UCF's situation would not be improved in any way if those sanctioned individuals were removed from CFR's Boards; the UCF is therefore not directly affected by the situation. The fact that UCF, as a member of the FIDE family, has the right to bring a complaint against possible violations which harm the image of the sport of chess and FIDE reputation, does not mean that the complainant, i.e. the UCF, becomes the holder of such interests, which remain pertaining to FIDE only, with the complainant not having a direct and legitimate interest worthy of protection.
  - The UCF lacks interest to appeal against the Decision with respect to the Second Charge: the fact that the UCF was a victim of the violations found by the EDC Panel and EDC AC does not as such establish standing to appeal for higher sanctions against the CFR before CAS; in addition, because the CFR was already sanctioned with a fine, the UCF lacks any actual interest to bring the Second Charge before CAS. The Decision found that the UCF lacked standing towards FIDE's President with respect to the Second Charge and this aspect of the Decision was not appealed against by the UCF, which means that it is therefore final and binding.
  - With respect to the Third Charge, the UCF does not establish how the alleged conduct of Mr Dvorkovich directly affects the UCF. Even assuming that through his chairmanship of the Skolkovo foundation and his public statements, Mr Dvorkovich did breach his duty of respecting political neutrality – which was rejected by the EDC Panel – it remains that the interests affected would be the ones protected by FIDE so that FIDE only would be aggrieved. The UCF should actually have requested a vote of no confidence in the context of the Third Charge given its political - rather than legal - nature; however, given the minimal probability of securing the majority vote required for a successful no-confidence motion, it preferred to pursue disciplinary proceedings

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against the Respondents, thereby misusing disciplinary proceedings.

- Under Mr Dvorkovich’s presidency, FIDE has been very clear in its condemnation of Russia’s actions in Ukraine and has not hesitated to take all necessary measures in accordance with IOC resolutions.
- FIDE’s President and the CFR lack standing to be sued since in vertical disputes only the association that rendered the decision at hand has standing to be sued.
- With respect to the merits of the First Charge brought against the CFR and Mr Dvorkovich:
  - o The EDC AC rightly dismissed the First Charge as inadmissible as the alleged misconduct had no relation to the international sphere. The internationality requirement under article 4.7 (a) of the EDC Code is not fulfilled in the present matter, as the Boards are simply internal bodies of the CFR, that do not have the power to represent the CFR or to act with external effects and, in fact, have no decision-making power within the CFR. Besides, their activities as representatives of chess is not outside the Russian borders.
  - o In any event, there is no “improper association” between the sanctioned individuals and FIDE and Mr Dvorkovich which may amount to a violation of the FIDE Rules:
    - The Supervisory Board is not an operative body nor a body representing the CFR: its only responsibility is to approve the members of the BoT and elect the BoT President; further, Mr Dvorkovich does not sit in such Supervisory Board and thus cannot be “associated” with its members.
    - The mere fact that CFR’s BoT are made up of people under political and economic sanctions does not constitute in itself a breach of FIDE Rules; it must be demonstrated that, on a personal level, Mr Dvorkovich and the CFR have breached the FIDE Rules or otherwise endangered FIDE reputation; the sanctions imposed on such persons were decided politically by certain countries and not by the entire international community or by the United Nations, or, more relevantly, by the IOC or CAS.
    - The President of FIDE is not subject to international sanctions himself; finding him guilty under the First Charge would be tantamount to creating a liability for facts and actions for which he is not personally responsible at all and would be contrary to the principle of personal liability.
    - Even if the presence of sanctioned individuals on CFR’s Boards would be improper – *quod non* – it does not constitute a breach of the FIDE Rules. Moreover, the BoT (like the SB) has no decision-making power

within CFR and no power of representation, and has been completely inactive since 2014; in these circumstances, it is unproven how and the extent to which the presence of sanctioned individuals within CFR's BoT could constitute an "improper association" for the President of FIDE and for the CFR and above all how it could harm FIDE's or chess reputation or breach FIDE's Rules.

- With respect to the merits of the Second Charge brought against the CFR:
  - o The sanction imposed by the EDC AC can be overturned by the CAS only if they would be viewed as evidently and grossly disproportionate to the offence or where CAS comes to a different conclusion on the merits of the case than did the previous instance. The EDC AC made a correct use of its discretionary power as provided under articles 14 of the EDC Code and 39 of the EDC Procedural rules, including the following mitigating and aggravating circumstances:
    - As to the mitigating factors:
      - The fact that FIDE did not adopt any decision on the organisation of chess activities in the Regions constitutes a mitigating factor justifying a less strict sanction imposed on the CFR, since it caused the latter to underestimate the consequences of its activities in the Regions.
      - the fact that the CFR has contributed to the FIDE family and the development of chess justifies the reduced sanction imposed upon the CFR by the EDC AC: the fact that everyone is equal before the law does not preclude the principle of personalization of sanctions; finally, the fact that the CFR did not even start to remedy to its actions is not listed as aggravating factor under article 39.6 EDC Procedural rules so that the EDC AC was free to consider it or not.
      - the fact that the EDC AC found the CFR guilty for the Second Charge only justifies the imposition of a more lenient sanction than the one imposed by the EDC Panel who found the CFR guilty for the other Charges as well.
    - As to the aggravating factors:
      - The EDC AC correctly scrutinized the degree of the offender's culpability by considering the number of tournaments organized by the CFR in the Regions.
      - The amount of the fine was fixed taking into account the vast CFR's economic resources: the sanction is placed on the

scale of sanctions between the warning/reprimand and the temporary exclusion; the amount of the fine imposed upon the CFR is almost the maximum amount provided for.

- CFR's alleged lack of remorse is irrelevant since, until the Decision was issued, the CFR considered itself not guilty; the lack of remorse is not an aggravating factor.
  - The fact that the EDC AC may have decided on other sanctions in the cases quoted by the UCF does not bind the EDC AC.
  - CFR's alleged war propaganda and attacks on the EDC are irrelevant as they are not related to the Second Charge for which the CFR was found guilty. Further, CFR's alleged attacks on the EDC could possibly be the object of a separate investigation; however, they should not serve as aggravating factor.
- With respect to the merits of the Third Charge brought against Mr Dvorkovich:
- The EDC AC rightly dismissed the Third Charge as inadmissible as the alleged misconduct had no relation to the international sphere. The mere fact that the statements at stake were published online or were reported by media outside Russia is not sufficient to meet the internationality requirement provided under article 4.7 of the EDC Code.
  - Pursuant to article 6.10 and 6.25 of the EDC Code, in order for Mr Dvorkovich's conduct to - potentially or actually - cause harm to FIDE's reputation or bring the sport of chess into disrepute, it is necessary for the concerned statements to have reached a public exposure at least in the chess community; in addition, the alleged disrepute must necessarily have impacted the entire sport and not only certain individuals in the chess community.
  - Mr Dvorkovich resigned from his position as chairman of the Skolkovo foundation in March 2022, one month after the start of Ukraine's invasion by the Russian Federation and well before the Skolkovo foundation was sanctioned by the US State Department; in doing so, Mr Dvorkovich clearly dissociated himself from the alleged acts for which the said foundation would be guilty. Further, there is no evidence of a link between Mr Dvorkovich, at the time he was chairing the Skolkovo foundation and the support of the conflict between the Russian Federation and Ukraine.
  - The BBC interview, which took place on 10 September 2018, is time barred as per article 5.1 (e) of the EDC Code. In any event, the BBC interview in no way concerned chess and took place at a time Mr Dvorkovich was not yet President of FIDE and not even a FIDE official; it therefore has no

association with FIDE’s interests and could not inflict any harm to FIDE’s reputation; Mr Dvorkovich was interviewed as a former high-ranking official of the Government of the Russian Federation and therefore simply quoted the official position of the Russian Federation.

