



TAS / CAS

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

CAS 2024/A/10834 Robu Marin and National Olympic and Sports Committee of the Republic of Moldova v. International Weightlifting Federation and Antonino Pizzolato

ARBITRAL AWARD

rendered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

President of the Panel: Mr James Drake, KC, Barrister, London, United Kingdom

Arbitrators: Mr Jeffrey Benz, Attorney-at-law and Barrister, London, United Kingdom

Mr Patrick Lafranchi, Attorney-at-Law, Bern, Switzerland

in the arbitration between

Robu Marin, Moldova

Represented by Mr Marc Cavaliero and Mr Jaime Cambreleng Contreras, Cavaliero & Cambreleng, Attorneys-at-Law in Geneva, Switzerland

– **First Appellant** –

National Olympic and Sports Committee of the Republic of Moldova, Chisinau, Moldova

Represented by Mr Marc Cavaliero and Mr Jaime Cambreleng Contreras, Cavaliero & Cambreleng, Attorneys-at-Law in Geneva, Switzerland

– **Second Appellant** –

v.

International Weightlifting Federation, Lausanne, Switzerland

Represented by Mr Jean-Pierre Morand and Mr Christopher Nseka, Attorneys-at-Law in Lausanne, Switzerland and Mr Ioannis Mourniankis, IWF Legal Counsel

– **First Respondent** –

and

Antonino Pizzolato, Italy

Mr Lucas Ferrer and Mr Joan Milà, Attorneys-at-Law in Barcelona, Spain

– **Second Respondent** –

I. THE PARTIES

1. The First Appellant is Mr Robu Marin (the “Athlete” or “Mr Marin” or the “First Appellant”), a weightlifter of Moldovan nationality who participated at the 2024 Paris Olympic Games. The Athlete finished fourth in the Men’s body weight category up to 89kg.
2. The Second Appellant is the National Olympic and Sports Committee of the Republic of Moldova (the “NOC” or the “Second Appellant”). It is based in Chisinau, Moldova.
3. The First Respondent is the International Weightlifting Federation (the “IWF” or the “First Respondent”). It is the world governing body for the sport of weightlifting, recognised as such by the International Olympic Committee (“IOC”). In this capacity it organised, in co-operation with the IOC, the weightlifting events at the 2024 Paris Olympic Games. It is governed by the IWF Constitution dated 12 September 2023 (the “IWF Constitution”) and issues from time to time Technical and Competition Rules and Regulations, the applicable version for the events in question in this appeal being that issued in 2024 (the “IWF TCRR”).
4. The Second Respondent is Mr Antonino Pizzolato (“Mr Pizzolato” or the “Second Respondent”). Mr Pizzolato is a weightlifter of Italian nationality who participated (along with the Athlete) in the Men’s body weight category up to 89kg at the 2024 Paris Olympic Games, in which he was awarded the bronze medal.
5. In this Award:
 - a. the First and Second Appellants will be referred to collectively as the “Appellants”;
 - b. the First and Second Respondents will be referred to collectively as the “Respondents”; and
 - c. the parties shall be referred to collectively as the “Parties”.

II. OUTLINE OF THE APPEAL

6. This is an appeal by the Appellants to the Court of Arbitration for Sport (“CAS”) pursuant to the Code of Sports-related Arbitration (2023 edition) (the “CAS Code”) against two decisions taken on 9 August 2024 at the 2024 Paris Olympic Games in the context of the Men’s body weight category up to 89kg, namely:
 - a. the decision by the Jury that the third lift by Mr Pizzolato was a good lift (the “Jury Decision”); and
 - b. the decision by which Mr Pizzolato, and not the Athlete, was ranked third in competition (the “Ranking Decision”), thereby taking the bronze medal.

7. These two decisions will be referred to collectively as the “Appealed Decisions”.

III. FACTUAL BACKGROUND

8. Set out below is a summary of the relevant facts based on the Parties’ written submissions, pleadings and evidence adduced in these proceedings and from matters of public knowledge. While the Panel has considered all matters put forward by the Parties, reference is made in this Award only to those matters necessary to explain the Panel’s decision and reasoning.
9. The 2024 Paris Olympic Games took place from 26 July 2024 to 11 August 2024.
10. On 9 August 2024, the Olympic weightlifting event in the body weight category up to 89kg was held at the Paris Sud Arena. The event was organised by the IWF in cooperation with the IOC and was governed by the IWF TCRR.
11. The event included two stages – the ‘snatch’ and the ‘clean and jerk’. The snatch is where the weightlifter picks up the barbell and lifts it above his or her head in one singular motion. In the clean and jerk, the weightlifter is first required to pick up the barbell and bring it up to his or her chest (that is the ‘clean’). The lifter must then pause and extend his or her arms and legs to lift it above the head with a straight elbow and hold it there until a signal is given by the referees (the ‘jerk’). A weightlifter is given three snatch attempts and three clean and jerk attempts each. A weightlifter’s best attempts at both the snatch and the clean and jerk are then added up and the athlete with the highest combined weight lifted is declared the winner.
12. Both the Athlete and Mr Pizzolato competed in the event. The final rankings as adjudged on the day were as follows: Karlos May Nasar: gold (with a combined lift of 404kg); Yeison Lopez: silver (with a combined lift of 390kg); Mr Pizzolato (with a combined lift of 384kg): bronze; and the Athlete: fourth (with a combined lift of 383kg).
13. The combined lift totals for Mr Marin and Mr Pizzolato were respectively as follows:
 - a. Mr Pizzolato: snatch – 172kg; clean and jerk -- 212kg, for a total of 384kg.
 - b. Mr Marin: snatch – 175kg; clean and jerk -- 208kg, for a total of 383kg.
14. It is the judging of the third attempted lift by Mr Pizzolato in the clean and jerk stage (the “Lift”) that is controversial in this appeal. The salient facts in this respect are as follows:
 - a. The Lift took place on the competition platform.
 - b. The three Referees were seated at the referees table (in front of the competition platform).

- c. The five Jury members were seated at the jury table (located to one side, the side of the athlete's entry).
- d. Video playback technology (referred to as "VPT") was in place for the competition (and the event generally).
- e. Mr Pizzolato undertook the Lift, which was his third attempt at 212kg.
- f. The Referees adjudged the Lift as a "No lift" and signalled their decision (by what is known as the "Referee Light System") by pressing the red button indicating that it was a "No lift", and a visible "Down" signal was given to Mr Pizzolato to replace the barbell onto the competition platform, which he did.
- g. The Jury members also adjudged the Lift.
- h. Immediately after the Lift, Mr Pizzolato's coach issued a formal challenge to the decision of the Referees and the Jury President himself raised a yellow flag indicating that the Jury was itself initiating a VPT review of the decision by the Referees.
- i. The Jury conducted its review, i.e., the Jury members reviewed the video-recording of the Lift. After doing so, the Jury issued its decision to the effect that the Lift was a "Good lift", thereby over-ruling the decision of the Referees. The decision of the Jury was by a 3:2 majority. This is the Jury Decision.
- j. As a result, Mr Pizzolato was awarded 212kg for the clean and jerk stage which resulted in a combined final score of 384kg, being 1kg more than the combined total lifted by the Athlete. Mr Pizzolato was therefore ranked third. This is the Ranking Decision, on the basis of which Mr Pizzolato was awarded the bronze medal.

IV. PROCEEDINGS BEFORE THE CAS

15. On 29 August 2024, in accordance with Articles R47 and R48 of the CAS Code, the Appellants filed their Statement of Appeal against the Appealed Decision with the CAS Court Office. In the Statement of Appeal, the Appellants nominated Mr Jeffrey Benz as arbitrator. The Appellants also sought disclosure of certain documents, namely: (a) the protocol of the "Technology and Information System" or equivalent used at the 2024 Paris Olympic Games which included the exact time and outcome of the relevant decisions by each of the Jury members as to the Lift both before and after the VPT review; (b) the full VPT video recording of the Lift; and (c) the Olympic Broadcasting Service's footage of the Lift.
16. On 23 September 2024, the IWF: (a) objected to the Appellants' request for document production; (b) requested bifurcation of the procedure on the bases that (i) the

Appellants lacked standing to sue and (ii) CAS cannot entertain an appeal against a field of play decision; and (c) jointly nominated Mr Patrick Lafranchi as arbitrator.

