



TAS / CAS

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

CAS 2024/A/11026 Kiril Minchev Todorov c. World Aquatics

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

President: Mr André Brantjes, Attorney-at-Law, Amsterdam, The Netherlands

Arbitrators: Prof Carlos Alberto Matheus López, Professor of Law, Lima, Peru
Prof Luigi Fumagalli, Attorney-at-Law, Milan, Italy

in the arbitration between

Kiril Minchev Todorov, Mexico City, Mexico

Not represented by counsel

- Appellant -

and

World Aquatics, Lausanne, Switzerland

Represented by Mr Justin Lessard, Senior Manager, and Mr Nicolò Juglair, Legal Counsel, Aquatics Integrity Unit, Lausanne, Switzerland

- Respondent -

* * * * *

I. THE PARTIES

1. Mr Kiril Minchev Todorov (the “Appellant”) has held the position as President of the Mexican Swimming Federation (*Federación Mexicana de Natación* – referred to by its acronyms MSF in English and FMN in Spanish) since 2009.
2. World Aquatics (the “Respondent”) is the international federation governing the sport of Aquatics worldwide, formerly known as the *Fédération Internationale de Natation*– “FINA”. World Aquatics has its registered seat in Lausanne, Switzerland.
3. The Appellant and the Respondent are jointly referred to as the “Parties”.

II. FACTUAL BACKGROUND

4. Below is a summary of the main relevant facts, as established on the basis of the Parties’ written submissions and the evidence examined in the course of the present appeal arbitration proceedings. This background is made for the sole purpose of providing a synopsis of the matter in dispute. Additional facts may be set out, where relevant, in connection with the legal discussion.
5. On 17 January 2022, the Bureau of World Aquatics decided to implement a Stabilization Committee to oversee the FMN.
6. On 31 March 2023, following an appeal lodged by the FMN against the implementation of the Stabilization Committee, the Court of Arbitration for Sport (“CAS”) dismissed the appeal and confirmed World Aquatics’ decision of 17 January 2022.
7. On 6 April 2023, the Aquatics Integrity Unit of World Aquatics (“AQIU”) charged the Appellant with the following possible violations:
 - “i. *Article C 12.1.3 of the World Aquatics (then FINA) Constitution for bringing the Aquatics sport and/or FINA into disrepute.*
 - ii. *Article C.4 of the Code of Ethics which prohibits ‘corrupt practices’.*

- iii. *Article D.7 of the Code of Ethics which states that no official shall, directly or indirectly, solicit, accept or offer any concealed remuneration, commission, benefit or service of any nature connected with their participation in Aquatics or with their function as an Official.*
- iv. *Article 2 (a) of the FINA Code of Conduct which prohibits ‘acts of misbehaviours’ and ‘unjustified interference’.*

8. By the same letter, AQIU informed the Appellant as follows:

“Moreover, pursuant to Article 21 of the World Aquatics Integrity Code, the Chief Ethics and Compliance Officer decided to impose a provisional suspension on you given that public confidence in the integrity of the sport of Aquatics is at risk. This provisional suspension is effective as of today and prevents you from taking part in any Aquatics related activity, including acting as president of a World Aquatics Member Federation”.

9. On 12 April 2023, the Appellant denied the allegations raised against him.

10. On 7 September 2024, the MSF issued a letter addressed to “*Governors of the states of the Mexican Republic and Head of the Mexico City Government*”, co-signed by the Appellant.

11. On 19 September 2024, AQIU informed the Appellant as follows:

“We have recently been informed that you would still be acting as President of the [FMN], thus violating the provisional suspension imposed on you.

In this regard, it has been brought to our attention that you have sent and signed a letter as President of the FMN, addressed to the governors of the states of the Mexican Republic and the head of the government of Mexico City, in which you also refer to the organisation by the FMN of a technical congress on 31 August 2024. Copy of this letter is attached for ease of reference.

This conduct may constitute a violation of your provisional suspension. As explained in the notice of charge issued by the

AQIU Chief Ethics and Compliance Officer on 6 April 2023, the provisional suspension prevents you from taking part in any Aquatics related activity, including acting as president of a World Aquatics Member Federation. Copy of the notice of charge is attached for ease of reference.

*In light of the above, we would like to grant you an opportunity to provide your position on the matter by no later than **Thursday, 26 September 2024**.*

The Adjudicatory Body will proceed to issue its decision shortly after this date”.

12. On 1 October 2024, the MSF issued a letter addressed to “its affiliates for the 2024-2025 season”, co-signed by the Appellant in his capacity as “President Mexican Swimming Federation”.
13. On 29 October 2024, the Adjudicatory Body of the AQIU (the “AQIU AB”) rendered a decision (the “Appealed Decision”) with the following operative part:

- “(i) *The AQIU has jurisdiction over this matter.*
- (ii) *[The Appellant] has violated Article 33.8 of the World Aquatics Integrity Code.*
- (iii) *[The Appellant] is sanctioned with a two-year period of ineligibility from holding any position within World Aquatics and/or Continental Organisation and/or World Aquatics Member. The suspension imposed on [the Appellant] shall also prevent him from taking part in any Aquatics-related activities and/or events on behalf of World Aquatics, and/or Continental Organisation and/or World Aquatics Member, as well as attending in any capacity, any aquatics International Competition, as defined in Article 2.2 of the World Aquatics Competition Regulations. The sanction begins on the day this decision is issued i.e. 29 October 2024.*
- (iv) *This decision is rendered without costs and be made public.*

(v) *As per Article 35 of the World Aquatics Integrity Code, this decision can be appealed to CAS within twenty-one (21) calendar days of the appealing Party's receipt of the written reasoned decision in question by email".*

14. More specifically, the AQIU AB considered that the Appellant had violated Article 33.8 of the World Aquatics Integrity Code by breaching the provisional suspension imposed on him by means of the letter from AQIU dated 6 April 2023.
15. On 22 November 2024, the Bureau of World Aquatics decided to expel the FMN from World Aquatics membership. This decision was not challenged and became final and binding.

III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

16. On 19 November 2024, the Appellant filed a Statement of Appeal dated 18 November 2024 with the CAS against AQIU with respect to the Appealed Decision in accordance with Article R48 of the CAS Code of Sports-related Arbitration (the "CAS Code"). The Appellant nominated Prof Carlos Alberto Matheus López, Professor of Law in Lima, Peru, as arbitrator. The Appellant requested the proceedings to be conducted in Spanish and applied for provisional measures, as follows:

"III. Request for the granting of temporary injunctions.

The SUSPENSION OF THE PENALTY imposed on the appellant is requested as an injunction, as otherwise the appellant would suffer IRREPERABLE DAMAGES, thus continuing the violations to the human rights of the undersigned, which clearly have been flagrantly violated, e.g., THE RIGHT TO THE PRESUMPTION OF INNOCENCE, THE RIGHT TO WORK, THE RIGHT TO FREEDOM OF ASSOCIATION, THE RIGHT TO HONOR, AND THE RIGHT TO REPUTATION, among others.

The members of this International Court are requested to adequately consider that THE LEGAL SPHERE OF THE

UNDERSIGNED HAS BEEN SIGNIFICANTLY DISRUPTED AND AFFECTED, THEREFORE, I APPEAL TO THE GOOD JUDGMENT OF THIS COURT OF ADMINISTRATION OF JUSTICE IN THE FIELD OF SPORTS TO IMMEDIATELY STOP THE ACTS CONTRARY TO LAW AND IN VIOLATION OF RIGHTS THAT WILL UNDOUBTEDLY BE IRREPERABLE”

- IV. *It is also requested, as an injunction, to immediately remove the name of the appellant, KIRIL MINCHEV TODOROV, from AQIU's website (Exhibit EIGHT, consisting of 1 page), in order to stop the non-pecuniary damage that has been caused to the undersigned, as well as to avoid further damage to the appellant's honor and reputation. It is also requested to remove from the same website the document called DECISION OF THE ADJUDICATORY BODY, since it violates the presumption of innocence and other rights of the appellant.*

THE TEMPORARY SUSPENSION INITIALLY IMPOSED AGAINST THE APPELLANT WAS ILLEGAL. IT WAS BASED ON UNSUBSTANTIATED ACCUSATIONS, AND WITHOUT ANY MEANS OF PROOF TO SUPPORT IT. THEREFORE, THE SUSPENSION FOR 2 YEARS, BEING A CONSEQUENCE OF THE TEMPORARY SUSPENSION IMPOSED BY AQIU AGAINST THE UNDERSIGNED, FALLS IN THE SAME ASSUMPTIONS.