- The Skolkovo Statement did not refer to chess or FIDE at all; as a result, there is no evidence of harm to FIDE or disrepute to the sport of chess. Besides, Mr Dvorkovich expressly regretted the Russian Federation-Ukraine war in a separate interview that was rendered the day before.
- In the Zeitung and TASS interviews, Mr Dvorkovich merely refused to comment on the Russian Federation-Ukraine war, thereby respecting his duty to be politically neutral.

### C. The CFR

82. In its Answer and Skeleton Reply, the CFR requests the following relief:

- “1. *The appeal of the Ukrainian Chess Federation is dismissed.*
2. *The decision of the FIDE EDC [AC] passed on 12 September 2024 in the case No. 11/2023 (A) is confirmed.*
3. *Ukrainian Chess Federation shall bear all costs incurred in the present procedure.*
4. *Ukrainian Chess Federation shall pay Chess Federation of Russia a contribution towards its legal fees and other expenses incurred in connection with the present proceedings, in an amount to be determined at the Panel’s discretion.”*

83. The CFR’s submissions may be summarized as follows:

- The UCF lacks standing to appeal before CAS:
  - In order to have standing to appeal before CAS, the UCF must demonstrate that it is directly aggrieved by the Decision and that it has a tangible interest of a financial or sporting nature at stake: this stems from article 35.4 of the FIDE Charter; article 5.2 of the EDC Code shall be interpreted as requiring any “individual complainant” – be it a natural and or a legal person – to demonstrate that it is directly affected by the decision under appeal; the EDC AC already rejected the UCF’s argument that the condition of having a direct and substantial interest would only apply to natural persons and not to legal entities; articles 5.2 and 17.2 of the EDC Code may only be read in conjunction with article 35.4 of the FIDE Charter:
  - Applying the identified criterion in the case at hand:
    - The UCF lacks standing to appeal with respect to the First Charge because the presence of sanctioned individuals on the BoT and SB is an internal issue, with no external effect; further, if those sanctioned



damage is not sufficient - it is necessary to show that a damage actually occurred. No such evidence was provided.

- As to the merits of the Second Charge:
  - Pursuant to CAS case law, the panel shall only review the sanction imposed in the appealed decision in case it is grossly disproportionate to the offence or in case of gross arbitrariness. Since the sanction imposed against the CFR with respect to the Second Charge in the Decision is not the mildest one and in fact the most severe sanction except for temporary exclusion, there is no gross disproportionality in the sanction imposed against the CFR. In addition, the EDC AC clearly stated the reasons why it reconsidered the sanction imposed upon the CFR by the EDC Panel, correctly taking into account CFR's contribution to the development of the sport as a mitigating factor and denying CFR's lack of apology and its so-called de jure incorporation of regional chess federations as aggravating factors to select the appropriate sanction.
  - In accordance with article 17.2 of the FIDE Charter, the decision to temporarily or permanently exclude a member federation from FIDE membership is within the exclusive competence of the general assembly of FIDE, is subject to specific conditions and requires a two third majority of votes. Article 13.1 (e) of the EDC Code, based on which the EDC Panel sanctioned the CFR with temporary exclusion from FIDE membership, is contrary to article 17.2 of the FIDE Charter, and in case of conflict between rules, article 7.3.1 of the FIDE Charter provides that the provisions of the FIDE Charter should prevail. Considering the uncertainty about EDC's competence to exclude a member federation from FIDE membership, the sanction imposed upon the CFR by the EDC Panel – temporary exclusion from FIDE membership - appears grossly disproportionate.

## V. JURISDICTION

84. Article R47 of the CAS Code provides in material part 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 [...] 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. [...]”*

85. Article 35.1 of the FIDE Charter provides as follows:

*“Except if otherwise provided in this Charter, any final decision taken by a FIDE organ may be challenged exclusively by way of appeal before the Court of Arbitration for Sport (CAS) in Lausanne, Switzerland, which will resolve the dispute in a final and binding manner in accordance with the Code of Sports-related Arbitration.”*

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Article 35.3 of the FIDE Charter also provides that “[a]n appeal before the CAS may only be brought after FIDE’s internal procedures and remedies have been exhausted.”

86. It is uncontested between the Parties that the Decision qualifies as a “final decision taken by a FIDE organ” within the meaning of article 35.1 of the FIDE Charter, and accordingly that in the present case “FIDE’s internal procedures and remedies have been exhausted” as required by article 35.3 of the FIDE Charter. Thus, the Panel has jurisdiction in the present matter. The jurisdiction of the CAS is further confirmed by the Parties’ signature of the Order of Procedure.

**VI. ADMISSIBILITY (TIME LIMIT)**

87. Article R49 of the CAS Code provides as follows in relevant part:

*“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.[...]”*

88. Article 35.5 of the FIDE Charter is to the same effect, providing as follows:

*“The time limit for appeal is twenty-one days from receipt by the appellant of the decision appealed against [...].”*

89. The present appeal was filed with the CAS Court Office on 3 October 2024, that is within the time limit of twenty-one days from the Decision, which was rendered on 12 September 2024. The present appeal is therefore admissible in that regard. The Panel so records for completeness, as there is no contestation in that regard.

**VII. APPLICABLE LAW**

90. Article R58 of the CAS Code provides as follows:

*“The Panel shall decide the dispute according to the applicable regulations and, subsidiarily, 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.”*

91. To like and complementary effect, article 35.8 of the FIDE Charter provides as follows:

*“The CAS shall decide the dispute according to the FIDE Charter, regulations and rules as well as according to Swiss law. The seat of arbitration shall be Lausanne (Switzerland).”*

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92. The Panel shall therefore apply primarily the FIDE Rules, and Swiss law as may be required in the Panel's judgment.

**VIII. THE PANEL'S PROCEDURAL DIRECTIONS DATED 27 MAY 2025**

93. The Panel recounts in this section the Procedural Directions it issued on 27 May 2025, during the written phase of the present proceedings, and maintained thereafter.
94. On 17 December 2024, the UCF informed the CAS Court Office that it would henceforth be represented by counsel and requested to be authorized to file an amended Appeal Brief.
95. On 20 December 2024, the UCF argued that – in contrast to the situation of the Respondents who were able to prepare their Answers on an extended timeline and with the assistance of counsel of their choosing – it did not yet have any opportunity to present its substantive appeal with the assistance of counsel due to difficulties it faced as a result of the ongoing war in Ukraine; and that the Panel – once constituted – should recognise the existence of exceptional circumstances to ensure the equality of the parties.
96. On 23 December 2024, FIDE informed the CAS Court Office that it would abstain from commenting on the UCF's request to file an amended Appeal Brief. On the same day, the CFR and Mr Dvorkovich separately informed the CAS Court Office that they objected to the UCF's request to file an amended Appeal Brief, for lack of exceptional circumstances.
97. On 11 May 2025, a CMC was held, during which the Panel requested the Parties *inter alia* to present their case with respect to the permissibility and appropriateness of a second round of written submissions.
98. On 27 May 2025, following the CMC, the Panel issued the following procedural directions:

*“2. **Pre-hearing written submissions.** The Panel accepts, to an extent, the Appellant's submission that the circumstances of this case are exceptional within the meaning of Article R56 of the Code. Further and separately, the Panel is authorized by Article R56 to decide on procedural matters, the preparation of the hearing, and the taking of evidence. In the light of these considerations, taken together, the Panel considers that the circumstances of this case warrant certain procedural arrangements, within the bounds of respect for all Parties' due-process rights. Specifically, the Panel will be assisted by a further round of concise written submissions, as follows:*

- a. The Appellant may submit an Appeal Skeleton, limited to 30 pages. This submission should make reference to (rather than repeat) the Appeal brief and accompanying documentary evidence where appropriate. The Appellant may restructure, reformulate, or add to the arguments it has already made in its Appeal brief and*

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*also respond to arguments and evidence set out in the Respondents' existing brief, provided that the Appellant will not add to or alter its requests (i.e., the relief it seeks).*

- b. To the extent that the Appellant proposes to rely on documentary evidence that it has not to date relied upon, it will (i) exhibit the relevant documents and (ii) explain how each of these documents complies with Article R57 of the CAS Code as to 'evidence [that] was available to [the Appellant] or could have been discovered by [it] before the challenged decision was rendered'.*
  - c. The Respondents may thereafter submit Skeleton Replies, within the same limitations as those applicable to the Appellant's Appeal Skeleton under paras (a)-(b) above. To the extent the Respondents consider that new documentary evidence relied upon and exhibited with the Appeal Skeleton should be excluded by virtue of Article R57 of the CAS Code, they will explain why that is the case.*
  - d. In case of contestation between the Parties in respect of the admissibility of evidence under Article R57 of the CAS Code, the Panel will pronounce in its Award or by earlier separate decision, as it may consider appropriate.*
  - e. The Parties are to confer and to propose to the Panel deadlines, to the extent possible agreed between them, for their Skeleton submissions, within **ten (10) days** from receipt of these Procedural Directions."*
99. On 6 June 2025, the Respondents requested the Panel to reconsider and provide further reasons for allowing the filing of Skeleton submissions, arguing in particular that a change in legal representation cannot amount to an exceptional circumstance within the meaning of Article R56 of the CAS Code.
100. On 13 June 2025, the Panel provided further reasons for its decision, as follows:

*"The Panel has carefully considered the Respondents' points. It is unable to accept them. The Panel has not given licence to the Appellant to 'restart [...] in some way the present arbitration proceedings' (First and Second Respondents' 6 June 2025 communication, p. 3), but rather has circumscribed what the 30-page Appeal Skeletons may and may not do, 'within the bounds of respect for all Parties' due-process rights' (27 May 2025 procedural directions, para. 2). The Panel is unable to see what prejudice the Respondents may suffer from such 'concise' additional written pleadings – which all sides will have an opportunity to submit, sequentially, with the Respondents having the last word.*

*Further, the possibility that new legal points may be made in the Appellant's Appeal Skeleton cannot be regarded as problematic per se, given that (a) the Respondents will have an opportunity to address those in writing and (at least) one further opportunity to do so at the hearing; and (b) it would in any event be open to the Panel, as to any*

*tribunal sitting in Switzerland, to raise of its own motion legal points it considers potentially relevant, provided it gives both parties an opportunity to address them.*

*Nor is the Panel able to accept the suggestion that the Appeal Skeletons will ‘automatically undermine the scope of the [Respondents’] Answers’ (First and Second Respondents’ 6 June 2025 communication, p. 3). That could be said of any second-round submission, yet such submissions are routinely used in practice, in the interests of better-informed debate before the oral hearing, thereby saving hearing time. And if, in the light of the Respondents’ Answers, the Appellant decides to abandon or reduce arguments/allegations made in the Appeal Brief, it is difficult to see how this can be objectionable from the Respondents’ perspective.*

*Finally, the Panel has again duly noted the First and Second Respondents’ position regarding new evidence that may be (a) admissible under Article R57 of the CAS Code and (b) relevant in ‘a disciplinary case’ such as the present (First and Second Respondents’ 6 June 2025 communication, p. 4). The Panel recalls that such matters, if they arise for decision, will be dealt with in due course, in accordance with paragraphs 2 (b) and (d) of the Panel’s procedural directions of 27 May. [...]”*

## **IX. NEW DOCUMENTARY EVIDENCE**

101. On 11 July 2025, together with its Skeleton Appeal Brief, the UCF submitted eleven new documents in support of its Skeleton Appeal Brief, on which it had not previously relied and which pre-date the Decision (AE-118 to AE-128). The UCF submits that these documents are admissible for the following reasons: (i) they are responsive to arguments in the Respondents’ Answers; (ii) they are publicly available; (iii) they are filed in good faith in order to aid the Panel in its *de novo* review, considering the exceptional circumstances of the present matter; (iv) the Respondents are not prejudiced by the admission of such evidence since they still were able to respond to it in their Skeleton Replies and at the hearing; and (v) CAS practice shows that evidence may be excluded only in exceptional circumstances that are not present here.
102. Further, the UCF filed 40 new documents which post-date the Decision (AE-129 to AE-168). The UCF contends that these documents are admissible in accordance with Article R57 of the CAS Code as they were not available to the UCF before the Decision was issued, and because they are filed in support of its argumentation in the Skeleton Appeal Brief and/or to respond to the Respondents’ arguments in their Answers.
103. FIDE and Mr Dvorkovich for their part reject the admissibility of these materials. As to the documents that pre-date the Decision, FIDE and Mr Dvorkovich submit that these documents are inadmissible in accordance with Article R57 (3) of the CAS Code, article 35.7 of the FIDE Charter and articles 60 and 66 of the EDC Procedural rules, since all of them already existed when the Decision was rendered and, in addition, were easily accessible, and thus could have been produced during the internal proceedings before FIDE. Most of these documents are moreover irrelevant to the issues arising in this case.

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104. As to the other 40 new documents that were filed by the UCF, FIDE and Mr Dvorkovich contend that they are inadmissible because they relate to information and events that occurred after the Decision was rendered and, so the argument goes, would have the effect of impermissibly extending the scope of the present appeal, which is limited to the issues arising from the challenged decision. In addition (but to the same effect), accepting these new documents would be contrary to the principle of crystallisation of facts in disciplinary cases, which need to be assessed in light of the document initiating the disciplinary proceedings. Finally, accepting such new evidence would infringe the requirement of having exhausted all internal legal remedies before an appeal before CAS, as provided under Article R47 of the CAS Code as well as article 35.3 of the FIDE Charter and 17.3 of the EDC Code.
105. The CFR contends that the documents which pre-date the Decision and are listed as AE 118 to AE 127 are inadmissible in accordance with Article R57 (3) of the CAS Code and article 35.7 of the FIDE Charter (the latter referring to a duty of “reasonable diligence”), since they were existing and easily available before the Decision was rendered, and that the Panel should not allow the UCF to remedy to its own negligent conduct. The CFR further rejects the argument that CAS case law supports the admissibility of documents that are readily available even if such documents pre-date the appealed decision. The CFR does not dispute the admissibility of exhibit AE-128 but strongly disagrees that it may be used to establish the disproportionality of the fine imposed on the CFR.
106. With respect to exhibits AE-129 to AE-168, all of which post-date the Decision, the CFR submits that these are not part of the scope of consideration in the present appeal procedure before the CAS, or at the very least, are of little relevance; at most, these documents could be potentially used by the CFR in new disciplinary proceeding before FIDE internal bodies.
107. The Panel notes that Article R57 (3) of the CAS Code provides as follows:
- “The Panel has discretion to exclude evidence presented by the parties if it was available to them or could reasonably have been discovered by them before the challenged decision was rendered. Articles R44.2 and R44.3 shall also apply.”*
108. This provision pertains to what materials may or may not be introduced in the record of CAS proceedings. According to CAS case law, this provision “*should be used with restraint, to preserve the fundamental de novo character of the review by the CAS*” and that “*the rationale of Article R57 paragraph 3 is to avoid evidence submitted in an abusive way and/or retained by the parties in bad faith to bring it for the first time before CAS*” (D. MAVROMATI/M. REEB, *The Code of the Court of Arbitration for Sport, Commentary, Cases and Materials*, Second edition, 2025, p. 571 nos. 40 and 43). Moreover, “*the party requesting the application of Article R57 paragraph 3 must establish, to the comfortable satisfaction [of the panel], that the other party acted in bad faith by not submitting the evidence before the previous instance.*” (id., p. 574 no. 51).

