CAS 2025/A/11915 Russian Ski Association (RSF) et al. v. International Ski and Snowboard Federation (FIS)

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

President: Mr André Brantjes, Lawyer in Amsterdam, the Netherlands

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

Mr Benoît Pasquier, Attorney-at-law in Zurich, Switzerland

in the arbitration between

Russian Ski Association (RSF), Moscow, Russian Federation
Saveliy Korostelev, Moscow, Russian Federation
Lana Prusakova, Shinerposi Village, Russian Federation
Maria Travinicheva, Belokurikha, Russian Federation
Artiom Galunin, Nizhni Novgorod, Russian Federation
Ekaterina Tkachenko, Moscow, Russian Federation
Daniil Sadreev, Leninogorsk, Russian Federation
Russian Paralympic Committee (RPC), Moscow, Russian Federation
Alexey Bugaev, Moscow, Russian Federation
Varvara Voronchikhina, Baykalsk, Russian Federation
Anastasiia Bagiian, Perm, Russian Federation
Ivan Golubkov, Moscow, Russian Federation
Polina Novakovskaia, Novosibirsk, Russian Federation
& Mikhail Slinkin, Khanty-Mansiysk, Russian Federation

All represented by Mr Claude Ramoni, Ms Monia Karmass and Mr Ricardo Suescun, Libra Law SA, Lausanne, Switzerland

Appellants

and

International Ski and Snowboard Federation (FIS), Oberhofen/Thunersee, Switzerland

Represented by Mr David Rundle, Mr Suhail Mayor and Ms Irina Tuca, Bryan Cave Leighton Paisner LLP, London, United Kingdom, Ms Aoife Keane, General Counsel, and Ms Charlotte Varela, In-house Counsel, Oberhofen/Thunersee, Switzerland

Respondent

I. PARTIES

1. The Russian Ski Association (the "RSF") is the national governing body for the sport of skiing in Russia. The RSF is a member of the International Ski and Snowboard Federation (the "FIS") and the Russian Olympic Committee (the "ROC") and has its registered office in Moscow, Russian Federation.

2. Mr Saveliy Korostelev, Ms Lana Prusakova, Ms Maria Travinicheva, Mr Artiom Galunin, Ms Ekaterina Tkachenko and Mr Daniil Sadreev (the "Athletes") are professional ski athletes from Russia who compete in various skiing disciplines. The Athletes are affiliated with the RSF.

3. The Russian Paralympic Committee (the "RPC") is the national paralympic committee representing Russia. The RPC is a full member of the International Paralympic Committee (the "IPC") and has its registered office in Moscow, Russian Federation.

4. Mr Alexey Bugaev, Ms Varvara Voronchikhina, Ms Anastasiia Bagiian, Mr Ivan Golubkov, Ms Polina Novakovskaia and Mr Mikhail Slinkin (the "Para-Athletes") are professional para-athletes from Russia who compete in various skiing disciplines. The Para-Athletes are affiliated with the RSF and are members of the RPC.

5. The International Ski and Snowboard Federation (the "Respondent" or the "FIS") is the world governing body for the sports of skiing and snowboarding, recognized by the International Olympic Committee (the "IOC"). The FIS is an association registered in accordance with Swiss law and has its registered office in Oberhofen/Thunersee, Switzerland.

6. The RSF, the Athletes, the RPC and the Para-Athletes are jointly referred to as the "Appellants" and together with the FIS as the "Parties".

II. INTRODUCTION

7. The present appeal arbitration proceedings revolve around a resolution whereby the majority of the FIS Council on 21 October 2025 voted "no" by secret ballot (the "Challenged Decision") to the question "*Should FIS permit athletes from Russia and Belarus to participate as AIN in FIS qualification events for the Milano-Cortina 2026 Olympic Winter Games and Paralympic Games in strict compliance with the IOC eligibility criteria for AIN, provided each NSA shall retain discretion to determine whether athletes from the concerned nations may take part in qualification events held within its jurisdiction?*"

8. The Appellants are appealing the Challenged Decision, requesting that it be declared null and void, or alternatively, is set aside.

9. The Appellants request that the FIS be ordered to allow, respectively to facilitate without any delay the participation of the Athletes and all other athletes, support personnel and officials from Russia as *Athletes with Individual Neutrality* ("AIN") in

all FIS events, including the qualification events for the Milano Cortina 2026 Olympic Winter Games as well as in the said Games themselves, in compliance with the IOC eligibility criteria for AIN.

10. The Appellants request that the FIS be ordered to allow the Para-Athletes and all other Russian para-athletes, support personnel and officials, to participate in all FIS events, including the qualification events for the Milano Cortina 2026 Paralympic Winter Games, as well as in the said Games themselves, under the same conditions as any other para-athletes, according to the decision of the IPC of 27 September 2025.

11. The FIS requests the appeal to be dismissed.

III. FACTUAL BACKGROUND

12. Below is a summary of the main relevant facts, as established on the basis of the written submissions of the Parties and the evidence examined in the course of the proceedings and at the hearing. This background information is given for the sole purpose of providing a synopsis of the matter in dispute. Additional facts may be set out, where relevant, in connection with the legal discussion.

13. On 24 February 2022, with the assistance of Belarus, the Russian Federation invaded Ukrainian territory, resulting in a military conflict.

14. On 25 February 2022, the IOC Executive Board (the "IOC EB") issued the following statement, *inter alia*, condemning the Russian Federation's invasion of Ukraine as a violation of the Olympic Truce:

> "*The Executive Board (EB) of the International Olympic Committee (IOC) reiterated today the IOC's strong condemnation of the breach of the Olympic Truce by the Russian government and the government of Belarus through its support in this. The respective UN resolution was adopted by the UN General Assembly on 2 December 2021 by consensus of all 193 UN Member States. The Olympic Truce began seven days before the start of the Olympic Games, on 4 February 2022, and ends seven days after the closing of the Paralympic Games.*
>
> *The IOC EB today urges all International Sports Federations to relocate or cancel their sports events currently planned in Russia or Belarus. They should take the breach of the Olympic Truce by the Russian and Belarussian governments into account and give the safety and security of the athletes absolute priority. The IOC itself has no events planned in Russia or Belarus.*
>
> *In addition, the IOC EB urges that no Russian or Belarussian national flag be displayed and no Russian or Belarussian anthems be played in international sports events which are not already part of the respective World Anti-Doping Agency (WADA) sanctions for Russia.* […]"

15. On 28 February 2022, the IOC EB issued the following statement:

> "*The Olympic Movement is united in its mission to contribute to peace through sport and to unite the world in peaceful competition beyond all political disputes. The Olympic Games, the Paralympic Games, World Championships and World Cups and many other sports events unite athletes of countries which are in confrontation and sometimes even war.*
>
> *At the same time, the Olympic Movement is united in its sense of fairness not to punish athletes for the decisions of their government if they are not actively participating in them. We are committed to fair competitions for everybody without any discrimination.*
>
> *The current war in Ukraine, however, puts the Olympic Movement in a dilemma. While athletes from Russia and Belarus would be able to continue to participate in sports events, many athletes from Ukraine are prevented from doing so because of the attack on their country.*
>
> *This is a dilemma which cannot be solved. The IOC EB has therefore today carefully considered the situation and, with a heavy heart, 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 Belarusian 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.*
>
> […]

The IOC EB, assisted by the IOC Task Force, continues to closely monitor the situation. It may adapt its recommendations and measures according to future developments."

16. On 1 March 2022, the FIS issued the following statement:

"*The FIS Council met today to discuss the International Olympic Committee's Executive Board recommendation that all International Federations not allow the participation of Russian and Belarusian athletes in their competitions. The recommendation followed escalating security and safety issues faced by the athletes and local organisers.*

The IOC EB stated: '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 Belarusian athletes and officials in international competitions.'

To ensure the safety and security of all athletes at FIS competitions, the FIS Council decided unanimously, in line with the IOC recommendation, that with immediate effect, no Russian or Belarusian athlete shall participate in any FIS competition at any level through the end of the 2021-2022 season.

The FIS Council does not take the decision lightly not to allow any athlete to participate in any competition and is only doing so in accordance with the FIS Statutes, which states 'FIS shall conduct its activities in a politically neutral manner', which is a cornerstone of the FIS values adopted by its 140 member nations.

FIS calls on its National Ski Associations to support the involved athletes as they travel back to their homes and for the full support of the international ski community during these difficult times.

The Council expressed its deepest and sincerest hope that the conflict in Ukraine will come to an end quickly and that the international sports community can begin the process of healing and once again compete with all athletes and nations present.

As previously announced, FIS, in solidarity with the Ski Federation of Ukraine, is providing immediate financial, logistical and technical support to Ukrainian athletes and teams until they are safely able to return home." (emphasis in original)

17. According to the minutes of the FIS Council meeting of 5 July 2022, the FIS Council reaffirmed the ban imposed on Russian and Belarussian athletes to participate in FIS competitions outside their home nations and that "[i]*t will be revisited once there is a change in circumstances*".

18. On 14 September 2022, Ms Alexandra Xanthaki, United Nations Special Rapporteur in the field of cultural rights, and Ms E. Tendayi Achiume, United Nations Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, sent a letter to Mr Thomas Bach, President of the IOC at that time, indicating, *inter alia*, as follows:

> "*We understand the relocation or cancellation of events planned in the Russian Federation and Belarus, as well as the recommendation not to display the Russian or Belarussian national flags and not to play the Russian or Belarussian anthems in international sports events, as sanctions that can be considered as legitimate, as they directly target these States or their official representations.*
>
> *We express serious concern, however, about the recommendation to ban Russian and Belarusian athletes and officials such as judges from international competitions, based solely on their nationality, as a matter of principle. This raises serious issues of non-discrimination. A number of international sports federations immediately followed the recommendation of the Executive Committee. While we acknowledge that the Executive Committee recommended that Russian and Belarusian athletes could be accepted under certain circumstances as neutral athletes or neutral teams, we remain concerned that this only applied in situations where the full restriction of their participation was not possible.*
>
> *We also appreciate the objective sought by the Executive Committee to protect the integrity of global sports competitions and the safety of all the participants. We remind, however, that although such concerns may be legitimate objectives under international law to justify differential treatment, the least restrictive measures must always be sought and envisaged in the first instance.*
>
> *In connection with the above alleged facts and concerns, we would like to remind the Executive Committee of the International Olympic Committee that sporting bodies should commit themselves to protecting and respecting internationally recognized human rights. They should meet their responsibilities to protect rights and minimize harms to rights by adopting human rights policies that apply to athletes, judges, events, and competitions (from bidding processes to game time), fans, journalists, and others. They should also commit themselves to reviewing and revising their policies, including eligibility regulations. Sport governing bodies should review, revise and revoke eligibility rules and regulations that have negative effects on athletes' rights. Please refer to the Annex on Reference to international human rights law attached to this letter which cites international human rights instruments and standards relevant to these matters.*
>
> *As it is our responsibility under the mandates provided to us by the United Nations Human Rights Council to seek to clarify all cases brought to our*

attention, we would therefore be grateful for your observations on the following matters: […]"