17. On 1 October 2024, Mr Pizzolato “endorse[d]” the IWF’s request for bifurcation.
18. On 11 October 2024, the Appellants objected to the Respondent’s request for bifurcation on the basis that it was not “warranted”.
19. On 17 October 2024, the CAS Court Office informed the Parties of the appointment of James Drake KC as the President of the Panel in this appeal by the Division President.
20. On 31 October 2024, the CAS Court Office informed the Parties of the formation of the Panel, comprised of Mr James Drake KC (as President), Mr Jeffrey Benz, and Mr Patrick Lafranchi.
21. On 25 November 2024, the CAS Court Office conveyed to the Parties the Panel’s decision in relation to the Appellants’ request for document production by which the First Respondent was ordered to produce (a) the record if any of the Jury Decision with respect to the Lift and (b) the VPT recording of the Lift.
22. On 22 January 2025, the First Respondent produced the aforesaid documents/recording.
23. On 28 February 2025, in accordance with Article R51 of the CAS Code, the Appellants filed their Appeal Brief with the CAS Court Office. In their Appeal Brief, the Appellants sought, pursuant to Art R44.3 of the CAS Code, an order from the Panel ordering the IWF to ensure the participation of six members of the Jury.
24. On 14 April 2025, in accordance with Article R55 of the CAS Code, the Respondents filed their respective Answers.
25. On 14 May 2025, the Panel held a case management conference (“CMC”) in order to discuss the manner and timing of the hearing. At the CMC, the Panel directed that the hearing would be held in person on 2 September 2025 at the CAS Court Office and that it would deal with all relevant issues (i.e., there would be no bifurcation of the question of the Appellants’ standing or the jurisdiction of CAS). The Panel also declined to order the IWF to ensure the attendance as witnesses of the six members of the Panel (as was sought by the Appellants).
26. On 14 May 2025, the CAS Court Office sent to the Parties an Order of Procedure which was duly signed and returned by the Parties.
27. On 2 September 2025, an oral hearing took place at the CAS Court Office in which hearing the following people participated:
 - a. The Panel
 - b. For the Appellants:

- i. Mr Marc Cavaliero, Counsel
 - ii. Mr Antonio Conflitti, President, Second Appellant
 - iii. Mr Marin, the Athlete
 - c. For the IWF:
 - i. Mr Jean-Pierre Morand, Counsel
 - ii. Mr Christopher Nseka, Counsel
 - iii. Mr Ioannis Mourniankis, IWF Legal Counsel
 - d. For the Second Respondent:
 - i. Mr Lucas Ferrer, Counsel
 - ii. Mr Joan Milà, Counsel
 - iii. Mr Pizzolato, the Second Respondent
 - e. For the CAS:
 - i. Mr Antonio de Quesada, CAS Head of Arbitration
- 28. At the outset of the hearing, the Parties confirmed that they had no objection to the jurisdiction of CAS in this appeal and no objection to the composition of Panel.
- 29. No witnesses or experts were called. While the Appellants filed an expert opinion of A., [...] with extensive experience as an International Technical Official, A. was not called and did not appear before the Panel (as addressed in more detail below).
- 30. At the close of the hearing, the Parties confirmed that they had a full and fair opportunity to present their respective cases before the Panel.

V. THE SUBMISSIONS OF THE PARTIES

- 31. The Panel has carefully considered the Parties' submissions and sets out below the essential nature of the principal submissions advanced by the Parties.

A. The Appellants' Submissions

a. Jurisdiction

- 32. The CAS has jurisdiction to hear this appeal pursuant to Article 43 of the IWF Constitution.

b. Admissibility

33. The Appealed Decisions were made on 9 August 2024. The appeal was submitted on 29 August 2024, within the 21-day period set by Article R49 of the CAS Code (where the IWF Constitution does not stipulate a time limit for the appeal).

c. Applicable Law

34. Pursuant to Article R58 of the CAS Code and in conjunction with Article 43.3 of the IWF Constitution, the CAS shall primarily apply the regulations of the IWF and, additionally, Swiss law.

d. The Merits

35. The Appellants advanced the following contentions in relation to the merits of the appeal:

- a. The Jury lacked the margin of discretion to overturn the Referees' decision.
- b. The Jury Decision was taken in an arbitrary manner.
- c. The Appealed Decisions violate Article 28 of the Swiss Civil Code.

i. The Jury lacked the margin of discretion to overturn the Referees' decision

36. The Appealed Decisions should be set aside because the Jury lacked the “*margin of discretion*” to overturn a unanimous decision by the Referees and, as a result, the Jury violated a rule of procedure by adjudicating on the Lift when the IWF TCRR did not grant any discretion to do so.

37. Swiss law provides that discretionary powers granted to an association must remain within reasonable and proportionate bounds; and the exercise of a discretion must respect the principles of fairness, good faith and proportionality and must not exceed the limits set by the association's own regulations.

38. The principle of proportionality requires that discretionary powers be exercised only to the extent necessary to achieve a legitimate purpose. Overturning a unanimous decision by the Referees creates a procedurally unsound and disproportionate impact on the adjudicatory process.

39. Discretionary power must also respect the principles of good faith, ensuring that decisions are not arbitrary or excessive.

40. The principle of deference to primary adjudicators dictates that, absent a manifest and demonstrable error, secondary bodies such as a jury with powers of video review must not interfere with real time referee decisions. The Swiss Federal Tribunal (the “SFT”) has underscored that secondary bodies such as the Jury must exercise their authority in

a manner consistent with the broader principles of fairness and procedural integrity: ATF 118 II, consid. 2; ATF 108 II 15, consid. 3.

41. These principles of deference to primary adjudicators are confirmed in other sports. By way of examples, the Video Assistant Referee (“VAR”) protocol in football stipulates that the on-field referee’s decision should not be overturned unless the video shows a “*clear and obvious error*”, and the National Basketball Association (the “NBA”) replay review system allows officials to overturn on-court decisions only where there is “*clear and conclusive visual evidence*” that the initial ruling was incorrect.
42. These standards reinforce the importance of restricting video interventions to only the most evident and objective errors. This guarantees the authority of the primary decision-maker and ensures that the secondary decision-maker acts only to correct manifest errors. In this case, these principles were not respected.
43. Under the IWF TCRR, the VPT may only be started if the following mandatory steps were followed:
 - a. The Referees adjudicate the lifts via the Referee Light System (Articles 3.3.6.1 – 3.3.6.10 of the IWF TCRR).
 - b. Each of the Referees must give the “Down” signal by pressing the white button (for a good lift) or the red button (for a no lift). Once two out of three of the Referees have provided identical decisions, a visual and audible “Down” signal is given to the athlete to replace the barbell onto the platform (Articles 3.3.6.4 and 3.3.6.5 of the IWF TCRR).
 - c. The Jury adjudicates the lift once the athlete has replaced the barbell (Article 7.5.8 of the IWF TCRR). The Jury members give their decision on each lift using the equipment located on the Jury table. Each Jury member has a device with a red and white push button (Article 3.3.6.12 of the IWF TCRR).
 - d. The VPT may be used for further review if the initial adjudication of the majority of the Jury differs from the decision of the Referees (Article 7.5.10 and Article 3.3.7.1 of the IWF TCRR).
44. With respect to (d), the IWF Technical Committee released an instruction relating to the powers of a Jury to reverse a decision of the Referees.
 - a. It described the purpose of the Jury and said that “*it must not be construed that the Jury is another instrument of judgment*”.
 - b. It refers only to the possibility of the Jury overturning a majority decision of the Referees; nowhere in the instruction is there a mention of the Jury having authority to overturn a unanimous decision of the Referees. This omission is “*deliberate and crucial*” in that it demonstrates that the rules were never

intended to grant the Jury the authority to reverse unanimous decisions of the Referees.

- c. It is evident that the IWF never intended for the Jury to overturn a unanimous decision of the Referees.
45. In this case, after reviewing the video evidence the Jury overturned the unanimous decision of the Referees that the Lift was a no lift. In doing so, it overstepped its authority and, at the same time, violated the principles of proportionality and fairness that govern the decision-making power under Swiss association law.
46. Further, the video material shows that the Referees' decisions appeared before Mr Pizzolato completed his Lift, which means that it was impossible for the Jury to judge the Lift and a judgment by the Jury of a good lift was premature.
47. There is a distinction to be drawn between a field of play decision and the procedure leading to a field of play decision: see CAS OG 24-15/ 24-16 at para. 115. The decision of the Jury here violated the procedural requirements for review and therefore falls outside the field of play doctrine.
 - ii. The Jury Decision was taken in an arbitrary manner
48. In the event that the Panel takes the view that the Appealed Decisions are field of play decisions, then they should nevertheless be set aside on the basis that the Jury Decision “*was conducted in an arbitrary manner and was objectively wrong*”. It is therefore within an exception to the field of play doctrine: see CAS 2021/A/8119.
49. Proving bad faith or arbitrariness is challenging, as such motivations are rarely documented but in this case:
 - a. The Lift was heavily discussed in public and was widely and unanimously perceived as wrong.
 - b. The Lift was perceived as arbitrary and wrong by an expert, A.
 - c. The IWF Technical Committee presented a summary of the work done in 2024 at the 2024 IWF General Assembly in which he said that “*What happened at the Olympic Games in relation to a particular event must not happen again [...]*”. This was plainly a reference to the Jury Decision in this appeal.
- iii. The Appealed Decisions violate Article 28 of the Swiss Civil Code
50. Under Article 28 SCC, individuals are protected against unjustified violations of their personality rights. Decisions by associations that infringe upon these rights are subject to judicial review if they fail to comply with established legal principles and or procedural safeguards.