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109. The Panel further notes that pursuant to article 35.7 of the FIDE Charter:

*“The CAS shall not take into account facts or evidence which the appellant could have submitted to an internal FIDE body by acting with reasonable diligence required under the circumstances, but failed or chose not to do so.”*

110. The issue that is governed by article 35.7 of the FIDE Charter is what evidence may not be taken into account by a CAS panel, even if it has been placed in the record of the proceedings (an issue which the FIDE Charter does not address).

111. In the Panel’s view, therefore, the rules under Article R57 (3) of the CAS Code and article 35.7 of the FIDE Charter respectively are distinct. The former deals with admitting evidence into the record and the latter with evidence to which no consideration (i.e. relevance and weight) may be given.

112. With this distinction in mind:

(a) The Panel considers it appropriate to allow exhibits AE 118 to AE 168 into the record, under Article R57 of the CAS Code, as there is no indication that the UCF acted in bad faith in not presenting them earlier to seek now to ambush the Respondents with novel evidence.

(b) As to the relevance of these materials in resolving the present dispute, it is practically nil, for reasons that appear in the following section of this Award. None of those materials is relevant to the issue of sanctions under the Second Charge, which is the only issue the Panel may decide on the merits, and therefore the Panel need not engage in an analysis under article 35.7 of the FIDE Charter.

**X. STANDING OF APPELLANT AND MERITS OF THE APPEAL**

113. Based on the Parties’ requests for relief and the submissions advanced before the Panel in writing and orally, it is helpful to identify the following issues as arising for determination:

- Whether the UCF has the necessary standing to appeal before the CAS;
- If so, whether the UCF was entitled to file the Complaint before the EDC instances (a matter to which the EDC Code refers as “*necessary standing*”);
- To the extent the UCF had “*necessary standing*” to file the Complaint, whether its appeal against the Decision is well-founded.

**A. Standing to Appeal before CAS**

114. The issue of standing to appeal before CAS must be considered before all else. It is characterized by Swiss law as being a substantive issue and therefore to be governed by the law applicable to the merits of the dispute. In the context of the present matter,

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however, the conditions for a party to have standing before CAS are comprehensively set out in the FIDE Rules, namely in the FIDE Charter as well as in the EDC Code.

115. The starting point is article 35.4 of the FIDE Charter, which provides as follows:

*“Only parties directly aggrieved by a decision may appeal to the CAS”.*

116. Further, pursuant to article 17.2 of the EDC Code:

*“There shall be a right of appeal to the Court of Arbitration in Sport (CAS) for any unsuccessful party, whether appellant or respondent, and any other affected member of the FIDE family who participated in the appeal proceedings before the EDC Appeal Chamber, against the final decision of any Appeal Chamber of the EDC. Appeals to the CAS shall be subject to this Disciplinary Code and the relevant provisions of the CAS Code: Procedural Rules.”*

117. According to article 7.3.1 of the FIDE Charter, *“the FIDE Charter contains the primary rules and the main principles of the organisation and cannot be superseded nor derogated by any other FIDE rule, regulation or decision”*. Therefore, article 35.4 of the FIDE Charter and article 17.3 of the EDC Code should be read, insofar as possible, in a manner that is concordant. Hence, in the Panel’s reading, a party is “directly aggrieved by the decision” if (i) it is *“an unsuccessful party, whether appellant or respondent”* or (ii) *“any other affected member of the FIDE family who participated in the appeal proceedings”*.

118. In the Panel’s view, an *“unsuccessful [. . .] appellant or respondent”* in EDC AC proceedings is, to the extent it was unsuccessful, *“directly aggrieved”* by a decision rendered by the EDC AC. Here, it is common ground that the UCF was an unsuccessful appellant in the proceedings before the EDC AC; it is therefore straightforward to conclude that the UCF is to that extent directly aggrieved by the decision rendered by the EDC AC.

119. The Respondents contend that the UCF has no standing to request before the CAS that a higher sanction be imposed on the CFR. The Panel is mindful of CAS 2015/A/3874, a decision according to which *“the mere fact that an individual is a victim does not as such establish a standing to appeal a sanction imposed on the offender”* (para. 182). The Respondents further argue that the UCF as a FIDE Member Federation has no standing to request that a higher sanction be imposed on another Member Federation.

120. The Panel does not agree with the Respondents. First, the Panel notes that the circumstances in the present matter differ from those in CAS 2015/A/3874: whereas in that case the CAS panel had to interpret the meaning of “directly affected” (under Article 62 (2) of the UEFA Statutes) in the light of Swiss law, in the present matter, the conditions for a party to be “directly aggrieved” by the appealed decision (as provided by article 35.4 of the FIDE Charter) are expressly specified in article 17.2 of the EDC Code. The Panel’s task is therefore limited to applying the conditions of article 17.2.

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121. Further, the Panel is of the view that, in the context of the Second Charge as described above (see para. 16), which is the only charge in respect of which the Panel may consider the merits of the Complaint (see below para. 153), the UCF is “directly aggrieved” by the Decision. Indeed, the Decision directly concerns conduct with respect to the territorial scope of the UCF’s authority to organise and regulate the activity of chess.
122. In respect of the Second Charge, the Panel is of the view that FIDE, as the disciplinary authority that rendered the Decision, perforce has standing to be sued before CAS; and the CFR also has standing to be sued, as the party against whom higher sanctions are being sought.
123. Having clarified the issue of standing to appeal and to be respondent in this appeal, the Panel now turns to UCF’s entitlement to raise the matters that it raised in its Complaint. Before doing so, it is helpful that the Panel briefly set out the standard of review that it considers applicable in respect of the Decision below.