The interests of the appellee would in no way be affected by the granting of injunctions to the appellant. As has been exhaustively explained throughout this document, the undersigned is acting within the national scope, in accordance with the laws of Mexico, and in no way is he affecting the AQIU. On the other hand, the appellant's interests and rights would continue to be irreparably affected as a result of continuing to expose him for a conduct for which he is not responsible and for which AQIU has publicly accused him, even on its website, without any evidence or any substantiation.

AQIU's arbitrary and unjust decision not only irreparably affects the rights of the undersigned, but also those of numerous athletes affiliated with [FMN] many of whom are minors.

Please refer to the recognized rights established in UNICEF's Convention on the Rights of the Child. The rights of the legal entity (FMN) and of the State Swimming Associations and Clubs affiliated with the MSF are also affected. As an example (EXHIBIT THIRTEEN, consisting of several pages) refers to a letter from members of the Yucatan State Swimming Association, which informs that the parents have already paid the expenses for the participation of the athletes in the 2024 National Winter Championships in Guadalajara, which evidently could constitute damages to thousands of athletes throughout Mexico, since this situation has been replicated in many states" (emphasis in original).

17. On 27 November 2024, the Appellant filed his Appeal Brief in accordance with Article R51 of the CAS Code.
18. On 28 November 2024, World Aquatics informed the CAS Court Office that the Respondent in this matter shall be referred to as World Aquatics. World Aquatics held that, while AQIU is operationally independent, it is still part of its legal structure. World Aquatics also objected to the Appellant's request that the proceedings be conducted in Spanish, as, pursuant to Article 35.4 of the World Aquatics Integrity Code, appeal proceedings before CAS shall be conducted in English.
19. On the same day, following a request for clarification filed by the CAS Court Office as to the identity of the Appellant, the Appellant indicated that the FMN cannot be dissociated from his personal capacity. The Appellant also objected to World Aquatics' request that the present appeal proceedings be conducted in English, reiterating his request that the proceedings be conducted in Spanish.
20. On the same day, the CAS Court Office informed the Parties that the case reference was amended from *TAS 2024/A/11026 Federación Mexicana de Natación c. Aquatics Integrity Unit* to *CAS 2024/A/11026 Kiril Minchev Todorov c. World Aquatics*. Neither of the Parties objected thereto.

21. On 4 December 2024, pursuant to Article R29 of the CAS Code, the Deputy President of the Appeals Arbitration Division of CAS issued an Order on Language.
22. On 6 December 2024, following a request for reconsideration of the Order on Language by both Parties, the Deputy President of the Appeals Arbitration Division of CAS issued a revised Order on Language, with the following operative part:
 - “1. Pursuant to Article R29 of the Code of Sports-related Arbitration, the language of the arbitral procedure CAS 2024/A/11026 Kiril Minchev Todorov c. World Aquatics shall be English.
 2. The Statement of Appeal and the correspondence filed up to date in the present proceedings in Spanish must be translated into English.
 3. The costs of the present order shall be determined in the final Award or in any final disposition of this arbitration”.
23. On 18 December 2024, World Aquatics nominated Prof Luigi Fumagalli, Attorney-at-Law in Milan, Italy, as arbitrator.
24. On 20 December 2024, the Appellant filed translations into English of the Statement of Appeal, the Appeal Brief as well as the exhibits enclosed thereto.
25. On 10 January 2025, World Aquatics informed the CAS Court Office that certain documents submitted by the Appellant had remained untranslated and requested that its deadline to file its Answer and to provide its position on the Appellant’s application for provisional measures be suspended.
26. On 19 January 2025, the Appellant objected to producing the translations requested by World Aquatics.
27. On 20 January 2025, the CAS Court Office invited World Aquatics to file its Answer, indicating as follows:

“[R]eference is made to art. R44.1 of the Code of Sports-related Arbitration (‘the Code’) according to which ‘Together with their

written submissions, the parties shall produce all written evidence upon which they intend to rely.’ Furthermore, reference is also made to art. R29 of the Code”.

28. On 23 January 2025, World Aquatics requested the CAS Court Office to request confirmation from the Appellant that any document not translated (or only partially translated) by the Appellant, including his request for provisional measures, was deemed withdrawn.
29. On 24 January 2025, the CAS Court Office informed the Parties that the Appellant had filed a translation of his Statement of Appeal, including a “*Request for the granting of temporary injunctions*”. The CAS Court Office also referred to Article R44.1 of the CAS Code, according to which “[t]ogether with their written submissions, the parties shall produce all written evidence upon which they intend to rely”.
30. On 27 January 2025, the Appellant informed the CAS Court Office that he would proceed with the translation of certain documents and requested an extension of the deadline granted to do so, while maintaining his objections.
31. On 13 February 2025, the CAS Court Office informed the Parties that the Deputy President of the CAS Appeals Arbitration Division, pursuant to Article R54 of the CAS Code, had decided that the Panel appointed to decide the case was constituted as follows:

President: Mr André Brantjes, Attorney-at-Law, Amsterdam, The Netherlands;
Arbitrators: Prof Carlos Alberto Matheus López, Professor of Law, Lima, Peru; and
Prof Luigi Fumagalli, Attorney-at-Law, Milano, Italy.
32. On 26 February 2025, following the production by the Appellant of translations into English, World Aquatics informed the CAS Court Office that its requests for translations had been satisfied, save for an annex with audio, which it requested to be declared inadmissible by the Panel.
33. On 3 March 2025, the Appellant produced a translation of the audio requested by World Aquatics.

34. On 14 March 2025, following the production by the Appellant of the translations into English requested by World Aquatics, World Aquatics filed its Answer as well as its comments on the Appellant's request for provisional measures in accordance with Article R55 of the CAS Code, requesting that they be dismissed.
35. On 24 March 2025, upon being invited to express their views in this respect, the Appellant indicated that his preference was for a case management conference as well as a hearing to be held, whereas World Aquatics indicated that it considered neither necessary. The Appellant, *inter alia*, also reiterated his request to hear evidence from Mr Hasain Al-Musallam and Mr Dale Neuburger, to be summoned through World Aquatics.
36. On 31 March 2025, upon being invited to express its views in this respect, World Aquatics objected that Mr Al-Musallam and Mr Neuburger be heard as witnesses. More specifically, World Aquatics submitted that, while the Appellant argued that these persons have knowledge on the allegations of embezzlement of funds which led AQIU to impose a provisional suspension on him, the decision by which the Appellant was provisionally suspended is not subject to the present appeal, which exclusively concerns the sanction that was imposed on the Appellant for breaching his provisional suspension.
37. On the same date, upon being invited to express his views in this respect, the Appellant, *inter alia*, indicated that he wished a case management conference to be held to "*lay the foundations for fluidity and understanding by the parties at the hearing stage, given the complexity of the case*" and that "*the case management conferences (CMC) hearing must be seen and understood as part of due process and the right to defense, to a hearing, and a fair trial, among others, in order to duly prepare the hearing with the due formalities and principles that apply*".
38. On 1 April 2025, the CAS Court Office informed the Parties that, pursuant to Article R57 of the CAS Code, the Panel had decided to hold a hearing in this matter, which would be held by videoconference (via CISCO Webex), but not a case management conference.
39. On 3 April 2025, the Appellant filed an unsolicited submission reiterating his request to hear evidence from Mr Al-Musallam and Mr Neuburger. The Appellant argued, *inter alia*, the following:

“In summary, the appearance of Dale Neuburger and Hassain Al-Musallam as witnesses at the hearing is necessary because their testimony offers critical insight into the context of the alleged misconduct, the process of imposing the suspension, communications between FINA/World Aquatics and the FMN, and potential biases or conflicts of interest. These elements are essential to assessing both the legitimacy of the suspension and [the Appellant’s] conduct in allegedly violating it”.

