



TAS / CAS

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

CAS 2025/A/11592 Russian Luge Federation & al. v. International Luge Federation (FIL)

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition

President: Prof. Luigi Fumagalli, Professor and Attorney-at-Law, Milano, Italy
Arbitrators: Ms Annett Rombach, Attorney-at-Law, Frankfurt am Main, Germany
Prof. Dr Christoph Vedder, Attorney-at-law, Munich, Germany

in the arbitration between

Russian Luge Federation, Moscow, Russian Federation

&

Aleksandr Gorbatsevich, Sofiia Mazur, Andrei Bogdanov, Iurii Prokhorov, Ekaterina Fomina and Polina Grigore, Russian Federation

All represented by Mr Claude Ramoni and Ms Monia Karmass, Attorneys-at-Law, Libra Law SA, Lausanne, Switzerland

Appellants

and

International Luge Federation, Wals-Siezenheim, Austria

Represented by Dr Christian Krähe, Attorney-at-Law, Kanzlei am Münster, Konstanz, Germany, and by Dr Thomas Summerer, Attorney-at-Law, Summerer-Söffing Rechtsanwälte, Munich, Germany

Respondent

I. THE PARTIES

1. The Russian Luge Federation (the “RLF”) is the national governing body for the sport of luge in Russia. It is affiliated to the International Luge Federation.
2. Mr Aleksandr Gorbatshevich, Ms Sofiia Mazur, Mr Andrei Bogdanov, Mr Iurii Prokhorov, Ms Ekaterina Fomina and Ms Polina Grigoreva (the “Individual Athletes”) are luge athletes of international level from Russia. They are affiliated to the RLF and are members of the Russian national luge team.
3. The International Luge Federation (the “FIL” or the “Respondent”) is the world governing body for the international sport of luge, recognised as such by the International Olympic Committee (the “IOC”).
4. The RLF and the Individual Athletes will be hereinafter collectively referred to as the “Appellants”.
5. The Appellants and the Respondent together are referred to as the “Parties”.

II. BACKGROUND FACTS

6. Below is a summary of the main relevant facts and allegations based on the Parties’ written submissions, pleadings and evidence adduced during these proceedings. Additional facts and allegations may be set out, where relevant, in connection with the legal discussion that follows. Although the Panel has considered all the facts, allegations, legal arguments and evidence submitted by the Parties in the present proceedings, it refers in this award only to the submissions and evidence it considers necessary to explain its reasoning.
7. On 24 February 2022, the Russian-Ukraine military conflict began. This will be described neutrally as the “Russia-Ukraine War”.
8. On 24 February 2022 the IOC issued a press statement according to which it “condemn[ed] the breach of the Olympic Truce by the Russian government”.
9. On 25 February 2022, the Executive Board of the IOC (the “IOC EB”) issued a statement recommending, *inter alia*, that all International Sports Federations (the “IFs”) relocate or cancel any sports events planned in Russia or Belarus, and to “take the breach of the Olympic Truce by the Russian and Belorussian governments into account and give the safety and security of the athletes absolute priority”.
10. On 28 February 2022, the IOC EB issued the following resolution:
 - “1. In order to protect the integrity of global sports competitions and for the safety of all the participants, the IOC EB recommends that International Sports Federations and sports event organisers not invite or allow the participation of Russian and Belorussian athletes and officials in international competitions.

2. *Wherever this is not possible on short notice for organisational or legal reasons, the IOC EB strongly urges International Sports Federations and organisers of sports events worldwide to do everything in their power to ensure that no athlete or sports official from Russia or Belarus be allowed to take part under the name of Russia or Belarus. Russian or Belarusian nationals, be it as individuals or teams, should be accepted only as neutral athletes or neutral teams. No national symbols, colours, flags or anthems should be displayed.*
Wherever, in very extreme circumstances, even this is not possible on short notice for organisational or legal reasons, the IOC EB leaves it to the relevant organisation to find its own way to effectively address the dilemma described above.
In this context, the IOC EB considered in particular the upcoming Paralympic Winter Games Beijing 2022 and reiterated its full support for the International Paralympic Committee (IPC) and the Games.
 3. *The IOC EB maintains its urgent recommendation not to organise any sports event in Russia or Belarus, issued on 25 February 2022.*
 4. *The IOC EB has, based on the exceptional circumstances of the situation and considering the extremely grave violation of the Olympic Truce and other violations of the Olympic Charter by the Russian government in the past, taken the ad hoc decision to withdraw the Olympic Order from all persons who currently have an important function in the government of the Russian Federation or other government-related high-ranking position, including the following:*
 - *Mr Vladimir Putin, President of the Russian Federation (Gold, 2001)*
 - *Mr Dmitry Chernyshenko, Deputy Prime Minister of the Russian Federation (Gold, 2014)*
 - *Mr Dmitry Kozak, Deputy Chief of Staff of the Presidential Executive Office (Gold, 2014)*
 5. *The IOC EB welcomes and appreciates the many calls for peace by athletes, sports officials and members of the worldwide Olympic Community. The IOC admires and supports in particular the calls for peace by Russian athletes.*
 6. *The IOC EB reaffirms its full solidarity with the Ukrainian Olympic Community. They are in our hearts and thoughts. The IOC EB commits to continue and strengthen its efforts for humanitarian assistance. Therefore, the IOC EB has today established a solidarity fund. In this context, the IOC expresses its gratitude to the National Olympic Committees (NOCs) and International Sports Federations that are already supporting Ukrainian athletes and their families.”*
11. On 2 March 2022, the FIL Executive Board (the “FIL EB”) held an emergency meeting in response to the situation in Ukraine, condemning, “*in the strongest terms*”, the invasion of Ukraine by the Russian and Belarus governments and adopting the following sanctions (the “March 2022 Decision”), effective immediately and which were to last until further notice as follows:
- “• *Russia is ineligible to host any FIL sanctioned events*
 - *All Russian athletes, coaches and officials are excluded from all FIL sanctioned events*
 - *Russian representatives appointed by the FIL Executive Board to various Commissions and Working Groups are suspended from their positions*
 - *The FIL will initiate an investigation into certain derogatory and disturbing social media posts by Russian athletes directed at Ukraine”.*

12. On 16 March 2022, the RLF challenged these sanctions before the FIL Court of Arbitration (the “FIL CoA”), requesting it to set aside the March 2022 Decision. In support of its request, the RLF submitted that the FIL EB had no power to adopt the March 2022 Decision and that the March 2022 Decision was discriminatory and therefore was contrary to the FIL Statutes.
13. On 7 April 2022, the FIL CoA issued an award setting aside the March 2022 Decision (the “CoA Award”) and annulling all measures imposed against the RLF. More specifically, the FIL CoA found that
 - i. *“the Statutes and Regulations of the FIL are clear. The EB has no jurisdiction to declare the RLF ineligible to host any FIL sanctioned events”*; and
 - ii. *“the collective actions against all Russian athletes, coaches, officials and even the Russian representatives appointed by the EB in FIL Commissions and Working Groups is based only on the nationality of the individuals concerned, and to be regarded as prohibited political discrimination.”*
14. On 11 April 2022, the FIL EB issued a public statement regarding the CoA Award, stating *inter alia* that:

“[...] Even knowing that the measures against the Russian Luge Federation have been lifted for legal reasons, the FIL Executive Board is still fully committed to the measures decided on March 2nd, 2022 until revoked [...]”.
15. On 25 April 2022, FIL announced that its 70th Ordinary Congress would take place in Hall in Tirol, Austria, on 18 and 19 June 2022.
16. On 23 May 2022, FIL transmitted to its members a revised draft of its Statutes. Such draft (the “May 2022 Draft”) contained some proposed modifications, including (to the extent relevant in this arbitration) to Articles 1.5 and 4.5.8.
17. On 17 June 2022, FIL transmitted to its members a second revised draft of its Statutes. Such draft (the “June 2022 Draft”) contained some amendments to the modifications to Articles 1.5 and 4.5.8 set out in the May 2022 Draft. In the email circulating the June 2022 Draft, FIL explained that the *“few changes”* to the Statutes were proposed *“in consideration of Austrian law and after having been advised by an Austrian legal expert”*.
18. On 18 and 19 June 2022, the 70th FIL Ordinary Congress took place. At this occasion, modifications to the FIL Statutes were approved, corresponding to those contained in the June 2022 Draft (the “FIL Statutes”). So far as relevant in this arbitration, the provision in the Statutes so approved, and chiefly its Article 4.5.8, correspond to those currently in force.
19. On 14 September 2022, the UN Special Rapporteurs in the field of cultural rights and on contemporary forms of racism, racial discrimination, xenophobia and related intolerance sent a letter to the IOC raising some concerns regarding the decision of the IOC EB which imposed and recommended sanctions on Russian and Belarusian athletes.
20. On 23 September 2022, the FIL EB adopted a resolution (the “Emergency Resolution”),

taken on the basis of Article 4.5.8 of the FIL Statutes as follows:

“In view of the war of aggression currently being waged by the Russian Federation against Ukraine, the suspension of all rights to participation of athletes, assistants, coaches, and other officials of the Russian Luge Federation in FIL-sanctioned competitions is ordered until further notice in order to ensure safe, peaceful, and upright athletic competitions.

The presence of Russian athletes, assistants, coaches, and other officials from the Russian Luge Federation during the staging of FIL-sanctioned sport competitions is associated with the high risk that the safety, peacefulness and integrity of these competitions and their participants (including those of the Russian Federation itself) are gravely endangered. This risk is based on the causal personal involvement of the named persons in these FIL competitions and cannot be replaced by a less drastic measure, so that the suspension of participation is proportionate if and as long as the hostilities in Ukraine continue as a reason for this measure.”