**B. Standard of Review**

124. Article R57 of the CAS Code provides that–

*“The Panel has full power to review the facts and the law. It may issue a new decision which replaces the decision challenged or annul the decision and refer the case back to the previous instance.”*

125. By virtue of this provision, this Panel operates a full *de novo* hearing of the merits of the case, meaning that it will in substance hear the matter afresh. Notwithstanding the broad discretion – indeed, duty – set out in Article R57 of the CAS Code, the Panel shall carefully examine the holdings of the instance below without straining to find fault but rather bearing in mind the suggestion in the literature that the more cogent and well-reasoned an appealed decision is, the less likely a CAS panel would be to overrule it (RIGOZZI / HASLER, Art. 57, in ARROYO (ed.), *Arbitration in Switzerland, the Practitioner’s Guide*, 2<sup>nd</sup> ed., 2018, p. 1669, no. 34; MAVROMATI/REEB, *The Code of the Court of Arbitration for Sport, Commentary, Cases and Materials*, 2<sup>nd</sup> ed., 2025, paras. 12-14).

**C. Entitlement of the UCF to file a complaint against the Respondents (all Charges)**

**1. The applicable legal standard**

126. The UCF submits that the Decision wrongly held that the UCF lacked the necessary standing to file a complaint before the EDC AC, and that therefore the Decision wrongly held that its appeal before the EDC AC was inadmissible.
127. The issue of the entitlement to file a complaint (or report) before EDC instances is governed by article 5 of the EDC Code, which provides as follows:

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“5.1 In order for a complaint or report to be accepted and adjudicated by the EDC, it must meet the following minimum substantive requirements:

a) *The complainant must have the necessary standing to submit the complaint; [...]*

5.2 A complainant shall have the necessary standing to submit a complaint or report if

a) *he, she or it is a member of the FIDE family [...]; and*

b) *in the case of an individual complainant, he or she is personally and directly affected by the alleged misconduct or otherwise has a direct and substantial interest in the matter; or*

c) *in the case of the General Assembly, FIDE President, FIDE Council and Management Board representing FIDE’s interests in general; or*

d) *in the case of another FIDE organ submitting a report to the EDC, such organ represents the general interests of FIDE in a specific area of interest or specialty within FIDE’s governance of the sport of chess.”*

128. The Parties disagree on the proper interpretation of the above provisions. The UCF contends that, as a member of the FIDE family that is not an “*individual complainant*”, it is not required to establish that it “*is personally and directly affected by the alleged misconduct or otherwise has a direct and substantial interest in the matter*”. The Respondents for their part argue that article 5.2 (b) of the EDC Code applies to natural and legal persons alike, such that the UCF is required to establish that it is personally and directly affected by the alleged misconduct or otherwise has a direct and substantial interest in the matter, which – they argue – the UCF has failed to do.
129. This interpretative issue under article 5.2 (b) of the EDC Code is therefore a threshold question.
130. According to CAS case law and the jurisprudence of the Swiss Federal Tribunal (“SFT”), the principles applicable to the interpretation of statutes and regulations of a Swiss association, as FIDE is, are as follows (Case 4A\_406/2021, Judgment of 14 February 2022):

“4.3.1. *Le Tribunal fédéral a interprété à l’égal d’une loi les statuts d’associations sportives majeures, comme l’UEFA, la FIFA, en particulier leurs clauses relatives à des questions de compétence (arrêts 4A\_564/2020 du 7 juin 2021 consid. 6.4; 4A\_490/2017 du 2 février 2018 consid. 3.3.2, 4A\_600/2016 du 29 juin 2017 consid. 3.3.4.1). Il en a fait de même pour découvrir le sens de règles d’un niveau inférieur aux statuts édictées par une association sportive de cette importance (arrêt 4A\_600/2016, précité, consid. 3.3.4.1). [...] Aussi le recourant a-t-il raison de vouloir les interpréter conformément aux méthodes d’interprétation des lois.*

4.3.2. *Toute interprétation débute par la lettre de la loi (interprétation littérale), mais celle-ci n'est pas déterminante: encore faut-il qu'elle restitue la véritable portée de la norme, qui découle également de sa relation avec d'autres dispositions légales et de son contexte (interprétation systématique), du but poursuivi, singulièrement de l'intérêt protégé (interprétation téléologique), ainsi que de la volonté du législateur telle qu'elle résulte notamment des travaux préparatoires (interprétation historique). Le juge s'écartera d'un texte légal clair dans la mesure où les autres méthodes d'interprétation précitées montrent que ce texte ne correspond pas en tous points au sens véritable de la disposition visée et conduit à des résultats que le législateur ne peut avoir voulus, qui heurtent le sentiment de la justice ou le principe de l'égalité de traitement. En bref, le Tribunal fédéral ne privilégie aucune méthode d'interprétation et n'institue pas de hiérarchie, s'inspirant d'un pluralisme pragmatique pour rechercher le sens véritable de la norme (BGE 142 III 402 consid. 2.5.1 et les références citées; arrêt 4A\_600/2016, précité, consid. 3.3.4.2) ”.*

[Free Translation:

4.3.1. *The Federal Court has interpreted the statutes of major sports associations, such as UEFA and FIFA, in the same way as a law, in particular their clauses relating to questions of jurisdiction (judgments 4A\_564/2020 of 7 June 2021, recital 6.4; 4A\_490/2017 of 2 February 2018, recital 3.3.2; 4A\_600/2016 of 29 June 2017, recital 3.3.4.1). It did the same to discover the meaning of rules at a lower level than the statutes enacted by a sports association of this importance (judgment 4A\_600/2016, cited above, recital 3.3.4.1). [...] The appellant is therefore right to seek to interpret them in accordance with the methods of statutory interpretation.*

4.3.2. *Any interpretation begins with the letter of the law (literal interpretation), but this is not the decisive factor: it must also convey the true scope of the rule, which also derives from its relationship with other legal provisions and its context (systematic interpretation), from the aim pursued, in particular the interest protected (teleological interpretation), and from the legislator's intention as it emerges in particular from the preparatory work (historical interpretation). The court will depart from a clear legal text insofar as the other methods of interpretation mentioned above show that this text does not correspond in all respects to the true meaning of the provision in question and leads to results that the legislator could not have intended, that offend the sense of justice or the principle of equal treatment. In short, the Federal Court does not favour any particular method of interpretation and does not establish a hierarchy, drawing on a pragmatic pluralism to seek out the true meaning of the provision (BGE 142 III 402 rec. 2.5.1 and the references cited; judgment 4A\_600/2016, cited above, rec. 3.3.4.2).]*

131. In sum, under the principle of statutory interpretation (see also SFT Case 4A\_314/2017, para. 2.3.1), there is no reason to deviate from the text of a provision unless there is a sound, objective reason to consider that it does not reflect “the true meaning of the provision”.
132. Starting with the wording of article 5.2 (b) of the EDC Code, the Panel notes that the term “*individual complainant*”, which is followed by references to “*he or she*”, tends

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to indicate natural persons only. In contrast, the preceding sub-paragraph, article 5.2 (a), refers to “*he, she or it*” to capture any “*complainant*” who is “*a member of the FIDE family*”; and on this basis, there is force in the argument that the absence of “*it*” in article 5.2 (b) is intentional, to indicate that an “*individual complainant*” may only be a “*he or she*”, i.e. a natural person.