19. The FIS Council meet on 22 October 2022. The minutes of said meeting provide as follows:

> "[…] *Hannah Kearney and Martti Jylha reported on an athlete poll, which saw 53% in favour of keeping the ban on Russia and Belarus athletes. However, it was noted that there was a big discrepancy between the Nordic disciplines and other disciplines with the Nordic athletes overwhelmingly in favour of keeping the ban.*
>
> *It was questioned how athletes FIS points and quotas should be handled if the athletes are not permitted to compete.*
>
> *The Council agreed with a vote that Russian and Belarusian athletes and teams are not allowed to participate in any FIS competitions for the upcoming season.*
>
> *The Council agreed to not appoint any FIS Officials (TD and Judges) to FIS Competitions in the upcoming season.*
>
> *The Council agreed with a majority vote that Russian and Belarusian administrative officials will be allowed to continue to participate in meetings in order to maintain an active dialogue with Russian and Belarussian administrative officials*
>
> *The Council decided that, subject to a review by discipline, Russian and Belarusian athletes FIS points and quotas will be frozen until such time they will be allowed to start, they will have the same ranking and quotas as of March 1, 2022.*" (emphasis in original)

20. The FIS Council meet on 17 March 2023. The minutes of said meeting provide as follows:

> "*President Eliasch explained that nothing has changed for FIS in terms of Russia and Belarus athlete and team participation. In terms of any Russian or Belarusian officials attending upcoming meetings, the FIS Council decided Russian and Belarusian delegates cannot attend physically but can follow the Technical Committee Meetings remotely without the option to speak or vote if technically possible.*"

21. On 28 March 2023, following a request of the 11th Olympic Summit on 9 December 2022 to explore a pathway for athletes with a Russian or Belarussian passport to return to international competitions as AIN and a four-month consultation period with the Olympic Movement stakeholders, the IOC EB issued the following recommendations to international federations and international sports event organisers:

"*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.

[…]

The IOC EB confirmed 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."

22. The FIS Council met on 24 and 25 May 2023. The minutes of said meeting provide, *inter alia*, as follows:

"*Another frequent theme both internally and externally are the sanctions of Russian and Belarussian athletes. FIS has consistently said throughout the conflict that it is important to have as much information available before discussing any change to the current sanctions. With that in mind, FIS will not make any decision at this council meeting and the sanctions will remain in place. The President underlined that international federations are the*

governing bodies of their respective sports and as such should be the decision-makers with regards to sanctions, and not governments, directly or indirectly.

[…]

The Council agreed that current FIS policy regarding Russian and Belarussian participation will remain in force until further notice.

[…]

The other development relates to the participation of Russian and Belarussian athletes in international sports.

The latest recommendation from the IOC is that these athletes should be allowed to return to competition as neutrals.

FIS will not decide on this issue until October, but the President stated that what we can agree on is sport must remain autonomous, that the neutrality of international competition is a precious thing, and that athletes must never be weaponized for political purposes." (emphasis in original)

23. On 25 October 2023, the IOC issued an updated Q&A document, in which it, *inter alia*, addressed the question "*What has changed since 28 February 2022 when the IOC Executive Board (EB) recommended no participation or Russian and Belarussian athletes and officials?*" as follows:

"*These were the two reasons for the protective measures; to ensure the security and integrity of competitions and to ensure that qualification to take part in an international competition was based on sporting merit and not on political decisions such as denial of visas or threatening of athletes, National Federations or National Olympic Committees (NOCs).*

Firstly, the most important thing that has changed since February 2022 is that participation of neutral athletes with Russian and Belarusian passports in competitions and international competitions has already been implemented and works. This is happening almost every day in a number of sports. It is most prominently evident in tennis, but also in cycling, table tennis, ice hockey, handball, football and in other leagues in the United States, in Europe and elsewhere on other continents. There have been no security incidents in any of those competitions, or none that the IOC is aware of.

Moreover, the governments on whose territory the competitions are taking place are issuing visas with very few exceptions. In other countries they are even issuing working permits where it is necessary, for these players and athletes.

Second, the other major thing that changed was the letter the IOC received from two Special Rapporteurs from the United Nations Human Rights Council,

who advised that a blanket ban on Russian and Belarusian athletes would be discriminatory and a flagrant violation of human rights."

24. The minutes of the FIS Council meeting of 21 December 2023 provide as follows:

"*President Eliasch provided an update following the IOC decision to allow athletes from Russia and Belarus to participate in the 2024 Olympic Games in Paris under a neutral flag. Following the update, it was made clear that no decision would be made today, this was just to provide the Council with latest information on the matter.*"

25. On 15 June 2024, the IOC published a list of AINs confirmed as eligible and invited to compete at the Paris 2024 Olympic Games.

26. The FIS Council met on 4 July 2024. The minutes of the said meeting provide as follows:

"[President Eliasch] *informed that in terms of the position of Russia there have been no changes and regarding of the plan of the IOC to allow athletes from Russia and Belarus to participate as neutral athletes at the Olympic Games in Paris and also Milano-Cortina. Belarus in the meantime has requested to be treated differently and this is being considered by the IOC. FIS Council members point out, that there are still governmental restrictions in place which have to be considered as well. FIS will continue to follow the IOC guidelines and should there be any changes the FIS Council will be informed accordingly.*"

27. The FIS Council met on 8 November 2024. The minutes of said meeting provide as follows:

"*The Council was informed regarding IOC recommendations to allow eligible Belarusian and Russian athletes to participate as Individual Neutral Athletes at select FIS events for the upcoming season. This follows the IOC's recommendations being applied to the upcoming Milano Cortina 2026 Winter Olympics.*

Various Council Members expressed their opinions with regards to the participation of Belarusian and Rusian athletes. The President agreed to update the Council following further discussion with the IOC regarding implementation of any Individual Neutral Athletes Policy and the timing of this."

28. On 19 September 2025, the IOC issued the eligibility conditions under which athletes with a Russian or Belarussian passport could participate in the Milano Cortina 2026 Olympic Winter Games:

"*Strict eligibility conditions based on the* ***recommendations issued by the IOC EB on 28 March 2023 for IFs and international sports event organisers*** *will*

be applied for the AINs, who are athletes with a Russian or Belarusian passport. Like all the other athletes at the Olympic Games, the AINs will also have to comply with the rules and regulations applicable at the Olympic Games, including on anti-doping. They will also have to sign the Conditions of Participation applicable to all athletes participating in the Milano Cortina 2026 Games. This contains a commitment to respect the Olympic Charter, including "the peace mission of the Olympic Movement".

The AINs will be invited by the IOC in accordance with the following eligibility conditions for AINs at Milano Cortina 2026, namely:

- *Qualified athletes with a Russian or Belarusian passport will be entered and compete as AINs.*
- *Teams of athletes with a Russian or Belarusian passport will not be considered.*
- *Athletes who actively support the war will not be eligible to be entered or compete. Support personnel who actively support the war will not be entered.*
- *Athletes who are contracted to the Russian or Belarusian military or national security agencies will not be eligible to be entered or to compete. Support personnel who are contracted to the Russian or Belarusian military or national security agencies will not be entered.*
- *Any such AIN, like all the other participating athletes, will have to meet all anti-doping requirements applicable to them in the lead-up to and at the Milano Cortina 2026 Olympic Winter Games, and particularly those set out in the IFs' anti-doping rules.*

The practical application of today's IOC EB decision can be found in 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 Milano Cortina 2026 Olympic Winter Games', which is a ***separate document and can be found here****.*

As was the case for ***the Paris 2024 Olympic Games****:*

1. *An Individual Neutral Athlete Eligibility Review Panel (AINERP) will be established to evaluate the eligibility of each athlete who obtains, or who could obtain, a qualification place for the Milano Cortina 2026 Olympic Winter Games, and that of their support personnel.*

The Panel will be composed of three members:

- ***Ms Nicole Hoevertsz****, IOC Member, Chair of the Panel*
- ***Mr Pau Gasol****, IOC Ethics Commission and Athlete representative*

- ***Morinari Watanabe**, International Sports Federation representative*

The work of the AINERP will be supported by the IOC Chief Ethics and Compliance Officer, who will act as the Secretary of the AINERP.

2. *The AINERP and the IOC administration have been delegated the authority to invite an Individual Neutral Athlete, and their support personnel, to participate in the Milano Cortina 2026 Olympic Winter Games.*

Once the athletes' invitations have been sent, the IOC will publish the list of the AINs who have been invited to participate.

3. *The AINERP will monitor the conduct of, and respect for the Principles of Participation by, all AINs and support personnel who are deemed eligible and who participate in the Milano Cortina 2026 Olympic Winter Games, including on their return after the Games.*

4. *The AINERP will bring any matter to the IOC Disciplinary Commission for any measures or sanctions to be applied should the conduct of any AIN or their support personnel be considered contrary to the Olympic Charter, the Milano Cortina 2026 Conditions of Participation or the Principles of Participation.*

The following protocol elements with regard to the participation of AINs in Milano Cortina will continue to apply:

- *This is **the flag of the AINs** and this is **the anthem**. The anthem has no lyrics and was produced solely for this purpose. Both were already used at the Paris 2024 Olympic Games. During the victory ceremonies, the AIN flag will be flown and the AIN anthem will be played.*

- *Medals won by the AINs will not appear in the NOC medal table.*

- *AINs will not participate in the parade of delegations (teams) during the Opening Ceremony, since they are individual athletes. But an opportunity will be provided for them to experience the event.*

- *The decision regarding the participation of AINs in the Closing Ceremony will be taken during the Games, taking into consideration that it is not teams that take part in the Closing Ceremony, but all the athletes jointly together.*" (emphasis in original)

29. On 27 September 2025, the IPC published the following statement on its website regarding the full reinstatement of the rights and privileges of the national paralympic committees of Belarus and the Russian Federation:

> "*On Saturday (27 September) at the IPC General Assembly in Seoul, South Korea, IPC member organisations voted not to maintain the partial suspensions of the National Paralympic Committees of Belarus and Russia.*
>
> *Having both been partially suspended at the 2023 IPC General Assembly for breaches of their constitutional membership obligations, this decision means NPC Belarus and NPC Russia now regain their full rights and privileges of IPC membership, in accordance with the IPC Constitution. The IPC will work with the two members involved to put practical arrangements in place for this as soon as reasonably possible.*
>
> *In reaching their decisions, IPC member organisations made up of National Paralympic Committees, International Federations and International Organisations of Sport for the Disabled attending the 2025 IPC General Assembly first voted against a motion to fully suspend NPC Russia (111-55 with 11 abstentions). IPC member organisations then voted against a motion to partially suspend NPC Russia (91-77 with 8 abstentions), meaning the NPC regained its full IPC membership rights. For a motion to be passed, a majority of 50%+ 1 of all votes cast was required.*"

30. On 21 October 2025, the FIS Council convened. All 22 Council members were present. Item 8 on the agenda for discussion was "*AIN OWG 2026*", concerning the AIN participation at the Milano Cortina 2026 Olympic Winter Games. By way of secret ballot, the majority of the FIS Council voted "no" to the following resolution (the Challenged Decision):

> "*Should FIS permit athletes from Russia and Belarus to participate as AIN in FIS qualification events for the Milano-Cortina 2026 Olympic Winter Games and Paralympic Games in strict compliance with the IOC eligibility criteria for AIN, provided each NSA shall retain discretion to determine whether athletes from the concerned nations may take part in qualification events held within its jurisdiction?*"

31. The FIS Council met on 21 October 2025. Summary minutes of said meeting provide as follows:

> "*At the FIS Council meeting, President Johan Eliasch clarified the process regarding the participation of Russian and Belarusian athletes in qualification events for Milano Cortina.*
>
> *The importance of following the FIS statutes were emphasised, and it was noted that Article 5.2 of the FIS statutes stipulate that the FIS activities shall be conducted in a politically neutral manner. It was further noted that the Olympic Charter have similar wording. Recent developments were discussed, including the IPC's removal of its ban on Russian and Belarusian athletes, and a tribunal decision in bobsleigh finding that excluding neutral athletes is discriminatory. The Council also reviewed the survey results from more than 50% of the full member federations, which showed a 60/40 split of yes/no opinions in favour*

of Russian and Belarusian athletes participating in FIS qualification events as AIN.