21. On 28 March 2023, the IOC, following consultations within the Olympic Movement, adopted some recommendations concerning the participation of Russian and Belarusian athletes to international competitions as Individual Neutral Athletes (“AIN”), subject to some criteria (the “IOC AIN Criteria”), as follows:

- “1. Athletes with a Russian or a Belarusian passport must compete only as Individual Neutral Athletes.*
- 2. Teams of athletes with a Russian or Belarusian passport cannot be considered.*
- 3. Athletes who actively support the war cannot compete. Support personnel who actively support the war cannot be entered.*
- 4. Athletes who are contracted to the Russian or Belarusian military or national security agencies cannot compete. Support personnel who are contracted to the Russian or Belarusian military or national security agencies cannot be entered.*
- 5. Any such Individual Neutral Athlete, like all the other participating athletes, must meet all anti-doping requirements applicable to them and particularly those set out in the anti-doping rules of the IFs.*
- 6. The sanctions against those responsible for the war, the Russian and Belarusian states and governments, must remain in place:*
 - a. No international sports events organised or supported by an IF or NOC in Russia or Belarus.*
 - b. No flag, anthem, colours or any other identifications whatsoever of these countries displayed at any sports event or meeting, including the entire venue.*
 - c. No Russian and Belarusian government or state official can be invited to or accredited for any international sports event or meeting.”*

22. At the same time, the IOC indicated that:

“these recommendations do not concern the participation of athletes and their support personnel with a Russian or Belarusian passport at the Olympic Games Paris 2024 or the Olympic Winter Games Milano Cortina 2026. The IOC will take this decision at the appropriate time, at its full discretion, and without being bound by the results of previous Olympic qualification competitions”.

23. On 17 and 18 June 2023, the 71st FIL Ordinary Congress took place in Bucharest, Romania, and the Emergency Resolution was confirmed in its effects.

24. On 25 October 2023, the IOC issued a statement to address, in a “Q&A” format, the issues raised by the exclusion of athletes with a Russian or Belarusian passport. In such document, the IOC AIN Criteria were confirmed and explained.
25. On 14 and 15 June 2024, the 72nd FIL Ordinary Congress took place in Lake Placid, USA, confirming the continued application of the Emergency Resolution.
26. On 18 June 2025, the 73rd FIL Ordinary Congress, held in Tampere, Finland, approved resolutions (jointly the “Appealed Decision”):
 - i. to confirm the Emergency Resolution, “*since the situation has not changed since last year’s Congress*” (Congress Resolution 05/25, approved with 24 votes in favour and 7 votes against); and
 - ii. to reject the proposal to authorize the FIL EB to create and implement an AIN program to enable Russian neutral athletes and their entourage to participate in the 2026 Olympic Winter Games Milano-Cortina 2026 (the “2026 OWG”) and in the training weeks and qualifying competitions (Congress Resolution 07/25, proposal rejected, having obtained only 8 votes in favour and 24 votes against). Such proposal was explained in a document dated 10 June 2025, contained as Enclosure 7 to the Congress documentation (“Enclosure 7”).
27. The adoption of the Appealed Decision was described as follows on the FIL website:

“FIL Congress disallows Russian athletes from Milano-Cortina 2026.

Tampere (FIL/June 18, 2025) At its 73rd Congress in Tampere, Finland, the International Luge Federation (FIL) has voted to continue the exclusion of Russian athletes from FIL competitions, including the qualification process for the Olympic Winter Games Milano-Cortina 2026. The decision was made through a democratic vote held on June 18, 2025.

Agenda item 8.2 once again addressed whether Russian athletes and officials should remain excluded from the FIL events, in line with the resolutions passed by the FIL Executive Board on September 23, 2022, and reaffirmed at the 72nd FIL Congress in Lake Placid in 2024.

A lively and engaged discussion followed among the Congress delegates. Leon Felderer, Chair of the FIL Athletes’ Commission, presented the results of an anonymous survey conducted among athletes from artificial and natural track disciplines. The survey revealed a broad range of concerns and opinions regarding safety, Olympic quotas, anti-doping compliance, and fairness. ‘Athletes hold a wide range of views. There are many concerns and arguments on both sides’, Felderer summarized.

The first vote asked whether to uphold the 2022 and 2024 resolutions. 24 delegates voted in favor of continuing the exclusion, while seven voted against and one ballot was invalid.

A second vote followed, in which the Congress decided not to authorize the FIL Executive Board to develop an AIN program for neutral Russian athletes. As a result, Russian athletes and their entourage will not be permitted to participate in the 2026 Olympic Winter Games. Again, 24 delegates voted for the exclusion, while eight supported the possibility of participation under the AIN (Athletes with Individual Neutrality) concept.

FIL President Einars Fogelis commented on the decision: ‘The Congress has made its position clear. This outcome reflects our collective responsibility to uphold fair and safe competition. We fully respect the diversity of views within our community, especially from our athletes.’

With this decision, the FIL reaffirms its commitment to integrity, safety, and solidarity in international sport’.

28. On 19 September 2025, the IOC EB, considering “*the experience of the Olympic Games in Paris, during which 32 athletes with a Russian or Belarusian passport from 10 different sports took part, without any incident on or off the field of play*”, confirmed the IOC AIN Criteria also for the 2026 OWG, and adopted in such respect the “*Principles Relating to the Implementation of the Participation for Individual Neutral Athletes and their Support Personnel with a Russian or Belarusian Passport at the Olympic Winter Games Milano Cortina 2026*”.

III. THE PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

29. On 8 July 2025, the Appellants filed with the Court of Arbitration for Sport (“CAS”) a Statement of Appeal pursuant to Article R47 of the CAS Code of Sports-related Arbitration (the “CAS Code”), to challenge the Appealed Decision (the “Appeal”). In the Statement of Appeal, the Appellants, *inter alia*, nominated Ms Annett Rombach, Attorney-at-law in Frankfurt am Main, Germany, as an arbitrator.
30. On the same day, the Appellants sent a letter to the Respondent in order to inform it of the filing of the Appeal and to request it, *inter alia*, that it confirmed “*its agreement that jurisdiction lies with CAS*” to deal with the matter.
31. On 9 July 2025, the FIL, in a letter sent by his counsel, specified to the Appellants that it could not confirm its agreement to the CAS jurisdiction, because it would be for the FIL CoA to decide on the dispute in the first instance.
32. On 16 July 2025, the Appellants filed also with the FIL CoA an appeal against the Appealed Decision (the “Appeal to the FIL CoA”). In a letter to the CAS Court Office of the same date, the Appellants wrote that:

“The Appellants maintain that the CAS clearly has exclusive jurisdiction over this dispute, given its Olympic nature and the absence of any legal avenue within the FIL Statutes or Regulations to challenge a Congress decision of the type and nature of the Challenged Decision.

However, in light of the undue objection to CAS jurisdiction raised by the FIL in its letter dated 9 July 2025 [...], and notwithstanding the Appellants’ firm position that CAS retains exclusive jurisdiction, the Appellants have, in good faith, filed an appeal today before the FIL Court of Arbitration [...] in order to pre-empt any argument by the FIL that internal remedies have not been exhausted [...].

This step is taken strictly without prejudice, and on the express condition that the FIL COA proceedings constitute an effective remedy, including the implementation of an expedited timetable, as requested in the appeal brief, in order to secure a decision in time for Milano-Cortina 2026.

In light of the above, the Appellants respectfully request the immediate suspension of the present CAS proceedings, including the suspension of the current deadline to file the Appeal Brief, until notification of the final decision of the FIL CoA pursuant to the expedited timetable, i.e. until 1st September 2025.

The Appellants expressly reserve their right to reactivate the CAS proceedings should the FIL CoA proceedings fail to provide an effective and timely remedy, particularly in view of the fast-approaching Olympic Winter Games Milano-Cortina 2026.”

33. On 17 July 2025, the CAS Court Office invited the Respondent to comment on the Appellants’ request for suspension of the CAS proceedings.

34. On 21 July 2025, the President of FIL sent to the CAS Court Office a letter as follows:

“Due to a brief health issue affecting our FIL Legal Commission Chairman Dr. Christian Krähe, I am writing to you as President of the International Luge Federation (FIL) to provide the following information on this matter:

- *The FIL would like this case to be handled directly by the CAS without prior referral to the FIL’s internal arbitration tribunal.*
- *The FIL nominates Prof. Dr. Christoph Vedder (Munich / Germany) as arbitrator.”*

35. On 22 July 2025, the CAS Court Office informed the Parties that, as a result of the Respondent’s letter, the suspension of the procedure was lifted with immediate effect.

36. On 8 August 2025, the Appellants filed with the CAS Court Office their Appeal Brief pursuant to Article R51 of the CAS Code, together with a bundle of documents, which included the witness statements of the Individual Athletes and an expert report signed by Prof. Vincent Chetail.

37. On 27 August 2025, the Respondent filed with the CAS Court Office its Answer to the Appeal, pursuant to Article R55 of the CAS Code, objecting to the jurisdiction of CAS and seeking in any case the dismissal of the Appeal. In its Answer, the Respondent indicated some witnesses, including an expert (Prof. Patricia Wiater), to be heard at the hearing and agreed to an expedited procedure within the meaning of Article R44.4 of the CAS Code.

38. On 2 September 2025, the CAS Court Office, acknowledging the receipt of the Answer submitted by the Respondent, in a letter to the Parties:

- invited the Appellants to file their written submission on the issue of jurisdiction raised by the Respondent;
- noted that the Respondent agreed to the expedited the procedure and, therefore, invited the Appellants to provide their comments on the matter;
- invited the Parties to express a preference as to the holding of a hearing or whether they wished the Panel to decide on the basis of their written submissions.

39. On 5 September 2025, the Appellants informed the CAS Court Office that:

“[...] we acknowledge the Respondent’s agreement to an expedited procedure, which we welcome.

The Appellants further confirm their preference for a hearing to be held and respectfully request that a case management conference be convened at the earliest practicable opportunity.

With regard to the expedited procedure, we respectfully propose the following calendar: [...]”.