40. On 11 April 2025, the CAS Court Office notified the Panel’s Order on the Appellant’s request for provisional measures to the Parties, with the following operative part:

- “1. The application for the stay of execution of the decision rendered by World Aquatics on 29 October 2024, filed by Kiril Minchev Todorov on 18 November 2024 in the matter CAS 2024/A/11026 Kiril Minchev Todorov c. World Aquatics, is denied.*
- 2. The application for the immediate removal of certain information from World Aquatics’ website, filed by Kiril Minchev Todorov on 18 November 2024 in the matter CAS 2024/A/11026 Kiril Minchev Todorov c. World Aquatics, is denied.*
- 3. The costs of this Order shall be determined in the final Award or in any other final disposition of this arbitration”.*

41. On 15 April 2025, World Aquatics returned a duly signed copy of the Order of Procedure provided to it by the CAS Court Office on 11 April 2025. Despite being invited to do so, the Appellant failed to provide a signed Order of Procedure, even after a reminder sent on 5 August 2025.
42. On 23 April 2025, the CAS Court Office provided the Parties with a tentative hearing schedule. The Panel decided not to allocate any time in the tentative hearing schedule for the examination of Mr Al-Musallam or Mr Neuburger. No objections were filed with respect to the tentative hearing schedule by the Parties.

43. On 23 May 2025, the Appellant requested to include in the file a translation of a judgment issued by the Mexican Federal Administrative Justice Court (the “Mexican Judgment”).
44. On 27 May 2025, upon being invited to express its views in this respect, World Aquatics objected to include in the file the translated Mexican Judgment, because it considered it to be “*wholly irrelevant to this appeal*”.
45. On 2 June 2025, the Appellant filed an unsolicited 21-page submission (dated 27 May 2025) with the CAS Court Office.
46. On the same date, the CAS Court Office informed the Parties as follows:

*“[O]n behalf of the Panel, I inform the Parties that the Panel has decided to allow the [Mexican Judgment] without prejudice as to whether this exhibit is relevant for the case. This matter will be examined in the Final Award. Furthermore, the Appellant is invited to provide the CAS Court Office **by 6 June 2025** with the original Spanish version of the court decision”.*
47. On 2 June 2025, the Appellant provided the CAS Court Office with the original Spanish version of the Mexican Judgment and requested the CAS Court Office to respond to the other petitions formulated in his submission of 2 June 2025 (dated 27 May 2025).
48. On 6 June 2025, upon being invited to express its views in this respect, World Aquatics objected to the admissibility of the Appellant’s unsolicited submission of 2 June 2025 (dated 27 May 2025). World Aquatics, *inter alia*, objected to the Appellant’s renewed request to hear evidence from Mr Al Masallam and Mr Neuburger, as the Panel had already ruled on this request. World Aquatics also submitted that this was the seventh submission of the Appellant in this case, the majority of which were unsolicited. Given that each of such submissions required significant resources, World Aquatics reiterated its request for a significant contribution towards its legal costs of at least USD 15,000.
49. On 7 June 2025, the Appellant filed another unsolicited submission, arguing, *inter alia*, that the exclusion of evidence (without however specifying the evidence referred to) violates his rights, as such evidence reinforces his

argument by proving that the FMN remains the sole recognised federation in Mexico, making it impossible for the Appellant to comply with the suspension without violating his national legal obligations. The Appellant also requested for a public hearing.

50. On 11 June 2025, World Aquatics objected to the admissibility of the Appellant's letter dated 7 June 2025. Furthermore, World Aquatics made reference to its letter dated 6 June 2025, containing an objection to the Appellant's request for a public hearing.

51. On the same date, the CAS Court Office informed the Parties as follows:

“On behalf of the President of the Panel, the Parties are advised of the following:

- As for the request for a public hearing, the Panel agrees to record the hearing, which will be made available on the website of CAS as of next Monday, 16 June 2025.*
- The Panel will not reconsider its position on the letter of 27 May 2025; hence this letter will remain inadmissible.*
- As for the other requests in the email of 7 June 2025, these are denied. The Panel will not allow additional exhibits to the file and the hearing of any witnesses. Reference is made to the hearing schedule which was circulated on 23 April 2025 in which no witnesses are mentioned”.*

52. On 12 June 2025, prior to the hearing, World Aquatics informed the CAS Court Office that it believed the Parties' pleadings should be strictly limited to their written submissions, and only insofar as they are relevant to the present appeal. More specifically, World Aquatics indicated that it considered the following issues irrelevant:

- “i. Whether it was right for World Aquatics to impose a Stabilization Committee on Mexico.*
- ii. Whether it was right for World Aquatics to expel the [MSF] and to recognize a new member federation.*
- iii. Whether or not the Appellant embezzled money.*

- iv. *Whether some of the provisional measures imposed on the Appellant by the Mexican Criminal authorities have been lifted on appeal.*
 - v. *Whether or not the Aquatics Integrity Unit was right to impose a provisional suspension on the Appellant.*
 - vi. *Whether or not CONADE was right to remove the MSF from its registry of recognised members”.*
53. On the same day, the CAS Court Office informed the Parties that the content of World Aquatics’ letter would be discussed during the hearing.
54. On the same day, a hearing was held by videoconference. At the outset of the hearing, the Parties confirmed that they had no objection to the constitution and composition of the Panel.
55. In addition to the members of the Panel, and Mr Andrés Redondo Oshur, CAS Counsel, the following persons attended the hearing:
- a) For the Appellant:
 - 1) Mr Kiril Minchev Todorov, Appellant;
 - 2) Dr Verónica Román Quiroz, Counsel;
 - 3) Ms Mariana Santiago, Interpreter;
 - 4) Mr Oscar Hernandez, Interpreter.
 - b) For the Respondent:
 - 1) Mr Justin Lessard, Aquatics Integrity Unit Senior Manager;
 - 2) Mr Nicolò Juglair, Aquatics Integrity Unit Legal Counsel.
56. No witnesses or experts were heard. The Parties were given full opportunity to present their cases, submit their arguments and answer the questions posed by the members of the Panel.
57. Before the hearing was concluded, both Parties expressly stated that they had no objection to the procedure adopted by the Panel and that their right to be heard had been respected.
58. On the same day, the Appellant informed the CAS Court Office that he strongly objected to the publication of the recording of the hearing on the

website of the CAS. He also argued that Mr Lessard had made false and malicious statements. According to the Appellant, publishing these false accusations would cause damage to the Appellant's reputation and violate his rights under Swiss law and international human rights law. The Appellant also requested that the Panel "*take appropriate action regarding Mr. Lessard's conduct during the hearing*". More specifically, the Appellant requested that "*the Panel refer this matter to the Swiss Bar Association (SAV/FSA) or the relevant cantonal bar association for investigation*".