The anti-doping program for Russian athletes was confirmed to have continued uninterrupted, with international agencies conducting testing to ensure compliance.

Council members expressed a range of views, with some advocating for continued exclusion due misuse of sport for political purposes, while others stressed the need to avoid discrimination based on nationality.

Voting question

Should FIS permit athletes from Russia and Belarus to participate as AIN in FIS qualification events for the Milano-Cortina 2026 Olympic Winter Games and Paralympic Games in strict compliance with the IOC eligibility criteria for AIN, provided each NSA shall retain discretion to determine whether athletes from the concerned nations may take part in qualification events held within its jurisdiction?

Result

The majority of the Council voted with NO"

32. On the same date, FIS published the following statement on its website:

"*The FIS Council convened this Tuesday and voted not to facilitate the participation of athletes from Russia and Belarus as Individual Neutral Athletes (AIN) in FIS qualification events for the Milano Cortina 2026 Olympic Winter Games and Paralympic Games.*

The International Olympic Committee's AIN regime has been set out as a possible pathway for athletes from Russia and Belarus to compete in the Olympic Games, with each International Federation remaining responsible for the decision on whether to allow these athletes to take part in its existing qualification system." (emphasis in original)

33. On 23 October 2025, the IPC published the following statement on its website:

"*In September 2025, the IPC General Assembly voted not to maintain the partial suspension of the National Paralympic Committees (NPCs) of Belarus and Russia, reinstating both NPCs' full membership rights and privileges. This decision, amongst other things, means Para athletes from both countries are free to compete in the Paralympic Games, subject to their qualification for the Games in accordance with the rules of the relevant international federation.*

The international federation for each sport on the Paralympic Games programme is responsible for determining the qualification pathway for its

sport, as well as the eligibility of athletes to compete in those qualification pathway competitions.

Following the IPC General Assembly's decision, the IPC has received confirmation from each of the four international federations with sports on the Milano Cortina 2026 Paralympic Winter Games programme – the International Ski and Snowboard Federation (FIS), International Biathlon Union (IBU), World Curling and World Para Ice Hockey – that, in practice, no athletes from the two nations are likely to qualify for March's Games:

- *Para alpine skiing, Para cross-country skiing and Para snowboard: The FIS Council voted on Tuesday (21 October) not to facilitate the participation of athletes from Belarus and Russia in its qualification events for Milano Cortina 2026.*

- *Para biathlon: IBU has confirmed that the Belarusian and Russian Biathlon Federations remain suspended from its competitions as per the IBU Congress decision of September 2022.*

- *Para ice hockey: While Russia can now compete in Para ice hockey competitions as a result of September's IPC General Assembly decision, World Para Ice Hockey has confirmed that it is not possible in practice for the nation to qualify for March's Games. Belarus does not currently have a Para ice hockey team competing at the international level.*

- *Wheelchair curling: In January 2025, World Curling announced it had extended the exclusion of Belarus and Russia from its competitions until the end of the 2024-2025 season. This means teams from both nations cannot qualify for the Milano Cortina 2026 Paralympic Winter Games.*

Andrew Parsons, IPC President, said: 'In the same way that the IPC fully respects the decision of the IPC General Assembly not to maintain the partial suspensions of NPC Belarus and NPC Russia, we also fully respect the decisions of each international federation regarding the sports they govern.

'The positions of FIS, IBU and World Curling currently mean that athletes and teams from Belarus and Russia cannot compete in their events, making it impossible for them to qualify for the Milano Cortina 2026 Paralympic Winter Games.

[…]"

IV. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

34. On 5 November 2025, the Appellants filed a joint Statement of Appeal with the Court of Arbitration for Sport ("CAS"), appealing the Challenged Decision in accordance with Articles R47 and R48 of the 2025 edition of the Code of Sports-related Arbitration (the "CAS Code"). In this submission, the Appellants nominated Mr

Efraim Barak, Attorney-at-Law in Tel-Aviv, Israel, as arbitrator and requested a concrete expedited calendar to be implemented.

35. On 7 November 2025, the FIS confirmed to accept the jurisdiction of CAS and agreed with the expedited calendar proposed by the Appellants.

36. On the same date, on behalf of the President of the CAS Appeals Arbitration Division, the CAS Court Office confirmed that the following expedited calendar was implemented:

- "*Appellants' Appeal Brief: 12 November 2025*
- *FIS Answer: 26 November 2025*
- *Oral hearing: No later than 3 December 2025 (depending on the Panel's availabilities)*
- *Award (operative part): No later than 10 December 2025*" (emphasis omitted)

37. On 11 November 2025, the FIS nominated Mr Benoît Pasquier, Attorney-at-Law in Zurich, Switzerland, as arbitrator.

38. On 12 November 2025, the Appellants filed their joint Appeal Brief in accordance with Article R51 of the CAS Code.

39. On 17 November 2025, following a request of the Appellants, Mr Pasquier disclosed the information requested, following which no further information was requested and no challenge was filed.

40. On 20 November 2025, pursuant to Article R54 of the CAS Code and on behalf of the President of the CAS Appeals Arbitration Division, the arbitral tribunal appointed to decide these proceedings was constituted as follows:

President:	Mr André Brantjes, Attorney-at-Law, Amsterdam, the Netherlands;
Arbitrators:	Mr Efraim Barak, Attorney-at-Law, Tel-Aviv, Israel;
	Mr Benoît Pasquier, Attorney-at-Law, Zurich, Switzerland

41. On 24 November 2025, on behalf of the Panel, the CAS Court Office invited the FIS to inform (i) which of the witnesses called by the Appellants it wished to cross-examine; and (ii) which of the witness statements it was prepared to accept as evidence in chief without the need for cross-examination.

42. On 26 November 2025, the FIS filed its Answer in accordance with Article R55 of the CAS Code.

43. On 27 November 2025, the FIS informed the CAS Court Office as follows with respect to the witnesses called by the Appellants:

> "*We confirm that the Respondent does not intend to cross-examine any of the witnesses. Please note that the Respondent accepts their evidence insofar as it relates to the impact of the exclusion. However, the Respondent reserves*

its position regarding the content of the witness statements pertaining to 'political or military involvement'. The Respondent does not have the requisite knowledge in this regard and cannot therefore accept or deny these statements. These are matters that would be required to be checked by an independent third party in accordance with the IOC guidance regarding Individual Neutral Athlete status, if the CAS were to order participation under an AIN program."

44. On 27 November 2025, the CAS Court Office informed the Parties, on behalf of the Panel, that no witnesses would be heard at the hearing. The Parties were also provided with a tentative hearing schedule and informed that any comments in this regard were to be addressed at the outset of the hearing.

45. On 28 November and 1 December 2025 respectively, the Appellants and the FIS returned duly signed copies of the Order of Procedure provided to them by the CAS Court Office on 27 November 2025.

46. On 1 December 2025, a hearing was held by videoconference. At the outset of the hearing, the Parties confirmed that they had no objection to the constitution and composition of the Panel.

47. In addition to the members of the Panel and Ms Delphine Deschenaux-Rochat, CAS Counsel, the following persons attended the hearing:

a) For the Appellants:

1) Mr Claude Ramoni, Counsel;
2) Ms Monia Karmass, Counsel;
3) Mr Ricardo Suescun, Counsel.

b) For the FIS:

1) Mr David Rundle, Counsel;
2) Mr Suhail Mayor, Counsel;
3) Ms Irina Tuca, Counsel;
4) Ms Aoife Keane, General Counsel;
5) Ms Charlotte Varela, In-house Counsel.

48. No witnesses or experts were heard. The Parties were given full opportunity to present their cases, submit their arguments and answer the questions posed by the members of the Panel.

49. Before the hearing was concluded, the Appellants and the FIS expressly stated that they had no objection to the procedure conducted by the Panel and that their right to be heard had been respected.

50. On 2 December 2025, the CAS Court Office notified the operative part of the present Award to the Parties and published a press release on its website.

51. On 3 December 2025, the FIS filed a request for interpretation in accordance with Article R63 of the CAS Code.

52. On 5 December 2025, the Appellants filed their comments with respect to the FIS' request for interpretation of the Award.

53. On 8 December 2025, the CAS Court Office informed the Parties as follows:

> "*I inform the Parties that the Deputy President of the CAS Appeals Arbitration Division has decided to partially grant the Respondent's request for interpretation of the award rendered on 2 December 2025 as follows:*
>
> - *The Respondent's request for the Panel to clarify its position 'with respect to Russian athletes in the Paralympics who are not individually named in paragraph 4' is granted.*
>
> - *The Respondent's request for the Panel to clarify the 'apparent inconsistency between paragraph 2 and paragraph 3 of the Award' is granted.*
>
> - *The Respondent's request for the Panel to clarify the status of Belarusian para-athletes as opposed to Russian para-athletes is denied on the grounds that it is not within the Panel's jurisdiction in CAS 2025/A/11915 to interpret another Panel's decision.*
>
> - *The Respondent's request for the Panel to clarify whether paragraph 2 of the Award rendered in CAS 2025/A/11931 'permits Belarusian athletes to compete in all FIS events and qualification events, and if so, how this aligns with the Russian Award' is denied on the grounds that it is not within the Panel's jurisdiction in CAS 2025/A/11915 to interpret another Panel's decision.*" (emphasis in original)

54. On 11 December 2025, the CAS Court Office issued a new operative part of the Award, with an amended para. 2 of the operative part. The President of the Panel, on behalf of the Panel, further provided the following response to the FIS' request for interpretation:

> "*On behalf of the Panel in* CAS 2025/A/11915 Russian Ski Association (RSF) et al. v. International Ski and Snowboard Federation (FIS)*, I refer to the request for interpretation filed by the Respondent on 2 December 2025, which was partially granted by the Deputy President of the CAS Appeals Arbitration Division on 8 December 2025.*
>
> *While the Deputy President of the CAS Appeals Arbitration Division granted two requests for interpretation, the Panel believes that the second request contains two limbs that are best addressed separately.*
>
> *These three elements of the Respondent's request for interpretation are answered by the Panel below.*

i. The Respondent's request for the Panel to clarify the 'apparent inconsistency between paragraph 2 and paragraph 3 of the Award'

1. *The Respondent submitted as follows in its request for interpretation in this respect:*

   'Furthermore, we seek clarification in respect of an apparent inconsistency between paragraph 2 and paragraph 3 of the Award. Whilst paragraph 2 limits the application of the AIN criteria only to 'FIS qualification events for the Milano-Cortina 2026' games, paragraph 3 allows the six named individual athletes to compete in 'all FIS events, including qualification events for the Milano Cortina 2026' games (our emphasis), provided they comply with the AIN eligibility requirements.'