133. Such a reading would not only make syntactical sense. It would also comport with a systematic reading of article 5.2 as a whole. It is plain from its chapeau that article 5.2 sets out requirements that any “*complainant*” must meet in order to have “*the necessary standing to submit a complaint or report*” to the EDC. These requirements are then set out in four individual sub-paragraphs, numbered (a)-(d), each addressing a specific category of eligible complainants. Thus:
- Sub-paragraph (a) provides that (subject to certain specific exceptions there set out) a complainant may be any “*member of the FIDE family*”; and, as is clear from article 4.2 of the EDC Code, such a member may be either a natural person or a legal person, such as a FIDE Member Federation like UCF. Hence sub-paragraph (a) refers to “*he, she or it*” to refer to both natural and legal persons.
  - By contrast, sub-paragraph (b) deals with a narrower category of “*complainant[s]*”, viz “*individual complainants*”. This category of complainants is therefore different and separate from those which are the object of sub-paragraphs (a), (c) and (d).
134. Differently put, there is no overlap between the four categories of complainants set out in each of the four sub-paragraphs of article 5.2. There is therefore every reason to read the requirements individually set out in sub-paragraphs (a)-(d) as each pertaining to an individual category of eligible complainants, and each paragraph as being mutually exclusive of the others.
135. This systematic reading would reinforce the conclusion that an “*individual complainant*” may be only an individual, i.e. a natural person; and that in consequence a FIDE Member Federation is not subject to the requirements of sub-paragraph (b), namely that they be “*personally and directly affected by the alleged misconduct or otherwise ha[ve] a direct and substantial interest in the matter*”.
136. Article 5.2 (b) does not, however, exhaust the inquiry as to requirements of standing/admissibility. In the present case, two further provisions are applicable.
137. First, Rule 8.1 of the EDC Procedural Rules, which details the conditions for the submission of complaints before EDC instances, provides that “*a Member of the FIDE family may submit a complaint to the EDC against any other Member of the FIDE family if the Complainant is personally or directly affected by the alleged misconduct or otherwise has a direct and substantial interest in the subject-matter of the complaint*”. This provision is engaged here, as all three Parties are Members of the FIDE family within the meaning of Rule 8.1.
138. Rule 8.1 uses natural-language terms. To be “*directly affected by the alleged*

*misconduct*” means that the conduct in question has/had of itself (i.e., “*directly*”) an adverse impact on the complainant’s position, which impact may be redressed through the complaint. And to have “*a direct and substantial interest in the subject-matter of the complaint*” means that the complaint raises a right or concern of the complainant’s own which has a degree of importance or weight. All in all, Rule 8.1 requires that the complainant establish that the EDC Code violation it alleges relates to its own position specifically, rather than just an abstract interest in seeing that others comply with the Code. To be clear, that does not mean that the conduct and alleged violation may not affect other persons as well as the complainant; the effect or interest in question may directly pertain to the complainant specifically without being exclusive to it.

139. Secondly, and in a related vein, pursuant to article 5.3 (f) of the EDC Code, “*a complaint may be declared as non-admissible if [...] the complainant has suffered no significant disadvantage or the complaint can be described as trivial, or purely technical and insignificant*”. A complaint will be unable to cross the threshold of this provision if it cannot meet the requirements of Rule 8.1.
140. The requirements set out above are by their own nature specific to the circumstances of each case, and also require judgement to be exercised. The Panel accordingly turns to consider whether they are met in the present case.

## **2. Application in the circumstances of the present case**

### ***a. The First Charge***

141. The First Charge concerns alleged improper associations on the part of Arkady Dvorkovich, who is the current President of FIDE (a post in which he has served since 2018), an official of the CFR at all relevant times for present purposes, and a former Deputy Prime Minister of Russia. Mr Dvorkovich is said to have held improper associations with internationally sanctioned individuals within the BoT and the SB of the CFR. The UCF claims that, by associating with internationally sanctioned individuals within these CFR bodies, Mr Dvorkovich and the CFR (which is said to have tolerated Mr Dvorkovich’s improper associations) violated several FIDE Rules. Specifically:
- The UCF claims that Mr Dvorkovich violated his duties to act in good faith and as a role model (articles 6.15 and 6.16 (d) of the EDC Code), to foster a positive image of FIDE (article 18.2 of the FIDE Charter), to maintain and develop good relations between and among FIDE member federations (article 18.3 of the FIDE Charter), to avoid improper associations (articles 8.1 (c) and 8.12 of the EDC Code), and to act in the best interest of FIDE (articles 8.3 and 8.13 of the EDC Code).
  - The UCF also claims that the CFR violated its duty to respect internationally recognised human rights (articles 4.3 and 4.11 of the FIDE Charter and article 7 of the EDC Code), to promote friendly relations with other member federations (article 4.8 and 4.11 and article 11 (m) of the FIDE Charter and article 7 of the EDC Code); to refrain from acting in a manner likely to adversely affect the reputation of the FIDE or the sport of chess

(articles 6.10, 6.25, 11.6 (b) and (c) of the EDC Code).

142. The First Charge does not concern conduct within FIDE organs but exclusively within the CFR. In the circumstances, the primary question for the Panel is whether one FIDE Member Federation has standing to raise a complaint in respect of conduct within another FIDE Member Federation which conduct is said to fall foul of the EDC Code and the FIDE Charter.
143. The Panel answers this question in the negative, concurring in the outcome reached by the EDC AC in the Decision. The composition of the BoT and the SB, which are consultative bodies of the CFR, is an internal issue of the CFR. It does not in any way, let alone directly, affect the interests or position of UCF; nor does UCF, which is not a member of the CFR, have any right directly vis-à-vis the CFR to demand/compel compliance with the EDC Code or the FIDE Charter. To the extent such a right or duty exists, it rests with FIDE, as the EDC AC rightly pointed out by referring to article 4.10 of the FIDE Charter (as quoted at paragraph 22 above), which provides that “*FIDE observes strict neutrality in the internal affairs of its members but has the right and duty to evaluate their compliance with FIDE principles and their obligations towards FIDE*”. The UCF however raises no complaint against FIDE in that regard.
144. In the circumstances, the CFR’s arguments based on the fact that the BoT and the SB of the CFR are dormant bodies need not be considered. The appeal fails on anterior grounds which do not concern the substantiality of the grounds for the complaint.
145. Similarly, the arguments by the UCF that the internationality requirement under article 4.7 of the EDC Code is met and that the First Charge is well-founded are moot and need not be considered.

***b. Second Charge***

146. The Second Charge concerns the CFR’s recognition of regional chess federations from the Regions by (a) incorporating into the CFR players from these federations and (b) endorsing numerous chess activities in those Regions as being CFR-sanctioned. The UCF claims that, in doing so, the CFR violated article 7 of the EDC Code read together with article 4.8 of the FIDE Charter, article 11 (m) of the FIDE Charter, and article 11.4 (a) of the Code. Before the EDC instances, the UCF also alleged that Mr Dvorkovich was in breach of the FIDE Rules by being a member of the CFR BoT and by participating as a guest of honour in the Russian “Defender of the Fatherland Day” tournament organised by the CFR on 17 February 2022.
147. In the Decision, the EDC AC held that while the UCF lacked standing to raise a complaint against Mr Dvorkovich, it did have standing so far as conduct by the CFR was involved. The UCF does not appeal either limb of the Decision in that regard. Nor do the Respondents cross-appeal. Thus, the UCF’s complaint under the Second Charge is admissible and to be further considered on the merits, below.

