



TAS / CAS

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

CAS 2025/A/11722 Edgar Carballo González v. Union Cycliste Internationale (UCI)

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

President: Mr Mario Vigna, Attorney-at-law in Rome, Italy
Arbitrators: Mr José María Alonso, Attorney-at-law in Madrid, Spain
Mr Luca Beffa, Attorney-at-law in Geneva, Switzerland

in the arbitration between

Mr Edgar Carballo González, Spain

Represented by Ms Sylvia Córdoba Moreno and Mr Juan Pedro del Castillo, Attorneys-at-law in Madrid, Spain

- Appellant -

and

Union Cycliste Internationale, Switzerland

Represented by Mr Antonio Rigozzi and Mr Patrick Pithon, Attorneys-at-law in Geneva, Switzerland

- Respondent -

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I. PARTIES

1. Mr Edgar Carballo González (the “Appellant” or “Mr Carballo”) is a professional Spanish enduro rider, holder of a UCI licence.
2. The Union Cycliste Internationale (the “Respondent” or “UCI”) is the world governing body for the sport of cycling, with its headquarters in Aigle, Switzerland.
3. The Appellant and the Respondent shall together be referred to as the “Parties”.

II. FACTUAL BACKGROUND

4. The following is a summary of the relevant allegations and facts derived from the Parties’ written submissions and supporting documentation. Additional facts, allegations and pleadings may be set out, where appropriate, in connection with the legal discussion that follows. While the Panel has carefully reviewed all factual, legal and evidentiary submissions, it refers in its Award only to those it considers necessary to explain its reasoning.

A. Mr Carballo’s prior relationship with the Complainant

5. Mr Carballo and [D.] (the “Complainant” or “[D.]”), a Spanish enduro rider and UCI licence holder, became acquainted in 2018 through their involvement in the cycling community.
6. On 31 July 2018, Mr Carballo posted a photo on Instagram with a picture of four male cyclists and the following caption (English translation of the Spanish original provided by the Respondent): “*careful, four rapists will be in Tenerife in October and are looking for an accomplice [...]*” (the “Instagram Post”).
7. Following the Instagram Post, a period of reduced contact arose between Mr Carballo and [D.], as the latter considered the wording of the post inappropriate and offensive. [D.] confronted Mr Carballo about the post. According to her account, Mr Carballo initially reacted dismissively, but later apologised. Thereafter, the Parties resumed contact.
8. Between August 2022 and March 2023, Mr Carballo and [D.] maintained a consensual, non-exclusive relationship that included occasional sexual encounters, typically in connection with cycling events.
9. Around May 2023, [D.] began dating [J.].

B. The Incident of 17 June 2023

10. The events giving rise to these proceedings occurred on the night of 16 to 17 June 2023, during the 2023 UCI MTB World Cup (the “Event”) in Leogang-Salzburgerland, Austria, specifically in [D.]’s van, which was parked in the paddock of the Event (the “Incident”).

11. Mr Carballo attended a party on the evening of 16 June 2023, at which he consumed alcohol. [D.] did not attend that party and returned to her van to sleep. The door of [D.]’s van was left unlocked, as was her usual practice.
12. On 17 June 2023 between 03:00-04:00 CET, Mr Carballo entered [D.]’s van. While [D.] was sleeping, Mr Carballo woke her and asked whether he could remain in the van for the night, explaining that his hotel was located far from the Event venue.
13. [D.] agreed that Mr Carballo could stay, reportedly explaining that she had a boyfriend and expressly stating that, should he remain in the van, nothing intimate would happen between them.
14. Mr Carballo subsequently undressed and got onto [D.]’s bed. There is a dispute as to the extent to which Mr Carballo got undressed: [D.] alleges that Mr Carballo removed all his clothes except his T-shirt, whereas Mr Carballo maintains that he removed all his clothes except his underwear.
15. Mr Carballo attempted to engage in sexual intimacy with [D.], including by kissing her. [D.] informed him that she had a boyfriend and did not wish to engage in any sexual activity. From this point onwards, the Parties’ account materially diverge and there is a dispute as to what happened next. Their respective versions are summarised as follows:
 - (i) [D.]’s version:
 - (a) Once in bed, Mr Carballo attempted to kiss her, rubbed his penis over her and tried to undress her.
 - (b) She physically and verbally resisted and told him to stop several times, but he did not stop. She said she would tell her boyfriend the next day, he replied that they should just do it and not tell anyone.
 - (c) At one point, a woman knocked on the van door, complaining about the noise and telling them to be quiet. At this point [D.] threatened to shout, but he covered her mouth and kept repeating that he was going to “*rape*” her. He continued kissing her and insisted on undressing her, while repeating that he would “*rape*” her.
 - (d) She was “*lucky*” that the narrow layout of the van prevented Mr Carballo from undressing her, and she did her best to remain still.
 - (e) Mr Carballo remained in the van, and fell asleep at some point.
 - (ii) Mr Carballo’s version:
 - (a) Once in bed, Mr Carballo attempted to kiss [D.] on the cheek. She said “*don’t make it so difficult for me*”, while laughing. When he persisted in kissing her on the cheek, she informed him she had a boyfriend. Surprised by this information, he immediately stopped and went to sleep.
 - (b) No sexual touching occurred, nor was the word “*rape*” or any word of that kind ever mentioned, nor was there any further persistence beyond the two attempts described above.

16. Mr Carballo left [D.]’s van around 07:00 CET on the same day.
17. Mr Carballo and [D.] did not have sexual intercourse or engage in other consensual sexual activity during the Incident.

C. Events post the Incident of 17 June 2023

18. On 17 June 2023, [D.] informed some people about the Incident shortly after it occurred, namely:

- (i) [E.] (“[E.]”), and his father, [F.] (whose van was beside hers during the night of the Incident);
- (ii) [H.] (“[H.]”), her cousin;
- (iii) [G.] (“[G.]”), a fellow rider; and
- (iv) [J.], her boyfriend at the time.

19. On the same day, at 20:03 CET, [D.] sent a WhatsApp message to Mr Carballo, stating the following (English translation of the Spanish original provided by the Appellant):

“[H]ey, I don’t know if you remember last night, but I want you to know that I was very uncomfortable and I had a shitty morning. When we were talking in Canazei last year, I was referring exactly to these situations and attitudes. If someone says no is no. I think it’s something very basic, easy to understand and clear. It makes me angry and sad that for you it’s not like that and you provoke situations like yesterday’s. I hope you don’t use the word rape with the ease and impunity that you did yesterday, nor that something similar happens again; if that happens, it’s not going to stay just in a WhatsApp in which I explain how you made me feel.”

20. On the same day, at 21:12 CET, Mr Carballo replied to [D.] stating the following (English translation of the Spanish original provided by the Appellant):

“I wanted to write you to say sorry, I was very drunk and I got carried away with the trust we’ve had the last few times and that’s why I did it wrong. I didn’t even know you were with someone and that’s why I came in, but well, now I can only say I’m sorry and that won’t happen again of course... and I insisted, and if I said something like that word to you, it was because of the mixture of that I didn’t know and I got carried away with the confidence and suddenly I was in there and I thought that maybe you wanted to.” [...]

“I don’t know, in the end, when I woke up, I also felt like an ass, the truth, and I apologise a thousand times, eh.”

21. Between June 2023 and May 2024, Mr Carballo and [D.] exchanged WhatsApp messages on four occasions about general topics unrelated to the Incident, and also met on around three occasions at cycling events following the Incident, during which they interacted in a cordial manner.

D. Formal complaints and subsequent events

22. On 21 October 2024, [D.] reported the Incident to the Spanish police.
23. On 6 November 2024, [D.] filed a complaint via the UCI “SpeakUP” platform.
24. On 11 November 2024, a videoconference meeting took place between [D.] and the UCI representatives Ms Mathilde Grenet, UCI Safeguarding Consultant / Safeguarding Officer (“Ms Grenet”) and Mr Julien Deux, UCI Manager of Legal, Compliance and Integrity (“Mr Deux”). During this meeting, [D.] reported the Incident to the UCI representatives, while providing explanations as to why the report was made approximately one and a half years after the Incident.
25. On 20 November 2024, Ms Grenet spoke with [A.] (“[A.]”), a fellow rider, following a reference made in [D.]’s complaint to an alleged incident involving [A.] and Mr Carballo. The information obtained from [A.] was not relied upon by the UCI Ethics Commission in its decision on the merits.
26. On 4 December 2024, [D.] posted a video on Instagram about the Incident (the “Instagram Video”), without naming Mr Carballo. This post was picked up and reported by several media outlets.
27. On the same day, [D.] consulted a psychologist and thereafter underwent psychological assessment, resulting in a diagnosis of post-traumatic stress disorder (PTSD), and she went on medical leave from 9 December 2024 to 7 January 2025.

E. Proceedings before the UCI Ethics Commission

28. On 17 December 2024, Mr Deux filed a “Report for potential breach of the UCI Code of Ethics” (the “UCI Report”) concerning “*the conduct of Mr Edgar Carballo González*” with the UCI Ethics Commission.
29. On 6 January 2025, the UCI Ethics Commission sent a letter to Mr Carballo stating that:
 - (i) The UCI had filed the UCI Report against him on 17 December 2024 “*in relation to certain facts that occurred in 2023*”;
 - (ii) After a *prima facie* examination of the case, the UCI Ethics Commission had decided to open proceedings against him for alleged breaches of Article 5 (General principles) and Article 6.4 (Protection of physical and mental integrity) of the UCI Code of Ethics (the “UCI Ethics Code”), read together with Articles 2.1, 2.3 and 2.4 of Appendix 1 of the UCI Ethics Code; and
 - (iii) Mr Carballo was invited to submit his written comments together with any evidence, in the original language and, where necessary, accompanied by an English translation.
30. On 27 January 2025 and 11 February 2025, as no response was received from Mr Carballo, the UCI Ethics Commission followed-up with him and learnt that he was using a different email address.