40. On 8 September 2025, the CAS Court Office invited the Respondent to comment on the expedited procedural calendar proposed by the Appellants.
41. By letter of 9 September 2025, the Appellants confirmed their preference that a hearing and a case management conference (CMC) be held. At the same time, the Appellants filed their Reply on jurisdiction.
42. On 9 September 2025, the Respondent wrote to the CAS Court Office that:
- “[...] we can confirm that the Respondent is attaching great importance to a hearing to be held in these proceedings.*
- However, a case management conference is not necessary as a preparation of the hearing will not be required due to lack of procedural issues and the absence of necessity to organize the taking of evidence.*
- We do not support the calendar of expedited procedure proposed by the Appellants, but leave it to the Panel to decide on the program of the expedited procedure.”*
43. On 9 September 2025, the CAS Court Office noted that under Articles R55(4) and (5) of the CAS Code, the Panel would rule on its own jurisdiction either preliminarily or in the final award, and that in the absence of an agreement the arbitration would not be expedited.
44. On 12 September 2025, the Appellants informed the CAS Court Office that:
- “[...] As both parties have agreed on the principle of an expedited procedure, without however agreeing on any schedule, I request that the Panel be constituted as a matter of emergency. [...] I further request that a Case Management Conference(CMC) be convened at the earliest possible date in order to discuss the next steps of the procedure to allow for an award to be issued in time for the Appellants to take part in qualifying events for the Winter Olympic Games Milano Cortina 2026.”*
45. On 18 September 2025, the CAS Court Office informed the Parties that Prof. Luigi Fumagalli, Professor and Attorney-at-Law in Milano, Italy, had been appointed as President of the Panel in the present case.
46. On 19 September 2025, the Appellants challenged the nomination of Prof. Fumagalli as President of the Panel pursuant to Article R34 of the CAS Code.
47. On 23 September 2025, the CAS Court Office invited the Respondent and the arbitrators to provide their comments on the petition for challenge submitted by the Appellants.
48. On 24 September 2025, Prof. Fumagalli sent a letter to the CAS Court Office confirming his availability to sit in the Panel *“with open mind to fairly adjudicate in fully independent capacity the Parties’ claims.”*
49. On 25 September 2025, the Appellants sent a letter to the CAS Court Office, requesting that two additional documents be admitted to the file, as follows:
- “On behalf of the Appellants, and pursuant to Article R56 of the CAS Code, please find enclosed the IOC Guidelines issued on 19 September 2025 by the IOC Executive Committee, entitled*

‘Individual Neutral Athletes to compete at Milano Cortina 2026 Olympic Winter Games under the same conditions as for Paris 2024’, together with the related press release. (...).

These documents confirm (i) the continued admission of Individual Neutral Athletes (AIN) for Milano-Cortina 2026 under the same regime as Paris 2024, and (i) that at Paris 2024, 32 athletes with a Russian or Belarusian passport from 10 sports competed as neutrals ‘without any incident on or off the field of play’.

It is directly material to the issues of the Challenged Decision’s non-compliance with the IOC framework (contrary to its own assertions), of proportionality, non-discrimination, of the feasibility of neutral participation, and the availability of less-restrictive measures, all of which are central to the Appellants’ case. We therefore respectfully request that it be admitted into evidence.”

50. On 25 September 2025, the CAS Court Office invited the Respondent to comment by 30 September 2025 on the Appellants’ request to admit their two new exhibits to the file.
51. On 25 September 2025, the Respondent in a letter to the CAS Court Office requested that the Appellants’ challenge of the appointment of Prof. Fumagalli be dismissed.
52. On 26 September 2025, Prof. Vedder sent a message to the CAS Court Office stating that, following the reasoned response of Prof. Fumagalli to the Appellants’ challenge, he had no further comments.
53. On 29 September 2025, the CAS Court Office, referring to the letters submitted by Prof. Fumagalli, Prof. Vedder and the Respondent, invited the Appellants to confirm whether they intended to maintain their challenge against the appointment of Prof. Fumagalli. The Parties were further informed that, should the challenge be confirmed, the Challenge Commission of the International Council of Arbitration for Sport (the “Challenge Commission”) would issue an order pursuant to Article R34 of the CAS Code.
54. On 1 October 2025, the Respondent requested that the new exhibits submitted by the Appellants not be admitted to the case file, since:

“The IOC principles relating to the implementation of the participation for AIN-athletes and their support Personnel with Russian passports at the upcoming Olympic Winter Games Milano Cortina 2026 do not really contain new maxims other than those which were applied during the Paris Summer Games.

Therefore these principles were already discussed extensively in the correspondence of the parties.

Moreover, the IOC principles are not relevant as far as the legal issues of this case are concerned which is dealing with the legal validity of resolutions passed during the FIL Congress in Juni 2025 when the IOC documents had not been published yet. [...]”.
55. On 1 October 2025, the CAS Court Office informed the Parties that the admissibility of those exhibits would be determined by the Panel.
56. On 2 October 2025, the Appellants informed the CAS Court Office that they maintained their challenge against Prof. Fumagalli.

57. On 3 October 2025, Prof. Fumagalli, in a message to the CAS Court Office, confirmed his position as independent of the Parties and impartial, and that he remained available for a fair adjudication of the dispute.
58. On 8 October 2025, on behalf of the Panel, the CAS Court Office informed the Parties that, in view of the Appellants' request that the Award be rendered by the end of October 2025, the Panel had decided to identify a provisional hearing date without awaiting the decision of the ICAS Challenge Commission, and stated that the hearing date would however only be confirmed upon receipt of the Order on Challenge.
59. On 16 October 2025, the CAS Court Office, following correspondence with the Parties, informed them that the Panel would be available for a hearing in this matter on 24 October 2025.
60. On 23 October 2025, the CAS Court Office:
- i. transmitted to the Parties a copy of the operative part of the Order on Challenge issued by the Challenge Commission, dismissing the Appellants' petition;
 - ii. confirmed that the hearing would take place on 24 October 2025 by video link;
 - iii. submitted to the Parties a tentative hearing schedule prepared by the Panel;
 - iv. provided the Parties with an order of procedure (the "Order of Procedure");
 - v. informed the Parties that the Panel would rule on its jurisdiction in the final award.
61. On the same 23 October 2025:
- i. the Respondent in correspondence addressed to the CAS Court Office:
 - a. returned a signed copy of the Order of Procedure, confirming in a handwritten note that it objected to the CAS jurisdiction;
 - b. in a separate letter, while indicating the names of the witnesses that would attend the hearing, "*complain[ed] about the lacking of fairness of the procedure and urge[d] the Panel to guarantee fair conditions to all parties and participants*", since "*the start time of the hearing was communicated less than 24(!) hours before its beginning, so that the requirements of a serious preparation of the hearing could not been met any more, especially as the witnesses from European and American countries could not be instructed in due course*";
 - c. confirmed, following a request for clarification by the CAS Court Office, that the expert Prof. Wiater would not be presented during the hearing;
 - ii. the Appellants, in a letter to the CAS Court Office:
 - a. returned a signed copy of the Order of Procedure, amending it to specify the basis on which the CAS jurisdiction was invoked;
 - b. transmitted copies of "*two extremely recent decisions*" on which they intended to rely at the hearing, namely an award rendered by CAS on 26 September 2025 (CAS 2022/A/8856 – the "CAS 8856 Award"), and an

Interim Order issued by the Appeals Tribunal of the International Bobsleigh & Skeleton Federation on 19 October 2025 (the “IBSF AT Order”).

62. On 24 October 2025, a hearing was held by videoconference (the “Hearing”). In addition to the Panel and Ms Delphine Deschenaux-Rochat, CAS Counsel, the following persons attended it:
- for the Appellants: Mr Claude Ramoni and Mr Ricardo Suescun, counsel, as well as the Individual Athletes in person, assisted by Ms Margarita Larshina, interpreter;
- for the Respondent: Dr Christian Krähe and Dr Thomas Summerer, counsel, Mr Christopher Schwaiger, FIL Executive Director, and Ms Olena Lukhta, interpreter.
63. At the outset of the Hearing, the Panel thanked the Parties for their availability to appear on short notice on a date which was announced only on 16 October 2025, and which was confirmed after the Challenge Commission had issued its decision on the petition filed by the Appellants. At the same time, after hearing the Parties, the Panel confirmed the admission to the case file of the exhibits and documents submitted by the Appellants on 25 September 2025 and 23 October 2025.
64. The Panel then, after opening statements by counsel, heard declarations by the witnesses called by the Parties, which were all duly informed of their duty to tell the truth. In that context:
- i. declarations were rendered by the Individual Athletes. All of them confirmed the contents of the written statements filed together with the Appeal Brief, and stressed that they have no connections with the Russia-Ukraine War, have no military affiliation or education, have not expressed any opinion with respect to the Russia-Ukraine War, are available to compete as AIN, and have suffered from important prejudice caused by the exclusion of Russian athletes from luge international competitions. In addition:
 - a. Ms Sofiia Mazur declared that she earns a salary from the Russian Centre for Athletic Training in the Moscow region, which is financed by the Russian government;
 - b. Mr Aleksandr Gorbatsevich also declared that he trains in the Centre for Athletic Training, which pays him a salary and provides for courses on sporting matters, such as anti-doping, not on political or military affairs;
 - c. Mr Andrei Bogdanov, in the same way, indicated that he is paid by the Centre for Athletic Training, but that he does not know how the Centre is financed;
 - d. Mr Iurii Prokhorov also confirmed that he receives payments made by the Centre for Athletic Training, and that he is not aware of how the activities of the Centre are funded;
 - e. Ms Ekaterina Fomina stated that she is also paid a salary by the Centre for Athletic Training, where she trains;
 - f. Ms Polina Grigore declared that she receives payments from the Centre for

Athletic Training;

- ii. declarations were rendered by the witnesses designated by the Respondent in its Answer to the Appeal, namely by:
 - a. Mr Taras Hartsula, President and chief coach of the Luge Federation of Ukraine, who declared that Russian athletes are part of the Russian propaganda, and that several athletes posted on social media symbols linked to the Russian aggression against Ukraine, in messages subsequently deleted. In addition, he stressed the risks of incidents in the event Russian and Ukrainian athletes are to take part in the same luge competition, as there is a high sensitivity in Ukraine, in light of the fact that several athletes died during the war or have relatives killed or still fighting;
 - b. Mr Karl-Friedrich Schauhoff, FIL Ethics Authority, who underlined the importance of safety at luge competitions and described the incidents which occurred at the World Cup event in Winterberg, Germany, and at the World Championship in Altenberg, Germany when a lady, identified as a German citizen, displayed a Russian flag at the end of the track. This incident occurred at two occasions in the season 2023/2024: he was present at the second episode, not at the first, but he could see some photos of the event. No Russian athletes took part in the competitions where the incidents occurred;
 - c. Mr Christoph Schweiger, FIL Executive Director, who stressed the risks to security and safety, not only at the 2026 OWG, but also at the qualifying events, if Russian athletes were allowed to compete. It is a tradition, and not a regulatory requirement, that in luge competitions the spectators are allowed to stand very near the track. The increased risks would also translate into higher costs, and no insurance would cover them. Security was the decisive aspect when FIL assessed the possibility for Russian athletes and their entourage to be admitted to luge competitions; this assessment was endorsed by a clear majority of the FIL members at the Ordinary Congress in 2025: the decision adopted on that occasion were not meant to be a sanction, but a measure of protection to safety. Another problem is caused by Latvian legislation, which prohibits Latvian athletes from participating in competitions where Russians are admitted or to organize competitions in Latvia inviting Russian athletes. In Latvia a qualifying event is scheduled to take place in Sigulda and it would be too late to relocate it, not to mention the financial implications of such relocation;
 - d. Mr Markus Prock, President of the Luge Federation of Austria, who confirmed the increased risks to safety if the Russian athletes were allowed to compete, and that safety cannot be guaranteed. In addition, enhanced security measures would imply higher costs, that the organizers are not in a position to bear;
 - e. Mr Scott Riewald, Executive Director of the US Luge Association, who declared that there is an increased possibility of incidents if the Russian athletes were allowed to compete at the US qualifying events, especially in Lake Placid, NY, where a pro-Ukraine community exists. In no case, however, the absence of risks can be guaranteed;