2. *The Panel clarifies that paragraph 2 of the operative part of the Award contains an unintended inconsistency with paragraph 3 and should refer to 'all FIS events, including the qualification events for the Milano Cortina 2026 Olympic Winter Games'.*

3. *The operative part has been amended accordingly and will be notified to the Parties by the CAS Court Office.*

ii. The Respondent's request for the Panel to clarify its position 'with respect to Russian athletes in the Paralympics who are not individually named in paragraph 4'

4. *The Respondent submitted as follows in its request for interpretation in this respect:*

   'Paragraph 4 concerns only the six named Russian para-athletes and appears to allow them to participate 'under the same conditions as any other para-athletes'. Based on our reading of the press release, we assume that this means 'under the same conditions as those recommended by the International Paralympic Committee', i.e. without the AIN framework being applied. […]'

5. *The Panel clarifies that the Respondent's interpretation that the reference in paragraph 4 of the operative part of the Award to 'under the same conditions as any other para-athletes' means 'under the same conditions as those recommended by the International Paralympic Committee', i.e. without the AIN framework being applied, is correct.*

iii. The Respondent's request for the Panel to clarify its position 'with respect to Russian athletes in the Paralympics who are not individually named in paragraph 4'

6. *The Respondent submitted as follows in its request for interpretation in this respect:*

'Paragraph 4 concerns only the six named Russian para-athletes and appears to allow them to participate 'under the same conditions as any other para-athletes'. Based on our reading of the press release, we assume that this means 'under the same conditions as those recommended by the International Paralympic Committee', i.e. without the AIN framework being applied. However, there is no specific provision for the remaining para-athletes (i.e. not the six individually named). Please can you clarify the Panel's position with respect to Russian athletes in the Paralympics who are not individually named in paragraph 4?'

7. *The Panel clarifies that paragraph 4 of the operative part of the Award only applies to the 6 individual para-athletes that challenged the Appealed Decision. The reference to 'and all other athletes, support personnel and officials from Russia' in Appellant's request for relief no. IV is intentionally not included in paragraph 4 of the operative part of the Award.*

8. *The Panel found that it could partially grant the generic negative relief requested (setting aside the Appealed Decision) in the Appellants' request for relief no. II (which relief is partially granted in paragraph 2 of the operative part of the Award) and that it could also grant the specific positive relief requested beyond setting aside the Appealed Decision in the Appellants' request for relief no. IV to para-athletes that challenged the Appealed Decision and who are parties in the arbitration. However, the Panel considered that in reference to relief no. IV such positive relief could not be granted with respect to unnamed individuals that did not challenge the Appealed Decision and who are not parties in the arbitration.*

9. *The Panel sees no reason why persons other than the 6 para-athletes that challenged the Appealed Decision, i.e. 'all other athletes, support personnel and officials from Russia', should not be able to participate in all FIS events, including the qualification events for the Milano Cortina 2026 Winter Paralympic Games, in view of the fact that the Appealed Decision is partially set aside (paragraph 2 of the operative part of the Award). However, the Panel is not in a position to make such pronunciation with respect to unnamed persons that are not parties in the arbitration in the operative part of the Award.*

10. *For the avoidance of doubt, the above interpretation also applies to paragraph 3 of the operative part of the Award, albeit that the AIN framework is applicable there.*"

V. SUBMISSIONS OF THE PARTIES AND REQUESTS FOR RELIEF

55. The following summaries of the Parties' positions are illustrative only and do not necessarily comprise every submission advanced. The Panel confirms, however, that it has carefully considered all the submissions made by the Parties, whether or not there is specific reference to them in the following summaries.

A. The Appellants' Joint Appeal Brief

56. The Appellants' submissions in their joint Appeal Brief, in essence, may be summarised as follows:

Breach of the FIS Statutes – no legal basis

- Article 8.2.1 of the FIS Statutes grants certain rights to its member associations. Article 8.4.4 of the FIS Statutes grants the FIS Council the authority to "*temporarily suspend a Member Association (and to impose such further conditions as the Council may deem reasonable)*", but this is only in cases expressly listed in Article 8.4.4 of the FIS Statutes.

- The FIS needs to comply with its own Statutes. When the FIS Statutes expressly grant members a right, any restriction to such right must be based on a proper legal basis in the FIS Statutes. In the case at hand none of the specific conditions allowing a suspension or limitation of the rights of the RSF are met.

- Be it as it may, the Challenged Decision does not make any reference to any provision in the FIS Statutes that would grant the FIS Council the authority to issue the Challenged Decision.

- Based on the foregoing, the Challenged Decision must be annulled.

Violation of fundamental rights, including non-discrimination, and professional freedom

- The refusal to allow the Appellants to take part in FIS-sanctioned competitions, even as AIN, without any individual assessment or proof of misconduct, is not only disproportionate, but it constitutes a direct and unlawful form of discrimination, in breach of the FIS Statutes, the Olympic Charter, and binding international human rights instruments.

- The blanket exclusion of Russian athletes violates the core principles set forth in Articles 5.2 and 6.1.2 of the FIS Statutes and in the FIS Universal Code of Ethics, pursuant to which various forms of racism are prohibited and pursuant to which the FIS shall conduct its activities in a politically neutral manner. The Challenged Decision is therefore incompatible with its own Statutes and Code of Ethics.

- The FIS acknowledges the direct application of the Olympic Charter. Pursuant to Fundamental Principles 4 and 6 of the Olympic Charter, the practice of sport is a

human right and must be respected without restriction and shall not be limited on the ground of nationality.

- The ongoing blanket exclusion, which singles out Russian nationals in response to state conduct, constitutes a politicized measure that targets individuals for the geopolitical actions of their government, precisely what the Olympic Charter and the IOC Code of Ethics intend to prevent.

- This case also violates international human rights instruments and international sports law. While international human rights treaties are binding on states, they also establish universal standards that apply horizontally to private actors such as international sports federations when their decisions affect fundamental rights. The IOC itself has formally endorsed the United Nations Guiding Principles on Business and Human Rights ("UNGPs") and required all Olympic Movement constituents, including FIS, to align their operations accordingly. On the basis of Fundamental Principles 1 and 4 and Article 1 of the IOC Code of Ethics the FIS and its officials are both legally and normatively bound to respect international human rights law.

- As an association seated in Switzerland, the FIS is directly subject to the European Convention on Human Rights ("ECHR"), which forms an integral part of Swiss law and must apply its standards when exercising regulatory or disciplinary authority, particularly where individual rights are affected. This obligation was reaffirmed in *Semenya v. Switzerland*. Yet, the Challenged Decision violates at least Articles 8 (right to private life), 10 (freedom of expression), 11 (freedom of association) and 14 (prohibition of discrimination). The current exclusion amounts to a denial of the right to work and participate in the sport profession because of national origin, without any indication that such restriction is necessary or proportionate in a democratic society. Under the jurisprudence of the European Court of Human Rights ("ECtHR"), even when interference is permitted in principle, it must meet the criteria of lawfulness, legitimacy, necessity, and proportionality. Here, the exclusion fails all four tests.

- The prohibition of discrimination is enshrined in the UN Charter (Article 1), the Universal Declaration of Human Rights ("UDHR" Article 2), the International Covenant on Civil and Political Rights ("ICCPR" Articles 2 and 26), the International Covenant on Economic, Social and Cultural Rights ("ICESCR" Article 2), the ECHR (Article 14) and the International Convention on the Elimination of All Forms of Racial Discrimination ("ICERD" Article 1). Any difference of treatment based solely on nationality is presumptively unlawful unless narrowly tailored to a legitimate aim. The blanket exclusion of Russian nationals, without similar treatment of athletes from other conflict-engaged nations, is a violation of Articles 2 and 7 of the UDHR. This was confirmed by the UN Special Rapporteurs in their letter to the IOC where they advised that a blanket ban on Russian and Belarussian athletes would be discriminatory and a flagrant violation of human rights. The IOC recognized that this letter constituted a major change. The Athletes and the Para-Athletes also testified about this discriminatory treatment. The Challenged Decision fails both tests required to

permit a discriminatory measure, as the resolution contains no explanation or justification for its refusal to the application of the AIN programme. Even if one were inferred, e.g., to protect "safety" or "political neutrality", no evidence was provided to support it. There is no demonstrable threat posed by Russian athletes, and no similar restriction is applied to athletes from other nationalities.

- The ECtHR has consistently held that Article 14 of the ECHR is engaged whenever a protected right is restricted in a discriminatory manner. Under the ECtHR's "ambit doctrine", the right to non-discrimination applies to a wide array of fields, including employment, professional activities, and freedom of association, all of which are directly impacted by the Challenged Decision. Under this doctrine, the protection against discrimination does not require that another substantive right under the ECHR be violated. It is sufficient that the facts of the case fall "within the ambit" of a protected right, even if that right is not itself infringed. The broader reading of Article 14 of the ECHR reinforces the unlawfulness of the blanket exclusion under international human rights law, by confirming that even a discriminatory denial of access to sport, as a component of professional life, is subject to strict scrutiny under the ECHR.

- The measure also violates the autonomous guarantee of equal protection under Article 26 of the ICCPR, which prohibits unjustified distinctions even in the absence of a separate rights violation. These protections are especially robust when applied to professional opportunities, personal identity, and individual dignity.

- The ban further infringes upon Article 8 of the ECHR, which encompasses the right to personal development and professional activity. Athletes are denied the opportunity to participate in international events, including Olympic qualification, during the narrow window of their peak performance years. This exclusion irreparably harms their sporting careers, training access, competitive development, and income potential.

- In conclusion, the Challenged Decision violates multiple fundamental rights. It is discriminatory, arbitrary, and grossly disproportionate. Such a measure must be annulled.

Violation of Swiss law

- Article 28 of the Swiss Civil Code (the "SCC") provides that any person whose personality rights are unlawfully infringed may apply to the competent authority to end the infringement. The Challenged Decision refusing their participation even under neutral (AIN) status, unlawfully infringes the Appellants' personality rights, including their economic liberty and their right to personal fulfilment through sporting activity.

- Under Article 28(2) of the SCC, such infringement is presumed unlawful unless the FIS proves a justifying ground (consent of the affected persons, an overriding private or public interest, or a legal provision), which is inexistent here.