*c. Third Charge*

148. The Third Charge concerns Mr Dvorkovich’s alleged violation of FIDE Rules by (a) his service as Chair (until 2022) of the Skolkovo Foundation, a Moscow-based innovation centre said to have been sanctioned by the USA for supplying technology for Russia’s armaments sector, and (b) public statements allegedly in support of Russia’s war in Ukraine. The UCF claims that Mr Dvorkovich thus violated his obligation to remain politically neutral (article 8.46 of the EDC Code), to promote a positive image of FIDE and not to harm FIDE’s or its national federations’ reputation or the image of chess (article 18.2 of the FIDE Charter and article 11.6 (b) of the EDC Code), and to promote friendly relations between and among member federations (articles 4.8 and 18.3 of the FIDE Charter). The Third Charge concerns Mr Dvorkovich’s conduct as President of FIDE and an official serving on various FIDE organs. It is thus different from the First Charge, which concerns Mr Dvorkovich’s participation in two consultative bodies of the CFR.
149. The EDC AC dismissed UCF’s complaint under the Third Charge, holding that it was in part time-barred by the five-year rule in article 5.1 (e) of the EDC Code, and for the remainder inadmissible for lack of standing on grounds that “[t]o the extent that Mr Dvorkovich’s alleged conduct may have caused reputational harm for FIDE or the sport of chess, it is for FIDE, acting through one of its organs, to bring such a complaint” and that “[the UCF’s] interest in the reputation of FIDE and the sport of chess is at best an indirect interest” (see paragraphs 19.3-19.5 of the Decision, quoted at paragraph 22 above).
150. For its part, the Panel does not agree with the view that the UCF’s interest in protecting FIDE’s reputation and seeing that FIDE upholds the FIDE Charter and the EDC Code is “at best an indirect interest” insufficient for the admissibility of any and all complaints. Such a view strikes the Panel as overbroad, not least because it is clear from articles 9-13 of the FIDE Charter that the Member Federations are the primary members of FIDE. It is difficult, then, to see how it may be right to say that FIDE’s reputation and compliance on the part of FIDE organs/officials with the FIDE Rules are not direct interests of Member Federations. In the Panel’s view, they most certainly are.
151. Nevertheless, Member Federations have an equal interest in seeing FIDE’s reputation protected and legality upheld in the manner prescribed in the FIDE Charter and Code, that is to say, through the appropriate organs and procedures set out in these texts. In that regard, the violations alleged by UCF are primarily for FIDE to sanction and redress through articles 4.10 and 26.6 of the FIDE Charter and articles 5, 7, 10, 11, 13 and 16 of the EDC Code. A complaint may therefore lie against FIDE only once these processes have been gone through, to the extent that they may have failed to issue sanctions/redress. In the present case, these processes have not been gone through, as the EDC AC rightly pointed out at paragraph 19.4 of the Decision. Accordingly, the Third Charge is inadmissible.
152. In the circumstances, the arguments by the UCF that the internationality requirement under article 4.7 of the EDC Code is met and that the Third Charge is well-founded are

moot and need not be considered.

**D. The appropriate sanction to be imposed on the CFR under the Second Charge**

153. Before examining the issue of the appropriate sanction to be imposed on the CFR under the Second Charge, the Panel must address three preliminary matters.

**1. CAS’s power to decide on the exclusion of a Member Federation**

154. The CFR argues that, under article 17.2 of the FIDE Charter, the CAS has no authority temporarily or permanently to exclude a Member Federation from FIDE membership; rather, such a decision falls within the exclusive competence of the General Assembly of FIDE.

155. In the Panel’s view, the CFR’s position is wrong so far as relevant to the present case. Pursuant to article 17.2 of the FIDE Charter, “*the General Assembly [...] decides on the admission of new Member Federations and Affiliated Organisations and on their temporary suspension and permanent exclusion*”. Nevertheless, it is clear from article 26.6 of the FIDE Charter that “[t]he [EDC] shall [. . .] impose a sanction or grant other measures as specified in the FIDE [EDC Code]”, a temporary exclusion of up to five years expressly being listed as one of the common sanctions in case of breach of the EDC Code. Specifically, article 13.1 (e) of the EDC Code defines “temporary exclusion” as “*the removal of the right of a national federation or any other affiliated organization to participate in the activities, functions, and FIDE events in which all other members do participate by virtue of the Charter for a period up to a maximum of five years*” (in the version of the EDC Code filed by FIDE and available online, this sub-paragraph is numbered 13.1 (f), and the Panel will adopt this numbering in the operative part of this Award).
156. Given the plenary authority of CAS to decide appeals from EDC bodies under Article R57 of the CAS Code, there can be no doubt that CAS may impose the sanction of an exclusion of up to five years on a Member Federation – just as an EDC body may. There being no claim for a permanent exclusion here, the Panel makes no pronouncement on that issue.

**2. The facts and violations underpinning the Second Charge are uncontested by the CFR**

157. With respect to the Second Charge, there is no appeal against the Decision so far as it held that (a) there had been violations of the FIDE Rules by the CFR (b) in the Regions, including Crimea (including the city of Sevastopol; see para. 21.13 of the Decision). There is thus no contestation that, as indeed the EDC AC held at paragraphs 21.20-21.23 of the Decision (quoted at paragraph 21 above):
- The CFR has purported to regulate the game of chess in territories which are within the territorial scope of the UCF, thereby “*violat[ing] the territorial integrity and sovereignty of the UCF*” and “*the principles enshrined in the FIDE Charter to the effect*

*that each FIDE member federation has principal authority over the chess activities in its own country and has the duty to maintain full control and governance of chess [...] within the borders its own country fixed in conformity with [...] views of the international community*". The EDC AC referred in that regard to Resolution ES-11/4 adopted on 12 October 2022 by the United Nations General Assembly (with a vote of 143 in favour, 5 against and 35 abstentions), which concerns the regions of Donetsk, Kherson, Luhansk and Zaporozhye.

- The territories of Crimea and Sevastopol were also not generally recognized by the international community as being within the borders of the Russian Federation.
  - The CFR's conduct constituted a breach of several important provisions of the FIDE Charter and the Code, namely article 7 of the Code read together with article 4.8 of the FIDE Charter, article 11 (m) of the FIDE Charter, and article 11.4 (a) of the Code.
158. These EDC AC holdings being uncontested and therefore final, the present appeal concerns exclusively the question whether the sanction issued by the Decision is or is not adequate in view of the violations pronounced in the Decision.

### **3. The Panel's power of review with respect to sanctions**

159. The Panel refers to the standard of review it has set forth at paragraph 128 above: while under Article R57 of the CAS Code it has the duty to conduct a full *de novo* review on the facts and the law, it should not strain to find fault with the decision below, treating it with careful respect but not with undue deference (cf. CAS 2022/A/8695, para. 143).
160. For reasons given below, the Panel would set aside the sanction issued by the EDC AC by application of any standard of review. Whether the threshold is that the sanction, to be set aside, has to be "evidently and grossly disproportionate" or simply "disproportionate", the Panel's decision would have been to set aside the EDC AC's Decision and replace it with a different sanction.