- f. Mr Klavs Vasks, President of the Luge Federation of Latvia, who referred to the Latvian legislation prohibiting the organization in Latvia by public entities of competitions with the participation of Russian athletes, and the participation of Latvian athletes to competitions where Russians are admitted. The track in Sigulda, Latvia, where the qualifying event for the OWG is scheduled to take place in early January 2026 is owned by the Latvian State. In any case, security and safety problems would be caused by the presence of athletes from Russia;
- iii. Prof. Vincent Chetail, an expert called by the Appellants, confirmed and further explained his opinion, contained in a report filed by the Appellants, and noted that the document signed by Prof. Wiater produced by the Respondent was not the basis of the Appealed Decision, but had been prepared for other purposes. Prof. Chetail stated that safety is a legitimate purpose for the Appealed Decision, but concluded that the measures therein contained are discriminatory and disproportionate.
65. The Parties were finally invited to submit their pleadings. In that context, the Parties confirmed that the qualifying events for the 2026 OWG are scheduled to take place in Innsbruck-Igls, Austria (3-7 December 2025), in Park City, USA (11-13 December 2025), in Lake Placid, USA (17 -21 December 2025), in Sigulda, Latvia (30 December-4 January 2026), and in Winterberg, Germany (6-11 January 2026), answered questions asked by the Panel and insisted for the granting of the relief respectively sought (see paras 69, 70 and 74 below).
66. At the conclusion of the Hearing, the Parties confirmed that, subject to the Appellants' challenge to the appointment of Prof. Fumagalli as a member and President of the Panel, they had no objections in respect of their right to be heard and to be treated equally in the arbitration proceedings. The Panel informed the Parties that the operative part of the award would be rendered as soon as possible.
67. On 31 October 2025, the operative part of this Award was issued.

IV. THE POSITION OF THE PARTIES

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

A. The Position of the Appellants

69. In their Appeal Brief, the Appellants requested the CAS to issue an award as follows:
- I. The appeal is upheld.*
- II. The decision issued by the International Luge Federation Congress on 18 June 2025 is set aside.*
- III. The resolutions adopted by the FIL Executive Board on 23 September 2022, as well as their continuation, as decided at the 71st FIL Ordinary Congress in 2023 and at the 72nd FIL*

Congress in Lake Placid in 2024, are repealed.

- IV. *Mr Aleksandr Gorbatshevich, Ms Sofiia Mazur, Mr Andrei Bogdanov, Mr Iurii Prokhorov, Ms Ekaterina Fomina, and Ms Polina Grigoreva, together with their entourage, as well as all other Russian Athletes, assistants, coaches, and other officials of the Russian Luge Federation are immediately entitled to take part in all international FIL-sanctioned events in the sport of luge under the same conditions as all other athletes and officials affiliated to the International Luge Federation, including in the qualification process for the Olympic Winter Games Milano-Cortina 2026.*
- V. *Subsidiarily to IV, Mr Aleksandr Gorbatshevich, Ms Sofiia Mazur, Mr Andrei Bogdanov, Mr Iurii Prokhorov, Ms Ekaterina Fomina, and Ms Polina Grigoreva, together with their entourage, as well as all other Russian luge athletes, coaches, and officials, shall be immediately authorised to participate as neutral athletes under the designation “AIN” (Athletes with Individual Neutrality) in all international FIL-sanctioned luge events, including the qualification process for the Olympic Winter Games Milano-Cortina 2026.*
- VI. *The International Luge Federation shall bear all the arbitration costs, if any, as well as any other advances of costs, if any, paid by Russian Luge Federation & al.*
- VII. *International Luge Federation shall be ordered to pay Russian Luge Federation & al. A contribution towards the legal costs and other costs incurred in the framework of these proceedings in an amount to be decided by the Panel.”*

70. In their Reply on jurisdiction, then, Appellants requested the CAS to:

- I. Dismiss FIL’s objection to CAS jurisdiction.*
- II. Confirm that CAS has jurisdiction to rule on the appeal filed by the Appellants on 8 July 2025 against the decision issued by the International Luge Federation Congress on 18 June 2025.*
- III. Confirm that the appeal filed by the Appellants on 8 July 2025 against the decision issued by the international Luge Federation Congress on 18 June 2025 is admissible.”*

71. In support of their requests, in essence, the Appellants submit that CAS has jurisdiction to hear the Appeal and that the Appealed Decision was taken on the basis of misleading information, breaches Article 4.5.8 of the FIL Statutes, infringes fundamental rights such as non-discrimination and the freedom to practice one’s profession, violates EU competition law and disregards the CoA Award, which had already ruled on the exclusion of Russian athletes from FIL competitions.

72. As to the CAS jurisdiction, the Appellants maintain that it was expressly accepted by the FIL President in a letter to the CAS Court Office of 21 July 2025 and that it is in any case grounded on Article 4.9.5 of the FIL Statutes and Article 4.2 of the FIL Law and Procedure Regulations, also in consideration of the fact that the Appeal to the FIL CoA remained without an answer. Therefore, any remedy internal to the FIL structure is not effective and the Appellants cannot be blamed for not having exhausted them.

73. In more details, the position of the Appellants can be summarized as follows:

- i. following Russia’s invasion of Ukraine, the IOC in February 2022 urged the IFs to exclude the Russian and Belarusian athletes from their competitions. In March 2022, the FIL EB imposed sanctions on the Russian athletes; however, those sanctions were annulled by the FIL CoA in April 2022. In June 2022, after some

internal evaluations with regard to preparatory drafts, new FIL Statutes were approved, introducing, in Article 4.5.8, the possibility to adopt measures in extraordinary situations, under which the FIL EB again suspended all Russian participation in September 2022. Although the IOC later clarified on several occasions that nationality-based bans are discriminatory and permitted the participation of Russian athletes as AIN, the FIL Congress repeatedly reaffirmed their exclusion, eventually by the Appealed Decision. However, the FIL misled its members before and during the Congress when the Appealed Decision was adopted. In fact, the FIL falsely claimed that the IOC supported the continued exclusion, omitting crucial information, such as the updated IOC guidance from March and October 2023 and the UN Rapporteurs' position, both of which rejected nationality-based bans and endorsed the AIN model as the proper standard. At the Congress, officials reiterated that nothing had changed since the previous year, despite clear global shifts like many federations that had already reintegrated Russian athletes as neutrals, including at the Paris 2024 Olympic Games. The FIL further misrepresented in Enclosure 7 the AIN model as risky, citing unsubstantiated claims about funding losses, security threats and visa issues based on anonymous surveys lacking evidence. Consequently, the vote was based on misleading and incomplete data;

- ii. the Appealed Decision was formally based on Article 4.5.8 of the FIL Statutes, but this provision does not authorize collective exclusions based on nationality. It allows restrictive measures only when there is an individualized causal link between a person and an event beyond the FIL's control, such as armed conflict. This clause was deliberately drafted to exclude collective punishment, based on the consideration that such sanctions would violate both Austrian law and fundamental legal principles (such as the principle *nulla poena sine culpa*). In the present case, the FIL imposed a blanket ban on Russian athletes without any evidence or allegation of individual wrongdoing. None of the Individual Athletes, who explicitly declared having no political or military ties, were shown to have contributed to the Russia-Ukraine War;
- iii. Article 4.5.8 of the FIL Statutes requires the FIL Congress to reassess annually the factual circumstances and revoke the measure when its justification no longer exists. In the case, when the Appealed Decision was adopted the situation had materially changed compared to the time the Emergency Resolution was approved:
 - the Russia-Ukraine War could no longer be considered an exceptional emergency;
 - various other armed conflicts were ongoing worldwide and athletes from the countries involved continue to participate in international sport without restriction;
 - many sports (*e.g.*, tennis, fencing, judo) have reinstated Russian athletes under neutral status, and the IOC itself now promotes individual eligibility (AIN) rather than nationality-based bans.

Despite these elements, the FIL distorted the IOC's position, falsely claiming the IOC supported continued exclusion while concealing official IOC guidance and UN human rights warnings opposing such measures. By withholding this critical

- information, the FIL distorted the decision-making process and deprived Congress delegates of a legally informed vote;
- iv. Article 4.5.8 of the FIL Statutes allows emergency measures only when those measures are proportionate. Any restrictive measure adopted under Article 4.5.8 of the FIL Statutes requires to satisfy the “*three-prong proportionality test*”: suitability, necessity and proportionality. In the present case none of these requirements is fulfilled:
- “*lack of suitability*”: there is no evidence that Russian luge athletes pose any threat to the safety, integrity or peacefulness of FIL events. The FIL has not identified a single instance of misconduct or disruption by any Russian participant and its claim of “*high risk*” rests solely on unproven assumptions. Russian athletes, often competing under neutral status, have participated without incident in numerous major sports, including at the Paris 2024 Olympic Games;
 - “*failure to consider less restrictive measures*”: even if a risk existed, the principle of proportionality required the FIL to adopt less restrictive measures. Instead, the FIL Congress rejected the AIN model, despite the IOC endorsement and the athletes’ expressed willingness to compete neutrally. The IOC had confirmed that nationality-based exclusions are discriminatory and that the AIN model is a lawful and effective alternative, successfully applied at the Paris 2024 Olympic Games. By ignoring this precedent and misrepresenting the AIN option, the FIL acted arbitrarily;
 - “*excessive impact and irreversibility*”: the annual automatic renewal of the exclusion, without reassessing its basis despite major changes, amounts to an indefinite ban. This makes the measure arbitrary and disproportionate. The ban has severely harmed Russian luge athletes, ending careers and denying young competitors any international experience;
- v. the unlimited exclusion of all Russian athletes, coaches, and team members from FIL competitions, without any individual assessment or proof of misconduct, is discriminatory and contrary to the FIL Statutes, the Olympic Charter and international human rights law. It violates the FIL’s own prohibition of political or national discrimination and the Olympic Charter’s fundamental principles guaranteeing equality, political neutrality, and the right to practice sport regardless of nationality. The measure politicizes sport by punishing individuals for state actions beyond their control. Prof. Chetail confirmed that the decision constitutes a clear case of nationality-based discrimination;
- vi. the Appealed Decision violates Articles 101 and 102 of the Treaty on the Functioning of the European Union (TFEU). As the sole international governing body for luge, the FIL holds a monopoly over access to the professional luge market and therefore falls under EU competition law when its decisions have economic effects. According to EU and CAS case law, sporting regulations must be necessary and proportionate to legitimate objectives. The absolute exclusion of Russian athletes from FIL events, as the Olympic qualifiers, fails this test: it is not based on individual misconduct, is unlimited in duration, and ignores less restrictive alternatives such as participation under neutral status. This exclusion acts as an

unjustified barrier to market access, distorting competition and depriving athletes of professional opportunities, in violation of Article 101 TFEU. Moreover, by refusing to allow neutral participation, the FIL abuses its dominant position under Article 102 TFEU, imposing discriminatory and disproportionate restrictions without objective justification;