51. In this case, while the Appealed Decisions directly related to Mr Pizzolato, they had a direct and adverse impact on the Athlete's personality rights, including his economic freedom and dignity and reputation.

iv. Standing to Sue

52. The Appellants have standing to sue in these appeals.

- a. The IWF Constitution at Article 43.1 provides that appeals are to be to CAS. There is no limitation to that right of appeal.
- b. As a matter of Swiss law, the Appellants each enjoy an interest worthy of protection, they have a direct, personal and actual interest in the proceedings: CAS 2018/A/5746.
- c. Standing is to be assessed as the date of the appeal and then throughout the proceedings.
- d. As at the date of the appeal, it was clear that the Athlete finished fourth behind Mr Pizzolato, so that had the Lift been adjudicated properly the Athlete would have taken the bronze medal. This is sufficient for standing: 2002/O/373 at para. 23.
- e. The Second Appellant also has standing to appeal in that it also a directly affected third party with an interest worthy of protection – namely, its medal standings at the 2024 Paris Olympic Games.

e. *Relief*

53. The Appellants, by their Appeal Brief, sought the following relief:

“Prayer 1a: To declare that the decision passed on 9 August 2024 by the Jury of the Olympic Weightlifting event at the Paris Sud Arena in the body weight category up to 89kg in connection with the third attempt of the athlete Antonino Pizzolato (ITA) was passed in violation of the IWF Technical and Competition Rules and Regulations.

Prayer 1b: To declare that the ranking of the Olympic Weightlifting event at the Paris Sud Arena in the body weight category up to 89kg is invalid.

Prayer 2a: To set aside the decision passed on 9 August 2024 by the Jury of the Olympic Weightlifting event at the Paris Sud Arena in the body weight category up to 89kg in connection with the third attempt of the athlete Antonino Pizzolato (ITA).

Prayer 2b: To set aside the ranking of the Olympic Weightlifting event in the body weight category up to 89kg.

Prayer 3: To reinstate the initial referee decision of three “no lift” on the third attempt of Mr. Antonino Pizzolato the Olympic Weightlifting event at the Paris Sud Arena in the body weight category up to 89kg.

Prayer 4: To order the International Weightlifting Federation to determine the ranking of the Men’s Weightlifting event (category up to 89kg) in accordance with the above prayers by attributing third place to Mr. Robu Marin.

Prayer 5: The Respondents shall be ordered jointly or individually to bear the costs of the arbitration and to contribute substantially to the legal fees incurred by the Appellants.”

B. The IWF’s Submissions

a. Jurisdiction

54. The IWF does not challenge the jurisdiction of CAS.

b. Admissibility

55. The IWF does not challenge the admissibility of the appeal.

c. Applicable Law

56. According to the IWF, the applicable rules are: (a) the IWF Constitution which came into force on 12 September 2023; and (b) the IWF TCRR.

d. The Merits

57. The IWF made the following submissions in relation to the merits of the appeal:

a. The Appellants lack standing to sue.

b. The Jury acted at all times in accordance with the IWF TCRR, and did not, as is alleged, lack the “margin of discretion”.

c. The Jury Decision was a decision within the field of play and is for that reason not reviewable by the CAS. In any event, the Jury Decision was not arbitrary.

d. The Appealed Decisions do not violate Article 28 of the Swiss Civil Code. This attack is “baseless”.

i. The Appellants lack standing

58. The Appellants are challenging a field of play decision, the addressee of which was a competitor of the Athlete (i.e., Mr Pizzolato) and not the Athlete or the Second Appellant.

59. According to well-established CAS case-law, third parties have standing to sue in two cases: one, where a regulation explicitly confers it; two, when an association's measure affects not only the rights of the addressee "*but also and directly those of a third party*", and when an appellant is affected solely because he is a competitor of the addressee, he does not have a right of appeal to CAS: : CAS 2016/A/4924 and 4943, para. 85, 87; CAS 2018/A/5746, para. 174; and CAS 2008/A/1584, para. 31.
60. In this case, section 9.1 of Regulation to 3.3.7 IWF TCRR states that an athlete can only challenge the decisions made by the Referees or the Jury on his own attempts. As a result, given that the Athlete was precluded from challenging the Jury Decision then CAS should not open the possibility of a judicial review by the Athlete.
- ii. The Jury acted according to the IWF TCRR
61. The Appellants are attempting to draw a distinction between procedural rules and field of play rules, saying that the Jury breached the applicable procedural rules so that it is not a field of play decision. This distinction is not accurate and, in any event, the Jury did not break any procedural rule.
62. There is no distinction to be drawn between procedural rules and field of play rules. All the rules included in the IWF TCRR are the rules which govern the making of field of play decisions which, as such, are "*exempt from judicial review absent direct evidence of bad faith or arbitrariness*". The decision in CAS OG 24-16 does not assist the Appellants. That case concerned an appeal due to the breach by the respondent of the 'one-minute rule' which was not a decision concerned with the field of play. The Jury Decision is a decision within the field of play.
63. The rules governing whether a lift is a good lift or a no lift are set forth in the IWF TCRR, and text not included in the IWF TCRR should be disregarded, including in particular the "instruction" issued by the Technical Committee on which the Appellants rely. Further: (a) the instruction is a power point presentation that was not issued, drafted, or sanctioned by the IWF Technical Committee; (b) the instruction was created in May 2020, at a point in time when a different version of the IWF TCRR was in place; (c) the Appellants quote selectively from the document; (d) the Appellants misunderstand the document; the presentation was not intended by the IWF Technical Committee to replace the IWF TCRR.
64. The Jury is completely free to adjudicate on a lift in one way or the other in accordance with the technical rules; the references by the Appellants to the decisions of a sporting association vis-à-vis its members are inapposite. Nor is the Jury limited in its decision-making by an alleged principle of "*deference to primary adjudicators*" and the cases relied upon by the Appellants are based on very different facts. It is, as well, of no avail to refer to the rules in other sports (such as VAR in football). The review by the Jury under the IWF TCRR is not a secondary review mechanism as, in fact, it is the Jury that has ultimate control over the field of play.

65. The Appellants contend that the Jury is not permitted, under the IWF TCRR, to overrule a unanimous decision of the Referees but that is mistaken. IWF TCRR Rules 3.3.7.1, 7.5.10 and the regulation to Rule 3.3.7 make no reference to such a limitation.
66. Finally, even if Mr Pizzolato did not complete the Lift there is no rule that prevents the Jury from reviewing the Referees' decision to call a no lift (or a good lift). In any case, Mr Pizzolato did complete the lift as is evident upon a review of the VPT footage.
- iii. The Jury Decision was not arbitrary (or in bad faith)
67. CAS panels have consistently held that a field of play decision cannot be reviewed on appeal absent proof of arbitrariness or bad faith: CAS OG 16/028. No evidence has been offered as to the existence of arbitrariness or bad faith, e.g. as a consequence of corruption, of the Jury in dealing with the Lift. In this respect, the Appellants rely on reactions from the public and an expert opinion but these are of limited relevance, and the Appellants are unable to identify a single rule that was somehow breached by the Jury. This is all the more so where the expert in question has not been made available for cross-examination.
68. The panel in CAS OG 16/028 made it clear that there is no right of appeal against such a decision of a Jury in IWF events, which is to be regarded as final.
- iv. The Appealed Decisions do not violate Article 28 of the Swiss Civil Code
69. The final challenge by the Appellants is that the Jury Decision violated his personality rights in breach of Article 28 of the SCC. Given the lack of any procedural or other violation by the Jury, this ground is “baseless”.
70. In addition, both CAS and the SFT have upheld the field of play doctrine and found it to be compatible with Swiss law: CAS 2017/A/5373, para 5(c); ATF 118 II 12, para. 2.
- e. *Relief*
71. The IWF, by its Answer, sought the following relief:

“VIII. REQUESTS FOR RELIEF

74. Subject to supplementing or otherwise amending such requests at a later stage of the proceedings, IWF respectfully requests that the CAS issue an arbitral award:

i) dismissing the appeal in its entirety;

ii) ordering that the Appellants shall bear all arbitration costs incurred with the present proceedings and cover all costs incurred by IWF in relation with the present proceedings, including legal fees.”

C. Mr Pizzolato's Submissions

a. Jurisdiction

72. Mr Pizzolato does not challenge the jurisdiction of CAS.

b. Admissibility

73. Mr Pizzolato does not challenge the admissibility of the appeal.

c. Applicable Law

74. According to the Mr Pizzolato, the applicable law is primarily to be found in the IWF TCRR and, subsidiarily, Swiss law.

d. The Merits

75. Mr Pizzolato made the following submissions in relation to the merits of the appeal:

- a. The Appellants lack standing to sue.
- b. The Jury Decision was a field of play decision.
- c. The Athlete's personality rights have not been violated.

i. The Appellants lack standing

76. According to the IWF TCRR, only the lifting athlete (or his or her team) may challenge the decisions of the Referees and Jury decisions are explicitly final and not subject to challenge by any other athlete or team official. The Appellants are seeking to contest the Jury Decision that (a) did not concern the attempt of the Athlete and (b) was adopted following an internal review initiated by the Jury itself. As such, the appeal falls outside the scope of what is permitted under the IWF TCRR and should be rejected on the basis of lack of standing to sue.

ii. The Jury Decision was a field of play decision

77. The decision by the Jury to initiate a VPT review is a procedural aspect that led to the Jury Decision itself to validate the Lift, thereby falling within the field of play doctrine. As a decision within the field of play, it is beyond challenge.