### **4. The appropriate sanction under the Second Charge**

161. Article 14 of the EDC provides as follows:
- "14.1 The EDC First Instance Chamber entrusted with a case shall decide in its discretion the type and duration of any sanction it believes appropriate to the offence committed with due regard to the severity of the sanction imposed in previous cases for the same type of offence.*
- 14.2 The sanction shall take into account the relevant factors pertaining to the offence, including but not limited to:*
- (a) the gravity of the infringement;*
  - (b) the degree of the offender's culpability; and*
  - (c) the harm caused by the infringement, whether or not such harm is pecuniary in nature.*
- 14.3 The sanction shall take into account the personal circumstances of the offender,*

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*as well as any aggravating and mitigating factors.*

14.4 *A person found guilty of a violation of any of articles 11.4(d) or (e), or 11.8(e) or (f) shall not be sanctioned more than the perpetrator of the original act or the sanction likely to be imposed for the offence under investigation.*

14.3 *Further guidelines for determining an appropriate sanction shall be included in the EDC Procedural Rules.”*

162. The same power of exercising discretion guided by the factors set out in articles 14.1-14.4 vests in the EDC AC and, on appeal to CAS, this Panel by virtue of Article R57 of the CAS Code.
163. In the present case, the EDC AC held (at paragraph 22.4 of the Decision) that “*the offence that the CFR is convicted of [is] fundamentally, the breach of the UCF’s territorial integrity and sovereignty as guaranteed by the FIDE Charter*”. It characterized this offence as “*very serious and strik[ing] at the core of the basis upon which chess associations all over the world have agreed to associate themselves with each other in the FIDE organisation*”. The sanction which the EDC AC was prepared to issue was “*a fine close to the maximum [EUR 50,000,] in the amount of €45,000*” which would be converted into a temporary exclusion if not paid within the time stipulated.
164. In so doing, the EDC AC took account of two mitigating factors:
- First, a “*suspicion*” that the CFR had “*underestimate[d] the consequences of its activities in the occupied Ukrainian territories*” because of lack of prior precedent or FIDE guidance (paragraph 22.10);
  - Secondly, “*the CFR’s outstanding contribution to the FIDE family and the development of chess as a sport over a long time*” (paragraph 22.14).
165. For its part, the Panel considers that a monetary sanction is completely inapt to the nature and gravity of the CFR’s violations.
166. In the FIDE system, monetary sanctions (indeed, in similar amounts) have been issued for technical offences, such as improper withdrawal from a tournament (EDC Case No. 2/2023). Thus a monetary sanction sends the clear indication that the CFR’s violations are not dissimilar in nature and gravity to such technical, one-off offences. That, in the Panel’s view, would be entirely wrong and inappropriate, and therefore inconsistent with the article 14.1 requirement that one must take account of sanctions “*imposed in previous cases for the same type of offence*”.
167. Moreover, in the FIDE system, monetary sanctions appear not to be issued against Member Federations at all. True, there is one case, where an EDC panel imposed a monetary fine (of EUR 25,000) on the Iranian Chess Federation, but this case post-dates the Decision at issue here (and so could not have served as precedent) and in any event did not appear to concern “*the same type of offence*” as here.

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168. In addition, a monetary sanction would, of itself, be incapable of addressing a violation of “*territorial integrity and sovereignty*”. The UCF’s harm is (to put this in terms of article 14.2 (c) of the Code) not “*pecuniary in nature*”. By the very nature of the CFR’s violation, a monetary sanction is simply incapable of addressing the UCF’s harm, which (in the EDC AC’s own description) strikes at the very heart of the UCF’s mission.
169. The Panel has further taken into account four considerations:
- First, the CFR’s conduct is clear-eyed: no contrition has been expressed (before the instances below or this Panel) for the violations which are now admitted by the CFR.
  - Secondly, the CFR has not pleaded a conflict of duties, viz a duty under Russian law to extend its remit to the Regions that would conflict with the position accepted by the large majority of the international community. It is the CFR’s policy to extend its remit to the Regions.
  - Thirdly, there has been no suggestion that the CFR sought guidance from FIDE in adopting its policy. The EDC AC noted the absence of FIDE guidance, but failed to remark upon the CFR’s responsibility in causing that absence.
  - Finally, while the Panel entirely accepts that it is the duty of a federation such as the CFR to take account of the interests of athletes and the continuing development of chess notwithstanding the dislocations of armed conflict and territorial disputes, the Panel has been informed of no attempt by the CFR (alone or in conjunction with FIDE) to do so in a neutral manner that would leave sovereignty issues unaffected. Nor has the Panel been informed of any attempt by the CFR to leave it open to players in the Regions to continue participating in UCF-organized tournaments/competitions. The Panel is aware in that regard of various “neutral banner” practices that have been put in place by the IOC at different points in time.
170. As to the mitigating factors that the EDC AC identified, the Panel is respectfully unable to see that they are relevant at all. Taking them in turn:
- The EDC AC’s “*suspicion*” as to the motivation of the CFR is neither a fact nor an admission by the CFR. Moreover, an “*underestimation*” of the likely consequences of one’s own conduct does not strike this Panel as a mitigating factor at all but rather as an indication of one’s willingness to take a risk that there will be consequences down the line.
  - The CFR’s historic contribution to the game of chess, while beyond doubt, is wholly irrelevant to the violations at issue here.
171. In consequence, the Panel will set aside operative paragraph 24.5 of the Decision, including the monetary fine which must in consequence (if it has been paid) be restituted to the CFR, and replace them with orders for a cessation of CFR activities in the Regions within 90 days, failing which the CFR will be excluded from FIDE for a period of up to three years (or shorter, if it ceases its activities earlier).

172. The Panel strongly encourages FIDE, the CFR, and UCF to engage in a good-faith dialogue – potentially under the management of a special independent experts' committee appointed by FIDE – to identify a package of consensual arrangements within the framework of which (a) athletes located in the Regions will be able to compete in FIDE-sanctioned events and (b) chess will continue to develop. It goes without saying that such arrangements will by definition be consistent with the Panel's order of cessation of CFR activities in the territories concerned.

**XI. COSTS**

(...)

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## ON THESE GROUNDS

### The Court of Arbitration for Sport rules that:

1. The appeal filed by the Ukrainian Chess Federation on 3 October 2024 against the Decision rendered by the Appeals Chamber of the Ethics and Disciplinary Commission of the International Chess Federation on 12 September 2024 is dismissed save as ordered in paragraph (2) below.
2. Paragraph 24.5 of the Decision rendered by the Appeals Chamber of the Ethics and Disciplinary Commission of the International Chess Federation on 12 September 2024 is set aside and replaced by the following:

*“24.5 The Chess Federation of Russia is sanctioned as follows:*

*(A) Within 90 days of the present decision, the Chess Federation of Russia shall cease to regulate chess activities and events in the city of Sevastopol and the regions of Crimea, Donetsk, Kherson, Luhansk and Zaporozhye; and will issue announcements, including to the International Chess Federation, confirming that it has done so.*

*(B) In the event the Chess Federation of Russia fails to comply with paragraph (A) above, its membership with the International Chess Federation shall automatically be suspended, in terms of article 13.1(f) of the Ethics and Disciplinary Code (subparagraph entitled “Temporarily exclusion from membership”), for a period of three years; unless and until the Chess Federation of Russia complies to the satisfaction of the International Chess Federation with the content of paragraph (A) above, in which case its membership shall automatically resume.*

*(C) In the event the Chess Federation of Russia has paid €45,000 to the International Chess Federation in compliance with the Decision, the International Chess Federation shall return this amount without delay.”*

3. (...).
4. (...).
5. All other motions or prayers for relief are dismissed.

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## **THE COURT OF ARBITRATION FOR SPORT**

Dr Georgios Petrochilos KC  
President of the Panel

Prof. Dr Eligiusz Krzesniak  
Arbitrator

Mr Efraim Barak  
Arbitrator

Stéphanie De Dycker  
Clerk with the CAS