31. On 12 February 2025, the UCI Ethics Commission sent a third notification, this time to the newly indicated email address, inviting Mr Carballo to submit his comments and supporting evidence thereto.
32. On 18 February 2025, Mr Carballo submitted his written comments, requesting: (i) the suspension of the proceedings on grounds of criminal prejudiciality; (ii) the adoption of precautionary measures to prevent irreparable harm to his career, reputation, and income; and (iii) access to the full case file. He denied the allegations against him arguing *inter alia* that there was no physical evidence or direct witness supporting them.
33. On 27 February 2025, the UCI Ethics Commission invited Mr Carballo to attend an interview by videoconference.
34. On 11 March 2025, the UCI Ethics Commission and Mr Carballo convened by videoconference for the interview. However, at the start of the session, Mr Carballo indicated that he preferred to be assisted by an interpreter. As a result, the interview was rescheduled to 13 March 2025.
35. On 13 March 2025, the UCI Ethics Commission conducted a videoconference interview with Mr Carballo (supported by his interpreter Mr David Vázquez). Mr Carballo explained his relationship with [D.] and provided his account of the Incident. At the conclusion of the interview, Mr Carballo did not raise any objection as to the conduct of the proceedings or the respect of his procedural rights. He also requested an opportunity to submit comments in writing given the language barrier, which was granted by the UCI Ethics Commission.
36. On the same day, the UCI Ethics Commission conducted a videoconference interview with [D.], enquiring about the allegations against Mr Carballo and giving her the opportunity to provide any additional explanations regarding the Incident.
37. On 14 March 2025, further to the UCI Ethics Commission's request, [D.] provided the WhatsApp exchanges she exchanged with Mr Carballo following the Incident.
38. On 26 March 2025, the UCI Ethics Commission shared with Mr Carballo a summary of [D.]'s interview and copies of the WhatsApp exchanges she provided and invited him to submit his comments. In the same communication, the UCI Ethics Commission requested him to clarify certain factual issues, including whether any conversations took place between Mr Carballo and [D.] in the presence of a third party and (if so) what was said during that exchange.
39. On 31 March 2025, Mr Carballo submitted additional explanations and evidence but did not respond to the UCI Ethics Commission's request to clarify certain factual issues.
40. On 18 April 2025, further to the UCI Ethics Commission's request, [D.] provided the written statement of [K.] ("[K.]"), a police officer and personal acquaintance to whom she had confided details of the Incident in October 2024, and whom she had referenced during her interview with the UCI Ethics Commission.

41. On 22 April 2025, the UCI Ethics Commission provided Mr Carballo with a copy of the written statement of [K.] and invited him to submit any further comments or evidence. In the same communication, the UCI Ethics Commission reiterated its previous request for him to clarify the factual issues previously sent on 26 March 2025.
42. On 30 April 2025, the UCI Ethics Commission sent a reminder to Mr Carballo reiterating its previous request of 22 April 2025.
43. On 2 May 2025, Mr Carballo submitted his clarifications to the UCI Ethics Commission's factual questions and also provided the names of two other potential witnesses, [E.] and his father [F.].
44. On the same day, the UCI Ethics Commission invited [D.] to provide her responses to the same factual issues that were put to Mr Carballo on 26 March 2025, and to confirm whether she had spoken with any individuals, other than those already identified, on the morning following the Incident.
45. Later that same day, [D.] provided her response to these questions, confirming that she did speak to [E.] and his father shortly after the Incident.
46. On 12 May 2025, the UCI Ethics Commission contacted [E.], requesting that he attend an interview by videoconference as a witness in this matter. [E.] indicated that he preferred to provide a written statement.
47. On 23 May 2025, [E.] provided the UCI Ethics Commission with a written statement, outlining his observations following the Incident. After some follow-up questions from the UCI Ethics Commission, he submitted additional explanations later that same day.
48. On 30 May 2025, the UCI Ethics Commission shared [E.]'s statement and additional explanations with both [D.] and Mr Carballo, inviting them to submit any written comments thereto. [D.] submitted her comments on the same day, while Mr Carballo did not file any comments within the stipulated deadline.
49. On 5 June 2025, the UCI Ethics Commission shared with Mr Carballo a copy of [D.]'s latest comments and invited him to submit his response. Mr Carballo once again provided no comments.
50. On 10 June 2025, having concluded that Mr Carballo did not intend to submit further comments or evidence, the UCI Ethics Commission informed him that the investigation phase had been closed and that it *"considered itself sufficiently well-informed to adjudicate the matter without the need for further statements or evidence"*.
51. On 11 August 2025, the UCI Ethics Commission issued its decision in the case of Mr Carballo (the "Appealed Decision").
52. The operative part of the Appealed Decision reads as follows:

"The UCI Ethics Commission:

1. *decides that the Respondent has committed a breach of Article 6.4 of the UCI Code of Ethics, as supplemented by Article 2.3 of Appendix 1 to the UCI Code of Ethics;*
2. *imposes a ban on the Respondent from taking part in any cycling-related activity organised by the UCI or any of its affiliates for a period of one (1) year, effective as from the notification of this decision; and*
3. *orders that the Respondent shall bear the procedural costs of this matter amounting to CHF 1,000, in accordance with Article 36 of the UCI Code of Ethics.”*

53. In the Appealed Decision, the UCI Ethics Commission *inter alia* found that:

- (i) While [D.] and Mr Carballo agreed on certain elements of the factual background, including Mr Carballo’s entry into the van and his attempt to initiate intimacy, their accounts diverged on material aspects of the Incident, namely: (a) whether Mr Carballo removed his T-shirt while keeping his underwear on, or conversely, if he removed his underwear while keeping his T-shirt on; and (b) the extent to which Mr Carballo attempted to engage in sexual intimacy with [D.], including whether the word “*rape*” was used.
- (ii) In assessing the evidence, the contemporaneous material was particularly valuable, in particular the WhatsApp exchanges between [D.] and Mr Carballo on the day of the Incident (whose authenticity is not disputed by the Appellant), as well as witness testimony from [G.], [H.] and [E.]. In this context, there was no credible basis to suggest that [D.] “*would invent*” that Mr Carballo used the word “*rape*”, particularly in light of Mr Carballo’s prior casual use of the word “*rapist*” in the Instagram Post.
- (iii) [D.]’s account was credible, internally consistent across multiple statements and interviews, and corroborated by the contemporaneous evidence. By contrast, Mr Carballo’s version of the critical disputed facts was contradicted by that same contemporaneous evidence.
- (iv) [D.]’s medical diagnosis was not decisive, given that it took place a long time after the Incident.
- (v) On this basis, the UCI Ethics Commission concluded that Mr Carballo “*made non-consensual advances of a sexual nature (including kissing and rubbing his penis against the Complainant) without the consent of the Complainant, and that he used the word “rape” during the Incident. The Panel does not consider it necessary to resolve the factual dispute between the Respondent and the Complainant as to whether or not the Respondent was wearing underwear during the Incident because either way there was contact of a sexual nature.*”
- (vi) There were no factual basis or legal arguments to undermine the above factual conclusion. Specifically:
 - (a) The fact that the Incident was reported only one year later does not undermine the Complainant’s credibility, in light of [D.]’s explanation as to why she reported when she did. Shock, confusion and social factors, as well as shame and denial, can at times contribute to said delay;

- (b) Mr Carballo’s arguments as to the lack of respect for his procedural rights are misplaced, as he had several opportunities to file his comments during the proceedings; and
 - (c) Criminal prejudiciality was not a ground for suspending the proceedings, as there is no evidence of any pending criminal proceedings. In any case, sports disciplinary matters are different to criminal proceedings.
- (vii) The alleged conduct must be assessed from both an objective and a subjective perspective. Objectively, the assessment concerns whether a reasonable observer would consider that the conduct infringed physical or mental integrity and amounted to psychological abuse, sexual harassment, and/or sexual abuse. Subjectively, where the “*effects*” of the conduct or the issue of “*consent*” are relevant, the assessment must account for the perspective of the person affected by said conduct. Applying this dual assessment, the UCI Ethics Commission concluded as follows:
- (a) Mr Carballo breached Article 6.4 of the UCI Ethics Code, as the Incident occurred in the context of a cycling-related activity, where he failed to respect [D.]’s physical and mental integrity, such that his actions impacted her personal rights and his conduct involved sexual harassment;
 - (b) Mr Carballo breached Article 2.1 of Appendix 1 of the UCI Ethics Code, insofar as his conduct included unwelcome acts of verbal intimidation, particularly his use of the word “*rape*”. Said conduct diminished [D.]’s sense of dignity, both objectively (from the viewpoint of a reasonable observer) and subjectively (based on her testimony);
 - (c) Mr Carballo breached Article 2.3 of Appendix 1 of the UCI Ethics Code, as his conduct was unwanted and unwelcome both objectively and subjectively, [D.] having expressly stated that she did not consent to sexual activity. His physical advances and use of the word “*rape*” in that context were of a sexual nature, violating [D.]’s dignity (objectively and subjectively) and creating an intimidating environment for her;
 - (d) Mr Carballo breached Article 2.4 of Appendix 1 of the UCI Ethics Code, as the Incident involved non-consensual contact of a sexual nature. While there was a factual dispute as to whether he persisted despite the lack of consent, the evidence supported such persistence; and
 - (e) Notwithstanding the foregoing, for sanctioning purposes, a single provision of the UCI Ethics Code would need to be identified as the *lex specialis*. In this regard, Article 2.1 is more general, encompassing conduct captured by Articles 2.3 and 2.4. Although some overlap exists between Articles 2.3 and 2.4, Article 2.3 constituted the most specific and appropriate provision applicable to the facts of the case.
- (viii) The UCI Ethics Commission, in determining the sanctions to be imposed on Mr Carballo, considered the following factors:
- (a) The breach is serious given that Mr Carballo persisted with contact of a sexual nature without [D.]’s consent. The prior relationship between them and Mr

Carballo's level of intoxication do not provide any excuse for his actions. "Rape" is an extremely serious term and has a psychological impact on anyone, especially in the present case where [D.] was in a vulnerable position, late at night, in the confines of her van;

- (b) Cycling-related events should be safe for their participants, thus Mr Carballo's behaviour cannot be tolerated; and
- (c) Throughout the proceedings, Mr Carballo denied any wrongdoing and even sought to downplay the severity of his conduct. Moreover, he did not show any remorse or take accountability for his actions.