78. In any event, the Jury acted within its regulatory mandate under the IWF TCRR when it decided to initiate a review of the Referees' decision. The applicable rules do not differentiate between unanimous and majority Referee decisions and the Appellants' restrictive interpretation has no support in the IWF TCRR.

79. The Appellants must therefore come forward with compelling and direct evidence of bad faith, fraud or arbitrariness. This is a “high hurdle”. The Appellants have not done that. They rely on three “indicators of arbitrariness”, but none is sufficient.
- a. The opinion of the expert does not demonstrate arbitrariness and, in any event, by invoking the expert opinion the Appellants seek to conduct a review of a purely technical field of play decision, which is impermissible. Moreover, the expert was not made available for cross-examination and his opinion could not be tested.
 - b. The comments of the Chair of the IWF Technical Committee at the General Assembly on 4 December 2024 do not, on any view, demonstrate arbitrariness.
 - c. The selected public comments adduced by the Appellants do not prove arbitrariness, and it would be a dangerous precedent to allow field of play decisions to be subject to and overturned by public comments after the event.
- iii. The Athlete’s personality rights have not been violated
80. The Athlete’s personality rights were not violated by the Jury Decision, as it was a technical and sporting determination rendered by the competent officials in accordance with the applicable IWF regulations. The fact that the Athlete did not secure a medal does not reflect a violation of his rights but rather the natural consequence of a valid and legitimate adjudication process.

e. *Relief*

81. Mr Pizzolato, by his Answer, sought the following relief:

“IX. REQUEST FOR RELIEF

146. The Respondent respectfully requests the Court of Arbitration for Sport:

(a) To accept the present Answer Brief.

(b) To dismiss in full the appeal filed by the Appellants.

(c) In any case, to decide that the Appellants are ordered to pay the costs of the present proceedings.

(d) In any case, to decide that the Appellants are ordered to pay Mr. Antonino Pizzolato a contribution for the legal costs incurred in the present matter in the amount of CHF 20.000. “

VI. JURISDICTION

82. Article R47.1 of the CAS Code provides 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.”

83. In this case, the Appellants invoke Article 43.1 of the IWF Constitution, which provides that:

“A final determination, decision or adjudication by the Federation or any other body of the Federation is, unless otherwise specified in this Constitution and any applicable Policies, appealable exclusively to the Court of Arbitration for Sport (CAS). Any matter so appealed to CAS will be conclusively resolved by the CAS in accordance with the Code of Sports-related Arbitration.”

84. The Respondents do not dispute the jurisdiction of the CAS and confirmed it by signing the Order of Procedure.

85. The Panel therefore confirms that the CAS has jurisdiction to decide the appeal.

VII. ADMISSIBILITY

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

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

87. The Appealed Decisions were made on 9 August 2024. The appeal was submitted on 29 August 2024, within the 21-day period set by Article R49 of the CAS Code (where the IWF Constitution does not stipulate a time limit for the appeal).

88. The Respondents take no issue with respect to the admissibility of the appeal.

89. In the circumstances, the Panel confirms that the appeal is timely and admissible.

VIII. APPLICABLE LAW

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

“The Panel shall decide the dispute according to the applicable regulations and, subsidiarily, to the rules of law chosen by the parties or, in the absence of such a choice, according to the law of the country in which the federation, association or sports-related body which has issued the challenged decision is domiciled or according to the

rules of law the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision.”

91. The applicable regulations in these appeals are the IWF Constitution and the IWF TCRR, supplemented, secondarily, by Swiss law. The Panel will proceed on that basis.

IX. THE MERITS

92. The Panel turns to the merits.

A. The Legal Framework

93. The Olympic weightlifting event in the body weight category up to 89kg was held at the Paris Sud Arena on 9 August 2024. It was governed by the IWF TCRR, which provided in relevant part as follows:

“TECHNICAL AND COMPETITION RULES

[...]

2.3 THE CLEAN & JERK

2.3.1 The first part, the Clean:

The barbell is centred horizontally on the centre of the competition platform. The athlete takes the start position behind the barbell. The athlete grips the barbell and bends at the knees. The barbell is gripped, palm downward and pulled in a single movement from the platform to the shoulders, while either splitting or bending the legs. During this continuous movement upward the barbell should remain close to the body and the barbell may slide along the thighs. The barbell must not touch the chest before it stops at the final position either on the clavicles, chest or on fully bent arms. The athlete’s feet must return to the same line and the legs must be fully extended before starting the Jerk. No part of the body other than the feet may touch the platform during the execution of the Clean. The athlete may recover in his / her own time and must finish with the feet on the same line and parallel to the plane of the trunk and the barbell.

2.3.2 The second part, the Jerk:

The athlete must become motionless with the knees fully extended before starting the Jerk. The athlete bends and dynamically extends the legs and arms simultaneously to move the barbell upward in one motion to the full extent of the arms, while either splitting or bending the legs. The athlete returns his / her feet to the same line parallel to the plane of the trunk and the barbell with his / her arms and legs fully extended. The athlete waits for the Referees’ signal to replace the barbell on the competition platform.

The Referees give the signal to lower the barbell as soon as the athlete becomes motionless in all parts of the body.

Before the Jerk, the athlete may adjust the position of the barbell for the following reasons:

- a) to withdraw or “unhook” the thumbs*
- b) if breathing is impeded*
- c) if the barbell causes pain*
- d) to change the width of the grip*

The barbell adjustments noted above are not considered to be an additional attempt at the Jerk.

[...]

INCORRECT MOVEMENTS

2.5.1 Incorrect Movements for All Lifts

2.5.1.1 Pulling from the hang, defined as: stopping the upward movement of the barbell during the pull.

2.5.1.2 Touching the platform with any part of the body other than the feet during the execution of the lift.

2.5.1.3 Pause during the extension of the arms.

2.5.1.4 Finishing with a press-out, defined as: continuing the extension of the arms after the athlete has reached the lowest point of his / her position in the squat or split for both the Snatch and the Jerk.

[...]

3.3 SPORT EQUIPMENT

[...]

3.3.6.1 Referee Light System (Regulation)

3.3.6.2 The Referee Light System is the means by which Referees adjudicate the lifts.

3.3.6.3 The Referee Light System consists of one (1) control box for each of the three (3) Referees and a control panel for the Jury.

3.3.6.4 Each of the Referees must give the “Down” signal by pressing the white button for a “Good lift” or the red button for “No lift”, according to the relevant rules.

3.3.6.5 When two (2) of the Referees have provided identical decisions, a visual and audible “Down” signal is given to the athlete to replace the barbell on the competition platform.

3.3.6.6 If one (1) Referee presses the white button and another Referee presses the red button and the third Referee does not press either, the latter hears an intermittent audible signal from the control box prompting him / her that a decision is required.

3.3.6.7 The signal is only a reminder to the Referee; the Referees must be certain in their decision of “Good lift” or “No lift”. The signal should not force the Referee to make a decision. When two (2) white lights or two (2) red lights have been given by two (2) of the three (3) Referees and the “Down” signal has been seen and heard, the Referee who has not provided a decision is reminded to give his / her decision by way of the intermittent audible signal.

3.3.6.8 Three (3) seconds after the three (3) Referees have given their decision; the “decision lights” light up, indicating the individual decision of the Referees by corresponding colours, either red or white. The decision lights remain lit for a minimum of three (3) seconds.

3.3.6.9 After the visible and audible “Down” signal and before the decision lights operate, the Referees have a three (3) second window to reverse their decision. If a Referee misses the three (3) second window he / she must raise the small flag provided to them to indicate a change in decision.

3.3.6.10 When the “Down” signal has been given and the “decision lights” are on and the athlete does not lower the barbell, the Centre Referee must say “Down” and signal the athlete to replace the barbell to the competition platform.

3.3.6.11 During the competition, the Jury monitors the work of the Referees through a control panel. Every decision by the Referees may be verified as the lights on the control panel light up instantly when the Referees make a decision. Slow, fast or no decision(s) may be identified for immediate or further action.

3.3.6.12 Jury Control Unit (Regulation)

Jury members give their decision on each lift using the equipment located on the Jury Table. Each Jury member has a device with a red and white push button.

Should the Jury want to call any of the Referees to the Jury Table, the Jury President does so by pressing the button on the control panel, which gives an audible signal to the Referee(s) in question.

3.3.6.13 Communication System

An intercom or telephone system must be provided for direct communication between the Jury, Competition Management and Chief Marshal.

[...]

3.3.7 Video Playback Technology (VPT) (Regulation)

3.3.7.1 VPT is technology to review the Referees' / Jury's decision if challenged or in case of disagreement within the Jury.

3.3.7.2 At World Senior, Junior and Youth Championships, Olympic and Youth Olympic Games, at Continental and Regional Championships and any other World Events assigned as an Olympic Qualification Event, it is obligatory to apply VPT.