- vii. the Appealed Decision contradicts the final and binding CoA Award, which had already found unlawful a similar collective exclusion of Russian athletes, coaches and officials. In that case, the CoA held that such measure, based solely on nationality, violated Article 1.6.2 of the FIL Statutes, prohibiting political or discriminatory actions. Despite the subsequent introduction of Article 4.5.8, this provision still requires a causal link between exclusion and individual misconduct, something absent here. Therefore, the same legal defect identified in 2022 persists: the ban constitutes unlawful collective punishment without individual responsibility.

B. The Position of the Respondent

74. The Respondent in its Answer requested the CAS to find as follows:

- “1. *The action is dismissed.*
2. *The plaintiffs shall jointly bear the costs of the arbitration proceedings.*
3. *The plaintiffs shall jointly compensate the defendant for its procedural expenses in an appropriate amount.”*

75. The Respondent grounds its request that the Appeal be denied on a number of reasons: according to the Respondent, (i) CAS has no jurisdiction, (ii) the Appeal (a) is inadmissible, since (1) the Individual Athletes have no standing to challenge the Appealed Decision, (2) the relief sought by the Appellants is vague, (3) the Emergency Resolution and its confirmation at the FIL Ordinary Congress in 2023 and 2024 cannot be reviewed, and in any case (b) is ungrounded.

76. Preliminarily, in fact, the Respondent denies the jurisdiction of CAS, since the Appellants have not exhausted the internal remedies, which provide for an appeal to the FIL CoA before starting CAS appeal proceedings against the FIL CoA decision. In addition, the letter signed by the President of FIL in July 2025 is not sufficient to grant jurisdiction to CAS, because it contravenes the FIL Statutes providing for the necessity to submit disputes to the FIL CoA before reverting to CAS.

77. The Respondent, at the same time, submits that the Appeal is (at least in part) inadmissible, because:

- i. only member associations affected by a decision issued by the FIL Ordinary Congress (such as the Appealed Decision) can challenge it. The Individual Athletes are not direct members of FIL, and therefore cannot contest the Appealed Decision;
- ii. Sections IV (“*Violation of fundamental rights, including non-discrimination, and professional freedom*”) and V (“*Violation of EU Competition Law*”) of the Appeal Brief are inadmissible for vagueness, as they fail to specify which athletes, coaches,

- or officials would be entitled to participate;
- iii. the Appellants' request to annul the Emergency Resolution (adopted in 2022) and the subsequent resolutions of the FIL Ordinary Congresses of 2023 and 2024 is time-barred. In fact, under Article 7 of the Austrian Association Act (the Austrian *Vereinsgesetz*: the "VG") ("*Beschlüsse von Vereinsorganen sind nichtig, wenn dies Inhalt und Zweck eines verletzten Gesetzes oder die guten Sitten gebieten. Andere gesetz- oder statutenwidrige Beschlüsse bleiben gültig, sofern sie nicht binnen eines Jahres ab Beschlussfassung gerichtlich angefochten werden. Jedes von einem Vereinsbeschluss betroffene Vereinsmitglied ist zur Anfechtung berechtigt*"), resolutions remain valid unless challenged in court within one year of adoption, and any affected member may bring a challenge. However, the Appellants do not claim that those decisions are "*inherently invalid*".

78. According to the Respondent, the Appeal is in any case ungrounded:

- i. the challenge to a resolution adopted under Article 4.5.8 of the FIL Statutes requires evidence that the original reason for the measure no longer exists. The Congress' role is limited to assessing whether the reason persists, not the measure's original legality. Since the Appellants have not provided evidence that the Russia-Ukraine War has ended, the Emergency Resolution of 2022, based on Russia's war against Ukraine, remains factually relevant and the challenge to the Appealed Decision lacks grounds;
- ii. the Emergency Resolution and the Appealed Decision fully comply with the FIL Statutes, which permit measures in exceptional situations (such as war) to safeguard safety, peace, and integrity:
- the FIL EB and the FIL Ordinary Congress acted within the FIL's discretionary powers, and no error of discretion has been shown by the Appellants. The discrimination claim is unfounded, as the exclusion of Russian athletes was based not on nationality, but on legitimate safety and integrity concerns stemming from Russia's ongoing war of aggression against Ukraine;
 - the FIL's autonomy, safeguarded under Article 11 of the European Convention on Human Rights (ECHR) and Article 12(1) of the Charter of Fundamental Rights of the European Union (CFR), allows it to regulate participation according to its principles. Acting consistently with the IOC and other IFs', as well as with the international consensus reflected in CAS awards and UN resolutions condemning Russia's aggression, the Appealed Decision was lawful, proportionate, and aligned with the fundamental principles of safety, peace, and integrity in sport;
 - the measures adopted by FIL, in fact, sought to prevent risks of hostility, violence, and security threats during competitions – particularly relevant in luge events, where athletes compete at high speeds and in close proximity to spectators. Past incidents, such as hate messages exchanged between Russian and Ukrainian athletes and the flag incidents in Germany, confirm the seriousness of these risks. Similar measures have been adopted by many IFs, while those allowing neutral participation face lower safety risks. The risks

are linked to the close ties between Russian athletes and the State or military structures, demonstrated by the public statements of loyalty made by leading figures, such as the RLF's President;

- security concerns guided both the Emergency Resolution and the Appealed Decision, when at least 75% of delegates voted against Russian athletes' participation, even as AIN. Expert testimony from FIL and national federation officials highlighted potential risks for the Olympic qualification events. The President of the Ukrainian Luge Federation, Mr Taras Hartsula, emphasized the dangers to Ukrainian and other peace-advocating athletes, noting that Russian athletes have not condemned the war, while Ukrainian athletes face trauma, creating unfair competition conditions. The then IOC President Thomas Bach stressed that integrity, fairness and safety cannot be guaranteed under these circumstances. Furthermore, Ukrainian athletes support excluding the Russian team until the invasion ends;
- if the athlete's safety cannot be guaranteed, it threatens competition integrity, since hostility or hate messages can impair performance. Political boycotts and terrorism risks are typically uninsurable, meaning the FIL itself would bear responsibility and financial burdens. Consequently, the only way to eliminate these risks is to exclude Russian athletes and their entourage from competitions;
- in March 2023, Prof. Patricia Wiater, an expert in public international and human rights law, issued a legal opinion on the exclusion of Russian and Belarusian athletes from international competitions. She concluded that such exclusion constitutes unlawful discrimination only if not justified by legitimate grounds. Legitimate purposes include: (1) the "*protection of the human rights of Ukrainian athletes*"; (2) the "*security and public order considerations*"; and (3) the "*peace policy reasons*". Thus, despite the nationality-based unequal treatment, the exclusion is permissible under international human rights law, making the FIL's decision lawful.

V. JURISDICTION

79. This CAS Panel has the power to decide upon its own jurisdiction, in accordance with Article 186 of the Swiss Private International Law Act (the "PILA"), which applies pursuant to its Article 176.

80. According to Article R47, first paragraph of the CAS Code:

"An appeal against the decision of a federation, association or sports-related body may be filed with CAS if the statutes or regulations of the said body so provide or if the parties have concluded a specific arbitration agreement and if the Appellant has exhausted the legal remedies available to it prior to the appeal, in accordance with the statutes or regulations of that body."

81. The jurisdiction of CAS is contemplated by Article 4.9.5 of the FIL Statutes in the following terms:

"Under exclusion of ordinary legal proceedings an appeal can be made to the Tribunal Arbitral

du Sport (TAS)/Court of Arbitration for Sport (CAS) based in Lausanne on the basis of the Code of Sports-related Arbitration, as far as the FIL Law and Procedure Regulations does not contain any specifications for the appeals procedure.”

82. At the same time, Article 4.9.2 of the FIL Statutes defines the jurisdiction of the FIL CoA as follows:

“Upon motion by a NF, the Executive Board, the Presidium, or a person concerned, the Court of Arbitration makes a decision in the case of violations by the members of the FIL bodies and the settlement of disputes. Furthermore, it decides on all other cases provided in the Statutes as well as in the case of complaints against sanctions and penalties of the Executive Board.”

83. The FIL Law and Procedure Regulations provides as follows:

- Article 4.1 (“*FIL Court of Arbitration*”)

“4.1.1 Regarding violations by the members of the FIL bodies, the settlement of disputes as well as in those cases provided in the Statutes, the FIL Court of Arbitration makes a decision on the request of a NF, the Executive Board, the Presidium or a person concerned under exclusion of ordinary legal proceedings. In the final trial it hears both parties and gives a judgement with majority vote. [...]

4.1.5 An appeal against the final decisions of the FIL Court of Arbitration can be made at the Tribunal Arbitral du Sport (TAS) under exclusion of the due process of law. The time limit for appeal is two months; it starts from the delivery of the completely written decision. With respect to the formal requirements regarding the filing of an appeal, the procedure regulations of TAS are applicable. (...)

- Article 4.2 (“*Further competence of the Tribunal Arbitral du Sport*”)

“Disputes within the FIL which can neither be settled by the Executive Board nor by the FIL Court of Arbitration, can be submitted by the parties to the Tribunal Arbitral du Sport (TAS) for decision under exclusion of ordinary legal proceedings. The decision of TAS is binding and final.”