Accordingly, the Challenged Decision is illicit and should be declared null and void to put an end to this unlawful and continuing infringement.

Violation of EU Competition Law

- The Challenged Decision also raises serious concerns under European competition law, particularly Articles 101 and 102 of the Treaty on the Functioning of the European Union ("TFEU").

- As the European Commission and the Court of Justice of the European Union (the "CJEU") have repeatedly affirmed, even private regulatory bodies in sport must comply with EU competition law where their decisions produce economic effects and are not strictly necessary for the organisation of sport. As a dominant regulatory body in the sport and disciplines of ski, FIS holds a monopoly over access to the professional ski market for athletes and national federations within Europe and beyond. Its decisions thus fall within the scope of EU competition law, particularly where they produce effects in the internal EU market. CAS has recognised the applicability of EU competition law to sports federations when regulatory measures have an economic effect on market access.

- The categorical exclusion of all Russian athletes from FIS competitions, including Olympic qualification events, is not a proportionate or necessary measure to achieve any legitimate sporting aim. The blanket exclusion functions as an unjustified barrier to market access, depriving a category of athletes of their professional livelihood solely on the basis of nationality, with no opportunity for individual assessment. This constitutes a restriction of competition. The FIS' refusal to allow Russian athletes to participate as neutral athletes, despite clear IOC and IPC guidance and successful precedents in other sports, amounts to an abuse of dominance. The measure must therefore be annulled.

Breach of the principle of proportionality

- In line with CAS jurisprudence, any restrictive measure must satisfy the three-prong proportionality test: i) suitability, the measure must be capable of achieving its stated aim; ii) necessity, the measure must be the least restrictive means available; and iii) proportionality *strictu sensu*, the burden imposed must not outweigh the legitimate interest pursued. None of these requirements is fulfilled.

- As to suitability, there is no credible evidence that the presence of Russian athletes would mean a political statement by the Appellants or any disruption in any FIS sanctioned competition. The FIS has not identified a single incident involving misconduct or political statement by any Russian participant. Any possible claim that Russian participation poses a high risk and are part of a political statement in sport is based on abstract assumptions, not verified facts. Russian athletes have participated without incident in major international events across a variety of sports (e.g., fencing, judo, tennis, gymnastics) including at the

Paris 2024 Olympic Games. In this sense, the IPC General Assembly voted to lift the partial suspension of the NPCs of Belarus and Russia. If both the IOC and the IPC have repeatedly affirmed through their recommendations and actions that maintaining a suspension on Russian athletes is neither proportionate nor appropriate, then persisting with a full exclusion would be wholly untenable from a proportionality standpoint.

- As to necessity, even assuming a risk exists, proportionality demands that less restrictive means be assessed and adopted where feasible. Yet the FIS Council not only failed to pursue alternatives, but it expressly rejected the adoption of a neutral athlete participation regime (AIN), despite the clear precedent and encouragement provided by the IOC. As to the Athletes, they have confirmed to be ready to comply with the neutrality criteria imposed by the IOC. The refusal to adopt the AIN model for Russian athletes competing in Olympic FIS disciplines shows that exclusion was not designed to be minimally invasive but was aimed to punitively and arbitrarily exclude entirely on the basis of nationality. As to the Para-Athletes, the IPC reinstated the RPC's full membership rights and privileges, therefore allowing para-athletes from Russia, including the Para-Athletes, to compete under the same conditions as all other para-athletes. The FIS Council's refusal to allow the participation of Russian athletes cannot be considered "appropriate" where legitimate, less restrictive alternatives are possible.

- As to proportionality *strictu sensu*, although the first exclusion is technically reviewed by the FIS Council, in practice it functions as an indefinite ban. The FIS Council has failed, year after year, to meaningfully reassess the factual and legal basis of the measure, despite substantial changes in circumstances, including the IOC's and IPC's revised stance, the reintegration of Russian athletes under neutral status across multiple disciplines in other sports, and the absence of any security incidents. This pattern reflects no careful reconsideration, but mechanical review, rendering the measure arbitrary in nature. The impact of the sustained exclusion is severe, particularly for the Para-Athletes, who were already excluded from the Beijing 2022 Paralympic Winter Games. This results in a gross imbalance between the real and documented harm inflicted on the Appellants and the abstract, unsubstantiated risks the measure purports to address.

- Given that the Challenged Decision fails each prong of the established test, the exclusion is legally unsustainable and must be annulled in full.

Disregard of recent precedents

- The Challenged Decision directly contradicts final and binding decisions of CAS and internal tribunals of international federations.

- In CAS 2022/A/8856, CAS ruled that the exclusion of Russian athletes and teams from European Table Tennis Union (the "ETTU") events was disproportionate, pointing out that the ETTU had not sufficiently explored less restrictive

alternatives that could achieve the same objectives without infringing the rights of the athletes involved. The decision emphasized that while the ETTU had valid concerns about maintaining the safety and integrity of competitions, those concerns were not proven and could have been addressed in less severe ways, remarking that blanket exclusion shall be the last resort.

- In CAS 2025/A/11592, CAS analysed the validity of a decision by the International Luge Federation (the "FIL") that maintained the suspension of Russian athletes. The CAS panel determined that the overall exclusion of Russian athletes was a disproportionate measure to achieve the FIL's objectives, as it emphasized that the FIL could have pursued its goals through less severe measures. It was pointed out that alternatives, like the AIN one, could effectively address the FIL's concerns while still respecting the rights of Russian athletes.

- In a decision issued by the Appeals Tribunal of the International Bobsleigh and Skeleton Federation (the "IBSF") about the actions taken by the IBSF to exclude Russian athletes from participating in events, the IBSF Appeals Tribunal remarked the IOC's recent shift in position about blanket bans and stated that such blanket ban was unsupportable and in violation of the principles of Olympism.

57. On this basis, the Appellants submit the following requests for relief in their joint Appeal Brief:

> "*I. The appeal is upheld.*
>
> *II. The decision issued on 21 October 2025 by the International Ski and Snowboard Federation (FIS)'s Council is null and void, alternatively is set aside.*
>
> *III. The International Ski and Snowboard Federation (FIS) is ordered to allow, respectively to facilitate without any delay the participation of Mr Saveliy Korostelev, Ms Lana Prusakova, Ms Maria Travinicheva, Mr Artiom Galunin, Ms Ekaterina Tkachenko, Mr Daniil Sadreev and all other athletes, support personnel and officials from Russia as Individual Neutral Athletes (AIN) in all FIS events, including the qualification events for the Milano Cortina 2026 Olympic Winter Games as well as in the said Games themselves, in compliance with the IOC eligibility criteria for AIN.*
>
> *IV. The International Ski and Snowboard Federation (FIS) is ordered to allow, Mr Alexey Bugaev, Ms Varvara Voronchikhina, Ms Anastasiia Bagiian, Mr Ivan Golubkov, Ms Polina Novakovskaia, Mr Mikhail Slinkin, para-athletes, and all other Russian para-athletes, support personnel and officials, to participate in all FIS events, including the qualification events for the Milano-Cortina 2026 Winter Paralympic Games, as well as in the said Games themselves, under the same*

conditions as any other para-athletes, according to the decision of the International Paralympic Committee of 27 September 2025.

V. The International Ski and Snowboard Federation shall bear all the arbitration costs, if any, and be ordered to reimburse the minimum court office fee of CHF 1,000, as well as any other advances of costs, if any paid by the Russian Ski Association & al.

VI. The International Ski and Snowboard Federation shall be ordered to pay Russian Ski Association & 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."

B. The FIS' Answer

58. The submissions of the FIS in its Answer, in essence, may be summarised as follows:

- The Appellants' arguments erroneously conflate two distinct concepts: i) whether the FIS Council had the statutory power to make the Challenged Decision in the first place; and ii) the merits of how the FIS Council exercised that power. The Appellants frame their case on the basis that the FIS Council lacked any legal basis under the FIS Statutes to make the Challenged Decision, when in reality they disagree with how the FIS Council exercised its clear statutory competence. The FIS Council had express authority under the Statutes to make the Challenged Decision, it satisfied all procedural requirements for a valid FIS Council decision, and the Appellants' substantive objections to the Challenged Decision do not transform it into a decision made without any legal basis.

- In responding to the appeal on the merits, the FIS notes that it is unable to speak to the reasons, rationale and considerations behind the FIS Council members' votes. Given that the vote was held by secret ballot, such matters are only known to the individual FIS Council members. The FIS is not able to (and nor would it be appropriate for the FIS to) put forward a position which purports to represent their views, let alone the FIS Council's majority view. The use of a secret ballot is an essential procedural safeguard aimed at protecting the FIS Council members' ability to vote freely and without having to justify the option expressed.

Breach of the FIS Statutes – no legal basis

- Unlike suggested by the Appellants, the rights granted by Article 8.2.1.2 of the FIS Statutes are not unqualified, nor should they be considered in a vacuum. The right granted is expressly preconditioned on eligibility. The Challenged Decision had the effect of adding a rule, made by a governing body (the FIS Council), restricting the eligibility for participation. That interpretation would not limit the RSF from challenging the rule, where there is appropriate ground to do so. Here, as considered below, the Appellants

challenge it on the grounds that it breaches the provisions of Article 5.2 of the FIS Statutes.

Violation of fundamental rights, including non-discrimination, and professional freedom

- It is not accepted that the FIS Council, in making its decision, directly violated its own statutes. As a decision-making body, the FIS Council took into account the relevant considerations (being the scope of the relevant provision of the Statutes) and considered their application to the set of facts before it on which it was asked to decide. It is evident that the FIS Council did consider Article 5.2 of the FIS Statutes, the requirement for political neutrality, the issue of discrimination, and recent decisions dealing with those principles before voting.

- From the full confidential minutes of the FIS Council meeting of 21 October 2025 (the "Confidential Minutes"), it appears that: a) the FIS Council was repeatedly reminded of the requirement of Article 5.2 of the FIS Statutes and that a departure from political neutrality would require a change to the Statutes; b) the FIS Council considered fundamental principles of non-discrimination; c) the FIS Council considered legal and institutional developments; and d) there was extensive debate about the appropriate response to member associations and countries that do not themselves adhere to principles of political neutrality.

- Not all FIS Council members took part in the discussions, with a significant number not voicing their views. The FIS is not able to comment on the rationale adopted by the majority of the FIS Council members who voted "no". There is no evidentiary basis for the Appellants to claim, as they repeatedly did in the Appeal Brief, albeit through different formulations, that the Challenged Decision was a "*politicized measure that targets individuals for the geopolitical actions of their government*".

- As noted during the meeting at which the Challenged Decision was made, the FIS Statutes contain near identical statements as in the Olympic Charter. To that extent, the points made above are repeated with respect to the Olympic Charter. Furthermore, the IOC publications that relate specifically to AIN participation are not binding on the FIS. Instead, the IOC documents and the Olympic Charter clearly demonstrate that in reality, the FIS is an autonomous, self-governing body. It is therefore by reference to the FIS Statutes that the Challenged Decision should be assessed.