[...]

7 TECHNICAL OFFICIALS

7.1 DEFINITION

A Technical Official is defined as any person who controls the play of a competition by applying the rules and regulations of the sport to make judgments on rule infringement, performance, time or ranking. A Technical Official acts as an impartial judge of sporting competition. This involves an obligation to perform with accuracy, consistency, objectivity and the highest sense of integrity.

7.2 GENERAL PROVISIONS

7.2.1 A suitable number of Technical Officials (TOs) must be appointed to work at each IWF Event. Only International Technical Officials may work at IWF Events. TOs selected to work at IWF Events must not be involved in coaching or assisting any athletes during the Event.

7.2.2 At IWF Events the following Technical Officials must serve:

- *Jury*
- *Competition Director*
- *Referees*
- *Technical Controllers*
- *Chief Marshal(s)*
- *Timekeeper(s)*
- *Competition Secretary*
- *Competition Doctor(s)*

[...]

7.5 **JURY** (Regulation)

7.5.1 The Jury has the ultimate control on the FOP and its primary function is to ensure that the TCRR are being correctly followed and applied.

[...]

7.5.7 When VPT is not in use the Jury has the power to reverse a decision when the Referees' decision has been judged unanimously by the Jury to be technically incorrect. In order to consider the reversal of a decision, the Jury may call the Referees in question to seek an explanation. If the explanation is accepted, no action is taken, if the explanation is not accepted the Jury will reverse the decision. Such decision and its reason must be communicated to the athlete / Team Official concerned via the Technical Controller or any other TO, as directed by the President of the Jury, and announced by the Speaker.

When VPT is in use to reverse the decision after the VPT replay a majority is required amongst the Jury members.

When the decision of the majority of the Jury members differs from that of the Referees' decisions, the Jury may call the Referees in question to seek an explanation. If the explanation is accepted, no action is taken, if the explanation is not accepted and the Jury is unanimous, the Referees' decision will be reversed.

[...]

7.5.8 In order to apply the above rule, the Jury members have to give their decision on each lift using the Jury Control Unit located on the Jury Table. Jury members adjudicate the lift once the athlete has replaced the barbell on the competition platform. (See TCRR 3.3.6)

Jury members must not influence or attempt to influence the decision of the other Jury members.

7.5.9 The Jury is not a Jury of appeal; there is no appeal against the Jury's decision except for the Challenge procedure according to 3.3.7.

[...]

7.5.10 When the decision of the majority of the Jury members differs from that of the Referees' decisions, the Jury may review Referees' decision and / or Jury's own decision by way of VPT.

[...]

7.7.5 *The three (3) Referees have equal rights on adjudicating a lift. They do so by means of the Referee Light System, in accordance with the procedures noted in TCRR 3.3.6. Referees must be certain to allow the athlete every chance to complete the lift. Once the Referee is certain that the athlete has completed the lift; he / she indicates the decision by giving the appropriate signal.*

7.7.6 *As soon as the Referee has adjudicated a lift “Good lift”, he / she immediately presses the white button on the control box.*

7.7.7 *As soon as the Referee has adjudicated a lift “No lift”, he / she immediately presses the red button on the control box. Any Referee, who sees a mistake or fault during the execution of a lift, must immediately press the red button.*

7.7.8 *A lift is a “Good lift” with two (2) or three (3) white lights; a lift is “No lift” with two (2) or three (3) red lights.*

[...]

REGULATIONS

[...]

REGULATION TO 3.3.6.12 JURY CONTROL UNIT

1 *This device is equipped with five (5) green lights five (5) white lights and five (5) red lights. Each Jury member has a device with a red and white button. When the Jury members press either one (1) of the buttons, the green light illuminates. The white and red Jury decision lights illuminate only when all Jury members have given their decision. The Jury Control Unit is not programmed with a three (3) second window to change a decision.*

[...]

REGULATION TO 3.3.7

VIDEO PLAYBACK TECHNOLOGY (VPT)

1 *Requirements for VPT:*

(a) *A minimum of four (4) cameras: Cameras will be positioned around the stage, three (3) cameras at the front of the stage to be as close as possible to the 3 sitting referees, the 4th camera to be positioned at the back edge of the stage in line with the centre of the platform but behind the restraining bar at the rear of the competition platform. Three (3) cameras located in front of the stage should be positioned at a height of 30cm above the competition platform, and the side camera should be at the height of the competition platform.*

- (b) *VPT uses own-produced signal, however, it must be connected to the Scoreboard and/or Videoboard and Television / Broadcasting to allow in-venue spectators and TV viewers watch the replay. When the Athlete or Team requests for a Challenge, Videoboard and / or TV must indicate “Challenge”*
- (c) *VPT must serve multi purposes, incl. video archives for later use (e.g. Technical Official training, scientific analysis, seminars / education, etc.).*

VPT to be located on Jury Table or nearby and pertaining monitor must be provided on Jury Table (i.e., Jury Table may have two (2) monitors; Real Time Display System and VPT monitor). One (1) Attempt Board to be preferably provided nearby the steps of the stage to control next athlete to wait during VPT procedure.

[...]

4. *The procedure can be started by Jury (by stopping the competition) or Athlete Team (by submitting a Challenge Card to the Technical Controller) before the timing clock is started for the next attempt, or the next athlete having been called appears on the stage, whichever is the last.*
- Upon receiving a Challenge Card, the Technical Controller shall immediately stop the competition.*
5. *Only the Jury shall control the playback process. Before the Jury proceeds to the playback process, it must check the Challenge’s validity.*
6. *The Jury at its own discretion may also initiate a VPT process when the majority of the Jury’s opinion is different from the Referees’ decision. In order for the Jury to initiate a VPT process, the Jury President will raise a small yellow flag (to be provided) to draw attention to the Speaker, Technical Controller, TV producer etc. that the competition is to stop.*
7. *There is no limit in the number of replays, however, the Jury must make their decision as quickly as possible.*
8. *To reverse the Referees’ decision after the VPT replay, majority is required among the Jury Members.*
9. *Challenge by Athlete or Team.*
- 9.1 *Athlete / Team can only challenge the decisions of its own attempts.*
- 9.2 *One (1) Challenge Card is provided for each athlete at the weigh-in.*
- 9.3 *If the Athlete / Team wants to challenge the Referees’ or Jury’s decision a Challenge request shall be submitted to the nearest Technical Controller by using the Challenge Card.*

9.4 Upon receipt of a Challenge, the Technical Controller must indicate that the competition must stop so that he can take the request to the President of the Jury.

9.5 Challenge request can be made only once per athlete. However, if the Jury approves the Challenge, the Athlete / Team retains the Challenge right.

9.6 At the completion of the challenge the President of the Jury must indicate that the competition restarts.

9.7 A decision of the Jury on a challenge emanating from the Jury themselves is final and cannot be challenged further by Athletes or Officials.

[...]"

Standing to Sue

94. The Parties disagree as to whether the Appellants have standing to sue: the Appellants contend that they do have such standing, the Respondents contend that they do not. As a matter of principle, standing to sue or standing to appeal is recognised if a person appealing against a certain decision has an interest worthy of protection, i.e. a sufficient interest in the matter being appealed; in other words, an appellant has to demonstrate that he or she is sufficiently affected by the appealed decision and has a tangible interest, of financial or sporting nature at stake: see, e.g., CAS 2013/A/3140 at para. 8.3; CAS 2008/A/1674; and CAS 2010/A/2354. It is an issue pertaining to the merits of the dispute: CAS 2012/A/2906 at para.78.
95. It was said by the Respondents that the Athlete lacked standing as a mere competitor and that, had the Referees' decision not been overruled, it was by no means clear that the Athlete would have finished third and taken the bronze medal. This however fails to appreciate that the relevant time at which standing to be sue is to be assessed is at the date of the lodgement of the appeal (and thereafter throughout the course of the appeal): see, e.g., CAS 2021/A/8329. That being so, it is obvious that, as at the date that this appeal was lodged (and continuing), the Athlete formally finished fourth in the event, losing out to Mr Pizzolato by 1kg. The question arises whether, that being so, the Athlete enjoyed a legally protectable interest by reason of the fact that he was directly affected by the Appealed Decisions. In this regard, the Panel agrees with and adopts the following (astute) passage from CAS 2008/A/1583 & 1584 at para. 3:

“When a third party, who is himself not the addressee of the measure taken by an association, is directly affected and therefore has a right of appeal, is a question of the facts of the individual case. The CAS has already dealt with this question on several occasions. Thus, for example, it granted an athlete placed second the right to appeal against a decision by the IOC to leave the gold medal with the first-placed athlete – despite her involvement in a doping scandal (CAS 2002/O/373, no. 62 et seq.). By contrast, athletes who lack any chance of obtaining a medal have no right of appeal (CAS 2002/O/373, no. 66). If FIFA has banned a player from matches because of a breach of contract with a club, the club cannot file an appeal against this decision with

the objective of obtaining a higher penalty against the player (TAS 2006/A/1082-1104, no. 102 et seq.). If in a league system which extends over a whole season a match is newly evaluated because a win is allowed or disallowed, a club, which was not involved in that match, should also not be able to appeal the new evaluation of the match (CAS 2007/A/1278 & 1279, no. 82 et seq.). The above decisions all display a “common thread”, which can be succinctly put as follows: Where the third party is affected because he is a competitor of the addressee of the measure/decision taken by the association, – unless otherwise provided by the association’s rules and regulations – the third party does not have a right of appeal. Effects that ensue only from competition are only indirect consequences of the association’s decision/measure. If, however, the association disposes in its measure/decision not only of the rights of the addressee, but also of those of the third party, the latter is directly affected with the consequence that the third party then also has a right of appeal.”