III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

- 54. On 29 August 2025, the Appellant, in accordance with Articles R47 and R48 of the Code of Sports-related Arbitration (the "CAS Code"), filed a Statement of Appeal in Spanish with the Court of Arbitration for Sport (the "CAS") against the Respondent in respect of the Appealed Decision. Together with the Statement of Appeal, the Appellant:
 - (i) Nominated Mr José María Alonso as arbitrator; and
 - (ii) Submitted a request to stay the execution of the Appealed Decision, in accordance with Article R37 of the CAS Code.
- 55. On 3 September 2025, the CAS Court Office initiated the present arbitration proceedings and *inter alia*: (i) invited the Respondent to file its comments on the Appellant's request for a stay; and (ii) noted that the Appellant chose to proceed in Spanish although the Appealed Decision was rendered in English, and accordingly informed the Parties that unless the Respondent expressly agreed to the use of Spanish, all submissions and exhibits submitted in any other language should be accompanied by an English translation.
- 56. On 11 September 2025, the Appellant filed his Appeal Brief, in accordance with Article R51 of the CAS Code. In his Appeal Brief, the Appellant, *inter alia*:
 - (i) Reiterated the request for the proceedings to be conducted in Spanish;
 - (ii) Requested that the UCI be ordered to compensate him "*for the material and moral damages caused*" in the amount of EUR 161,319;
 - (iii) Offered to provide the testimony of four individuals, namely:
 - (a) [B.];
 - (b) [C.];
 - (c) [A.]; and
 - (d) [E.].
 - (iv) Requested to call [D.] and Mr Carballo to "*testify before the CAS*".
- 57. On 17 September 2025, having noted the Respondent's failure to appear in these proceedings, the CAS Court Office re-notified the Respondent by courier and re-set

- applicable time limits for the Respondent to provide its position on pending procedural matters.
58. On 22 September 2025, the Respondent sent an email to the CAS Court Office, *inter alia*, objecting to the Appellant's request for the proceedings to be conducted in Spanish.
 59. On 23 September 2025, the CAS Court Office confirmed that the proceedings should be conducted in English and invited the Appellant to file an English translation of all submissions and exhibits on file that were not accompanied by a translation.
 60. On 29 September 2025, the Appellant filed the requested translations and sent an email to the CAS Court Office, *inter alia*, requesting: (i) the CAS Court Office to reconsider its decision that the proceedings be conducted in English; and (ii) that any potential hearing be conducted in Spanish and be held preferably by videoconference.
 61. On 30 September 2025, the CAS Court Office invited the Respondent *inter alia* to comment on the Appellant's request, in particular with regard to the use of Spanish at the potential hearing.
 62. On 6 October 2025, the Respondent sent a letter to the CAS Court Office in which it:
 - (i) Maintained that the language of the proceedings, including at any potential hearing, should be conducted in English; and
 - (ii) Requested that the Appellant's request for provisional measures be dismissed.
 63. On the same day, following the CAS Finance Director's invitation to pay the advance of costs, the Appellant requested the withdrawal of the financial component of his appeal, namely the counterclaim seeking compensation against the UCI "*for the material and moral damages caused*" (see *supra* para. 56(ii)). In the same communication, the Appellant further requested that paragraphs 78 to 91 of the Appeal Brief, together with all arguments, evidence and exhibits specifically relied upon therein, be disregarded.
 64. On 7 October 2025, the CAS Court Office advised the Parties that:
 - (i) English should remain the language of the proceedings; and
 - (ii) In light of the Appellant's withdrawal of his monetary counterclaim for damages, the present proceedings were exclusively of a disciplinary nature and free of charge, pursuant to Article R65 of the CAS Code.
 65. On 10 October 2025, the Respondent nominated Mr Luca Beffa as arbitrator.
 66. On 23 October 2025, the CAS Court Office informed the Parties that Mr Mario Vigna was appointed as President of the Panel by the Deputy Division President of the CAS Appeals Arbitration Division.
 67. On 28 October 2025, the Appellant challenged the appointment of Mr Mario Vigna.
 68. On 29 October 2025, Mr Mario Vigna submitted his comments with respect to said challenge.

69. On 3 November 2025, the Respondent requested that the Appellant's challenge against Mr Mario Vigna be dismissed.
70. On 4 November 2025, the CAS Court Office invited the Appellant to confirm whether he wished to maintain his challenge against said appointment.
71. On 9 November 2025, the Appellant maintained his challenge regarding Mr Mario Vigna's appointment.
72. On 11 November 2025, the Respondent filed its Answer in accordance with Article R55 of the CAS Code. In its Answer, the Respondent *inter alia* made the following evidentiary requests:
 - (i) To decline hearing the witnesses called by the Appellant as this was "*unnecessary*";
 - (ii) Indicated that it did not intend to request the examination of [H.], [G.] and [K.] as witnesses, leaving it to the Panel's discretion to determine whether their testimony was necessary; and
 - (iii) Reserved the right to cross-examine Mr Carballo and his witnesses as well as to call [D.] as its own witness, should a hearing be held.
73. On 12 November 2025, the CAS Court Office, *inter alia*, invited the Parties to indicate their preferences as to holding a hearing and a case management conference in the present matter.
74. On 18 November 2025, the Deputy President of the CAS Appeals Arbitration Division issued an Order on Provisional Measures, rejecting the Appellant's request for provisional measures.
75. On 20 November 2025, the Appellant sent a letter to the CAS Court Office in which he indicated that a hearing was unnecessary and alternatively requested that any potential hearing be conducted by videoconference. In the same communication, the Appellant also requested:
 - (i) To file a reply to the Respondent's Answer as the "*account of the facts does not correspond to what is reflected in the disciplinary file*"; and
 - (ii) Permission to submit a witness statement by [A.], or alternatively, that she be interviewed by the Panel in order to ascertain her testimony.
76. On 21 November 2025, the Respondent sent a letter to the CAS Court Office, indicating that a hearing and case management conference was unnecessary. In the same letter, the Respondent objected to the Appellant's evidentiary requests to file a reply and submit a sworn statement by [A.] or have [A.] interviewed by the Panel.
77. On 28 November 2025, the Appellant filed an unsolicited reply and witness statement by [A.], reiterating his earlier request to admit them into the case file.
78. On 4 December 2025, the Respondent sent a letter to the CAS Court Office, reiterating its previous objections to the Appellant's evidentiary requests.

79. On 5 December 2025, the CAS Court Office advised the Parties that the Panel – once appointed – would decide whether the unsolicited reply and witness statement should be admitted into the case file.
80. On 5 January 2026, the Challenge Commission of the Board of the International Council of Arbitration for Sport issued a decision dismissing the Appellant’s challenge to the appointment of Mr Mario Vigna as President.
81. On 7 January 2026, the CAS Court Office informed the Parties that, pursuant to Article R54 of the CAS Code, the Deputy President of the CAS Appeals Arbitration Division decided that the Panel appointed to adjudicate this matter was constituted as follows:

President: Mr Mario Vigna, Attorney-at-law in Rome, Italy

Arbitrators: Mr José María Alonso, Attorney-at-law in Madrid, Spain
Mr Luca Beffa, Attorney-at-law in Geneva, Switzerland

82. On 9 January 2026, with regard to the Appellant’s evidentiary requests and the hearing, the CAS Court Office, notified the Parties of the Panel’s determinations, as follows:

“The Panel has carefully evaluated the Appellant’s evidentiary requests. The Parties are advised that, in accordance with Article R56 of the Code of Sports-related Arbitration (“CAS Code”), the Appellant’s Reply and new witness statement are inadmissible as the Appellant did not demonstrate any exceptional circumstances warranting their admission.

Furthermore, after considering the Parties’ positions with respect to a hearing, pursuant to Article R57 of the CAS Code, also due to considerations of cost-efficiency and with a view to streamline the proceedings, the Parties are advised that the Panel deems itself sufficiently well-informed to render an Award based solely on the Parties’ written submissions, without the need to hold a hearing.”

83. On 30 January 2026, Mr Luca Beffa made a disclosure which the CAS Court Office communicated to the Parties on the same day. Neither Party filed a challenge against Mr Beffa in relation to his further disclosure.
84. On 11 February 2026, the CAS Court Office provided the Parties with an Order of Procedure, which was duly signed and returned by both Parties on 11 February 2026 (Appellant) and 16 February 2026 (Respondent).

IV. SUBMISSIONS OF THE PARTIES

85. The following summary of the Parties’ respective positions is illustrative only and does not necessarily encompass every argument advanced by the Parties. However, the Panel has carefully considered all submissions put forward, even if there is no explicit reference to them in the following discussion.

A. The Appellant

86. The Appellant, in his Appeal Brief, requested the following reliefs (grammatical mistakes and all caps as appearing in said submission):

“FIRST. - That having been filed in due time and form, the present brief be admitted as the memorandum of appeal indicated in Article R51 of the Code, presented by MS. SYLVIA CÓRDOBA MORENO AND MR. JUAN PEDRO DEL CASTILLO S., in the name and representation of Mr. EDGAR CARBALLO GONZÁLEZ.

SECOND. - That in view of the arguments put forward above, the decision issued by the UCI of August 11, 2025 be annulled, leaving without effect the suspension for the period of 12 months imposed, as well as the withdrawal of the license of the now appellant, condemning the UCI to compensate Mr. EDGAR CARBALLO GONZÁLEZ, in the amount of ONE HUNDRED AND SIXTY-ONE THOUSAND THREE HUNDRED AND NINETEEN EUROS (€161,319), for the material and moral damages caused, as indicated above.

THIRD. - In the alternative to the above, the sanction imposed on Mr. EDGAR CARBALLO GONZÁLEZ be reduced, leaving it in a warning or educational measures, all in accordance with the provisions of article 34.2. of the UCI Code of Ethics.

FOURTH. - As an alternative to all of the above, it is requested under Article 34.2.1. of the UCI Code of Ethics, the suspension of the execution of the sanction imposed, assuming any of the measures that are contemplated in the aforementioned article for the time deemed necessary.

FIFTH. – Likewise, and based on the above, we REQUEST that the CAS require the UCI to withdraw the press release published on August 11, 2024 [sic], as long as there is no final resolution from this Court, on the merits of the matter.

SIXTH. – HEARING. Finally, and in the event that the President considers it necessary to hold a hearing, this party REQUESTS that it be held by videoconference and in Spanish, all under articles R28, R29 and R44.2 of the Code.”