59. On 13 June 2025, upon being invited to express its views in this respect, World Aquatics deferred to the Panel for a decision on the Appellant's withdrawal of his request to have the hearing made public. World Aquatics categorically rejected the Appellant's allegation that false information was presented to the Panel during the hearing. World Aquatics also reiterated its request for a significant contribution towards its expenses, especially considering the Appellant's procedural conduct throughout these proceedings.
60. On 16 June 2025, the CAS Court Office informed the Parties, on behalf of the President of the Panel, that the hearing would not be made available online and that the Panel would assess the evidence provided in the final Award.
61. On 16 June 2025, the Appellant filed another unsolicited submission with the CAS Court Office commenting on the substance of the appeal.
62. On 20 June 2025, upon being invited to express its views in this respect, World Aquatics objected to the admissibility of the Appellant's letter dated 16 June 2025, arguing that this was the seventh unsolicited submission.
63. On 23 June 2025, the CAS Court Office, *inter alia*, informed the Parties that, according to Article R59 of the CAS Code, the evidentiary proceedings were closed and that no new submissions would be accepted.
64. On 1 July 2025, the Appellant informed the CAS Court Office that the Collegiate Circuit Tribunal (according to the Appellant the highest court in Mexico) dismissed the appeal filed by the National Commission of Physical Culture and Sport (CONADE) against the Mexican Judgment and submitted a copy of such judgment (the "Mexican Appeal Judgment").

65. On 2 July 2025, the CAS Court Office informed the Parties that the evidentiary proceedings had been closed on 23 June 2025 and that no new submissions would be accepted.
66. On 10 July 2025, the Appellant attempted to send an unsolicited email directly to the members of the Panel.
67. On the same day, the CAS Court Office informed the Parties as follows:

“The CAS Court Office has been informed by the Panel that the Appellant has attempted to directly contact its members directly via email. Such an attempt of direct communication is not acceptable under the applicable rules and principles.

On behalf of the Panel, I take this opportunity to remind the Appellant of the applicable rules under Article R31 of the Code of Sports-related Arbitration (the “Code”).

Pursuant to Article R31 of the Code, all notifications and communications intended for the Panel or for any CAS body must be made exclusively through the CAS Court Office. The provision expressly states: ‘All notifications and communications that CAS or the Panel intend for the parties shall be made through the CAS Court Office.’

The Appellant is required to refrain from any attempt further direct communication with the members of the Panel and to strictly adhere to the established procedural channels”.

68. On 10 July 2025, the Appellant, *inter alia*, informed the CAS Court Office as follows:

“I confirm receipt of your message. I regret having sent emails to the panel members. I did so in my desperation for them to know the outcome of the trials in Mexico, which demonstrate that there was no reason for me to cease acting as president of the Mexican Swimming Federation in Mexico. [...]”.

69. On 14 July 2025, the CAS Court Office, *inter alia*, referred to its previous correspondence informing the Parties that the evidentiary proceedings were

closed on 23 June 2025 and that, therefore, the Appellant's recent message and its attachments would be disregarded.

IV. SUBMISSIONS OF THE PARTIES AND REQUESTS FOR RELIEF

70. The Panel confirms that it carefully heard and considered in its decision all the submissions, evidence and arguments presented by the Parties, even if they have not been specifically summarised or referred to in the present arbitral award.

A. The Appellant

71. The Appellant summarises his submissions as follows in his Appeal Brief:
- AQIU suspended the Appellant for two years in an arbitrary and illegal manner, for allegedly violating a temporary suspension previously imposed on him.
 - The original act consisting of the temporary suspension decreed against the Appellant was illegal, since this suspension was imposed based on assumptions that are false and malicious and lack factual and legal substantiation, regarding an alleged "misconduct" and "embezzlement" on the part of the Appellant.
 - There is no *res judicata* in Mexico against the Appellant. The Appellant signed documents as President and legal representative of the FMN within Mexican territory, a position he holds to date, in accordance with the laws of Mexico.
 - By means of this appeal, the Appealed Decision issued by AQIU in suspending the Appellant for two years is being challenged and the Appellant requests CAS to defend his rights against the arbitrary and illegal act that was committed by AQIU.
 - There is not a single piece of information or evidence, nor any reason which supports a decision, regarding the 2-year suspension of the Appellant, and much less that the Appellant violated the provisional suspension previously imposed.

- The Appellant “*has continued acting as President and Legal Representative of [FMN], since the authority and duties that I have according to the Mexican legal framework represent COMMITMENTS AND OBLIGATIONS that I cannot fail to exercise, since by doing, so I would violation national laws and I would incur in potentially unlawful conducts according to the domestic law*”.
- It should be noted that the Appellant never held himself out as an official of World Aquatics, except when he was part of the technical commissions of synchronised swimming and vice-president of the technical commission of swimming for FINA, years ago.
- The Appealed Decision is a clear and illegal intervention and violation of self-determination, freedom of association and the right to work, to name a few, on the part of AQIU, to prevent the Appellant from exercising his functions in his country.
- In addition, CAS is also made aware that the supposed Stabilization Committee that World Aquatics has tried to install in Mexico, violates the laws of Mexico.
- The penalty imposed on the Appellant by AQIU violates the principles of legality and proportionality. In the first place, because its imposition has not been adequately justified. In addition, it is an excessive penalty. Especially since there were other legal alternatives to such penalty.
- The merits of the legal issues are to be assessed, not AQIU’s biased, partial and malicious judgments. None of the cases mentioned in the World Aquatics Integrity Code, Articles 33.8, paragraphs (i), (ii) and (iii) occurred.
- The Appellant signed documents as President and legal representative of the MSF within Mexican territory, a position he holds to date, in accordance with the laws of Mexico.

72. On this basis, the Appellant submitted the following sole prayer for relief in his Appeal Brief:

“To set formally in writing that I appeared in a timely manner, in accordance with the procedure established in the TAS/CAS Code of Sports-related Arbitration”.

73. The Panel however understands that the Appellant intended to reiterate and rely on the following prayers for relief as formulated in his Statement of Appeal:

I. To set formally in writing that I appeared in a timely manner, in accordance with the procedure established in the TAS/CAS Code of Sports-related Arbitration.

II. To set formally in writing that I announced, without limitation, the brief of appeal to be filed in accordance with the provisions of the TAS/CAS Code of Sports-related Arbitration.

III. Request for the granting of temporary injunctions.

[...]

V. This Court of Arbitration is requested to inform me whether the appellant may or should continue to represent Federación Mexicana de Natación, A.C. in the various lawsuits in which it is a party, in compliance with my obligation to safeguard the rights of the individuals affiliated with the MSF and those of the legal entity (FMN), as well as its state associates.

VI. This Court is requested to inform me if AQIU/TAS are aware of and have endorsed or allowed the stabilization committee installed by World Aquatics in Mexico to hold events in our country, charging the Mexican Olympic Committee's (COM, as per its acronym in Spanish) bank account, and if these actions are aligned with the authority and duties of such non-profit association (COM), with the laws of Mexico and the COM's regulations.

VII. *This Court is requested to indicate to me on the basis of which laws of Mexico and numerals and articles of the Mexican Olympic Committee's bylaws this permission exists.*

VIII. *It is requested from this moment to keep CONFIDENTIAL all the documents and information derived therefrom, which will be submitted with the brief of appeal, since some of them are part of procedural evidence of an ongoing investigation and although the appellant provides them to the TAS due to repeated pressure, intimidation and threats from AQIU and recurring violations of the fundamental rights of the undersigned and the MSF, falsely claiming that I have incurred in embezzlement of funds, the dissemination of these documents by third parties would constitute a crime in accordance with the Mexican criminal procedural law.*

IX. *It is requested not to cc the communications in this case to anyone other than the appellant, and that AQIU refrain from such communications with third parties. It is requested not to disclose or cc the communications to anyone who is not a party to the proceeding in this case. For example, to the supposed stabilization committee, as happened with the notification of the two-year suspension of the undersigned, which was cc'd to persons supposedly from that stabilization committee. This Court is informed that some of these persons are prosecuting witnesses before the Attorney General's Office of Mexico and have made false statements before public prosecution authorities, which constitutes criminally relevant conduct that is punishable by imprisonment in accordance with the laws of Mexico.*

X. *In addition, this Court is also made aware that the supposed stabilization committee that World Aquatics has tried to install in Mexico, violating laws of our country, has incurred multiple irregularities:*