84. The Respondent denies the CAS jurisdiction on the basis of Articles 4.9.2 of the FIL Statutes and 4.1 of the FIL Law and Procedure Regulations. The Respondent in fact maintains that the internal remedies within the federation’s structure have not been exhausted, because the challenge to the Appealed Decision would fall within the first instance jurisdiction of the FIL CoA, and CAS can hear appeals only as a second instance against awards issued by the FIL CoA. In addition, the Respondent invokes, with respect to the Appeal as filed by the Individual Athletes, Article 2.3.4, first bullet point of the FIL Statutes, under which “*ordinary members have the right [...] to appeal*”. Since the Individual Athletes are not ordinary members (only the national federations have that status), they would have no right to appeal. At the Hearing, the Respondent indicated that by this objection it (also) challenged the jurisdiction of CAS to decide on the claims submitted by the Individual Athletes (and not only their standing to appeal: see below, at paras 116-120 and 143-145).

85. The Panel finds that it has jurisdiction to decide on the appeal filed by the Appellants against the Appealed Decision.

86. The jurisdiction of CAS was in fact confirmed by the FIL President in a letter to the CAS Court Office dated 21 July 2025, sent following some correspondence with the Appellants concerning the CAS jurisdiction (paras 30-31 above) and upon receipt of the Statement of Appeal. In that letter (*supra*, para. 34), the FIL President (i) indicated that FIL accepted that the matter be handled directly by CAS without prior referral to the FIL CoA, and (ii) appointed an arbitrator from the CAS list.
87. The Panel finds this letter to be sufficient for the purposes of Swiss law, made relevant under Article 178(2) PILA (“*As regards its substance, the arbitration agreement shall be valid if it conforms [...] to Swiss law*”), and of Article R47 of the CAS Code, according to which an appeal to CAS can be filed if the parties have concluded a “*specific arbitration agreement*” referring to CAS.
88. According to the Swiss Federal Tribunal (“SFT”) (ATF 142 III 239 at 3.3.1; ATF 138 III 29 at 2.2.3; ATF 130 III 66 at 3), in fact, an arbitration agreement must contain or at least permit the determination of the following four elements in order to be valid: the identity of the parties, the dispute(s) covered by the agreement, the parties’ consent to refer such disputes to arbitration, and a direct or indirect connection to a legal system (see also G. Kaufmann-Kohler, A. Rigozzi, *International Arbitration: Law and Practice in Switzerland*, Oxford, 2015, at 3.10; M. Arroyo, *Arbitration in Switzerland. The Practitioner’s Guide*, Vol. I, 2nd Ed., Alphen aan den Rijn, 2026, 71-72). Those elements are clearly satisfied with respect to the letter of FIL President of 21 July 2025, sent following the Appellants’ requests of 8 July 2025 (in the Statement of Appeal and in a specific letter to the Respondent) that the FIL confirmed “*its agreement that jurisdiction lies with CAS*” to deal with the matter. The Panel, specifically, remarks that the acceptance of the CAS jurisdiction expressed by the President of FIL was not only express and unequivocal: it was also “informed”, *i.e.* with full view of the dispute and the Appellants’ claims (at least as they were set out in the Statement of Appeal). In addition, the nomination without any reservation of an arbitrator from the CAS list makes it additionally clear that the FIL President intended to participate in the CAS arbitration, as governed by the CAS Code.
89. The above conclusion is sufficient to find the CAS jurisdiction pursuant to Swiss law, as no ground for invalidity of that letter according to the law governing its validity under Article 178(2) PILA has been invoked. Any claim based on Austrian law is therefore irrelevant.
90. In addition, the Panel remarks that the FIL President, as a member of the Presidium, represents the FIL in public (Article 4.6.3, first paragraph of the FIL Statutes) and that, “*in emergencies and when time is of essence*”, he is authorized to make unilateral decisions normally falling within the powers of another FIL body (Article 4.6.3, first paragraph of the FIL Statutes).
91. In any case, the internal remedies, which the Appellants would have omitted, but that they actually tried to pursue (see para. 32 above), appear to be ineffective. Their omission, therefore, would not prevent the exercise of jurisdiction by CAS.
92. The Panel recognizes indeed that Article R47 of the CAS Code, and Article 4.1.5 of the

FIL Law and Procedure Regulations, stipulate that an appeal to the CAS can be formed only after the exhaustion of all internal remedies, *i.e.* as a challenge to a decision rendered by the FIL CoA.

93. The condition of the exhaustion of all internal remedies is intended to afford the internal bodies of a federation the opportunity to take a final decision on a disputed matter, in order to ensure that all the relevant rules, applicable to the case at stake, are fully complied with, to put right an alleged violation thereof and to prevent further appeals to the CAS. Although it pays tribute to the freedom of organization of the sports entity in question, it is therefore based on the assumption that the internal legal order will provide effective remedies for the violations of its internal rules.
94. In this vein, as a result, the CAS precedents, that have dealt with the issue of the exhaustion of legal remedies, have indicated that “*the internal remedy must be readily and effectively available to the aggrieved party and it must give access to a definite procedure*” (CAS 2010/A/2243, 2358, 2385 & 2411; CAS 2007/A/1373; CAS 2008/A/1468; CAS 2008/A/1494; CAS 2008/A/1495; CAS 2008/A/1699).
95. On such basis, this Panel finds that the appeal to the FIL CoA proved for the Appellants not to be a “*readily and effectively available*” remedy: indeed, the appeal that the Appellants filed with the FIL CoA on 16 July 2025 (para. 32 above) remained without an answer, following the letter of FIL President of 21 July 2025, in a dispute where time was of the essence.
96. Based on the foregoing, the Panel concludes that it has jurisdiction to decide on the Appeals brought against the Appealed Decision.
97. This conclusion concerns also the Appeal as filed by the Individual Athletes, without prejudice to any evaluation of Individual Athletes’ standing to appeal. The acceptance of the CAS jurisdiction, in fact, as expressed by the FIL President, did not only cover the RLF, but also the Individual Athletes, as it was made with full view not only of the claims but also of the identity of all the Appellants, including the Individual Athletes, mentioned in the Statement of Appeal. The Panel, consequently, has jurisdiction to decide also on the Appeal filed by the Individual Athletes against the Appealed Decision.

VI. ADMISSIBILITY

98. The Statement of Appeal complied with the requirements of Article R48 of the CAS Code.
99. Its admissibility is, however, challenged by the Respondent in two distinct aspects: first, in the portions of the Appeal relating to decisions taken by FIL bodies in 2022, 2023 and 2024, *i.e.* to the extent the Appellants request this Panel to set aside the Emergency Resolution of 2022, as well as its continuation, as decided at the FIL Congress in 2023 and at the Congress in 2024 (request for relief III: para. 69 above – “Claim III”), because the time limit to challenge them expired long ago; second, in the portions of the Appeal where the Appellants seek a remedy (in requests for relief IV and V: para. 69 above – “Claim IV” and “Claim V”) also for their entourage, as well as for all other unnamed

Russian luge athletes, coaches and officials.

100. The Panel agrees with the Respondent:

- i. Claim III is not admissible to the extent the Appellants request the Panel to set aside decisions of 2022, 2023 and 2024: the deadline set in Article R49 of the CAS Code, which the Appellants indicated in the Statement of Appeal to be applicable in the case at stake, in fact, had expired when the Appeal was filed. The admissibility of the Appeal is limited, therefore, to its portions challenging the Appealed Decision;
- ii. Claims IV and V are not admissible where the Appellants request the Panel to declare eligible to compete in FIL competitions not only the Individual Athletes, but also their entourage, as well as all other Russian luge athletes, coaches and officials. The Panel finds, in fact, that no legal basis for such action is offered, and in any case, that the request is vague and generic, as it seeks a benefit (declaration of eligibility) of unnamed individuals, who are not parties to the present arbitration.

101. As a result, the Appeal is admissible only to the extent it is directed against the Appealed Decision (request for relief II: para. 69 above – “Claim II”), as it was filed by the Appellants within the deadline of 21 days of its adoption, and in the portions of Claim IV and Claim V making reference only to the Individual Athletes.

VII. SCOPE OF THE PANEL’S REVIEW

102. According to Article R57, first paragraph of the CAS Code:

“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. ...”.

103. On the basis of the foregoing, the Panel notes that it hears the case *de novo* and is not limited to considerations of the evidence that was adduced before the FIL Ordinary Congress which approved the Appealed Decision.

VIII. APPLICABLE LAW

104. The law applicable in the present arbitration is identified by the Panel in accordance with Article R58 of the CAS Code.

105. Article R58 of the CAS Code provides the following:

“The Panel shall decide the dispute according to the applicable regulations and, subsidiarily, to the rules of law chosen by the parties or, in the absence of such a choice, according to the law of the country in which the federation, association or sports-related body which has issued the challenged decision is domiciled or according to the rules of law the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision”.

106. In light of the foregoing, the “*applicable regulations*” in the present case for the purposes of Article R58 of the CAS Code are those adopted by FIL. Austrian law applies

subsidiarily.

107. Of specific relevance in the present case is Article 4.5.8 of the FIL Statutes, as the basis on which the Appealed Decision was adopted. Such provision reads as follows:

“In the following cases, which lie outside the sphere of influence of the FIL, such as in particular

- *Terrorism, violent persons, riot, revolution, offensive or defensive war, civil war, strike, boycott, blockade, fire, embargo, sabotage, hostage taking, nuclear or chemical poisoning hazards,*
- *Natural disasters of any kind, including floods, earthquakes, thunderstorms, volcanic eruptions, and temperatures and precipitation that affect health,*
- *Pandemic, epidemic, and other community-harming health risks,*

the Executive Board can take appropriate measures to ensure safe, peaceful, integrity and rule-abiding activities, especially at FIL-sanctioned athletic competitions and at meetings of all FIL organs and other FIL bodies, if necessary, in place of the Congress or another competent FIL organ.