87. During these proceedings, the Appellant requested that the counterclaim embedded in his request for relief titled “*SECOND*”, namely the claim for compensation, be withdrawn (see *supra* para. 63). Specifically, the Panel notes that such withdrawal was limited to the monetary relief sought against the UCI. Although the Appellant’s request for the annulment of the Appealed Decision is formally encompassed in the same “*SECOND CLAIM*”, it is argued separately in the preceding sections of the Appeal Brief and supported by distinct legal and factual arguments. Accordingly, the Panel considers that the Appellant maintained his request for the annulment of the Appealed Decision, while abandoning only the claim seeking monetary damages.
88. The Appellant’s submissions, in essence, may be summarised as follows:
- (i) The proceedings before the UCI Ethics Commission were conducted in violation of Mr Carballo’s procedural rights:

- (a) The UCI, as an international sports federation seated in Switzerland, is bound to uphold fundamental procedural guarantees of due process, which derive from Spanish law and various international legal instruments – including the Swiss Code of Criminal Procedure (the “SCCP”), the Universal Declaration of Human Rights (the “UDHR”), the Declaration of the Rights of Man and of the Citizen, the European Convention on Human Rights (the “ECHR”), Charter of Fundamental Rights of the European Union (the “EU”), as well as EU directives and papers.
- (b) In Mr Carballo’s case, several core due process rights were infringed, including the presumption of innocence and the right to equality. These shortcomings compromised the fairness of the Appealed Decision since:
 - The UCI treated [D.]’s allegations as established facts without subjecting them to a rigorous, objective, and balanced assessment of the evidence, thereby creating an inherent procedural imbalance. This is evidenced in the statement of [A.], whose witness statement does not reflect what she said before the UCI Ethics Commission.
 - The UCI did not have clear, convincing or credible evidence to sanction Mr Carballo for the Incident. The UCI’s evaluation of the evidence was biased and discriminatory, in that it systematically favoured [D.]’s version of events while discounting or minimising exculpatory elements put forward by Mr Carballo.
 - The UCI was further influenced by social pressure and media attention generated by [D.]’s public communications and interviews, reflecting an improper presumption of credibility in favour of [D.] and an automatic attribution of wrongdoing to Mr Carballo.
- (ii) The UCI failed to discharge its burden of proof to establish Mr Carballo’s breach of the UCI Ethics Code:
 - (a) The UCI erroneously placed the burden of proof on Mr Carballo to demonstrate that he did not violate the UCI Ethics Code, while it was incumbent upon the UCI to prove that Mr Carballo committed the alleged infractions during the Incident.
 - (b) The evidence collected by the UCI should have led to the conclusion that [D.]’s allegations were not proven, or at least that there was reasonable doubt in Mr Carballo’s favour. The UCI failed to discharge its burden of proof due to an improper assessment of the evidence, in particular:
 - The UCI accorded greater weight to [D.]’s testimony over Mr Carballo’s, despite the absence of corroborating evidence. As such, there were no eyewitnesses or forensic evidence supporting the allegations, resulting in the UCI’s case resting solely on [D.]’s testimony.
 - [D.] filed official complaints after a delay of almost two years from the date of the Incident, undermining the plausibility of her testimony. The UCI did not give due consideration to this delay and to the prejudice it

caused to Mr Carballo's ability to mount an effective defence, as the passage of time impaired his ability to recall the precise events of the night in question, especially given that he had consumed a substantial amount of alcohol prior to the Incident.

- The UCI effectively prejudged Mr Carballo's actions, determining liability before he was afforded a meaningful opportunity to defend himself or submit contrary evidence. This is evidenced by the wording in the UCI Report, which adopted an accusatory tone and characterised the alleged conduct as psychological abuse, sexual harassment and sexual abuse, without setting out or analysing Mr Carballo's version of events.
 - Moreover, no criminal proceedings or case of any kind had been initiated against Mr Carballo in connection with the alleged facts reported by [D.] to the police station in Spain, further undermining UCI's findings.
- (iii) Should the Panel decide that Mr Carballo violated the UCI Ethics Code, the sanction imposed by the UCI Ethics Commission should be reduced:
- (a) Pursuant to Article 34.2 of the UCI Ethics Code, the sanction imposed should be reduced to a lesser measure, such as a warning or the imposition of educational measures.
 - (b) Alternatively, and assuming that the imposition of a sanction is necessary, the execution of such sanction should be suspended in accordance with Article 34.2.1 of the UCI Ethics Code.

B. The Respondent

89. In its Answer, the Respondent requested that the CAS issue an award in which:

“i. The Appeal filed by Mr Edgar Carballo González and all his prayers for relief are dismissed.

ii. The UCI Ethics Commission decision UCI EC/2025/ECG issued on 11 August 2025 is confirmed.

iii. Mr Edgar Carballo González shall be ordered to pay a contribution towards the legal costs and other expenses incurred by the UCI in connection with these proceedings.”

90. The Respondent's submissions, in essence, may be summarised as follows:

- (i) The Appellant failed to establish why the principle of presumption of innocence would apply to the investigation of the UCI Ethics Commission:
 - (a) The presumption of innocence is a concept derived from criminal law. However, disciplinary rules enacted by sports authorities are private law. Moreover, CAS is an arbitral tribunal conducting civil arbitration proceedings governed by the Swiss Private International Law Act.

- (b) Therefore, the criminal law standard associated with the presumption of innocence does not specifically apply as such to sports disciplinary proceedings, which are instead governed by their own evidentiary framework.
- (ii) The UCI discharged its burden of proof to establish Mr Carballo's breach of the UCI Ethics Code:
 - (a) Concerning the applicable principles governing the burden and standard of proof:
 - The burden of proof is governed by Article 8 of the Swiss Civil Code (the "SCC"), pursuant to which the party asserting a fact bears the burden of proving it. On this basis, the Appellant's argument that any doubt must be resolved in his favour is misplaced, as the criminal law principle of *in dubio pro reo* does not apply as such in sports disciplinary proceedings.
 - The standard of proof to be met by UCI for proving the alleged violations is "*comfortable satisfaction*", as expressly provided under Article 30.2 of the UCI Ethics Code.
 - (b) The evidence on record is sufficient to establish – to the Panel's comfortable satisfaction – that Mr Carballo engaged in non-consensual sexual advances, as alleged by [D.] and as assessed by the UCI Ethics Commission:
 - The Parties agree on certain relevant facts, including that Mr Carballo was heavily intoxicated when he entered [D.]'s van and attempted to engage in sexual intimacy by kissing her. As regards the extent and seriousness of the disputed conduct, significant weight should be accorded to [D.]'s testimony.
 - [D.]'s testimony is detailed, coherent, and consistent over time. Corroboration is necessary only where the testimony is so unsubstantial and implausible as to be unworthy of belief. In the present case, [D.]'s account is corroborated by the statements of [E.], [H.] and [G.], to whom she described the Incident shortly thereafter; and of [K.], to whom she described the event several months later. There is no plausible alternative explanation for such repeated, consistent, and detailed disclosures other than that the events occurred as described by [D.].
 - There is contemporaneous documentary evidence supporting [D.]'s account. In particular, the WhatsApp exchanges between [D.] and Mr Carballo shortly after the Incident indicate that Mr Carballo did not deny having attempted to engage in sexual intimacy despite [D.]'s clear refusal, nor having used the word "*rape*". His *ex post facto* explanations and denial of said conduct is inconsistent with the contemporaneous evidence.
 - The absence of eyewitnesses or direct physical evidence is neither unusual nor decisive, given the private setting in which the Incident occurred. This is frequently the case in matters involving sexual

harassment or sexual abuse, where misconduct typically takes place without witnesses. In any case, a CAS panel enjoys full discretion in assessing the admissibility, relevance, materiality, and weight of the evidence in accordance with the principle of *libre appréciation des preuves*.

- Although [D.] did not immediately report the Incident to the authorities, she described it to several individuals the following morning. Victims of sexual harassment and abuse often delay formal complaints for numerous reasons, which can include shock, shame, self-doubt, and fear of disbelief or blame. In [D.]’s case, her initial interactions with teammates led her to downplay the Incident and to fail to appreciate its seriousness. Only after discussing the matter with [K.] she recognised the gravity of the conduct and decided to file a criminal complaint in Spain and a report to the UCI. Accordingly, the delay in reporting the Incident does not undermine her credibility; rather, it is consistent with her earlier disclosures and overall narrative.

(iii) Mr Carballo violated the UCI Ethics Code:

- (a) Article 6.4 of the UCI Ethics Code expresses a general rule, while Articles 2.1, 2.3 and 2.4 of Appendix 1 of the UCI Ethics Code specify said obligation, highlighting specific elements of the overarching obligation to respect everyone’s physical and mental integrity.
- (b) Mr Carballo violated Article 6.4 of the UCI Ethics Code as his actions satisfy all the constitutive elements of said provision:
 - The interaction occurred during the Event and therefore within the context of a cycling-related activity.
 - Mr Carballo entered [D.]’s van while she was asleep and engaged in non-consensual sexual conduct, including acts of a physical and verbal nature as described by [D.].
 - His conduct infringed [D.]’s personal rights and involved behaviour amounting to sexual harassment within the meaning of the UCI Ethics Code.
- (c) Mr Carballo violated Article 2.1 of Appendix 1 of the UCI Ethics Code as his actions involved intimidation and led to diminishing [D.]’s dignity:
 - The conduct included acts of verbal and physical intimidation, as described by [D.], including the use of the word “*rape*”.
 - These actions objectively and subjectively diminished [D.]’s dignity and sense of security, as corroborated by subsequent medical reports diagnosing her with PTSD.
- (d) Mr Carballo breached Article 2.3 of Appendix 1 of the UCI Ethics Code by engaging in unwanted and unwelcome conduct of a sexual nature:
 - [D.] expressly stated that she did not wish to engage in any sexual activity, a fact which is not disputed by Mr Carballo.

- Despite this clear refusal, Mr Carballo’s persistence in physical advances and the intimidatory use of the term “*rape*” in that context, were of a sexual nature.
- This conduct violated [D.]’s dignity and created an intimidating, hostile, and degrading environment.
- (e) Mr Carballo violated Article 2.4 of Appendix 1 of the UCI Ethics Code as his conduct involved non-consensual sexual acts:
 - The conduct involved non-consensual sexual contact, including physical advances and attempted undressing as described by [D.].
 - Any residual possibility of consent was eliminated when he persisted despite her objections, physically restrained her, and covered her mouth to prevent her from calling for help.
 - In such circumstances, consent was neither given nor capable of being freely expressed.
- (f) The UCI Ethics Commission correctly identified Article 2.3 of Appendix 1 of the UCI Ethics Code as the applicable *lex specialis*. In any event, even if that provision were not applied, the conduct would independently fall within the scope of Articles 2.1, 2.3, and 2.4, each of which would be sufficient, on its own, to uphold the Appealed Decision.
- (iv) The sanction imposed by the UCI Ethics Commission must be upheld:
 - (a) Under established CAS jurisprudence, an association that uses its discretion to impose a sanction should be afforded deference, with CAS intervening only if a penalty is evidently and grossly disproportionate. In fact, the association is best placed to assess the seriousness of a breach and determine an appropriate response, given its knowledge of the sport’s customs and needs.
 - (b) The Appealed Decision is well-reasoned and motivated as it contains extensive details as to the UCI Ethics Commission’s findings and conclusions.
 - (c) The one-year sanction imposed by the UCI Ethics Commission is proportionate:
 - Mr Carballo’s actions are inherently serious, involving non-consensual sexual advances and the use of threatening language in a confined and vulnerable setting.
 - Mr Carballo did not show remorse or accountability and has continued to minimise the gravity of the Incident throughout these proceedings.