- a) Undue collections, for which they are not empowered by law.*

- b) *Possible conduct subject to tax penalties.*
 - c) *Organization of some national and international events in Mexico, affecting the technical quality and development of Mexican athletes, many of whom are minors, even putting their physical integrity at risk, due to poor organization.*
 - d) *Possible acts of concealment of facts possibly constituting crimes, which apparently occurred within the framework of the World Junior High Diving Championship that took place recently in Brazil.*
- XI. *Finally, at the appropriate procedural moment, this International Court for Sport is requested to REVOKE the unjust and illegal penalty imposed on the appellant, KIRIL MINCHEV TODOROV, as this request is justified by law.*
- XII. *Registration is requested in the e-filing digital platform (EXHIBIT TWO)”.*

B. The Respondent

74. World Aquatics summarises its submissions as follows in its Answer:

- Article 33.8 of the World Aquatics Integrity Code holds that individuals who are provisionally suspended cannot hold any position as World Aquatics officials. To violate such provision three criteria must be met:
 - The Appellant is a “Covered Person” as defined in the World Aquatics Integrity Code.
 - By decision dated 6 April 2023, the Appellant was informed that a provisional suspension had been imposed on him, preventing him from acting as president of any member federation.
 - The Appellant nonetheless acted as president of a member federation by sending a letter in the capacity of President of

the FMN. After being put on notice, the Appellant sent another letter that he signed as President of the FMN, on the official letterhead of the FMN.

- It is evident that all three elements are clearly met and that the Appellant therefore violated Article 33.8 of the World Aquatics Integrity Code, also because this remained uncontested by the Appellant.
- The Appellant filed numerous unsubstantiated arguments which are completely unrelated to the Appealed Decision. Indeed, the Appellant's arguments do not relate to his breach of the provisional suspension, the essence of the Appealed Decision.
- The Appellant spent a considerable part of his Appeal Brief arguing that the provisional suspension imposed on him is arbitrary and illegal. However, whether AQIU was right to impose a provisional suspension is outside the scope of this appeal as it is not part of the Appealed Decision. Thus, this argument should be dismissed.
- The Appellant also submits that implementing a Stabilization Committee within the FMN by World Aquatics was unjustified and in violation of the law of the country. Again, this is outside the scope of this appeal as it is not part of the Appealed Decision.
- The Appellant further claims that the criminal proceedings pending against him in Mexico do not have the status of *res judicata*, implying that World Aquatics cannot impose sanctions until those criminal proceedings are concluded in Mexico. Yet, his criminal proceedings in Mexico relate to potential embezzlement of funds, not to his breach of provisional suspension.
- The Appellant also argues that he did not fail to collaborate with AQIU, as some of the documents requested by AQIU during their investigation could not be provided due to the ongoing criminal proceedings in Mexico. Here again, the Appellant fails to understand the scope of the Appealed Decision. He was sanctioned for breaching his provisional suspension, not for failure to collaborate with AQIU.

- As to the proportionality of the sanction imposed, it is considered that AQIU AB was right in finding that the Appellant's breach of the provisional suspension was very serious and cannot be taken lightly. World Aquatics also considers that many aggravating factors are present in this case. The Appellant is an experienced official. The fact that the Appellant sent a second letter after being notified by AQIU that such actions amounted to an World Aquatics Integrity Code violation is a clear aggravating factor and evidence that he was acting intentionally. In confirmation of this, in his Answer, the Appellant maintains that he remains the President of the FMN to this day. In light of the gravity of the violation, the imposed suspension of two years is both justified and necessary to safeguard the credibility and integrity of the sport.

75. On this basis, World Aquatics submits the following prayers for relief in its Answer:

- "I. Dismiss the Request for Provisional Measures of the Appellant.*
- II. Dismiss the Appeal filed by the Appellant and reject any and all requests submitted by the Appellant.*
- III. Order the Appellant to pay a contribution to the Respondent's legal costs and expenses".*

V. JURISDICTION

76. In accordance with Article 186 of the Swiss Private International Law Act ("PILA"), the CAS has power to decide upon its own jurisdiction.
77. Article R47 of the CAS Code states that *"An appeal against the decision of a federation, association or sports-related body may be filed with CAS if the statutes or regulations of the said body so provide or if the parties have concluded a specific arbitration agreement and if the Appellant has exhausted the legal remedies available to it prior to the appeal, in accordance with the statutes or regulations of that body"*.
78. In the absence of a specific arbitration agreement, in order for the CAS to have jurisdiction to hear an appeal, the statutes or regulations of the sports-related

body from whose decision the appeal is being made must expressly recognize the CAS as an arbitral body of appeal.

79. Article 30.6 of the World Aquatics Constitution (edition 2023) provides as follows:

“Unless otherwise provided in this Constitution or in the World Aquatics Rules, a final decision of World Aquatics imposing a disciplinary sanction or measure can be appealed within twenty-one (21) Days from the date of the decision to the Court of Arbitration for Sport (CAS). The recourse to other tribunals or courts is excluded. The CAS shall also have exclusive jurisdiction over interlocutory orders and interim measures and no other court or tribunal shall have authority to issue interlocutory orders or interim measures relating to matters before the CAS”.

80. Furthermore, Article 35.1 of the World Aquatics Integrity Code provides as follows:

“Only final decisions of the Adjudicatory Body determining that an Integrity Code Violation has been committed may be appealed by any Party to the proceedings in question. Any such appeal shall be filed exclusively to the CAS”.

81. World Aquatics does not contest that CAS has jurisdiction to hear the appeal against the Appealed Decision. What is more, on 15 April 2025, World Aquatics returned a duly signed copy of the Order of Procedure, *inter alia*, confirming the jurisdiction of the CAS and explicitly indicated in its Answer that it *“does not contest that CAS has jurisdiction to hear an appeal against the [Appealed Decision]”*.

82. In light of the above, the Panel finds that the CAS has jurisdiction to hear this matter.

VI. ADMISSIBILITY

83. According to Article R49 of the CAS Code, *“[i]n 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”.

84. Paragraph 5 of the operative part of the Appealed Decision states that “[a]s per Article 35 of the World Aquatics Integrity Code, this decision can be appealed to CAS within twenty-one (21) calendar days of the appealing Party’s receipt of the written reasoned decision in question by email”.
85. As set forth *supra*, Article 30.6 of the World Aquatics Constitution (edition 2023) provides, *inter alia*, that “[...] a final decision of World Aquatics imposing a disciplinary sanction or measure can be appealed within twenty-one (21) Days from the date of the decision to the Court of Arbitration for Sport (CAS) [...]”.
86. The Appealed Decision was notified to the Appellant on 27 October 2024 and the Statement of Appeal was filed on 18 November 2024, i.e. within the 21-day time limit and therefore, on a *prima facie* basis, in compliance with the conditions of Article R49 of the CAS Code.
87. Therefore, and in the absence of any objections raised by World Aquatics, the Panel finds that the appeal is admissible.

VII. APPLICABLE LAW

88. The Appellant made no submissions on the law applicable to the present dispute, besides references to various international treaties and conventions, such as the European Convention on Human Rights (“ECHR”), the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the American Convention on Human Rights, without addressing however in which way they would apply to the present appeal arbitration proceedings between a Mexican citizen and a Swiss association.
89. World Aquatics submits that, in accordance with Article R58 of the CAS Code, this dispute shall be adjudicated based on the applicable World Aquatics rules and regulations and, subsidiarily, based on Swiss law.
90. Article R58 of the CAS Code provides as follows:

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

91. The Panel finds that, pursuant to Articles R58 of the CAS Code, the regulations of World Aquatics are primarily applicable, in particular, the World Aquatics Constitution and the World Aquatics Integrity Code. Additionally, should the need arise to fill a possible gap in the various rules of World Aquatics, Swiss law is applicable.