Appropriate organizational measures in this sense may include but are not limited to:

- *Suspension of all statutory rights of member federations, clubs, athletes, coaches, officials, or other persons in the FIL or in its affiliated member federations and clubs for a definite or indefinite period of time with regard to individual or all activities for the FIL.*
- *Withdrawal of the rights to hold FIL-sanctioned competitions at individual or all sports venues of a country as well as to hold other events of FIL bodies at individual or all venues of a country or to relocate FIL events to another time and / or to other venues or to another country after the awarding of these events.*
- *other measures that the Executive Board deems appropriate to ensure the safety, integrity and fairness of FIL events or FIL meetings and the fulfillment of the purposes of the Federation in accordance with the Statutes.*

The measures can only be taken the persons concerned can be proven to have had a causal personal responsibility/support/assistance/participation in the cases described above and if the measure is proportionate.

In the event of an occurrence that has given rise to the adoption of measures in the above cases, the Executive Board may involve the Ethics Commission in the assessment of any organizational measures to be imposed.

The Executive Board is obliged to immediately revoke the measures it has taken if the reason for the measure taken no longer exists. If the measure is still valid until the next ordinary Congress, the latter shall decide on the continuation of the measure or its amendment or repeal. The Congress shall vote on this measure without regard to compliance with the formal requirements for the summons and agenda”

IX. MERITS

A. The dispute

108. The dispute before this Panel concerns (and is limited to: para. 100(i) above) the Appealed Decision adopted by the FIL Congress on 18 June 2025, which confirmed, pursuant to Article 4.5.8, last paragraph of the FIL Statutes, the effects of the Emergency Resolution and rejected the creation and implementation of an AIN program for the 2026 OWG and

the qualifying events, that would allow the Russian athletes and their entourage to compete under strict neutrality criteria. On the one hand, the Appealed Decision is challenged by the Appellants, who in essence dispute it as an unjustified and disproportionate discrimination based on nationality, and request that the Appealed Decision is set aside (Claim II) and that the Individual Athletes are declared to be “*immediately entitled to take part in all international FIL-sanctioned events in the sport of luge under the same conditions as all other athletes and officials affiliated to the International Luge Federation, including in the qualification process for the Olympic Winter Games Milano-Cortina 2026*” (Claim IV, in the portion considered admissible: para. 101 above) or “*immediately authorised to participate as neutral athletes under the designation ‘AIN’ (Athletes with Individual Neutrality) in all international FIL-sanctioned luge events, including the qualification process for the Olympic Winter Games Milano-Cortina 2026*” (Claim V, in the portion considered admissible: para. 101 above). On the other hand, the Appealed Decision is defended by the Respondent, which indicates the existence of a legitimate objective sought by the exclusion of Russian athletes from luge competitions recognized by FIL.

109. In light of the foregoing, the claims submitted by the Appellants raise a number of issues, mainly concerning the existence of the conditions under Article 4.5.8 of the FIL Statutes for the continuation of the effects of the Emergency Resolution and the denial of the adoption of an AIN program.
110. Before turning to the merits of these issues, the Panel needs to address two preliminary points, which have been raised by the Respondent: the first has an overarching impact on the examination of the Appeal by this Panel, to the extent the Respondent underlined the need to defer to the freedom of association of FIL and, in that regard, to respect the discretion enjoyed by FIL to adopt rules of organization and implement them; the second concerns specifically the Individual Athletes and regards their standing to appeal.
111. As a result, the Panel will consider those two points before any further examination of the Appeal.

B. The freedom of the association

112. The Panel is aware of the approach outlined in CAS 2020/A/7090 (and adopted in CAS 2022/A/8708, at para. 110) that “[...] *the power of a Panel such as this one does not extend to an evaluation of the merits or the substantive value of a decision, and that deference and respect to the autonomy of sporting federations ... is of paramount importance in sports law.*” and that “*deference to the autonomy and freedom of the association and the decisions its main bodies freely adopt should thus be considered a basic principle of sports law.*”
113. At the same time, however, this Panel underlines that this principle of deference and respect to the autonomy of associations is not absolute. In fact, the deference to be shown to sports governing bodies in their decision-making does not mean that such bodies cannot be held to account for their decisions. Therefore, in the Panel’s view, a decision of a sports governing body can be afforded deference and respect, but only subject to the obligation of such body to act fairly, in accordance with any applicable mandatory law(s)

and with its own rules and regulations, and in a way that is not irrational, capricious, or arbitrary.

114. In this case, as a result of the Appeal, the task for the Panel is to decide whether the Appealed Decision violated the FIL Statutes or any mandatory rules or principles, rather than to review any discretion that the FIL might enjoy in organizing itself.
115. Therefore, the examination of the Appellants' claims is not prevented by any deference to be paid to the Respondent's freedom of organization.

C. Standing to appeal of the Individual Athletes

116. The Respondent denies the standing of the Individual Athletes to challenge the Appealed Decision, since only direct members (*i.e.*, national federations) of FIL can challenge Congress resolutions.
117. The Panel remarks that standing to sue (or to appeal) is attributed to a party which can validly invoke the rights which it puts forward, on the basis that it has a legally protectible and tangible interest at stake in litigation. This corresponds to the Swiss legal notions of "*légitimation active*" or "*qualité pour agir*", as confirmed by the case-law of the SFT (decision 4P.282/2001 of 3 April 2002, at 4b). According to CAS jurisprudence, parties which have a direct, personal and actual interest are considered to have legal standing to appeal to the CAS (e.g. CAS 2016/A/4924 & 4943). At the same time, however, the Panel notes that not only the direct addressee of a decision, but also a third party can invoke standing, provided it is directly affected. As CAS 2016/A/4924 & 4943, para. 85 put it, it "*is consistent with the general definition of standing that parties, who are sufficiently affected by a decision, and who have a tangible interest of a financial or sporting nature at stake, may bring a claim, even if they are not addressees of the measure being challenged*".
118. The Panel remarks, with respect to the Appeal in the portion seeking the setting aside of the Appealed Decision (Claim II), that the Individual Athletes were not the addressees of the decisions adopted at the FIL Congress of 2025. Nothing in the Appealed Decision, suggests in fact that it was taken with the specific and personal circumstances of the Individual Athletes in mind, as they are not direct members of FIL. The Individual Athletes are, however, indirectly affected by the Appealed Decision, even though unspecifically, as their eligibility (as Russian athletes) to compete in FIL-sanctioned events was excluded by the Appealed Decision.
119. In addition, with respect to Claims IV and V, the Panel notes that the requests therein set forth are subject to the granting of the relief under Claim II: only in the event the Appealed Decision is set aside could the Individual Athletes, in theory, claim to be admitted to FIL competitions. As a result, the benefit they claim (to be admitted to the FIL competitions) is only the result of another event (the setting aside of the Appealed Decision), and is therefore indirect and conditional.
120. The matter of the Individual Athletes' standing, however, can be left open. In fact, Claim II remains in any case admissible, and needs to be examined by the Panel, since it was

brought by the RLF, while Claim IV and Claim V are bound to fail in any case (see paras. 143-145 below).

D. The Claims

121. In light of the foregoing, the Panel needs to examine Claim II, Claim IV and Claim V, as submitted by the RLF. The Panel will examine them in sequence.

a. Claim II

122. In Claim II, the RLF requested the Panel to set aside the Appealed Decision, and advances a number of grounds in support of its request. Much of the debate in this arbitration actually regarded the Appellants' claim that the Appealed Decision constitutes an unjustified and disproportionate discrimination based on nationality, and whether the conditions set forth in Article 4.5.8 of the FIL Statutes for the extension of the effects of the Emergency Resolutions are met.

123. As a result, the Panel finds it necessary to start its examination from Article 4.5.8 of the FIL Statutes, on which the Appealed Decision is based.

124. Under such provision, as amended at the 70th FIL Ordinary Congress in 2022 (para. 18 above), "*appropriate*" measures can be adopted by the FIL EB, acting "*in place of the Congress or another competent FIL organ*", only in the event of cases which are outside the sphere of influence of FIL (such as "*offensive ... war*") in order to ensure, *inter alia*, "*safe, peaceful, integrity and rule abiding activities ... at FIL-sanctioned ... competitions*". At the same time, the FIL EB is obliged to revoke such measures in the event the reasons for their adoption no longer exist. In the event the measures are still valid, the next Ordinary Congress is called to decide on their continuation, amendment or repeal. The conditions so set reflect the extraordinary nature of the measures that the FIL EB can adopt: indeed, Article 4.5.8 of the FIL Statutes allows a deviation (until the next Ordinary Congress) from the rules governing its activity, authorizing the FIL EB to adopt measures that would be outside its competence (e.g., the suspension of the membership rights of a member federation), but only in the event extreme situations arise and provided that the measures are "*appropriate*" to achieve the stated purpose.

125. In addition, under Article 4.5.8 of the FIL Statutes, the FIL EB is authorized to take "*appropriate*" measures, in order to ensure the safety, integrity and fairness of FIL events, only if the "*persons concerned can be proven to have had a causal personal responsibility / support / assistance / participation in the cases*" creating the need for FIL to adopt measures, and if the measures are "*proportionate*". In other words, two conditions need to be satisfied for "*appropriate*" measures to be taken and for the Ordinary Congress to approve their continuation: (a) causal link between the persons concerned and the events giving rise to the need to adopt the measures, so that only those who created the case can be targeted by the measure; and (b) the proportionality of the measure.

126. As a result, the Appealed Decision must be examined in light of these two conditions, starting from the second: proportionality.