V. JURISDICTION

91. Article R47 of the CAS Code reads 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”.

92. Article 35 of the UCI Ethics Code states that:

“Any decision of the Ethics Commission imposing a sanction, including provisional measures, or ordering compulsory measures in accordance with article 18, may be appealed before the Court of Arbitration for Sport (CAS) by the parties to the proceedings. A right of appeal is also granted to any person who is not a party to the proceedings but is directly affected by the decision and has a legitimate interest in being entitled to appeal.”

93. The Respondent does not dispute the jurisdiction of the CAS.

94. In light of the above, the Panel is satisfied that the CAS has jurisdiction to decide the present dispute.

VI. ADMISSIBILITY

95. Article R49 of the CAS Code reads 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. The Division President shall not initiate a procedure if the statement of appeal is, on its face, late and shall so notify the person who filed the document”.

96. In this regard, Article 35 of the UCI Ethics Code states as follows:

“The deadline to appeal, according the [sic] CAS Code of Sports-related Arbitration, starts to run upon notification of the decision with grounds or, if applicable, upon receipt of the information related to the decision for any person who is not a party to the proceedings according to article 21.”

97. The Appellant was notified of the Appealed Decision on 11 August 2025 and the Statement of Appeal was filed on 29 August 2025 (see *supra* at paras. 51 and 54). Therefore, the Statement of Appeal was filed within the 21-day period prescribed under Article R49 of the CAS Code.

98. The appeal also complied with the procedural requirements of Articles R48, R49 and R51 of the CAS Code.

99. The Respondent does not dispute the admissibility of this appeal. It follows that the appeal is admissible.

VII. APPLICABLE LAW

100. Article R58 of the CAS Code reads 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”.

101. Under Article R58 of the CAS Code, the Panel must primarily apply the “*applicable regulations*”, which in the present case are the applicable rules and regulations of the UCI, in particular the provisions of the UCI Ethics Code allegedly violated by the Appellant.

102. In this regard, the Panel notes that the Incident occurred on 16-17 June 2023. The 2023 edition of the UCI Ethics Code entered into force on 4 August 2023. Accordingly, the 2021 edition of the UCI Ethics Code is temporally applicable. In any event, the Panel observes that the provisions relevant to the present dispute are materially identical in both editions, such that no substantive conflict of laws issue arises.

103. Notably, the provisions of the UCI Ethics Code that are relevant to the dispute are the following:

(i) Article 6.4 (“*Protection of physical and mental integrity*”):

“The persons bound by the Code shall respect the integrity of all persons with whom they interact in the context of their cycling-related activity. The personal rights of every individual whom they contact and who are affected by their actions shall be protected and respected. In particular, sexual harassment in any form is forbidden and the welfare of young people under the age of 18 is paramount so as to give them protection from poor practice, abuse and bullying.

The above shall be considered as the general rule and is supplemented by Appendix I.”

(ii) Articles 2.1, 2.3 and 2.4 of Appendix 1 (“*Protection of Physical and Mental Integrity – Sexual Harassment and Abuse*”):

(a) Article 2.1 (“*Psychological abuse*”): “*Any unwelcome act including confinement, isolation, verbal assault, humiliation, intimidation, infantilisation, or any other treatment which has the effect of diminishing the sense of identity, dignity, and self-worth*”;

(b) Article 2.3 (“*Sexual harassment*”): “*Any unwanted and unwelcome behaviour of a sexual nature, whether verbal, non-verbal or physical, with the purpose or effect of violating the dignity of a person, in particular, when creating an intimidating, hostile, degrading, humiliating or offensive environment*”; and

- (c) Article 2.4 (“*Sexual abuse*”): “*Any conduct of sexual nature, whether non-contact, contact or penetrative, where consent is coerced/manipulated or is not or cannot be given*”.

104. The Panel further observes that the Parties did not agree on a subsidiary applicable law. In the absence of such agreement, Swiss law applies pursuant to Article R58 of the CAS Code, read together with Article 77 of the UCI Constitution which provides that: “*In the absence of a choice of applicable law by the parties, the Court of Arbitration for Sport shall primarily apply the UCI Constitution and Regulations and, additionally, Swiss law*”. This approach is further justified by the fact that the UCI is domiciled in Switzerland.
105. Therefore, the Panel concludes that the “*applicable regulations*” are the UCI Regulations, in particular, the UCI Ethics Code, with Swiss law applying “*subsidiarily*”.

VIII. PRELIMINARY ISSUES

A. **Whether the procedure before the UCI Ethics Commission violated the Appellant’s rights, and what are the consequences of said violations, if any**

106. The Appellant requests the CAS to annul the Appealed Decision due to the UCI Ethics Commission’s alleged violations of his fundamental rights, in particular the presumption of innocence and the right to equality.
107. In this respect, the Appellant contends that the UCI violated said fundamental rights guaranteed under Spanish law and other international instruments, while the Respondent argues that the Spanish law and the presumption of innocence principle do not apply to the case at hand.
108. Before turning to these alleged violations, the Panel must assess whether Spanish law and the international instruments cited by the Appellant apply to the present dispute.

i. The applicability of Spanish law and other international instruments

109. The Panel notes that the Appellant requested the application of Spanish law – including royal decrees, constitutional rights and Supreme Court cases – on the basis that both Mr Carballo and [D.] are Spanish nationals, and further referred to the applicability of other international instruments that protect his fundamental rights to the presumption of innocence and the right to equality.
110. In relation to Spanish law, the Panel notes that Appellant has not identified any relevant nexus warranting its application beyond the shared nationality of Mr Carballo and [D.], nor has he demonstrated that any provisions of Spanish law are of a mandatory nature so as to override the applicable regulatory framework. Therefore, the Panel is of the view that Spanish law is not applicable to the present dispute.
111. As to the application of other international instruments invoked by the Appellant, the Panel recalls that, pursuant to Article R58 of the CAS Code, it must decide the dispute primarily in accordance with the applicable UCI Regulations and, subsidiarily, Swiss law.

In this framework, such instruments may, where appropriate, be taken into account as expressions of general principles of due process, but they do not displace the applicable regulations.

112. Notwithstanding the foregoing, the Panel finds that, in any event, the proceedings before the UCI Ethics Commission did not violate the Appellant's fundamental procedural rights, including the principles of presumption of innocence and right to equality, for the reasons set out below.

ii. The allegation that the Appellant's case was prejudged by the Respondent

113. The Appellant argues that the UCI effectively discriminated him, by prejudging his actions and determining liability before affording him a meaningful opportunity to defend himself. In support of this contention, the Appellant points to the wording of the UCI Report, which he claims adopted an accusatory tone and characterised the alleged conduct as psychological abuse, sexual harassment and sexual abuse, without setting out or analysing his account.
114. In this respect, the Panel notes that the UCI Report, which served as the basis for the initiation of disciplinary proceedings, contains language that may be read as adopting an accusatory tone in places. In particular, the UCI Report was based primarily on [D.]'s account and, rather than characterising the alleged facts as potential violations subject to verification by the UCI Ethics Commission, it included formulations suggesting that violations had already been identified, for instance (emphasis added):

“On the basis of [D.]’s allegation, the UCI finds that the conduct of Mr Carballo constitutes serious violations of the UCI Code of Ethics.”

“The UCI finds that Mr Carballo’s actions constitute a clear violation of article 6.4 of the Code, which inter alia requires respect for physical and mental integrity, as well as the protection of personal rights.”

“In light of the above, the UCI finds that the actions and behaviour of Mr Carballo constitute serious breaches of the UCI Code of Ethics, specifically article 6.4 and articles 2.1, 2.3 and 2.4 of Appendix 1.”

115. That said, the Panel notes this wording without endorsing its legal qualification, recalling that the UCI Report constituted a preliminary document for the initiation of proceedings and does not, in itself, amount to a binding determination of liability. There is no evidence that the UCI Ethics Commission, as the adjudicatory body, adopted the same prejudged or predetermined position prior to assessing the evidence.
116. On the contrary, the Panel finds that the Appealed Decision itself does not reflect any pre-determination or procedural imbalance on the part of the UCI Ethics Commission.
117. The Appealed Decision expressly engages with Mr Carballo's version of events, his written submissions, as well as the *ex post facto* explanations he provided in relation to his WhatsApp message of 17 June 2023 and the Instagram Post. Moreover, Mr Carballo

was afforded multiple opportunities to file his written observations and/or evidence concerning the accusations against him, including in relation to additional material produced during the course of the first-instance proceedings.

118. In particular, the Panel notes that the UCI Ethics Commission granted extensions after missed deadlines, rescheduled the video interview to accommodate Mr Carballo's request for an interpreter, allowed him to submit written explanations following his interview, and systematically shared all evidence received during the proceedings for his comments (see *supra* paras. 30, 31, 33, 34, 35, 38, 41, 42, 48 and 49).
119. These procedural accommodations further confirm that the Appellant was neither discriminated against nor presumed guilty, and that he was afforded a genuine and effective opportunity to present his case, with his submissions being duly examined and taken into account by the UCI Ethics Commission.

iii. The allegation that the UCI Ethics Commission's assessment of evidence was biased and discriminatory

120. As to the assessment of the evidence, the Appellant alleges that the UCI Ethics Commission assessed the evidence in a biased and discriminatory manner by treating [D.]'s allegations as established facts and systematically favouring her version of events while discounting exculpatory elements advanced by him. According to the Appellant, this resulted in undue weight being given to [D.]'s testimony despite the absence of direct corroborating evidence, thereby violating his right to equality.
121. The Respondent counters that all relevant evidence on record was correctly, comprehensively, and impartially assessed by the UCI Ethics Commission before it decided to sanction the Appellant.
122. As a preliminary remark, the Panel notes that the evidentiary standard and the method of assessment applicable before the UCI Ethics Commission are set out in Article 30.2 of the UCI Ethics Code, which provides as follows:

“As a general rule, the panel may take into consideration any kind of evidence deemed appropriate. The panel shall determine the admissibility, relevance, materiality and weight of evidence at its discretion. Any evidence which is obtained by means of actions which are contrary to human dignity or which manifestly do not enable to establish relevant facts shall be considered inadmissible.

Regarding standard of proof, the Ethics Commission shall decide based on its comfortable satisfaction.”

123. It follows from this provision that the UCI Ethics Commission is empowered to take into account any type of evidence it deems appropriate and to determine, at its discretion, the admissibility, relevance, materiality, and weight of such evidence. The UCI Ethics Commission is therefore entitled to reach its conclusions on the basis of a holistic assessment of the evidence before it.