VIII. PRELIMINARY ISSUES

A. The Appellant’s request to hold a Case Management Conference

92. Article R56 of the CAS Code provides as follows:

“After the filing of the answer, the Panel shall ask the parties whether they request a case management conference. In the affirmative, the Panel shall hold such case management conference with the parties in order to discuss procedural issues, the preparation of the hearing (if any) and any issues related to the taking of evidence. After the case management conference, if any, and prior to the hearing, if any, but at least prior to the termination of the evidentiary proceedings, the Panel shall issue an order of procedure setting forth the major elements of the arbitration procedure”.

93. Accordingly, while the Panel was required to ask the Parties whether they wished to hold a case management conference, it is only necessary to hold a case management conference if the Parties agree to hold one.
94. In the matter at hand, only the Appellant requested a case management conference to be held. World Aquatics did not consider it necessary.

95. The CAS Court Office subsequently invited the Appellant to clarify why it considered a case management conference necessary.
96. On 31 March 2025, the Appellant, *inter alia*, indicated that he wished a case management conference to be held to “*lay the foundations for fluidity and understanding by the parties at the hearing stage, given the complexity of the case*” and that “*the case management conferences (CMC) hearing must be seen and understood as part of due process and the right to defense, to a hearing, and a fair trial, among others, in order to duly prepare the hearing with the due formalities and principles that apply*”.
97. The Panel considered that the Appellant did not advance any concrete arguments that justified holding a case management conference and therefore decided against it. In particular, the Appellant did not invoke any procedural issues that he considered necessary to discuss during a case management conference.
98. The Panel finds that the Appellant’s right to be heard, his right to defence and his right to a fair trial were in no way violated by deciding not to hold a case management conference, because a hearing was held where the Appellant could make any submissions he wanted to make.

B. The Appellant’s Request to Examine Mr Al Masallam and Mr Neuburger

99. The Panel took due note of the Appellant’s request for the Panel to order the testimony of Mr Al-Musallam and Mr Neuburger, to which World Aquatics objected.
100. The Panel recognizes that there may be circumstances under which the testimony of witnesses under the control of the opposing party may be ordered to testify, the Panel finds that the Appellant insufficiently established the relevance of any testimonies of Mr Al-Musallam and Mr Neuburger, as a consequence of which it decided to reject the Appellant’s request on 23 April 2025.
101. The Appellant underpinned its request with the argument that the alleged violation of the provisional suspension by the Appellant cannot be considered a single lawsuit in the case at hand, because it was a consequence of multiple acts previously carried out by World Aquatics.

102. The Panel finds that the Appellant throughout the proceedings continuously attempted to broaden the scope of the present appeal arbitration proceedings from the Appealed Decision, i.e., the decision by means of which the Appellant was sanctioned for violating the provisional suspension imposed on since 6 April 2023, to the reasons underlying the provisional suspension.
103. However, as set forth in more detail below, the Panel finds that the validity of the provisional suspension is not at stake in the present appeal arbitration proceedings. Had the Appellant wanted to challenge the provisional suspension, he had to (as he could) do so in separate proceedings. The fact is that no appeal was filed against it and that the provisional suspension became final and binding and that the scope of the present appeal arbitration proceedings is limited to the scope of the Appealed Decision, i.e., to the question whether the Appellant violated the terms of his provisional suspension and what the consequences thereof should be.
104. The Panel finds that the Appellant did not advance any arguments based on which it could be concluded that the testimonies of Mr Al-Musallam or Mr Neuburger could potentially be relevant for the issues to be decided in the context of the present appeal arbitration proceedings, as a consequences of which the Panel considered it appropriate to dismiss the Appellant's request to hear evidence from Mr Al-Musallam or Mr Neuburger.

C. The Admissibility of the Mexican Judgment

105. On 2 June 2025, the CAS Court Office informed the Parties as follows:

*“[O]n behalf of the Panel, I inform the Parties that the Panel has decided to allow the [Mexican Judgment] without prejudice as to whether this exhibit is relevant for the case. This matter will be examined in the Final Award. Furthermore, the Appellant is invited to provide the CAS Court Office **by 6 June 2025** with the original Spanish version of the court decision”.*

106. Article R56 of the CAS Code provides as follows:

“Unless the parties agree otherwise or the President of the Panel orders otherwise on the basis of exceptional circumstances, the parties shall not be authorized to supplement or amend their

requests or their argument, to produce new exhibits, or to specify further evidence on which they intend to rely after the submission of the appeal brief and of the answer”.

107. Having considered the Parties’ submissions with respect to the admissibility of the Mexican Judgment, the Panel noted that the Mexican Judgment had been issued on 6 May 2025, i.e., after the filing of the Appellant’s Appeal Brief. The Panel also considered that, at the time of its decision on 2 June 2025, it could not be ruled out with certainty that the Mexican Judgment could have a certain bearing on the outcome of the case, as a consequence of which the Panel decided to admit it on file, both the original Spanish version as well as the translation into English.

D. The Admissibility of the Appellant’s submission filed on 2 June 2025 (dated 27 May 2025)

108. The Panel decided to declare the Appellant’s submission filed on 2 June 2025 (dated 27 May 2025) inadmissible.
109. The Panel noted that the Appellant did not invoke any exceptional circumstances in the sense of Article R56 of the CAS Code that could justify the Appellant’s unsolicited 21-page submission. The Appellant’s submission contained extensive submissions on the merits of the case.
110. To the extent the Appellant argued that its submission filed on 2 June 2025 (dated 27 May 2025) should be admitted, because new evidence became available, the Panel considered that such argument was to be dismissed. The Appellant’s submission filed on 2 June 2025 (dated 27 May 2025) did not contain any evidence. It was solely comprised of legal submissions and the Appellant did not clarify why such submissions could not have been made already in its Appeal Brief. The only new document submitted by the Appellant at this stage of the proceedings was the Mexican Judgment, which was admitted on file by the Panel.
111. The Panel therefore declared the submission inadmissible without taking note of its content. To the extent the Appellant’s submission contained procedural requests, the Panel did not take note of their content as the submission was declared inadmissible as a whole.

E. The Admissibility of the Appellant's submission of 7 June 2025

112. The Panel decided to declare the Appellant's letter filed on 7 June 2025 admissible.
113. This letter of the Appellant merely contained procedural requests, including a request for a public hearing. The Panel did not consider it inappropriate for the Appellant to raise such procedural requests in an unsolicited submission.

F. The Appellant's Request for a Public Hearing

114. The Panel decided to accept the Appellant's request for a public hearing. Although the request was filed very late (i.e., on 7 June 2025, while the hearing date of 12 June 2025 had already been confirmed on 8 April 2025), the Panel considered that there were no reasons to dismiss the Appellant's request.
115. Indeed, the Panel considered that World Aquatics' argument that the Appellant's request appeared to have been designed to generate public spectacle and amplify claims that have no relevance to the issues in this case, were not substantiated with any evidence.
116. After the hearing, the Appellant apparently changed its mind and requested that the recordings of the hearing not be made public.
117. Given that World Aquatics did not object to this request, the Panel considered it appropriate to refrain from making the recordings of the hearing public.
118. The Panel however considers the Appellant's inconsistent stance towards holding a public hearing reproachable.

G. The Appellant's Accusations vis-à-vis Mr Lessard

119. After the hearing, the Appellant requested the Panel to "*take appropriate action regarding Mr. Lessard's conduct during the hearing*". More specifically, the Appellant requested that "*the Panel refer this matter to the Swiss Bar Association (SAV/FSA) or the relevant cantonal bar association for investigation*".

120. First of all, Mr Lessard's testimony during the hearing did not strike the Panel as false. The Appellant also did not submit any evidence that could factually establish that Mr Lessard's testimony was false, but merely argued that this was the case.
121. Second, the Panel assessed all the evidence provided in the present Award and Mr Lessard's testimony was of no particular relevance for the outcome of the case.
122. Third, it is primarily for the Appellant to assess where and what legal action, if any, to take against Mr Lessard, not for the Panel.
123. Consequently, the Panel dismisses the Appellant's request "*take appropriate action regarding Mr. Lessard's conduct during the hearing*".