- The Appellants rely extensively on international human rights instruments, arguing that the FIS is directly bound by these conventions. This argument is misconceived. The Appellants' reliance on the doctrine of horizontal effect also does not assist them. This doctrine concerns the application of constitutional rights in private law relationships under certain domestic legal systems, but it does not establish that international human rights treaties

directly bind private sports federations as a matter of Swiss law or international law. The FIS Council did consider IOC guidance and principles before making the Challenged Decision.

- The Appellants rely upon the IOC's 2022 Strategic Framework on Human Rights, but there is no express basis for how anything in this document forms a requirement for the FIS. The Appellants also fail to articulate which specific human rights provision they rely upon and how it applies. The FIS Council considered these principles (Article 5.2 of the FIS Statutes) before voting.

- Unlike suggested by the Appellants, in *Semenya v. Switzerland* the ECtHR did not impose Convention duties on the FIS. As held in CAS 2022/A/8856, "*international treaties on human rights are meant to protect individuals' fundamental rights vis-à-vis governmental authorities and, in principle, they are inapplicable per se to sports governing bodies, which are legally characterised as purely private entities*". To the extent *Semenya* requires adequate State review of sports awards, that obligation falls on Switzerland and the Swiss Federal Supreme Court (the "SFT") in any subsequent review of this CAS award, not on FIS as a private federation. In any event, with the exception of Article 14 (the prohibition on discrimination) the claimed violations are not clarified.

- The Appellants rely upon Articles of the UDHR, prohibiting discrimination. Article 5.2 of the FIS Statutes contains a similar provision. Accordingly, the points made above, in respect of the FIS Statutes apply.

- As to the Appellants' reliance on the letter from the UN Special Rapporteurs, this statement is not binding, either on the FIS itself or as a human rights law in general. The letter does not reveal how, and if so what, international laws that fall within the Special Rapporteurs' remit would apply to the FIS. The letter also acknowledges that differential treatment can be justified by legitimate concerns, where the least restrictive measures are sought. The letter is also not addressed at the FIS.

- With respect to the alleged interference with professional freedom, the Appellants have not articulated any legal basis on which the FIS is bound by the ECHR. Article 14 of the ECHR is not a free-standing right. It must attach to the enjoyment of other rights in the Convention. The Appellants failed to articulate, or provide authority for, how the underlying Convention right may be engaged.

Violation of Swiss law

- It is not accepted that failing to allow or refusing athlete participation even under AIN status should render the Challenged Decision null and void. In expressing this ground, the Appellants again rely upon the claim that refusal without proving various justifying grounds is a breach of the SCC. It is suggested that the FIS failed to demonstrate any valid motives that could

constitute an overriding private or public interest. In reality, the minutes of the FIS Council meeting that preceded the Challenged Decision reveals a range of public interest considerations.

Violation of EU Competition Law

- The Appellants' arguments in this respect must be dismissed for three reasons.

- First, the scope of this arbitration is limited to whether the Challenged Decision was made *intra vires* under the FIS Statutes. CAS review should not extend to applying economic tests derived from European competition law.

- Second, the Challenged Decision was adopted by a secret ballot. This means the FIS cannot reconstruct or speculate on the individual reasoning behind their votes, including any economic or competition related considerations. The Appellants' attempt to impose tests requiring disclosure of such reasoning is incompatible with the governance framework and the confidentiality integral to the voting process.

- Third, the Appellants rely on CAS jurisprudence that concerned UEFA's multi-club ownership rules that involved direct economic effects on club ownership and transfer markets. In contrast, the present scenario concerns eligibility criteria for participation in a specific qualification pathway, a matter falling squarely within the FIS Council's regulatory competence under Article 11.3.1 of the FIS Statutes. The Challenged Decision does not prevent athletes from practising their profession generally; it addresses participation in FIS-sanctioned events in accordance with the FIS Statutes.

Breach of the principle of proportionality

- The test invoked by the Appellants essentially serves to explore the underlying rationale for the Challenged Decision. However, again, the FIS is unable to speak to the reasons, rationale and considerations behind the FIS Council's members' individual votes.

- As to suitability, the Appellants contend that there is no credible evidence that the presence of Russian athletes would constitute a political statement or cause disruption in FIS-sanctioned competitions. The FIS cannot address the subjective considerations behind individual FIS Council members' votes. However, the summary minutes of the FIS Council meeting of 21 October 2025 demonstrate that the FIS Council considered Article 5.2 of the FIS Statutes, recent developments such as the IPC decision and the IBSF Appeals Tribunal ruling, as well as survey feedback from National Ski Associations.

- As to necessity, the Appellants argue that the FIS Council disregarded the AIN programme despite clear IOC precedent, excluding Russian athletes without offering an opportunity to demonstrate neutrality or compliance with IOC conditions, which they claim renders the exclusion disproportionate. While

the FIS cannot speak to individual voting rationales, the minutes show that the FIS Council was fully aware of the AIN option and made a decision after weighing the relevant considerations.

- As to proportionality *strictu sensu*, the FIS recognises the consequences for the Appellants but maintains that the FIS Council acted within its statutory discretion, having reviewed the pertinent information. The Appellants' argument effectively seeks to subject the Challenged Decision to a proportionality review that would require disclosure of individual voting rationales. This is incompatible with the secret ballot procedure.

Disregard of recent precedents

- As expressed above, the FIS does not know why individual FIS Council members voted for the Challenged Decision. However, it is evident from the Confidential Minutes that the FIS Council considered recent legal and institutional developments before voting, including the IBSF Appeals Tribunal decision finding the exclusion of neutral athletes to be discriminatory. The consideration of other decisions does not affect the validity of a decision taken within the FIS Council's statutory competence and procedure.

- The Appellants seek in prayer for relief IV an order requiring FIS to permit Russian para-athletes to participate "*under the same conditions as any other para-athletes, according to the decision of the International Paralympic Committee of 27 September 2025*". This request is firmly rejected. Decisions of the IPC have no bearing on decisions the FIS must take.

- Moreover, the request effectively seeks to bypass the AIN framework entirely and permit Russian para-athletes who are connected with and/or supported by the Russian military and who support the war in Ukraine to compete in full national colours, displaying Russian flags and national symbols. This could significantly increase safety and security risks for all participants in FIS competitions and is not in line with IOC guidance or recent case law precedents.

59. On this basis, the FIS submits the following requests for relief in its Answer:

> "*74. If follows from the foregoing that there is no basis for the Appellants' allegations in the Appeal Brief, such that the Appellants are not entitled to the relief sought. The appeal should be dismissed.*
>
> *75. Moreover, the specific relief sought (as discussed in paragraphs 66-69) in recognising the decision of the IPC is wholly inappropriate and inadmissible.*
>
> *76. The Respondent requests that the Appellants bear all its costs and the costs of the arbitration.*"

VI. JURISDICTION

60. Article R47 of the CAS Code provides, *inter alia*, as follows:

> "*An appeal against the decision of a federation, association or sports-related body may be filed with CAS if the statutes or regulations of the said body so provide 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.*"

61. Article 15.7.1 of the FIS Statutes provides as follows:

> "*Decisions of the Council and/or the President, which violate these Statutes and/or the Rules and Regulations or the law shall be subject to appeal to the Congress.*"

62. Article 15.7.4 of the FIS Statutes provides as follows:

> "*Decisions of the Congress shall be subject to appeal to the CAS, according to the Code of Sports-related Arbitration.*"

63. The Appellants acknowledge that, in principle, general decisions adopted by the FIS Council should first be appealed to the FIS Congress before becoming appealable to CAS. However, the Appellants maintain that, with reference to legal doctrine, the obligation to exhaust internal legal remedies may be waived where such remedies do not exist, are ineffective, or are merely illusory. Given that the FIS Congress convenes only once every even year and in light of the imminent Milano Cortina 2026 Olympic and Paralympic Winter Games, requiring the Appellants to await the next FIS Congress, scheduled for 10-11 June 2026 in Belgrade, Serbia, would render any internal appeal illusory and devoid of any practical effect. On this basis, the Appellants submit that CAS is competent, because they have either exhausted the remedies available under the FIS Statutes or demonstrated their non-existence or ineffectiveness.

64. By letter to the CAS Court Office dated 7 November 2025, the FIS explicitly confirmed that it "*accepts the jurisdiction of the CAS*". The jurisdiction of CAS is further confirmed by the Order of Procedure duly signed by the Parties.

65. It follows that CAS has jurisdiction to adjudicate and decide on the present dispute.

VII. ADMISSIBILITY

66. Article R49 of the CAS Code provides as follows:

> "*In the absence of a time limit set in the statutes or regulations of the federation, association or sports-related body concerned, or in a previous agreement, the time limit for appeal shall be twenty-one days from the receipt of the decision appealed against.*"

67. The FIS Statutes contain no specific time limit for appeals to be filed with CAS, as a consequence of which the 21-day deadline set forth in Article 49 of the CAS Code applies.

68. The Challenged Decision was published on the FIS' website on 21 October 2025. The appeal was filed on 5 November 2025, i.e. within the applicable 21-day deadline.

69. Furthermore, the Statement of Appeal and the Appeal Brief complied with all the requirements set out in Articles R48 and R51 of the CAS Code.

70. Consequently, the Panel finds that the appeal is admissible.

VIII. APPLICABLE LAW

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

> "*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 that the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision.*"

72. The Parties agree that, given that the FIS has its registered seat in Oberhofen/Thunersee, Switzerland, the Panel shall apply the various rules and regulations of the FIS, and, subsidiarily, Swiss law.

IX. MERITS

A. The Main Issues

73. Before engaging into an analysis of the actual merits of the proceedings, the Panel considers it necessary to carefully look at the Appellants' prayers for relief.

74. The Appellants' primary request is that the Challenged Decision be declared null and void, or that it be set aside (prayer for relief no. II). Whereas such negatively formulated prayer for relief may appear logical at first sight, upholding it would not directly benefit the Appellants. This is so because the Appellants were already prevented from taking part in international competitions before the Challenged Decision was rendered. Accordingly, by deciding against the resolution proposing to allow the participation of the Appellants, the FIS Council did not alter the situation of the Appellants. *De facto*, the FIS Council merely extended the *status quo*. Declaring null and void or setting aside the Challenged Decision would therefore also change nothing for the situation of the Appellants.

75. The core of the appeal is formulated in prayers for relief no. III and IV, whereby the Appellants seek a decision from the Panel that goes beyond setting aside the

Challenge Decision, i.e., to order the FIS to allow the Athletes and the Para-Athletes to participate in FIS events again and have the chance to potentially qualify for the Milano Cortina 2026 Olympic Winter Games. These are positively formulated prayers for relief that, if upheld, would indeed directly benefit the Athletes and Para-Athletes.

76. The Panel finds that this distinction is relevant, because it considers that it can potentially uphold the negative relief requested by declaring the Challenged Decision null and void or set it aside, but that it can only potentially uphold prayers for relief no. III and IV with respect to the Athletes and Para-Athletes. The Panel finds that it cannot uphold such relief for "*all other athletes, support personnel and officials from Russia*" (prayer for relief no. III) or for "*all other Russian para-athletes, support personnel and officials*" (prayer for relief no. IV) insofar such persons did not appeal the Challenged Decision and are not parties to the present appeal arbitration proceedings.