96. The Panel also gratefully adopts what was said by the panel in 2002/O/373 at paras 22 and 23 , in the context of the Olympic Games,:

“22. Alternatively under Swiss rules of administrative procedure, the claim would also be admissible; the basic principle being that an appellant has standing to sue if she/he has an interest worthy of protection (see e.g. P. MOOR, Droit administratif, Volume II, Berne 2002, pp. 626, N° 5.6.2). This is deemed to be the case if the appellant is factually and directly affected by the litigious decision in a fashion that can be eliminated by its annulment and if the appellant did not have the opportunity to be heard in the first instance.

23. In light of the ideals underpinning the Olympic Movement (according to Rule 3 §1 of the OC, the Olympic Movement encompasses the athletes by providing that “In addition to the IOC, the Olympic Movement includes the International Federations (IFs), the National Olympic Committees (NOCs), the Organizing Committees of the Olympic Games (OCOGs), the national associations, clubs, and the persons belonging to them, particularly the athletes whose interests constitute a fundamental element of its actions”; see e.g. in this respect, P. ZEN-RUFFINEN, Droit du Sport, Zurich 2002, p. 148, N° 428) and formulated as Fundamental Principles in the OC, and given the hopes, goals and dedication of athletes participating in the Olympic Games, it is difficult to imagine an interest more worthy of protection than the interest of an athlete in securing an Olympic medal which she/he considers to have won fairly. More specifically, gaining an Olympic medal is one of the ultimate goals in a star athlete’s career, which can bring with it many fruits, thereby giving her/him a very particular interest in challenging a decision if, as in the present case, the modification of the decision could allow her/him to obtain a gold medal or a medal she/he did not get. Moreover, since Rule 25§4 of the OC did not afford Beckie Scott the opportunity of being heard by the IOC Executive Board when it made its decision of 24 February 2002, her only means of challenging the decision was by means of an arbitration claim.”

97. In the circumstances of this appeal, the Panel takes the view that the Athlete does indeed have an interest worthy of protection, a legally protectable and tangible interest in the

matters at stake in this appeal, all the more-so since the IWF TCRR did not provide the Athlete with the facility to be heard in respect of the Jury Decision, his only means of challenging it was by dint of an arbitration claim.

98. That addresses the First Appellant. The Second Appellant is not in the same position. It was said by the Appellants that the relevant NOC is generally made a party in proceedings such as this, which was conceded by the Respondents in this appeal. That may or may not be so but it is no answer to the question of whether the Second Appellant has standing to sue the Respondents. It was also submitted, however, that the Second Appellant had standing to sue because it had an interest worthy of protection, namely its interest in adding a bronze medal to the Moldovan tally of medals for the Olympic Games. As to this, that is certainly an interest of a sporting (and possibly financial) nature but whether it rises to the level of an interest worthy of protection is unclear.
99. In this appeal, the issue was dealt with cursorily by the Parties and the Panel was not taken to any authority on point, whether SFT decision, CAS award, or text.
100. In CAS 2002/O/373, the Canadian Olympic Committee and one of their athletes, Beckie Scott, appealed against a decision of the IOC as to the medal allocation in certain cross-country skiing competitions in the 2002 Salt Lake City Winter Olympic Games. They contended that the IOC should have disqualified and withdrawn the medals of two Russian athletes and award the gold to Ms Scott. As noted above, the panel was of the view that Ms Scott had standing to sue. But the same panel decided that the Canadian NOC did not have standing. For the panel, the Canadian NOC's interest overlapped with the interest of Ms Scott and it did not involve a substantive right of its own. It is said that in those circumstances "*and not least because the Panel is admitting [the athlete's] claim, the COC's claim is not admissible*". The same panel came to the same view in CAS 2002/O/372.
101. By contrast, however, in a number of cases before CAS it has been assumed by the parties and the panel alike that a NOC in the position of the Second Appellant here does indeed have standing to sue. A ready example is CAS 2023/A/10355 where it was assumed, without question, that the Russian NOC enjoyed standing to sue. In those proceedings, the Russian NOC appealed against the International Skating Union's decision to re-rank the skating medals at the 2022 Beijing Winter Olympic Games following the decision against Ms Valieva. No point was taken by any respondent in that case that the NOC lacked standing, and nothing said by the panel suggests that there was any concern on its part in this respect.
102. In light of what appears to be a common assumption at CAS, and in light of the fact that the Panel did not hear full argument on the question, the Panel is reluctant to conclude that the Second Appellant does not have standing to sue. Adopting what the panel said in CAS 2002/O/373, but in the obverse, the Panel is prepared to proceed on the basis that the Second Appellant does have an interest worthy of protection and therefore does have standing not least because such a determination has no impact on the final, practical determination of the dispute.

103. Accordingly, the Panel concludes, albeit with some diffidence, that the Second Appellant does have standing to sue.

B. The Field of Play

104. The Appellants challenge the Jury Decision on two bases. It was first said that the Jury “lacked the margin of discretion to overturn the Referees’ decision”. This is to be understood as a complaint that, pursuant to the IWF TCRR, the Jury did not have the power to overrule a unanimous decision of the Referees. There was therefore a procedural failing which took the decision outside the well-known ‘field of play doctrine’.

105. This challenge was not advanced with any appetite at the hearing of this matter and for good reason – for it is plain that, pursuant to the IWF TCRR, the Jury did have the power and authority to overrule the unanimous decision of the Referees.

106. The salient provisions of the IWF TCRR are set out above, and there is no need to repeat them here. It is, however, worthwhile to distil the applicable rules and regulations and their application to any given clean and jerk lift at the 2024 Paris Olympic Games (including, in particular, the Lift).

- a. The athlete picks up the barbell to initiate the lift: Rule 2.3.1.
- b. The three Referees adjudicate the lift. They indicate their decision by pressing the white button for a “Good lift” or the red button for “No lift”: Rule 3.3.6.4.
- c. Three seconds after all three Referees have given their decision, the “decision lights” light up indicating the decision of each of the Referees: Rule 3.3.6.8. A lift is a “Good lift” with two (2) or three (3) white lights; a lift is a “No lift” with two (2) or three (3) red lights: Rule 7.7.8
- d. The athlete is also given the “Down” signal to let him/ her know that he may replace the barbell onto the competition platform: Rule 3.3.6.7.
- e. The five members of the Jury monitor the work of the Referees (Rule 3.3.6.11) and, per Rule 7.5.8, the Jury members render their decision on each lift by using what is called the ‘Jury Control Unit’ which is located on the Jury table. The members of the Jury adjudicate the lift once the athlete has replaced the barbell on the competition platform.
- f. When the decision of the majority of the members of the Jury differs from the Referees’ decisions, the Jury may review the Referees’ decision by reviewing the VPT recording. In order to do this, the president of the Jury is to raise a small yellow flag: Rule 7.5.10; and Regulation to Rule 3.3.7 (6).

- g. Upon the VPT review, if a majority of the Jury members disagree with the decision taken by the Referees, the Jury may over-rule the Referees: Regulation to Rule 3.3.7 (8).

107. It is immediately apparent that the Jury does enjoy a discretion to overrule the Referees' decisions, the only qualification being that the majority of the Jury members (i.e., three out of the five) must have adjudicated the lift differently to that by the Referees. It matters not at all that the decision of the Referees was unanimous. In this context, the Panel agrees with the submissions of the Respondents that: (a) the practices adopted in other sports are immaterial; and (b) the instruction issued by the IWF Technical Committee relating to an earlier version of the IWF TCRR are unhelpful in construing and applying the terms of the IWF TCRR. Even if the instructions would be taken into account, *quod non*, the instructions give the following examples of majority decisions, demonstrating that a unanimous decision of the Referees is also considered a majority decision:

For Jury to start VPT process

ex. Referees (majority of Referees is white):
2 White – 1 Red
3 White

108. That is the position in the abstract. As a matter of fact for this Lift, the following took place (the video was in evidence and was reviewed by the Panel):
- a. Mr Pizzolato initiated the Lift.
 - b. The Referees adjudicated the Lift, deciding unanimously that it was a No lift.
 - c. The decision lights illuminated, indicating a failed lift and the athlete was given the Down signal to return the barbell to the platform, which he did, thereby completing the Lift.
 - d. The five members of the Jury then rendered their decision on the Lift by using the Jury Control Unit.
 - e. The president of the Jury immediately waved a small yellow flag indicating that the Jury was initiating a VPT review. At the same time, Mr Pizzolato's coach issued a challenge to the Referees Decision.
 - f. The Jury conducted a review of the VPT video. Upon that review, three out of the five Jury members disagreed with the Referees' Decision and over-ruled it. The Lift was therefore adjudged as a Good lift, and announced as such to the stadium.
109. It can be seen from that summary that the Jury acted entirely in accordance with the provisions of the IWF TCRR and there was no violation on their part of any procedural requirement set forth therein.