H. The Admissibility of the Mexican Appeal Judgment

124. More than two weeks after the hearing, on 1 July 2025, the Appellant submitted the Mexican Appeal Judgment with the CAS Court Office, requesting that it be admitted on file.
125. At such point in time, the Panel had already considered the evidence on file and provided during the hearing and had formed the view that the Mexican Judgment was not relevant for its decision, as a consequence of which the Mexican Appeal Judgment was also not relevant. The Mexican Appeal Judgment was not related to the Appellant's alleged violation of the provisional suspension imposed on him by World Aquatics.
126. Hence, the Panel decided not to admit the Mexican Appeal Judgment on file.

I. The Admissibility of the Appellant's Unsolicited Submission of 10 July 2025

127. On 10 July 2025, the Appellant attempted to send an unsolicited email to the members of the Panel directly.
128. On the same day, the CAS Court Office, *inter alia*, informed the Parties that "[s]uch an attempt of direct communication is not acceptable under the applicable rules and principles".

129. On this ground, and pursuant to Article R31 of the CAS Code, the Panel did not admit the Appellant's email of 10 July 2025 on file and did not take note of its content.
130. The Panel considers the Appellant's attempt to contact the members of the Panel directly reproachable and will take this conduct into account in applying Article R65.3 of the CAS Code, although the Panel did take into account as a mitigating factor that the Appellant subsequently apologised for his conduct.

IX. MERITS

A. The Main Issues

131. First of all, the Panel agrees with World Aquatics submissions as to the scope of the present appeal arbitration proceedings. The scope of the present proceedings is limited to issues arising from the Appealed Decision. Issues that do not form part of the scope of the Appealed Decision fall outside the scope of the issues to be decided in the present appeal arbitration proceedings.
132. This relates primarily to the Appellant's submissions regarding the alleged arbitrary and illegal manner in which a provisional suspension was imposed on him by AQIU. By letter dated 6 April 2023, AQIU notified the Appellant that he was provisionally suspended. Had the Appellant wished to challenge the legitimacy of the provisional suspension, he should have filed an appeal against the letter dated 6 April 2023. However, the Appellant did not, as a consequence of which the provisional suspension became final and binding.
133. Also issues related to the establishment of a Stabilization Committee within the FMN is not addressed in the Appealed Decision and therefore does not form part of the present appeal arbitration proceedings.
134. Finally, also the Appellant's alleged failure to cooperate with the proceedings conducted by the FMN is not material for and is not addressed in the Appealed Decision.
135. The only issues addressed in the Appealed Decision are whether the Appellant infringed the terms of the provisional suspension imposed on him and what the consequences thereof should be.

136. The Panel will limit itself to such assessment in the present Award. Any claims or requests of the Appellant that go beyond such scope are dismissed on the ground of irrelevance.

137. In the light of the above, the main substantive issues to be addressed by the Panel are the following:

- i. Did the Appellant infringe Article 33.8 of the World Aquatics Integrity Code?
- ii. What are the consequences thereof?

i. Did the Appellant infringe Article 33.8 of the World Aquatics Integrity Code?

138. At the outset, it is to be established whether the Appellant is a “Covered Person” in the sense of the World Aquatics Integrity Code.

139. The World Aquatics Integrity Code contains the following definition of “Covered Person”:

“a) persons who are, or are seeking to become (whether by election or appointment or otherwise) World Aquatics Officials or Other Officials;

[...]”

140. In turn, the World Aquatics Integrity Code contains the following definition of “*World Aquatics Officials*”:

“Any person elected or appointed to any position within World Aquatics, a Continental Organisation or a World Aquatics Member, including but not limited to:

- *The President, Vice-Presidents, Bureau members, Honorary Life Presidents, Immediate Past President, Treasurer, and any candidates for election to the Bureau; and*
- *[...]”*

141. It is not in dispute that the Appellant formally served as President of the FMN at the time the letters issued by the FMN dated 7 September 2024 and 1 October 2024 were issued. Accordingly, the Appellant is clearly a “Covered Person” in the sense of the World Aquatics Integrity Code.
142. As contended by World Aquatics, the Panel finds that there is also no doubt that the Appellant was provisionally suspended by means of AQIU’s letter dated 6 April 2023. The following language in such letter leaves no space for uncertainty:

“Moreover, pursuant to Article 21 of the World Aquatics Integrity Code, the Chief Ethics and Compliance Officer decided to impose a provisional suspension on you given that public confidence in the integrity of the sport of Aquatics is at risk. This provisional suspension is effective as of today and prevents you from taking part in any Aquatics related activity, including acting as president of a World Aquatics Member Federation”.

143. The final element required for a conviction of the Appellant is that Article 33.8 of the World Aquatics Integrity Code is indeed infringed, which provides as follows:

“During any period of ineligibility or provisional suspension, a Covered Person may not (i) participate in any Event; (ii) attend any other Aquatics-related activity organised by or on behalf of the World Aquatics or any Continental Organisation or World Aquatics Member, save that at the World Aquatics’ invitation the attendance is allowed in an educational capacity as part of an integrity programme organised by the World Aquatics; and (iii) hold or be a candidate for any position (or have any dealings) as a World Aquatics Official or Other Official. Any potential violation of the period of ineligibility shall be considered an Integrity Code Violation and shall be pursued in accordance with Chapter D”.

144. The Panel finds that there can be no question that by signing letters of the FMN in his capacity as President of the FMN, the Appellant clearly and unequivocally continued to perform activities in his capacity as President of the FMN despite the provisional suspension imposed on him.

145. The Panel finds that this is a clear infringement of Article 33.8 of the World Aquatics Integrity Code.
146. While the FMN's letter dated 7 September 2024 was issued and signed by the Appellant, no specific reference is made to his position as President of the FMN. However, the FMN's letter dated 1 October 2024 is signed by the Appellant and explicitly refers to his position as President of the FMN.
147. The Panel finds that the Appellant, by continuing to identify himself as President of the FMN, undermined the provisional suspension imposed on him and thereby violated Article 33.8 of the World Aquatics Integrity Code. The Panel finds the Appellant's argument that he signed these letters as President and legal representative of the FMN because he was compelled to do so by obligations under Mexican law unsubstantiated and unconvincing. There is no indication let alone evidence these letters were sent to discharge those obligations. Moreover, relevant in this procedure is just the violation of the WA rules.
148. Consequently, the Panel finds that the Appellant infringed Article 33.8 of the World Aquatics Integrity Code.

ii. What are the consequences thereof?

149. In terms of the consequences of an infringement of Article 33.8 of the World Aquatics Integrity Code, Article 33.9 provides as follows:

“If a Covered Person is found to have violated Article 33.8, the period of ineligibility originally imposed in accordance with this Integrity Code shall recommence from the date of such violation (disregarding the period of ineligibility served prior to such violation) and (where applicable) the Covered Person shall be immediately disqualified from the relevant Event”.

150. The provisional suspension imposed on the Appellant by AQIU by letter dated 6 April 2023 was not limited in time. Indeed, Article 33.8 of the World Aquatics Integrity Code appears to be focused on a potential infringement of a definite period of ineligibility, rather than the infringement of a provisional suspension. The Panel therefore finds that Article 33.8 of the World Aquatics Integrity Code is of little relevance for the matter at hand.