124. That said, the Panel is mindful that this discretion is not unfettered and must be exercised without arbitrariness, discrimination, or selective consideration of the evidence.
125. In the present case, the Panel notes that the UCI Ethics Commission, in its evaluation of the case, took into account all available evidence. This included: (i) the statements, responses, and clarifications provided by both [D.] and Mr Carballo; (ii) testimony from other individuals with knowledge of the Incident (including [E.], who was proposed by the Appellant as a witness); and (iii) contemporaneous documentary evidence, such as WhatsApp communications as well as medical documentation.
126. There is nothing on record to suggest that the UCI Ethics Commission selectively relied on evidence favourable to [D.] while disregarding evidence adduced by Mr Carballo. Rather, the Panel finds that the UCI Ethics Commission considered all evidence produced by the parties, and expressly referred to both parties' submissions in its analysis before reaching its decision.
127. Within the scope of the discretion afforded by Article 30.2 of the UCI Ethics Code, the UCI Ethics Commission was entitled to do its own fact-checking in order to determine the probative weight of the available evidence. Nothing in the Appealed Decision suggests that it relied exclusively on [D.]'s account. Rather, the UCI Ethics Commission placed particular emphasis on contemporaneous evidence, notably Mr Carballo's own WhatsApp message sent to [D.] shortly after the Incident. Furthermore, the UCI Ethics Commission expressly considered but attached limited weight to the medical evidence produced by [D.] due to the temporal gap between the Incident and the subsequent diagnosis, which further undermines the Appellant's allegation of a one-sided assessment.
128. In light of the foregoing, the Panel concludes that the UCI Ethics Commission's assessment of the evidence was neither biased nor discriminatory and that none of Mr Carballo's procedural rights were violated. The Appellant was afforded fair opportunities to defend himself against all the accusations. Accordingly, his claims that the presumption of innocence and his right to equality were breached must be rejected.

iv. Lack of any other procedural irregularities during the UCI proceedings

129. Finally, the Panel shall assess whether there are any other procedural irregularities during the first instance proceedings that could vitiate the findings of the Appealed Decision.
130. In this respect, the Panel notes that the UCI Ethics Code guarantees certain procedural rights to parties involved in proceedings before the UCI Ethics Commission. These rights are encapsulated in Article 23 ("*Right to be heard*") of the UCI Ethics Code, which provides as follows:

"The parties shall be granted the right to be heard, the right to present evidence, the right for evidence leading to a decision to be inspected, the right to access files and the right to a reasoned decision in case a sanction should be imposed."

131. In the present case, the Panel is satisfied that the above-mentioned rights were duly respected by the UCI Ethics Commission. In particular, Mr Carballo's right to be heard

was fulfilled, as he was afforded multiple opportunities to submit written observations and/or evidence in response to the material produced by [D.], including additional evidence submitted during the course of the first-instance proceedings. The Panel further notes that Mr Carballo did not raise any procedural objection during his interview and was granted the opportunity to provide further written submissions following that interview (see *supra* para. 35). He was also provided with access to the case file on multiple occasions and received a reasoned decision.

132. With regard to the hearing, the Panel notes that no hearing was held during the proceedings before the UCI Ethics Commission. That said, neither does the evidence on record indicate, nor does the Appellant argue, that he requested such a hearing (or to cross-examine [D.]) and that any such request was refused. In any event, pursuant to Article 30.1 of the UCI Ethics Code, the holding of a hearing is discretionary and not mandatory.
133. The Appellant argues that he was unable to express himself and contest the allegations in the same manner as he would have been able to do in Spanish during the proceedings before the UCI Ethics Commission, and that he was required to be assisted by an interpreter during parts of the investigation.
134. In this regard, Article 25 (“*Languages*”) of the UCI Ethics Code expressly provides that “[t]he working languages of the Ethics Commission are English and French.” The UCI Ethics Commission was therefore entitled to conduct the proceedings in English rather than Spanish. Moreover, the Panel notes that the Appellant’s request to submit written submissions post the interview with the UCI Ethics Commission – given the language barrier – was granted (see *supra* para. 35).
135. In any event, the Panel finds no indication that the UCI Ethics Commission misinterpreted, misunderstood, or otherwise misconstrued the Appellant’s arguments or position as a result of any language-related issues. On the contrary, the record reflects that the Appellant’s submissions were duly received, considered, and addressed in the Appealed Decision.
136. Accordingly, the Panel concludes that there were no other procedural irregularities that adversely affected the Appellant’s rights or that could undermine the findings of the UCI Ethics Commission.

v. Conclusions

137. Based on the foregoing considerations, the Panel is of the view that the Appellant’s procedural rights were fully respected before the UCI Ethics Commission.
138. Notwithstanding the foregoing conclusion, the Panel recalls that, as per CAS longstanding jurisprudence, the CAS *de novo* power of review (see *infra* under paras. 156 *et seq.*) entails that procedural deficiencies in first instance, if any, are cured by the Panel: “the virtue of an appeal system which allows for a full rehearing before an appellate body is that issues related to the fairness of the proceedings before the authority of first

instance fade to the periphery” (CAS 2022/A/8863-8864, para. 107, quoting CAS 2019/A/6233, para. 134; see also CAS 2024/A/10384, para. 123).

139. In this respect, the Panel notes that the Appellant was allowed wide opportunities to present his case in these proceedings, and that the Panel has provided detailed reasoning in support of its findings concerning the violations of the UCI Ethics Code.
140. In this respect, and for the sake of completeness, the Panel observes that its decision not to hold a hearing in the present case can by no means be considered as infringing the Appellant’s right to be heard. Indeed: (i) the Appellant himself expressed his preference not to hold a hearing (see *supra* para. 75); (ii) pursuant to Article R57.2 of the CAS Code, the Panel may decide not to hold a hearing because it deems itself to be sufficiently well informed, which is exactly what the Panel considered and did in the present case; (iii) considerations of procedural economy, the need to streamline the proceedings and expedite the issuance of the Award, especially given the sanction imposed by the UCI Ethics Commission is set to expire in August 2026, also justify such a decision.
141. This conclusion is also confirmed by the fact that the Appellant signed the Order of Procedure, which expressly records that: “*By signature of the present Order, the Parties confirm their agreement that the Panel may decide this matter based on the Parties’ written submissions. The Parties confirm that their right to be heard has been respected*”.

B. Evidentiary value to be accorded to the available evidence

142. The Appellant criticises the UCI Ethics Commission for lacking clear, convincing, and credible evidence to sanction Mr Carballo in relation to the Incident. He submits that the Respondent’s case against him rested solely on [D.]’s testimony, as there were no eyewitnesses or forensic evidence.
143. In light of the above allegations, the Panel deems it necessary to clarify the evidentiary framework applicable before the Panel and the probative value of the evidence on file.
144. As a starting point, the Panel notes that the CAS Code does not lay down specific rules governing the assessment of evidence in CAS proceedings. That said, pursuant to Article R57.1 of the CAS Code, the Panel has “*full power to review the facts and the law*”. Furthermore, in accordance with the principle of *libre appréciation des preuves*, recognised in CAS jurisprudence, a CAS panel enjoys full discretion in the evaluation of evidence. In the absence of specific evidentiary rules agreed by the Parties, the Panel is therefore free to assess each item of evidence on its own merits, without being bound by rigid or formalistic rules of proof. While the Panel may attribute to each piece of evidence the weight it deems appropriate, it must nonetheless exercise this discretion in a reasoned manner and in accordance with its best judgment (CAS 2024/A/10295-10313, para. 180; CAS 2013/A/3444, para. 88).
145. In light of the above principles, the Panel must evaluate the available evidence and assess the probative weight thereof. In this regard, the record of this arbitration includes *inter alia* the following:

- (i) Statement of [D.]: Complaints before the Spanish police and the UCI, interviews with the UCI, and email exchanges with the UCI Ethics Commission;
 - (ii) Statement of Mr Carballo: Written defence and responses submitted (along with evidence) before the UCI Ethics Commission;
 - (iii) Statements by other individuals (predominantly hearsay evidence): Statements by [H.], [G.], [E.] and [K.];
 - (iv) Social media communications: WhatsApp exchanges between [D.] and Mr Carballo, the Instagram Post and the Instagram Video;
 - (v) Medical reports from [D.]’s doctors: Medical and psychological certificates; and
 - (vi) Other: UCI’s summary of the interview with [A.].
146. In assessing the above evidence, the Panel is mindful that allegations of sexual harassment or misconduct raise particular evidentiary challenges as they most often occur in private settings, typically without direct witnesses and frequently without physical evidence capable of objective verification.
147. The present case is no exception, as the Incident is said to have occurred late at night, in [D.]’s van, without any direct witnesses. The absence of eyewitnesses and forensic evidence is therefore not determinative in the present case, given that the Incident is alleged to have occurred in a private setting and [D.] did not allege physical assault resulting in visible injuries or other physical markers capable of forensic verification.
148. Against this background, the primary evidentiary focus must necessarily lie on the accounts of the two individuals directly involved, namely [D.] and Mr Carballo. Specifically, [D.]’s descriptions of the Incident, as set out in her complaints and interactions with the UCI, constitute the central narrative of the case and must be carefully examined. At the same time, those descriptions must be assessed alongside, and counterbalanced by, Mr Carballo’s version of events and explanations, in order to determine whether the evidence as a whole permits the Panel to be comfortably satisfied as to the occurrence of the alleged conduct.
149. With regard to third-party evidence, the Panel is of the view that statements from persons who did not witness the Incident themselves cannot be accorded the same evidentiary weight as the direct accounts of the persons involved, nor can they, as such, establish the alleged conduct. Rather, such testimony serves, at most, a complementary function, corroborating, contextualising, or even casting doubt on the version of events advanced by [D.]. In this respect, the Panel notes the following:
- (i) [E.]: While he did not witness the Incident itself, his van was parked adjacent to [D.]’s van at the relevant time, placing him in close proximity to the location of the alleged events. He might therefore bear a more direct connection to the factual context of the Incident;
 - (ii) [G.], [H.] and [K.]: Their statements are based on information relayed to them by [D.] and therefore constitute predominantly hearsay evidence. As such, these statements may be relevant insofar as they reflect early disclosures and the

consistency of [D.]’s account, but they cannot be accorded full evidentiary weight as proof of the alleged conduct itself, since none of these individuals witnessed the Incident; and

- (iii) [A.]: Her statement was neither relied upon nor referenced in the Appealed Decision and is unrelated to the factual material to the resolution of the present appeal.