77. That said, as confirmed in the response to the FIS' request for interpretation:

> "*The Panel sees no reason why persons other than the 6 para-athletes that challenged the Appealed Decision, i.e. 'all other athletes, support personnel and officials from Russia', should not be able to participate in all FIS events, including the qualification events for the Milano Cortina 2026 Winter Paralympic Games, in view of the fact that the Appealed Decision is partially set aside (paragraph 2 of the operative part of the Award). However, the Panel is not in a position to make such pronounciation with respect to unnamed persons that are not parties in the arbitration in the operative part of the Award.*"

78. Furthermore, the Panel finds that it can potentially uphold prayers for relief no. III and IV with respect to the Athletes and the Para-Athletes, because these requests fell within the remit of the Challenged Decision and are therefore part of the scope of the present appeal arbitration proceedings.

79. Having clarified that, the remaining substantive issues to be addressed by the Panel are the following:

i. Was the FIS Council competent to render the Challenged Decision?
ii. Was the Challenged Decision discriminatory?
iii. What are the consequences thereof?

80. These issues will be addressed in turn below.

i. Was the FIS Council competent to render the Challenged Decision?

81. The primary argument of the Appellants is that the Challenged Decision does not make reference to any provision in the FIS Statutes that would grant the FIS Council the authority to issue the Challenged Decision and that it must therefore be annulled.

82. The FIS relies on Articles 11.3.2 and 11.3.3.2 of the FIS Statutes in affording the FIS Council the discretion to adopt the Challenged Decision.

83. The Panel observes that the competencies of the FIS Council are set forth in Article 11 of the FIS Statutes. In this respect, the Panel notes that the "*Council is accountable to the Congress and is the supreme authority of the FIS between the Congress meetings*". Furthermore, "[t]*he Council takes all necessary decisions, provided that such decisions do not fall within the exclusive competence of the Congress*" (Article 11.3.1 of the FIS Statutes) and "[t]*he Council is responsible for the strategy and the overall conduct of business of FIS*" (Article 11.3.2 of the FIS Statutes).

84. Furthermore, Article 11.3.3 of the FIS Statutes provides for the following specific responsibilities of the FIS Council:

> "*The Council has the following specific responsibilities:*
>
> […]
>
> *11.3.3.2. to establish and amend the FIS Rules and Regulations, including the International Competition Rules (ICR);*"

85. The Panel finds that it is somewhat odd for the Appellants to challenge the jurisdiction of the FIS Council to rule on their reinstatement, because if such argument would be upheld, also the Panel would be deprived of the authority to do so and thus being forced to leave the exclusion pronounced before the Challenged Decision in place.

86. However, the Panel finds that this issue does not arise, because it is of the view that the FIS Statutes provides the FIS Council with the statutory power to potentially amend its rules and regulations to the effect of permitting Russian athletes and para-athletes to participate in FIS events again. The Panel agrees with the FIS that the Challenged Decision had the effect of adding a rule restricting the eligibility for participation.

87. It is not in dispute between the Parties that the formal requirements of the Challenged Decision, such as quorum of the FIS Council (Article 11.4.2.1 of the FIS Statutes) and the legitimacy of rendering a decision by digital secret ballot (Article 18.1 of the FIS Statutes), were satisfied.

88. The Panel agrees with the FIS' argument that "[t]*he Appellants frame their case on the basis that the Council lacked any legal basis under the FIS Statutes to make the Challenged Decision, when in reality they disagree with how the Council exercised its clear statutory competence*".

89. Having established the competence of the FIS Council to render the Challenged Decision and decide on the potential reinstatement of Russian athletes and para-athletes, the Panel will turn to the question whether the FIS Council exercised such competence in an appropriate and legally valid way.

ii. Was the Challenged Decision discriminatory?

90. The Appellants argue that the Challenged Decision was rendered in contravention of the FIS Statutes and in violation of fundamental rights, including the right to non-discrimination and the right to professional freedom.

91. Conversely, the FIS maintains that no rights were violated and that the Challenged Decision was perfectly legal.

a. The burden of proof and the test to be applied

92. Turning to the analysis of the Challenged Decision, the Panel notes that the Appellants invoke several human rights instruments but primarily rely on the FIS' own Statutes and regulations. The Panel observes that the FIS basically incorporated the right to non-discrimination and other human rights into its own regulatory framework. On this basis, the Panel considers it appropriate to first assess whether the Challenged Decision was issued in compliance with the FIS' own Statutes and regulations.

93. However, in dealing with the Appellants' challenge of alleged discriminatory measures adopted by the FIS, the Panel draws inspiration from the way in which the ECtHR dealt with such cases under Article 14 ECHR:

> "*Because the alleged defendant is in possession of the information needed to prove a claim, non-discrimination law allows the burden of proof to be shared with the alleged defendant (the shift of the burden of proof). Once the person alleging discrimination established a presumption of discrimination (prima facie discrimination), the burden then shifts to the defendant, which has to show that the difference in treatment is not discriminatory. This can be done either by proving that there was no causal link between the prohibited ground and the differential treatment, or by demonstrating that although the differential treatment is related to the prohibited ground, it has a reasonable and objective justification. If the alleged discriminator is unable to prove either of the two, they will be liable for discrimination.*" (Handbook on European non-discrimination law, 2018 edition, p. 232)

> "*The Court has established an analytical framework in its case-law under Article 14. This analytical framework allows the identification of the Convention's operative concepts of discrimination. The test set out in the first Article 14 judgment, the Belgian Linguistics case of 1968, is still instrumental. To begin with, the concept of discrimination and the analytical approach of the Court hold that a difference in treatment must exist. Sometimes, the Court adds to its express delimitation of the analytical framework that it is different treatment of persons in analogous or relevantly similar situations that must exist. In other cases no express reference is made to this issue as part of the analytical approach, but it is generally implied and present in the reasoning of the Court. If the required difference in treatment and its basis are established the Court proceeds to the objective justification test. Under the objective justification test a violation occurs if the difference in treatment has no*

> *objective and reasonable justification. Such justification exists if the difference of treatment pursues a legitimate aim and if there is a reasonable relationship of proportionality between the means employed and the aim sought to be realised.*" (ARNARDÓTTIR, Non-discrimination Under Article 14 ECHR – The Burden of Proof (2007) 51 Scandinavian Studies in Law 13-39, p. 15)

94. As to the test to be applied and the burden of proof, the Panel finds that the burden of proof to establish a *prima facie* case of discrimination lies with the Appellants. The right to non-discrimination is generally perceived as an accessory right, i.e., it applies only in relation to the enjoyment of other rights and privileges granted. Accordingly, to establish a *prima facie* case of discrimination, the Appellants would not only have to establish the ground they are allegedly being discriminated on, but also the rights or privileges they claim to be deprived of.

95. This is very much in line with the approach applied in CAS jurisprudence in cases where alleged discriminatory regulations were challenged:

> "*The Panel notes that it was common ground in CAS 2014/A/3759 and CAS 2018/O/5794 & CAS 2018/A/5798 that the party seeking to challenge an allegedly discriminatory regulation bears the burden of establishing that the rule discriminates on the basis of a protected ground. It was also common ground in those cases that, if the regulation did so discriminate, the burden of proof shifted to the other party (the IAAF in those cases) to establish that the regulation was necessary, reasonable and proportionate. The Panel is of the view that the same approach should logically apply here.*" (CAS 2022/A/8856, para. 149)

96. Should the Appellants be successful in establishing a *prima facie* case of discrimination, the burden shifts to the FIS to potentially justify the difference of treatment. To this effect, the FIS would have to establish that the measure adopted pursues a legitimate objective and that the measure adopted is a necessary, reasonable and proportionate means of attaining such legitimate objective. Also, this is in line with CAS jurisprudence:

> "*Applying a similar approach to that applied in CAS 2014/A/3759 and CAS 2018/O/5794 & CAS 2018/A/5798, it follows that the ETTU therefore bears the burden of establishing that the ETTU EB Decision is a necessary, reasonable and proportionate means of attaining a legitimate objective. If the ETTU is unable to discharge that burden, then the Panel must declare this element of the ETTU EB Decision to be invalid.*" (CAS 2022/A/8856, para. 155)

b. The establishment of a *prima facie* case of discrimination by the Appellants

97. As to the rights or privileges of the Appellants, they rely on Article 8.2.1 of the FIS Statutes, which provides as follows:

> "*8.2.1. All Member Associations are entitled:*

> […]
>
> *8.2.1.2. to participate in the FIS World Championships, FIS Competitions and other FIS Events when they are eligible to participate in accordance with applicable rules and regulations;*"

98. Accordingly, the RSF and its members are in principle entitled to participate in FIS events, subject to the eligibility rules set forth in the relevant rules and regulations that apply to any athlete.

99. With the Challenged Decision, the FIS Council *de facto* decided to extend the blanket ban imposed on the participation of Russian athletes and para-athletes in FIS events. Accordingly, the conditional right granted by Article 8.2.1.2 of the FIS Statutes was denied to the Appellants, based purely on their Russian nationality.

100. Indeed, as to the ground of discrimination, the Appellants submit that they are discriminated based on their nationality. The Appellants maintain that Article 5.2 of the FIS Statutes provides them with a right not to be discriminated against.

101. Article 5.2 of the FIS Statutes provides as follows:

> "*FIS shall not allow any discrimination against national federations or individuals (competitors, officials, judges, delegates, etc.) on the grounds of race, gender, religion, sexual orientation, gender identity, political affiliations, languages or abilities. FIS shall conduct its activities in a politically neutral manner.*"

102. The Panel observes that Article 5.2 of the FIS Statutes does not allow discrimination against national federations or individuals, but that it does not explicitly list nationality as one of the types of discrimination that are prohibited. However, the Panel notes that such type of discrimination is prohibited in the FIS Universal Code of Ethics.

103. Article 1(4) of the FIS Universal Code of Ethics provides as follows:

> "*The fundamental principles which shall govern all FIS activities, decisions, processes and regulations are*
>
> […]
>
> *Respect for human dignity, non-discrimination of any kind on whatever grounds, any rejection of all forms of harassment;*"

104. Furthermore, Article 3.5.1. of the FIS Universal Code of Ethics provides as follows:

> "*The persons subject to this Code may not offend the dignity or integrity of a private person, group of persons or country through contemporaneous, discriminatory words or actions on account of race, colour, ethnic, national or*

social origin, gender, sexual orientation, language, religion, political or other opinion, wealth, or any other reason."

105. On this basis, the Panel finds that the FIS imposed a clear statutory and/or regulatory duty on itself not to discriminate, *inter alia*, based on nationality.

106. Although the Appellants argue that the Challenged Decision was a "*politicized measure that targets individuals for the geopolitical actions of their government*" and the FIS argues that the Appellants provided no evidential basis for such claim, the Panel finds that this is not relevant for present purposes. The test to establish a *prima facie* case of discrimination does not normally include the intent behind a measure, such rationale is only assessed if and when a *prima facie* case of discrimination is established.