110. In the result, this aspect of the challenge must fail. The Jury Decision was, indeed was an archetypal field of play decision and, as such, pursuant to the ‘field of play doctrine’, the CAS should not intervene, unless one of the exceptions addressed below is applicable.
111. The second basis for the challenge to the Jury Decision was that, even if the Jury Decision is to be characterised as a field of play decision, thereby engaging the field of play doctrine, it may nevertheless be reviewed by CAS because it was an arbitrary decision. This requires a consideration of the field of play doctrine and its exceptions.
112. One starting point is the award in CAS 2004/A/704. In that case, a gymnast competing at the 2004 Athens Olympic Games was the subject of a marking error in the parallel bars event by which he was given 9.9 instead of 10 and was awarded the bronze medal. He appealed to CAS contending that, but for the error, he would have taken the gold medal. The (distinguished) panel said this about the field of play doctrine:

“13. The extent to which, if at all, a Court including CAS can interfere with an official’s decision is not wholly clear. An absolute refusal to recognize such a decision as justiciable and to designate the field of play as “a domain into which the King’s writ does not seek to run” in Lord Atkin’s famous phrase would have a defensible purpose and philosophy. It would recognize that there are areas of human activity which elude the grasp of the law, and where the solution to disputes is better found, if at all, by agreement. It would contribute to finality. It would uphold, critically, the authority of the umpire, judge or referee, whose power to control competition, already eroded by the growing use of technology such as video replays, would be fatally undermined if every decision taken could be judicially reviewed. And, to the extent that the matter is capable of analysis in conventional legal terms, it could rest on the premise that any contract that the player has made in entering into a competition is that he or she should have the benefit of honest “field of play” decisions, not necessarily correct ones.

14. Sports law does not, however, have a policy of complete abstention. In CAS OG 96/006 where the challenge was to a referee’s decision to disqualify a boxer for a low blow the CAS ad hoc Panel accepted jurisdiction, even over a game rule, but considered it inappropriate to exercise it. It said:

12. The Panel is competent. However, exercising this competence must, in our view, be tempered by the respect due to the particularities of each sport as defined by the rules established by the sports federations.

13. In casu, the referee’s decision, is a purely technical one pertaining to the rules which are the responsibility of the federation concerned. It is not for the ad hoc Panel to review the application of these rules. This restraint is all the more necessary since, far from where the action took place, the ad hoc Panel is less well placed to decide than the referee in the ring or the ring judges. The above-mentioned restraint must be limited to technical decisions or standards; it does not apply when such decisions are taken in violation of the law, social

rules or general principles of law which is not the case in this particular instance.

15. *In CAS OG 00/013 where the challenge was to a referee's decision that a walker had "lifted" contrary to the rules of walking, the Panel said:*

17 CAS arbitrators do not review the determinations made on the playing field by judges, referees, umpires, or other officials who are charged with applying what is sometimes called "rules of the game". (One exception among others would be if such rules have been applied in bad faith, e.g. as a consequence of corruption.) If they happen to have been present at the relevant event, CAS arbitrators were mere spectators with no official role. Moreover, they are not, unlike on-field judges, selected for their expertise in officiating the particular sport.

18 The Respondents are therefore correct when they assert that this Panel does not have the function of reviewing, as a technical matter, the determination that Mr. Segura on three occasions failed to comply with the rules of racewalking.

16. *In CAS OG 02/007, when KOC appealed from a decision of the ISU Council denying a protest in respect of the disqualification of a Korean skater, Kim Dung-sung in the final of the men's 1,500 metre short track skating event, the Panel said expressly:*

[5] It is clear that CAS Panels do not review "field of play" decisions made on the playing field by judges, referees, umpires or other officials, who are responsible for applying the rules or laws of the particular game.

17. In short Courts may interfere only if an official's field of play decision is tainted by fraud or arbitrariness or corruption; otherwise although a Court may have jurisdiction it will abstain as a matter of policy from exercising it."

113. Properly understood therefore, and despite the common reference to the doctrine as one of "immunity" on the part of the field of play decision-makers and/or their decisions, the field of play doctrine is a doctrine of judicial abstention, or restraint, or deference. It is, to be sure, "*one of the defining characteristics of the lex sportiva, as a sport specific rule that guides much of sports competition at a fundamental level. Applying this principle is important and disturbing it risks an undermining of the fundamental fabric of the law of sport, opening the door to a more general review by adjudicators that have long been considered as relating to the field of play*": CAS 2015/A/4208 at para. 48.
114. The doctrine is based on a number of factors including the need for finality, the need to ensure the authority of the referee and other match officials, and the recognition that the decisions on the field in any given sporting event are best left to the field officials as it is they who are specifically trained to officiate and are best placed, being on site, to settle any questions that may arise: see Lewis & Taylor, *Sport: Law and Practice* (4th edn, Bloomsbury), p.1207. The same notions were explained by the panel in CAS 2012/A/2731 at paras 35-36:

“35. According to well-established jurisprudence of the CAS, “CAS arbitrators do not review the determination made on the playing field by judges, referees, umpires, or other officials who are charged with applying what is sometimes called ‘rules of the game’” (CAS OG 96/006, CAS OG 00/013; CAS 2001/A/354; CAS 2001/A/355; CAS OG 02/007; CAS 2004/A/727; CAS 06/006; CAS 2008/A/1641; CAS 2008/O/1483). In other words, CAS arbitrators should not interfere with the application of the rules governing the play of the particular game—this is to be left to field officials, who are specifically trained to officiate the particular sport and are best placed (being on-site) to settle any questions (CAS 2008/A/1641). CAS arbitrators are not, unlike on-field judges, selected for their expertise in officiating the sport concerned (CAS 00/013). This position is consistent with traditional doctrine and judicial practice which have always stated that rules of the game, in the strict sense of the term, should not be subject to the control of judges (CAS 2004/A/727).

36. The rationale underlying the CAS’ scope of review regarding “field of play” decisions include supporting the autonomy of officials; avoiding the constant interruption of the game by appeals to the judge; seeking to ensure the certainty of the outcome of competition; and, the relative lack of perspective and/or experience of appellate bodies compared to that of match officials (CAS 2004/A/704; CAS 2004/A/727; CAS 2010/A/2090).”

115. As was also noted by the panel in CAS OG 02/007:

“12. But there is a more fundamental reason for not permitting trial, by television or otherwise, of technical, judgmental decisions by referees. Every participant in a sport in which referees have to make decisions about events on the field of play must accept that the referee sees an incident from a particular position, and makes his decision on the basis of what he or she sees. Sometimes mistakes are made by referees, as they are by players. That is an inevitable fact of life and one that all participants in sporting events must accept. But not every mistake can be reviewed. It is for that reason that CAS jurisprudence makes it clear that it is not open to a player to complain about a “field of play” decision simply because he or she disagrees with that decision.”

116. As was made clear by the panel in CAS 2004/A/704 (and as noted above), the doctrine is not absolute but qualified; i.e., there are circumstances, albeit limited, where CAS may interfere in the field of play decision-making. The panel in that case identified these exceptions to be where an official’s field of play decision is tainted by (a) fraud, (b) corruption, and/or (c) arbitrariness. Other cases have added bad faith: see, e.g., CAS OG 12/010 at para. 6: “It was not disputed by any of the parties that, pursuant to the long-established line of CAS jurisprudence, the CAS will only review a field-of-play decision in circumstances of the decision having been taken arbitrarily or in bad faith.” Indeed, different cases have used slightly different language, as was observed by the panel in CAS OG 02/007 at para. 16:

“16. The jurisprudence of CAS in regard to the issue raised by this application is clear, although the language used to explain that jurisprudence is not always consistent and can be confusing. Thus, different phrases, such as “arbitrary”, “bad faith”, “breach

of duty”, “malicious intent”, “committed a wrong” and “other actionable wrongs” are used, apparently interchangeably, to express the same test (CAS OG 96/006 M. v AIBA and CAS OG 00/013 Segura v IAAF).”

117. In that case, the panel went on to say (at para. 17) that

“17. [...] [E]ach of those phrases means more than that the decision is wrong or one that no sensible person could have reached. If it were otherwise, every field of play decision would be open to review on the merits. Before a CAS panel will review a field of play decision, there must be evidence, which generally must be direct evidence, of bad faith. If viewed in this light, each of those phrases means that there must be some evidence of preference for, or prejudice against, a particular team or individual. The best example of such preference or prejudice was referred to by the Panel in Segura, where they stated that one circumstance where a CAS Panel could review a field of play decision would be if a decision were made in bad faith, eg. as a consequence of corruption. The Panel accepts that this places a high hurdle that must be cleared by any Applicant seeking to review a field of play decision. However, if the hurdle were to be lower, the flood-gates would be opened and any dissatisfied participant would be able to seek the review of a field of play decision.”