150. As to the documentary evidence on file, the Panel notes the following:

- (i) WhatsApp exchanges: The WhatsApp exchanges between [D.] and Mr Carballo on the same day of the Incident are relevant as potential indicators of their immediate perceptions and reactions. Given their contemporaneous, spontaneous and bilateral nature, the Panel attributes significant probative weight to these communications. In contrast, the WhatsApp communications exchanged a few days after the Incident are of more limited probative value, as they primarily reflect post-Incident interactions rather than the Incident itself;
- (ii) The social media posts: As the Instagram Post dates back to 2018, it may, at most, shed light on prior attitudes on part of Mr Carballo, but does not relate directly to the Incident and must therefore be accorded limited weight. Similarly, the Instagram Video posted in December 2024 does not constitute direct evidence of the Incident, but may be considered as contextual material reflecting [D.]’s later public account; and
- (iii) Medical evidence: As regards the medical documentation, it is relevant insofar as it documents the Complainant’s medical and psychological condition at a later stage; however, it is not contemporaneous to the Incident and thus could, at most, corroborate the impact she reports having suffered. The Panel will assess such documentation with caution, mindful of the temporal gap and the limits of retrospective medical evidence.

151. Therefore, the Panel’s findings in this Award will ultimately rest on the respective accounts of [D.] and Mr Carballo, evaluated in light of the available third-party statements and documentary evidence. These elements, viewed cumulatively within the framework of this arbitration, will be evaluated to establish whether the Appellant has committed violations of the UCI Ethics Code.

IX. MERITS

152. The Appellant argues that the UCI Ethics Commission did not correctly assess the evidence and failed to discharge its burden of proof. He therefore requests the CAS to annul the Appealed Decision and find that he did not commit any violation of the UCI Ethics Code. Subsidiarily, the Appellant contends that the sanction against him should be reduced to a warning or the imposition of educational measures.

153. The Respondent seeks full confirmation of the Appealed Decision. In particular, it defends the findings of the UCI Ethics Commission regarding Mr Carballo's violations of the UCI Ethics Code and the appropriateness of the sanction imposed.
154. The Panel must therefore begin its analysis by determining the scope of its review as well as the pertinent burden and standard of proof.
155. Having established the above, the Panel will answer the following questions:
 - (i) Did the Appellant violate the UCI Ethics Code?; and
 - (ii) Should the sanction imposed in the Appealed Decision be reduced?

A. The Panel's scope of review of the Appealed Decision

156. Under Article R57.1 of the CAS Code, the Panel has full authority to "*review the facts and the law*".
157. This *de novo* power entails that the Panel is entitled to go beyond a mere establishment of the legality of the previous decision and to "*issue an independent and free standing decision*" (CAS 2019/A/6233, para. 133).
158. Accordingly, the Panel will fully and independently analyse the facts of the case and all the evidence before it to determine whether Mr Carballo's conduct violated the provisions of the UCI Ethics Code, and if so, whether the sanctions imposed on him by the UCI Ethics Commission as a result of such conduct are proportionate.
159. The relationship between the Panel's wide scope of review and its judicial restraint when analysing the sanction imposed by disciplinary bodies at first instance will be expounded *infra* under Section D.
160. Furthermore, the *de novo* power of review of the Panel also entails a curing effect on possible procedural deficiencies in the proceedings of the previous adjudicating body, as shown *supra* at para. 138.

B. Burden and standard of proof

161. As a preliminary matter, the Panel must determine which of the Parties bears the burden of proving (or disproving) that the Appellant is responsible for violations of the UCI Ethics Code.
162. In this respect, the Appellant argues that the UCI Ethics Commission bears the burden of proving that Mr Carballo's conduct violated the UCI Ethics Code. The Respondent does not deny that it bears the burden of proof of establishing that Mr Carballo violated the UCI Ethics Code.
163. The Panel observes that the allocation of the burden of proof is a matter to be assessed pursuant to the law applicable to the merits of the dispute (see CAS 2023/A/9364, para. 133).

164. Since the UCI Ethics Code is silent on the issue, reference must be made to Swiss law (see *supra* para. 104), notably Article 8 of the Swiss Civil Code, under which “[u]nless the law provides otherwise, the burden of proving the existence of an alleged fact shall rest on the person who derives rights from that fact.”
165. Considering the above, as well as the fact that the Respondent requests that the sanction imposed on the Appellant be confirmed, the Panel concludes that it is the Respondent who bears the burden to establish, under the applicable standard of proof, that Mr Carballo violated the UCI Ethics Code.
166. Accordingly, it is for the UCI to establish the alleged violations of the UCI Ethics Code. The Appellant, of course, retains the possibility to rebut the Respondent’s evidence and conclusions, subject to the burden of substantiating such rebuttals.
167. Moving to the relevant standard of proof, pursuant to Article 30.2 para. 2 of the UCI Ethics Code, and as acknowledged by both Parties, the Panel must apply the standard of “*comfortable satisfaction*”. This standard, consistently applied by CAS jurisprudence, lies between “*beyond a reasonable doubt*” and “*balance of probabilities*” (see *ex multis* CAS 2021/A/7840, para. 91; CAS 2014/A/3625, para. 132).

C. The Appellant violated the provisions of the UCI Ethics Code

168. The central issue on the merits is whether Mr Carballo violated the UCI Ethics Code. While the UCI Ethics Commission discussed other provisions of Appendix 1 in its reasoning, it ultimately grounded the finding of violation, and the sanction imposed, on Mr Carballo’s breach of Article 6.4 (*Duty to protect the physical and mental integrity of others*) of the UCI Ethics Code in conjunction with Article 2.3 (*Sexual harassment*) of the relevant Appendix 1.
169. The Appellant disputes the factual findings underpinning the Appealed Decision, contending that the evidence on record was insufficient to establish the alleged violations of the UCI Ethics Code and should have led to his exoneration or, at a minimum, to the existence of reasonable doubt in his favour. The Respondent, by contrast, requests that those findings be fully confirmed.
170. In this respect, the Panel has carefully analysed the entire evidentiary record before it (taking into account the weight to be accorded to each piece of evidence and the findings set out *supra* under Section VIII.B) in order to determine the factual matrix of this case, which formed the basis for the UCI Ethics Commission to render the Appealed Decision.
171. The relevant factual elements, along with the contested violations, are analysed below.

i. The Panel’s factual findings based on the available evidence

172. As a preliminary remark, the Panel notes that the Parties do not dispute that, on the night of 16-17 June 2023: (i) Mr Carballo entered [D.]’s van while she was asleep; (ii) he attempted to engage in physical intimacy with her by kissing her; (iii) [D.] informed him that she did not wish to engage in any sexual activity; and (iv) no consensual sexual

intercourse took place. Nor is it disputed that the Incident occurred in a confined and private setting, late at night, without direct witnesses.

173. The factual disagreement between the Parties is therefore limited to specific aspects of the Incident, namely: (i) the extent to which Mr Carballo undressed after entering the van; (ii) the nature and persistence of his physical advances after [D.] expressed her refusal; and (iii) whether he used the word “*rape*” during the Incident. These disputed elements lie at the core of the assessment of the seriousness and characterisation of the conduct under the UCI Ethics Code.
174. In resolving these disputed points, the Panel accords primary evidentiary significance to the respective accounts of [D.] and Mr Carballo, assessed against the contemporaneous documentary evidence and the surrounding contextual material (see *supra* para. 151).
175. As anticipated, after having accounted for the diverging accounts of [D.] and Mr Carballo, the Panel attributes particular evidentiary significance to the WhatsApp exchanges between the Parties on the morning following the Incident, as they were sent within hours of the Incident and before any formal complaint was lodged, reflecting the Parties’ immediate perceptions shortly after the events in question.
176. Having examined these exchanges, the Panel concurs with the Appealed Decision insofar that Mr Carballo’s messages are difficult to reconcile with his assertion that no serious or non-consensual conduct occurred. Rather, the content and tone of those messages reasonably support the conclusion that he acknowledged inappropriate behaviour and sought to minimise or excuse it *ex post facto*, which lends credibility to [D.]’s account of the Incident. Specifically, in those messages, [D.] expressly conveyed that she felt “*very uncomfortable*”, referred to having clearly said “*no*”, and reproached Mr Carballo for having used the word “*rape*”. In response, Mr Carballo apologised, acknowledged that he had been “*very drunk*”, admitted that he “*insisted*”, and did not deny either having attempted to engage in sexual intimacy or having used the term “*rape*”, instead explaining his behaviour by reference to alcohol consumption and a perceived misunderstanding due to their past history.
177. The Panel considers that these exchanges are difficult to reconcile with a version of events in which the interaction was innocuous or immediately ceased upon refusal. While the messages do not, in themselves, establish every disputed factual detail, they corroborate [D.]’s account on key elements, namely the lack of consent, Mr Carballo’s persistence, and the use of sexually threatening language, while also significantly undermining the plausibility of Mr Carballo’s subsequent *ex post facto* explanations.
178. The Panel further notes that [D.]’s descriptions of the Incident have remained substantially consistent across her complaint to the Spanish authorities, her report to the UCI, her interviews with the UCI, and her contemporaneous disclosures to third parties. In particular, her accounts, including to [E.], who had been proposed as a witness by the Appellant during the first-instance proceedings, consistently indicated that Mr Carballo attempted to engage in sexual intimacy despite her lack of consent.

179. The Panel is comfortably satisfied that Mr Carballo did use the word “*rape*” during the Incident. This is supported by [D.]’s consistent testimony, corroborated by the contemporaneous WhatsApp exchanges, and confirmed by her subsequent formal complaints and third-party statements. The Panel sees no persuasive reason to consider that [D.] would have fabricated such a specific and serious allegation. In this regard, the Panel also notes that Mr Carballo had previously used the term “*rapist*” in a casual manner, namely in the Instagram Post, which reduces the plausibility of his denial of having used similar language during the Incident.
180. By contrast, the Panel observes that Mr Carballo’s explanations on certain critical points evolved over time and were not always consistent with the contemporaneous evidence. In particular, while his WhatsApp message of 17 June 2023 acknowledged that he had “*insisted*” and may have used “*that word*”, he later denied both any persistence and any reference to the word “*rape*” during the Incident. Similarly, although he initially apologised for having “*got carried away*”, he subsequently characterised the encounter as limited to two brief attempts to kiss [D.] on the cheek, immediately followed by sleep. The Panel acknowledges that the Parties continue to diverge as to the precise sequence and intensity of events following [D.]’s statement that she had a boyfriend. However, the contemporaneous evidence, in particular Mr Carballo’s own message, materially weakens his later assertion that he ceased all advances immediately.
181. Therefore, the Panel is comfortably satisfied that Mr Carballo engaged in unwanted sexual conduct towards [D.], persisted despite her explicit refusal, including unwelcome sexual advances occurring after a clear refusal had been expressed, and used the word “*rape*” during the Incident.
182. In light of the foregoing, and having assessed the evidence as a whole in accordance with the principle of *libre appréciation des preuves*, the Panel finds no basis to depart from the factual findings of the Appealed Decision insofar as they establish conduct amounting to sexual harassment under the applicable provisions of the UCI Ethics Code.
183. Having made the above factual determinations, the Panel will now assess whether the Appellant breached the UCI Ethics Code.
184. In this respect, the Panel concurs with the UCI Ethics Commission that the assessment of Mr Carballo’s actions generally requires an objective test, namely whether a reasonable observer would consider that such conduct fails to respect physical and mental integrity and amounts to sexual harassment and a breach of personal integrity. That said, where the applicable provision requires consideration of the “*effects*” of the conduct or the “*consent*” of the affected person, the assessment must also be carried out subjectively from the perspective of [D.].
- ii. Did Mr Carballo violate Article 6.4 of the UCI Ethics Code, as supplemented by Article 2.3 of the relevant Appendix 1?**
185. The Appealed Decision ruled that Mr Carballo violated Article 6.4 of the UCI Ethics Code, as supplemented by Article 2.3 of the relevant Appendix 1, by failing to respect the

physical and mental integrity of the Complainant, as his actions impacted [D.]’s personal rights and involved sexual harassment.