107. The Panel notes that this is not a case of indirect discrimination where a certain measure may have had discriminatory effects. Indeed, the Challenged Decision is clearly aimed at directly depriving RSF and its members of the right to participate in FIS events. Since the Challenged Decision restricts the participation of Russian athletes and para-athletes in FIS events based only on their nationality, the Panel finds that it is established that the Challenged Decision is, *prima facie*, discriminatory.

c. The establishment that the measure adopted pursues a legitimate objective and that the measure adopted is a necessary, reasonable and proportionate means of attaining such legitimate objective

108. As set forth above, the conclusion that the Challenged Decision is, *prima facie*, discriminatory does not end the Panel's legal analysis.

109. However, in the matter at hand, no justification is set forth by the FIS as to why the blanket ban on Russian athletes and para-athletes was to be extended. There is also no indication by the FIS as to why, for example, the application of the AIN criteria would not be a less damaging approach for Russian athletes and para-athletes that is also suitable to attain the aim pursued.

110. This is largely the result of the way in which the Challenged Decision was rendered. The Challenged Decision was rendered by means of a resolution by secret ballot of the FIS Council on 21 October 2025. Rendering a decision in such way means that there are no grounds underpinning the decision. Each member of the FIS Council may have had their own reasons to vote in favour or against the resolution, none of which is reflected in the Challenged Decision.

111. While such manner of decision-making is perfectly legal, the Panel finds that it does not mean that a decision rendered by means of a resolution by secret ballot is unimpeachable or cannot be appealed, nor is this possibility denied by the FIS. This way of decision-making does not take away the FIS' self-imposed duty not to allow discrimination on the basis of nationality. Indeed, the Appellants are perfectly entitled to appeal the Challenged Decision and to call FIS as a respondent in the present appeal arbitration proceedings before CAS.

112. Notwithstanding the fact that the Challenged Decision did not contain any grounds, the FIS can rely on the *de novo* doctrine to defend itself against any allegations made by the Appellants and to defend the Challenged Decision in the present appeal proceedings, even though the Challenged Decision itself did not contain any grounds.

113. The Panel notes that the FIS invoked such right only partially. For example, the FIS argues that the FIS Council did consider Article 5.2 of the FIS Statutes, the requirement of political neutrality, the issue of discrimination and recent decisions dealing with those principles before voting, but it argues that it cannot speak to reasons why the majority of the members of the FIS Council ultimately voted against the resolution.

114. The mere fact that the FIS Council considered Article 5.2 of the FIS Statutes and the issue of discrimination before rendering the Challenged Decision, which the Panel accepts it did, does not mean that this provision was complied with or that the prohibition of discrimination was not violated.

115. The summary minutes of the FIS Council meeting of 21 October 2025 and the Confidential Minutes provide insight into the matters discussed by the FIS Council, but the Panel finds that these documents do not contain a clear justification for the Challenged Decision. The Panel also finds that it is not its duty to dissect the summary minutes of the FIS Council meeting of 21 October 2025 and the Confidential Minutes for potential grounds that may justify the Challenged Decision. The burden of proof in this respect lies with the FIS and the FIS did not meet its burden of proof to bring forward alleged justifications and evidence. In particular, the Panel finds that there is no justification as to why participation of Russian athletes and para-athletes as AIN would not be more proportionate than a blanket ban.

116. Unlike other governing bodies did in matters where the participation of Russian athletes in international competitions was at stake (CAS 2022/A/8856, CAS 2025/A/11592 (based on the press release issued by CAS) and the Interim Order of the IBSF Appeals Tribunal of 19 October 2025), the FIS does not rely on arguments related to the safety and/or integrity of its competitions in trying to justify the Challenged Decision.

117. In the absence of any arguments and evidence being provided by the FIS as to the reasons underpinning the continuation of the blanket ban on Russian athletes and para-athletes, the Panel cannot even begin to assess whether the *prima facie* case of discrimination by the FIS may have been in pursuit of a legitimate objective in the circumstances, let alone to assess whether less intrusive measures were available that could reasonably have achieved the same legitimate objective.

d. Conclusion

118. On this basis, the Panel finds that the Challenged Decision is rendered in violation of Article 5.2 of the FIS Statutes and is to be set aside for being discriminatory. Because of this conclusion, it is not necessary to look at other arguments advanced by the Appellants on the basis of, for example, the ECHR and other sources of human rights instruments.

iii. What are the consequences thereof?

119. On the basis of the above findings, the Panel finds that the Appellants' request for relief no. II is to be partially upheld, i.e., the Challenged Decision is not declared null and void, as there was a legal basis for the FIS Council to decide on the eligibility of the Appellants, however, the Challenged Decision is partially set aside for being discriminatory against the Appellants. The Challenged Decision is confirmed only to the extent that it prohibits Russian athletes who do not satisfy the criteria established by the IOC for participation as AIN from competing at FIS events, including the qualification events for the Milano Cortina 2026 Olympic Winter Games.

120. With respect to Appellants' request for relief no. III, the Panel notes that the Appellants request the Panel to order the FIS to allow and facilitate the participation of the Athletes in all FIS events. Notably, and unlike request for relief no. IV with respect to the Para-Athletes, the Athletes do not request to participate under the same conditions as any other athletes, but they specifically request to participate in such events as AIN. The scope of the dispute with respect to the Athletes is therefore between participation as AIN and no participation. Participation as AIN is therefore the most favourable the Panel can award to the Athletes.

121. In the absence of a justification for the discriminatory treatment of the Athletes, the request of the Athletes to participate as AIN is therefore upheld. However, request for relief no. III is not entirely upheld. Indeed, the reference to "*all other athletes, support personnel and officials from Russia*" is intentionally omitted for the reasons set forth above (paras. 73-77 above).

122. The Panel also slightly deviates from request for relief no. III by adding a reference to "*and insofar they satisfy the eligibility requirements applicable to any other athletes*" in para. 3 of the operative part of the present Award to avoid any hypothetical confusion about allowing participation of the Athletes to FIS events. The blanket ban imposed on Russian athletes is lifted, but individual athletes, such as the Athletes, besides satisfying the AIN criteria, also still need to satisfy the other eligibility requirements that apply to any other athletes. For example, this Award is not to be interpreted as *per se* granting the Athletes the right to participate in the Milano Cortina 2026 Olympic Winter Games. Rather, like any other athletes, the Athletes can only participate in the Games if they qualify for the Games on sporting merit.

123. With respect to the Appellants' request for relief no. IV, the Panel notes that this is different. The Para-Athletes request the Panel to order the FIS to allow and facilitate the participation of the Para-Athletes in all FIS events. Notably, and unlike request for relief no. III with respect to the Athletes, the Para-Athletes do not request to participate as AIN, but they specifically request to participate in such events under the same conditions as any other athletes. The scope of the dispute with respect to the Para-Athletes is therefore between participation under the same conditions as any other athletes and no participation. Participation under the same conditions as any other athletes is therefore the most favourable the Panel can award to the Para-Athletes. Furthermore, there is no specific or an alternative request of the Para-Athletes to participate as AIN. Also, unlike the IOC, the IPC has no AIN framework in place.

124. In this limited context, and unlike with respect to the Athletes, the FIS argues with respect to the Para-Athletes that participation without restrictions "*could significantly increase safety and security risks for all participants in FIS competitions and is not in line with IOC guidance or recent case law precedents*". This argument is however not corroborated by any evidence or further substantiation, and the IOC has no direct involvement in the Paralympic Games.

125. The Panel finds that such stand-alone argument, without evidence, is clearly insufficient to rule that a blanket ban on the Para-Athletes is a proportionate means of achieving a legitimate objective. The Panel finds that it therefore has no viable alternative but to uphold the relief requested by the Para-Athletes.

126. Finally, the two afore-mentioned caveats with respect to request for relief no. III also apply with respect to request for relief no. IV. Accordingly, insofar the Para-Athletes request participation of "*all other Russian para-athletes, support personnel and officials*", this is to be dismissed. Also, like the Athletes and any other athletes, the blanket ban imposed on Russian athletes is lifted, but individual athletes, such as the Para-Athletes, still need to satisfy eligibility requirements that apply.

127. Accordingly, the appeal is partially upheld and the Challenged Decision is partially set aside.

128. All other and further motions or prayers for relief are dismissed.

X. COSTS

(…)

* * *

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The appeal filed by the Russian Ski Association (RSF), Saveliy Korostelev, Lana Prusakova, Maria Travinicheva, Artiom Galunin, Ekaterina Tkachenko, Daniil Sadreev, the Russian Paralympic Committee (RPC), Alexey Bugaev, Varvara Voronchikhina, Anastasiia Bagiian, Ivan Golubkov, Polina Novakovskaia and Mikhail Slinkin on 5 November 2025 against the resolution rendered by the Council of the International Ski and Snowboard Federation (FIS) on 21 October 2025 is partially upheld.

2. The resolution rendered by the Council of the International Ski and Snowboard Federation (FIS) on 21 October 2025 whereby the majority voted "no" to the question "*Should FIS permit athletes from Russia and Belarus to participate as AIN in FIS qualification events for the Milano-Cortina 2026 Olympic Winter Games and Paralympic Games in strict compliance with the IOC eligibility criteria for AIN, provided each NSA shall retain discretion to determine whether athletes from the concerned nations may take part in qualification events held within its jurisdiction?*" is partially set aside and confirmed only to the extent that it prohibits Russian athletes who do not satisfy the criteria established by the International Olympic Committee (IOC) for participation as individual neutral athletes (AIN) from competing at all FIS events, including the qualification events for the Milano Cortina 2026 Olympic Winter Games.

3. The International Ski and Snowboard Federation (FIS) is ordered to allow, respectively to facilitate without any delay the participation of Saveliy Korostelev, Lana Prusakova, Maria Travinicheva, Artiom Galunin, Ekaterina Tkachenko and Daniil Sadreev as Individual Neutral Athletes (AIN) in all FIS events, including the qualification events for the Milano Cortina 2026 Olympic Winter Games, provided they comply with the eligibility criteria for individual neutral athletes (AIN) established by the International Olympic Committee (IOC) and insofar they satisfy the eligibility requirements applicable to any other athletes.

4. The International Ski and Snowboard Federation (FIS) is ordered to allow Alexey Bugaev, Varvara Voronchikhina, Anastasiia Bagiian, Ivan Golubkov, Polina Novakovskaia and Mikhail Slinkin to participate in all FIS events, including the qualification events for the Milano-Cortina 2026 Winter Paralympic Games, under the same conditions as any other para-athletes.

5. (…).

6. (…).

7. All other motions or prayers for relief are dismissed.

Seat of arbitration: Lausanne, Switzerland
Date: 20 February 2026
(amended operative part notified on 11 December 2025)

THE COURT OF ARBITRATION FOR SPORT

Mr André Brantjes
President of the Panel

Mr Efraim Barak
Arbitrator

Mr Benoît Pasquier
Arbitrator