118. It is not at all clear to the Panel that it is right to say that the various exceptions are apt to be collapsed into the one exception of bad faith. In particular, it seems to the Panel that there is an essential and important conceptual difference between bad faith (and all that it entails) on the one hand and arbitrariness on the other – and that, as a matter of principle, it is possible for a decision to be arbitrary without it being made in bad faith, and without it being made in preference for or prejudice against one party or another. It seems to the Panel that they mean quite different things. A decision taken in bad faith is one taken with dishonesty, with an ulterior motive, with malice, or as a conscious abuse of power. Whether a decision is taken in bad faith or not will therefore turn on the decision-maker’s state of mind, requiring a showing that he or she intended to act improperly. By contrast, as a matter of Swiss jurisprudence, arbitrariness means the decision *“is manifestly unsustainable, when it is in clear contradiction with the factual situation, when it seriously violates an undisputed legal norm or principle, or when it shockingly offends the sense of justice and fairness; and for a decision to be annulled on the grounds of arbitrariness, it is not enough for the reasoning given to be unsustainable, the decision must also appear arbitrary in its outcome”*: see ATF 132 I 13 at para. 5.1. A decision that is made arbitrarily is thus one made irrationally or capriciously, where the decision-maker’s state of mind is immaterial and its proof is to be sustained upon evidence that the decision is so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his or her mind to the question to be decided could have arrived at it. It is manifestly a very high threshold.

119. In this appeal, by their Appeal Brief the Appellants formally allege both bad faith and arbitrariness but made no oral submission at all in support of bad faith (save that it was said that bad faith and arbitrariness are sometimes used interchangeably) and adduced no evidence at all in relation to bad faith (or fraud or corruption). The challenge therefore was that the Jury Decision was arbitrary.

120. In support of that submission, the Appellants relied upon the following evidence:
- a. the public perception of the Jury Decision; and
 - b. the expert opinion of A.
121. As to the former, the Appellants contended that the Lift was “*perceived as wrong*” by the public. It was said that the Jury Decision was “*heavily discussed*” in public in diverse forums and that all of the comments were “*unanimous*”, i.e., all the comments disagreed with the Jury Decision. It was submitted then that the decision “*fell outside the bounds of reasonableness or fairness expected by the public*”.
122. It may well be the case that a number of members of the public disagreed with the Jury Decision. The comments relied upon do not, however, represent a statistically sound or statistically significant subset of the population. To do that would have required a wide-ranging, even-handed random sampling which, on any view, this evidence does not represent. Moreover, expressions of disagreement, even outrage, are utterly commonplace in sport and, even if it can be shown that a decision is highly controversial, that does not show that the decision was arbitrary.
123. For all the reasons expressed above, a CAS panel will not substitute its own judgment for the decision of the on-field adjudicator – and the same is true for the public’s judgment (however that might be measured). In this respect, the Panel accepts the submission of Mr Pizzolato that “*the mere fact that some members of the public may have disagreed with the Jury’s decision cannot ... be elevated to the level of evidence, let-alone compelling and direct evidence of arbitrariness*”. It is readily apparent that mere perception by members of the public that a decision is wrong is an unreliable indicator that the decision was made arbitrarily; indeed, the converse is also true in that mere public perception that a decision is right is an unreliable indicator that the decision was not taken arbitrarily.
124. As to the Athlete’s argument that the video material shows that the Referees’ decisions appeared before Mr Pizzolato completed his Lift, such that it was “*impossible*” the judgment by the Jury was premature, the Panel disagrees. As was submitted by Mr Pizzolato, Article 2.3.2 provides that an athlete must become motionless in order to receive the down signal, nowhere in the IWF TCRR is there any provision stating that a lift can only be subject to Jury review if the athlete has completed the motion or become motionless. On the contrary, the regulatory framework sets out a clear and objective standard: the moment the Referees render a decision, the Jury is empowered to verify it. That is what took place here.
125. As to the expert opinion of A., there is no doubt at all that A. is qualified to give expert evidence in relation to weightlifting and its adjudication; indeed, there was no suggestion otherwise from the Respondents. In A.’s opinion, there was a clear violation by Mr Pizzolato with his left arm (he does not say what rule was violated but it was said by counsel to be IWF TCRR Rule 2.5.1.4 (the “press out”)) and he is unable to provide

an explanation for why the Jury decided as it did, concluding that “*classifying it as a good lift appears arbitrary*”.

126. This, however, is entirely conclusory and there is no explanation as to what he means by this, save that he would not have decided the Jury Decision in the same way. The real thrust of A.’s evidence is that the Referees were right and the Jury was wrong. This is of limited assistance in going to show arbitrariness.
127. Moreover, A. did not appear at the oral hearing and was not made available for cross-examination. On 18 July 2025 A. sent an email to the CAS Court Office (with a copy to counsel for the Athlete and the IWF) saying that “*I am unable to attend the CAS hearing scheduled for 2 September 2025 or continue to participate as an expert witness for personal and private reasons*”. He did not therefore participate in the hearing in any way.
128. In those circumstances, it is a matter for the Panel to decide whether the expert report should nevertheless form part of the evidence and, if so, what weight it should be afforded. In the Panel’s view, there is no reason why the expert opinion should not be admitted as part of the record. Having said that, however, in the absence of being tested by the rigour of cross-examination by counsel for the Respondents and by questions from the Panel, it is difficult for the Panel to ascribe much weight, if any at all, to the expert opinion. As is, it is certainly not enough to support the conclusion that the Jury Decision was arbitrary.
129. The Panel makes one further observation. As has been said above, a showing of arbitrariness on the part of any decision-maker in the field of play will inevitably be difficult and must be supported by cogent evidence that the decision was so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his or her mind to the question to be decided could have arrived at the same decision. That being so, it will be all the more difficult to show arbitrariness where the decision-maker is not one person but a panel, as it was in the case where five members of the Jury decided to overrule the Referees’ decision by a 3-2 majority.
130. Accordingly, the Panel is of the view that the Jury Decision was a (paradigmatic) decision taken in the field of play, that the field of play doctrine requires the Panel to act with restraint when reviewing that decision, and none of the exceptions to that doctrine, arbitrariness included, has been made out in the circumstances of this appeal.

C. The Athlete’s Personality Rights

131. The Appellants’ next challenge to the Appealed Decisions is that they have somehow violated the Athlete’s personality rights in breach of Article 28 of the SCC.
132. Article 28 of the SCC provides that (in the English):

“*28.1 Any person whose personality rights are unlawfully infringed may petition the court for protection against all those causing the infringement.*”

28.2 An infringement is unlawful unless it is justified by the consent of the person whose rights are infringed or by an overriding private or public interest or by law.”

133. This contention was put by the Appellants in the following way:

“Under Art 28. SCC, individuals are protected against unjustified violations of their personality rights [...]. Decisions by associations that infringe upon these rights. his personality rights – whether directly or indirectly – are subject to judicial review if they fail to comply with established legal principles or procedural safeguards.”

134. The immediate difficulty for the Appellants in this respect is that, for all of the reasons set forth above, the Appellants have failed to establish that the Respondents failed to comply with established legal principles or procedural safeguards. This contention therefore falls at the first hurdle. The Jury Decision was a technical and sporting determination rendered by the competent officials in accordance with the applicable IWF TCRR and within the field of play. The fact that the Athlete did not secure a medal does not reflect a violation of his rights but rather the natural consequence of a valid and legitimate adjudication process. This challenge too must fail.

X. CONCLUSION

135. In all, therefore, the Panel concludes as follows:

- a. The Appellants have standing to bring this appeal.
- b. The Jury Decision, and the concomitant decision to award the bronze medal to Mr Pizzolato, are unimpeachable decisions and the Appellants’ appeal must fail and is therefore dismissed.

XI. COSTS

(...)

ON THESE GROUNDS

The Court of Arbitration for Sport hereby rules that:

1. The Appeals filed by Robu Marin and National Olympic Committee of the Republic of Moldova on 29 August 2024 against International Weightlifting Federation and Antonino Pizzolato against (i) the decision passed on 9 August 2024 by the Jury of the Olympic Weightlifting event at the 2024 Paris Olympic Games in the body weight category up to 89kg in connection with Antonino Pizzolato and (ii) the final ranking of the Olympic Weightlifting event in the body weight category up to 89kg are dismissed.
2. The decision passed on 9 August 2024 by the Jury of the Olympic Weightlifting event at the 2024 Paris Olympic Games in the body weight category up to 89kg in connection with Antonino Pizzolato and (ii) the final ranking of the Olympic Weightlifting event in the body weight category up to 89kg are confirmed.
3. (...).
4. (...).
5. All other and further motions or prayers for relief are dismissed.

Seat of arbitration: Lausanne, Switzerland

Date: 14 April 2026

THE COURT OF ARBITRATION FOR SPORT

James Drake
President of the Panel

Jeffrey Benz
Arbitrator

Patrick Lafranchi
Arbitrator