186. In the Appealed Decision, the UCI Ethics Commission pointed out that the following cumulative constitutive elements must be satisfied to find a violation of Article 6.4 of the UCI Ethics Code, namely:
- (i) Interactions between the accused and another person in the context of a cycling-related activity;
 - (ii) Failure to respect the physical and/or mental integrity of said another person;
 - (iii) Actions of the accused that adversely impact said person’s personal rights; and
 - (iv) Conduct of the accused, including at least one of the following: sexual harassment, poor practice, abuse or bullying.
187. With regard to requirement (i), the Panel considers that it is clearly met in this case, considering that the Incident involving Mr Carballo and [D.] occurred at the race paddock of the Event, an area reserved for participants and directly connected to the competition. The interaction therefore clearly falls within the scope of “*cycling-related activity*” within the meaning of Article 6.4 of the UCI Ethics Code.
188. As to requirement (ii), the Panel notes that Mr Carballo entered [D.]’s van late at night while she was asleep, partially undressed himself to an extent disputed by the Parties (but immaterial for the specific assessment of the conduct), and initiated physical contact of a sexual nature despite her express refusal. The conduct includes repeated unwanted advances, physical proximity imposed in a confined space and the use of the word “*rape*”. Even without resolving every disputed factual detail, such behaviour objectively infringes [D.]’s physical and mental integrity and exposed her to fear, distress, and a loss of personal security.
189. With regard to requirement (iii), the Panel finds that Mr Carballo’s conduct directly interfered with [D.]’s personal rights, including her right to bodily autonomy, dignity, and self-determination. The persistence of sexual advances after a clear refusal, combined with intimidatory behaviour, deprived her of the ability to freely decide what occurred in her own private space. The adverse impact is further illustrated by her immediate distress following the Incident, as seen in her WhatsApp exchanges with Mr Carballo, her testimony, and her subsequent recourse to psychological support.
190. As to requirement (iv), the Panel concurs with the UCI Ethics Commission that Mr Carballo’s behaviour qualifies as “*sexual harassment*” within the meaning of Article 6.4 of the UCI Ethics Code. The conduct was unwanted, unwelcome, and of a sexual nature, and it created an intimidating and hostile environment for [D.].
191. Turning to Article 2.3 of Appendix 1 of the UCI Ethics Code, the Panel notes that the Appealed Decision analysed the interplay between Articles 2.1, 2.3 and 2.4 of Appendix 1 and identified Article 2.3 as the *lex specialis* applicable to the conduct at issue for the purposes of legal characterisation and sanctioning. The Panel concurs with this interpretation.

192. The Panel observes, in this respect, that Articles 2.1, 2.3 and 2.4 of Appendix 1 are not mutually exclusive and may overlap in scope, as they address different manifestations of conduct infringing physical, mental, and personal integrity. While Article 6.4 establishes the general duty of protection, Appendix 1 particularises that duty through specific typologies of misconduct, thereby operating as a set of *lex specialis* provisions within the normative architecture of the UCI Ethics Code.
193. The Panel further notes that the UCI Ethics Code does not preclude cumulative legal characterisations. However, for sanctioning purposes, it is consistent with general principles of disciplinary law to identify the provision that most specifically encapsulates the essence of the misconduct, so as to avoid duplicative legal qualification of the same behaviour.
194. Within this framework, Article 2.3 of Appendix 1 of the UCI Ethics Code addresses unwanted and unwelcome conduct of a sexual nature that violates the dignity of the affected person, creating an intimidating, hostile or degrading environment. As correctly recalled in the Appealed Decision, a breach of Article 2.3 is established where the following cumulative elements are present:
- (i) The behaviour is unwanted and unwelcome by the affected person;
 - (ii) The behaviour is of a sexual nature (verbal, non-verbal or physical);
 - (iii) The behaviour has the purpose or effect of violating the dignity of the affected person; and
 - (iv) The behaviour creates an intimidating, hostile, degrading, humiliating or offensive environment for the affected person.
195. The Panel finds that these elements are fulfilled in the present case. [D.] expressly stated that she did not wish to engage in sexual activity as she had a boyfriend, a fact not disputed by the Appellant. Notwithstanding this refusal, Mr Carballo persisted with advances of sexual nature, and reinforced these actions through sexually threatening language.
196. On an objective level, a reasonable observer would consider such conduct, occurring late at night, in a confined space, and in the face of an explicit refusal, to violate personal dignity and to create an intimidating and degrading environment. Subjectively, from [D.]’s perspective as the affected person, the conduct was clearly unwelcome, distressing and humiliating, as evidenced by her immediate reactions, her contemporaneous disclosures, and her subsequent psychological impact reflected in the medical reports.
197. Accordingly, the Panel finds that Mr Carballo breached Article 2.3 of Appendix 1 of the UCI Ethics Code, as correctly held in the Appealed Decision. That breach, in turn, substantiates the violation of Article 6.4 of the UCI Ethics Code, which operates as the overarching normative provision protecting physical and mental integrity.

D. The sanction imposed on the Appellant is appropriate and proportionate

198. The Appealed Decision imposed on the Appellant a one-year suspension together with procedural costs of CHF 1,000. The Appellant requests that the suspension be replaced

by a lesser measure, such as a warning or the imposition of educational measures. Alternatively, he seeks the suspension of the execution of the sanction.

199. The Respondent submits that CAS should adopt a deferential approach to the determination of the sanction imposed by the UCI Ethics Code, unless it finds that the sanction is “*evidently and grossly disproportionate*”. Moreover, it maintains that the sanction is appropriate and reflects the gravity of the misconduct.
200. The Panel preliminarily notes that the UCI Ethics Code provides no specific guidance as to how the sanctions listed under its Article 34.2 should be applied. Rather, the UCI Ethics Commission is vested with broad discretion, and in this respect Article 33 of the UCI Ethics Code provides that the UCI Ethics Commission shall “*deliberate and determine, if any, which of the sanctions listed in Article 34.2 below should be imposed*”.
201. Moreover, the Panel is mindful that, as submitted by the UCI and held in CAS jurisprudence, it owes deference to judicial bodies of first instance, which are generally better placed to assess the seriousness of a breach and determine the appropriate sanction (see CAS 2024/A/10384, para. 195 *et seq.* and CAS 2019/A/6665, para. 157). Accordingly, the Panel should intervene and amend the sanction only where, notwithstanding the deference due to the first-instance body’s expertise, it finds that the sanction is evidently and grossly disproportionate (see CAS 2009/A/1870, para. 125). In such cases, by virtue of its *de novo* power of review (see *supra* at paras. 156 *et seq.*), the Panel may impose a more proportionate sanction.
202. In evaluating proportionality, the Panel is guided by the principle that sanctions must be commensurate with the seriousness of the offence (see CAS 2017/A/5086, para. 136) and must take into account both aggravating and mitigating circumstances.
203. Having established the above and turning to the circumstances of this case, the Panel recalls that it has upheld the violation of Article 6.4 of the UCI Ethics Code, as supplemented by Article 2.3 of Appendix 1, as established in the Appealed Decision.
204. The Panel further observes that the Appellant did not advance any specific arguments demonstrating that the sanction imposed was disproportionate, nor did he identify any mitigating circumstances that would warrant a reduction or suspension of the one-year sanction. Conversely, the misconduct established, involving unwanted sexual advances, persistence of the conduct following explicit refusal, and sexually threatening language, is of a serious nature and warrants a firm disciplinary response.
205. As to the procedural costs imposed on the Appellant, Article 36 of the UCI Ethics Code *inter alia* provides that:

“Procedural costs shall be borne by the party that has been sanctioned. If more than one party is sanctioned, the procedural costs shall be assessed proportionally in accordance with the degree of guilt of the parties. Part of the procedural costs, in particular the costs of the preliminary proceedings, may be borne by the UCI, as appropriate in respect of the imposition of sanctions. The procedural costs may be

reduced or waived in exceptional circumstances, in particular taking into account the party's financial circumstances."

206. In this respect, the Panel observes that the Appellant did not advance any argument or adduce any evidence capable of justifying a reduction or waiver of the procedural costs, nor did he provide any information that would warrant such relief. Accordingly, the Panel finds that no "*exceptional circumstances*" exist that would justify a reduction or waiver of said costs.
207. Against this background, and having regard to the seriousness of the conduct, which was of a non-consensual sexual nature as characterised under Article 2.3 of Appendix 1 of the UCI Ethics Code, the Panel concludes that the one-year suspension imposed by the UCI Ethics Commission on Mr Carballo, together with the imposition of procedural costs, is appropriate and proportionate.
208. In light of the above, the Panel confirms the Appealed Decision in its entirety.

E. Further or different motions

209. The above conclusions render it unnecessary for the Panel to address any other requests or submissions advanced by the Parties, it being noted, in any event, that the Appellant's motion for financial compensation was expressly withdrawn during the course of the proceedings and therefore did not fall under the issues to be considered by the Panel.
210. Accordingly, all other further claims and requests submitted by the Parties are hereby dismissed, to the extent that they were maintained before the Panel and required adjudication.

X. COSTS

(...)

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The Appeal filed on 29 August 2025 by Mr Edgar Carballo González against the decision rendered by the UCI Ethics Commission on 11 August 2025 is dismissed.
2. The decision rendered by the UCI Ethics Commission on 11 August 2025 is confirmed.
3. (...).
4. (...).
5. All other and further motions or prayers for relief are dismissed.

Seat of arbitration: Lausanne, Switzerland

Date: 15 April 2026

THE COURT OF ARBITRATION FOR SPORT

Mario Vigna
President of the Panel

José María Alonso
Arbitrator

Luca Beffa
Arbitrator