127. In its regard, the Panel notes that it is unnecessary for it to verify whether the Appealed Decision constitutes an unlawful discrimination based on nationality, if the case is justified by a legitimate objective, sought after by proportionate means. As evidenced by Article 4.5.8 of the FIL Statutes, in fact, the test of proportionality needs always to be satisfied, irrespective of any underlying discrimination. In any case, the Panel notes that the discriminatory nature of a measure (whether justified or not) such as a total exclusion from competitions of athletes based only on their nationality was at the basis of the CoA Award setting aside the EB Decision of March 2022, and has been recently confirmed by the CAS 8856 Award.
128. The principle of proportionality implies that there must be a reasonable balance between the measure and its stated purpose. To be observed, the principle of proportionality requires that (i) the measure taken by the governing body is capable of achieving the envisaged goal, (ii) the measure taken by the governing body is necessary to reach the envisaged goal, and (iii) the constraints which the affected person will suffer as a consequence of the measure are justified by the overall interest to achieve the envisaged goal. In other words, to be proportionate a measure must not exceed what is reasonably required in the search of the justifiable aim (CAS 2005/C/976&986, paras 139-140, citing CAS precedents, legal doctrine and Swiss jurisprudence).
129. As a result, in order to conduct a proportionality test, as described above, it is necessary to identify the objective pursued by the measures extended, and their effects, by the Appealed Decision.
130. The declared purpose sought by the Appealed Decision was the safety of luge competitions. The dangerous nature of the sport was repeatedly stressed at the Hearing, where the Respondent indicated that the participation of Russian athletes would increase the risk of incidents caused by the public or by other athletes. In other words, as underlined by the Respondent, the purpose of the exclusion of the Russian athletes was not based on their passports, in order to sanction the Russian Federation for its aggression of Ukraine; at the same time, the Respondent did not invoke the risk that any sporting success of Russian athletes be exploited for political reasons by the Russian propaganda as a justification for the exclusion of all Russian athletes. The Respondent emphasized in fact that the measures adopted under Article 4.5.8 of the FIL Statutes were not politically motivated.
131. The Panel confirms that safety, as well as the preservation of safe racing conditions, is a legitimate purpose. This is especially true with respect to luge, considered to be the fastest sport in the Winter Olympics, in which athletes race down an ice track at 150 km/h, relying on their reflexes and balance to steer the luge. In such extreme racing conditions any interference by spectators could produce the extremely dangerous consequences. The point, actually, is not disputed by the RLF; and at the Hearing Prof. Chetail agreed that safety is a legitimate purpose for the Appealed Decision. The Panel notes, in fact, that “*safe, peaceful, integrity and rule abiding activities ... at FIL-sanctioned ... competitions*” are expressly mentioned by Article 4.5.8 of the FIL Statutes as purposes justifying the adoption of measures under it.
132. The Panel however disagrees with the Respondent that the overall exclusion of Russian

athletes is a proportionate measure to achieve that purpose. More specifically, in the Panel's opinion, the measure exceeds what is reasonably required in the search of the mentioned justifiable aim.

133. In fact, even if it can be conceded that an increased danger of incidents could be caused by an indiscriminate participation of all Russian athletes, in the Panel's opinion less intrusive measures could be found to reconcile safety with the participation of certain Russian athletes. For instance, enhanced security controls can be implemented in order to avoid creating dangers, and the Respondent has not demonstrated that such measures (such as spectators' screening, bag searches, etc.), which are common to many sports, would impose an unbearable cost on organizers. In addition, the Panel notes that no incidents were reported in any sport to which Russian athletes participated in a neutral capacity, and that the two incidents mentioned by the Respondent (the waving of a Russian flag) were caused by a single German lady and occurred at the end of the track in luge competitions to which Russian athletes were not allowed to compete.
134. The Panel underlines in this respect an important point. The situation in 2025 cannot be compared to the situation existing immediately after the Russia-Ukraine War began. In 2022, in fact, urgent measures were suggested by the necessity to sanction the Russian aggression to a sovereign State. Over the years, then, an international consensus in the sporting world emerged that discriminatory and politically motivated measures targeting all Russian athletes were to be avoided, in order to allow the participation, under strict conditions, of those Russian athletes who were not supporting the war. This movement was led by the IOC, which adopted in March 2023 the IOC AIN Criteria, following the input of the UN Special Rapporteurs in the field of cultural rights and on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (para. 19 above) and consultation within the Olympic Movement (para. 21 above), and confirmed them in September 2025 also for the 2026 OWG (para. 28 above).
135. As a result, any consideration as to the original proportionality of the Emergency Resolution (adopted before the IOC AIN Criteria were issued) and of its extension for the years 2023 and 2024 appears to this Panel irrelevant: what is discussed in this arbitration is the continuation for the 2025-2026 season and in particular the 2026 OWG of the effects of measures adopted in 2022. Measures which were proportional when they were adopted can become disproportionate if the context in which they operate evolves.
136. In light of the foregoing, the Panel holds that the Appealed Decision approved disproportionate measures, at least to the extent they were not limited to the exclusion of Russian athletes who support the war. Only in respect of those athletes the adoption of restrictions in search of the justifiable aim (ensure safety and safe racing conditions at FIL events) appears proportionate, in light of the conflicts that their participation could cause. In this respect, the Panel accepts that participation of Russian athletes who do not qualify as "neutral" within the meaning of AIN criteria may provoke incidents jeopardizing the safety of competitions to a greater extent than participation of athletes who pass the AIN assessment and participate in neutral capacity.
137. The Panel notes, at the same time, that the Appealed Decision, if not limited to the Russian athletes who are found to support the Russia-Ukraine War, would be inconsistent also

with the first condition set out by Article 4.5.8 of the FIL Statutes for the adoption of the measures therein contemplated: the existence of a causal link between the persons concerned and the events giving rise to the need to adopt the measures, so that only those who created the case can be targeted by the measure.

138. In that regard, the Panel notes that, as shown by the history of the adoption of Article 4.5.8 of the FIL Statutes (see paras 16-18 above), the necessity to establish a causal link between the person affected by the measure and the causes for the adoption of the measure was introduced to make Article 4.5.8 of the FIL Statutes compliant with Austrian law. In fact, the May 2022 Draft provided on the point that “*the measures can be taken regardless of whether the persons concerned can be proven to have had a causal personal responsibility / support / assistance / participation in the cases described above*”. Such portion of Article 4.5.8, then, was modified upon advice by an Austrian legal expert in the June 2022 Draft, with the substitution of the words “*can be taken regardless of whether*” with “*can only be taken if*” and with the addition of the sentence “*and if the measure is proportionate*”, to become the text approved at the 70th FIL Ordinary Congress as part of the FIL Statutes: “*the measures can only be taken if the persons concerned can be proven to have had a causal personal responsibility / support / assistance / participation in the cases described above and if the measure is proportionate*”.
139. In the Panel’s opinion, thus, an overall ban is not suitable to exclude from competitions also persons who have no involvement, of whatever nature, in the Russia-Ukraine War, and it would imply a reading of Article 4.5.8 of the FIL Statutes contrary to its wording and to the intention of its drafters. With respect to athletes (and supporting personnel) the existence of a causal link between the reasons for the ban and the personal responsibility of the persons concerned can only be verified on a case-by-case basis. For instance, such connection with the Russia-Ukraine War could be established by reference to the support for it that the person in question may have expressed or to his/her service in the Russian army or in security forces.
140. In summary, in the Panel’s opinion, the Appealed Decision can be enforced only to the extent it is consistent with Article 4.5.8 of the FIL Statutes, within the limits in which the restrictive measures which it extended for the 2026 OWG (and the qualifying events) are linked to the individual responsibility of the person concerned and proportionate.
141. In such regard, the Panel remarks that in the discussions at the 73rd Congress an option was mentioned to adopt the IOC AIN Criteria as indicators to verify the eligibility Russian athletes to compete in a neutral position. The Panel finds those criteria to be a benchmark for what can be considered to be proportionate to achieve the purposes sought by the Appealed Decision and to determine the existence of a connection between the athlete in question and the Russia-Ukraine War. More specifically, the criteria at stake are those established by the IOC for participation as AIN at the 2026 OWG. Only the exclusion of athletes not satisfying those criteria would be consistent with Article 4.5.8 of the FIL Statutes.
142. In summary, the Appealed Decision is to be set aside in part and declared to be enforceable to prohibit from luge competition recognized by FIL only the Russian athletes who do not satisfy the criteria established by the IOC for participation as AIN at the 2026

OWG. The Appealed Decision, in the portions where it excludes from FIL-sanctioned events also Russian athletes who are eligible under the IOC AIN Criteria, is to be set aside.

b. Claim IV and Claim V

143. In light of the foregoing, Claim IV cannot be entertained by the Panel. In fact, the participation of all Russian athletes, including the athletes who support the Russia-Ukraine War, to FIL-sanctioned events (object of Claim IV) must be denied, as the Panel found that the Appealed Decision can be enforced with respect to the Russian athletes who do not satisfy the criteria established by the IOC for participation as AIN at the 2026 OWG.
144. Similarly, Claim V cannot be entertained by the Panel either, because it deals with matters not covered by the Appealed Decision, which did not directly address the conditions of the Individual Athletes to compete as AIN, and its consideration would require an exercise by the Panel of some verifications for which it has no elements. In fact, establishing the required AIN procedure (in consideration of the criteria adopted by the IOC and the Panel's findings in the present Award) and applying it to individual athletes falls within the autonomy of the FIL as an association existent under Austrian law. It is not for this Panel to override the FIL's association autonomy by ruling on the participation of the Individual Athletes *in lieu* of FIL.
145. As a result, Claims IV and V must be dismissed and the issues of the Individual Athletes' standing to submit them becomes moot.

X. COSTS

(...)

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The Court of Arbitration for Sport has jurisdiction to rule on the appeal filed by the Russian Luge Federation, Aleksandr Gorbatshevich, Sofii Mazur, Andrei Bogdanov, Iurii Prokhorov, Ekaterina Fomina and Polina Grigore on 8 July 2025.
2. The appeal filed by Aleksandr Gorbatshevich, Sofii Mazur, Andrei Bogdanov, Iurii Prokhorov, Ekaterina Fomina and Polina Grigore on 8 July 2025 against the resolutions adopted on 18 June 2025 by the 73rd Ordinary Congress of the International Luge Federation is dismissed.
3. The appeal filed by the Russian Luge Federation on 8 July 2025 against the resolutions adopted on 18 June 2025 by the 73rd Ordinary Congress of the International Luge Federation, whereby it was decided (i) to continue the effects of the resolution adopted by the Executive Board of the International Luge Federation on 23 September 2022, extending its application to the qualification process for the Olympic Winter Games Milano-Cortina 2026, and (ii) not to implement a program allowing the participation of Russian athletes to competitions recognized by the International Luge Federation under the status of individual neutral athletes (AIN), is partially upheld.
4. The challenged resolutions adopted on 18 June 2025 by the 73rd Ordinary Congress of the International Luge Federation are set aside in part and are enforceable only to the extent they prohibit from competing at competitions recognized by the International Luge Federation the Russian athletes who do not satisfy the criteria established by the International Olympic Committee for participation as individual neutral athletes (AIN) at the 2026 Milano-Cortina Winter Olympic Games.
5. (...).
6. (...).
7. All other motions or prayers for relief are dismissed.

Seat of arbitration: Lausanne, Switzerland

Date: 22 January 2026

Operative part issued on 31 October 2025

THE COURT OF ARBITRATION FOR SPORT

Luigi Fumagalli
President of the Panel

Annett Rombach
Arbitrator

Christoph Vedder
Arbitrator