151. Although not directly relevant for the matter at hand, the Panel finds that, generally, a provisional suspension cannot be indefinite. While the imposition of a provisional suspension may be legitimate, it also requires the body imposing the provisional suspension to move forward with its investigation expeditiously, which is questionable in the matter at hand. This however remains without consequences in the matter at hand, because if the Appellant desired to question the length of the provisional suspension, he should have requested World Aquatics to lift the provisional suspension, not ignore the provisional suspension on his own volition and ignore the authority of World Aquatics and the binding nature of the Appealed Decision.
152. The remaining question is whether the imposition of a definite two-year period of ineligibility, commencing as from the date of the Appealed Decision, i.e. 29 October 2024, is reasonable and fair in the circumstances. In principle, this question is to be assessed in the light of CAS' *de novo* power of review.
153. In this respect, before determining the appropriate sanction in the matter at hand, the Panel will first address the applicable test to be applied and notes that reference is often made to the following test set forth in CAS jurisprudence:

“[T]he measure of the sanction imposed by a disciplinary body in the exercise of the discretion allowed by the relevant rules can be reviewed only when the sanction is evidently and grossly disproportionate to the offence (see TAS 2004/A/547, [...], §§ 66, 124; CAS 2004/A/690, [...], § 86; CAS 2005/A/830, [...], § 10.26; CAS 2005/C/976 & 986, [...], § s3; 2006/A/1175, [...], § 90; CAS 2007/A/1217, [...], § 12.4)” (CAS 2009/A/1870 (para. 125 of the abstract published on the CAS website).

154. Although there may be certain outliers, the Panel notes that such test is usually correctly interpreted as follows, with which analysis the Panel agrees:

“The Panel considers that such jurisprudence cannot be interpreted to mean that a CAS panel in appeals arbitration proceedings would lack the competence or mandate to reduce the sanctions imposed if it would find that a sanction is only

somewhat disproportionate, but does not reach the conclusion that the sanction imposed is 'evidently and grossly disproportionate to the offence'. This interpretation would be incorrect, as CAS panels decide de novo and therefore have full competence to review the facts and the law, including the proportionality of the sanction, without restriction. If it would be otherwise, procedural flaws at the previous instance could not be healed in a proceeding before the CAS.

However, the Panel accepts the jurisprudence cited above can only be interpreted to mean that, as a matter of courtesy or respect for internal judicial bodies, which are usually in a good position to take into account all relevant factors to decide on an appropriate and proportionate sanction, that a CAS panel should not 'easily 'tinker' with a well-reasoned sanction, i.e. to substitute a sanction of 17 or 19 months' suspension for one of 18' (CAS 2011/A/2518, para. 15 of the abstract published on the CAS website, with reference to CAS 2010/A/2283, para. 14.36)" (CAS 2022/A/8695, paras. 142-143).

155. The Panel notes that the Appellant, on the one hand, argued in his Appeal Brief that the period of ineligibility imposed on him by means of the Appealed Decision was excessive, especially since he considered that there were other legal alternatives to such penalty. However, the Appellant did not argue what such other legal alternatives were. Indeed, the Appellant did not substantiate in any detail why the two-year period of ineligibility imposed on him was considered disproportionate.
156. At the same time, the Appellant also submitted the contradictory view that *"I did not appear before this tribunal to determine whether the precautionary measure and sanction were proportional. I appeared to have my fundamental rights duly protected and respected"* (Appellant's letter to the CAS Court Office dated 16 June 2025).
157. Because of such contradictory position and the lack of substantiation, the Panel finds that it is formally not required to assess the proportionality of the sanction imposed on the Appellant.

158. This notwithstanding, the Panel will nonetheless review the proportionality of the sanction *ex officio* in light of its *de novo* competence, although it is limited in such exercise by the Appellant's lack of substantiation. The Panel will therefore primarily focus on the reasoning relied upon by World Aquatics to justify the period of ineligibility imposed and general principles of law relevant in assessing the proportionality of the period of ineligibility imposed by means of the Appealed Decision.
159. As a starting point, there are no guidelines or precedents issued by AQIU by means of which the Appellant's infringement can be compared. It is somewhat difficult to assess the proportionality of the period of ineligibility imposed on the Appellant in such vacuum. The Panel generally considers an infringement of a provisional suspension a serious infringement. Because of the nature of the infringement, the Panel considers it logical that AQIU resorted to the imposition of a permanent period of ineligibility, as opposed to, for example, the imposition of a fine. Indeed, by infringing the provisional suspension, the Appellant undermined the purpose of the provisional suspension, which was to temporarily and pending an investigation, exclude the Appellant temporarily from taking part in any Aquatics related activity.
160. This notwithstanding, the Panel finds that a number of aggravating elements are to be taken into account in assessing the appropriate sanction to be imposed.
161. Although denied by the Appellant during the hearing, the Panel finds that the Appellant's infringement was committed intentionally (The criterion of intent is recognized in CAS jurisprudence: CAS 2019/A/6665, para. 158; CAS 2022/A/9053, para. 117.) While the first letter dated 7 September 2024 may have been sent inadvertently or negligently, AQIU warned the Appellant on 19 September 2024 that it considered sending this letter to be an infringement of the Appellant's provisional suspension. Regardless of such warning, the Appellant issued another letter on behalf of the FMN 1 October 2024 in his capacity of President of the FMN. The Panel finds that this cannot reasonably be interpreted different than a deliberate disregard of the provisional suspension imposed on the Appellant. By the same token, the Panel finds that it is also to be taken into account that the Appellant did not infringe the provisional suspension once, but twice. This is a significant aggravating factor.

162. The Appellant also did not show any remorse in the course of the present appeal arbitration proceedings (The criterion of lack of remorse is acknowledged in CAS jurisprudence: CAS 2019/A/6326, para. 251.) Rather, the Panel finds that the Appellant unjustifiably persisted in his argument that he had not committed any wrongdoing, but that he merely fulfilled his obligations vis-à-vis the FMN under Mexican law. As concluded above, the Panel finds that the Appellant committed an infringement of Article 33.8 of the World Aquatics Integrity Code. The Appellant's position in this respect is therefore simply wrong. The Panel finds that the Appellant's lack of remorse is an aggravating factor to be taken into account. The Panel finds that the Appellant, as President of the FMN, can be expected to be impeccable and of high standard because his behaviour can influence the reputation of the organisation and is therefore constantly under scrutiny. As stated in CAS 2017/A/5086, "the standards of conduct required of officials of an international federation (...) must be of the highest level because the public must perceive sports organizations as being upright and trustworthy." Officials must therefore act with integrity, as their actions reflect on the whole organization.
163. Finally, the Panel finds that the Appellant's infringement had a negative impact on the integrity of sport (The criterion of impact on the integrity or public perception of the sport is established in CAS jurisprudence: CAS 2016/A/4501, para. 316; CAS 2019/A/6326, para. 246; CAS 2022/A/9053, para. 134.) A provisional suspension was imposed on the Appellant, which he intentionally chose to disregard. The Panel finds it unacceptable that the Appellant simply placed himself above the authority of AQIU by disregarding the provisional suspension imposed on him. Rather than challenging the provisional suspension before the appropriate forum, the Appellant ignored the provisional suspension and acted as if it did not exist. The Panel considers this to be another aggravating factor.
164. The Panel finds that no particular mitigating or extenuating circumstances are applicable to the Appellant. Indeed, no such circumstances have been advanced by the Appellant.
165. Against the background of all the afore-mentioned elements, the Panel finds that it cannot be said that the imposition of two-year period of ineligibility was "*evidently and grossly disproportionate to the offence*".

166. Rather, the Panel finds that the imposition of a two-year period of ineligibility on the Appellant was reasonable and fair in the circumstances.

X. COSTS

(...)

* * * * *

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The appeal filed on 18 November 2024 by Mr Kiril Minchev Todorov against the decision issued on 29 October 2024 by the Adjudicatory Body of the Aquatics Integrity Unit of World Aquatics is dismissed.
2. The decision issued on 29 October 2024 by the Adjudicatory Body of the Aquatics Integrity Unit of World Aquatics is confirmed.
3. (...).
4. (...).
5. All other and further motions or prayers for relief are dismissed.

Lausanne, 6 July 2026

André Brantjes
President of the Panel

Carlos Alberto Matheus López
Arbitrator

Luigi Fumagalli
Arbitrator