

CAS 2025/A/11478 Skating Union of Belarus v. International Skating Union (ISU)

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

President: Mr Jordi **López Batet**, Attorney-at-law in Barcelona, Spain
Arbitrators: Mr Jeffrey **Benz**, Attorney-at-law and Barrister in London, United Kingdom
Mr Olivier **Carrard**, Attorney-at-law in Geneva, Switzerland

in the arbitration between

Skating Union of Belarus, Minsk, Belarus

Appellant

and

International Skating Union (ISU), Lausanne, Switzerland

Represented by Dr Fabrice Robert-Tissot, Bonnard Lawson, Geneva, Switzerland

Respondent

I. THE PARTIES

1. The Skating Union of Belarus (the “Appellant” or the “SUB”) is the member national federation for the sports of speed skating and figure skating in Belarus, and is a member of the International Skating Union (the “ISU” or the “Respondent”). It has its registered office in Minsk, Belarus.
2. The ISU is the international sports federation that oversees the sports of speed skating and figure skating globally, and is recognized as such by the International Olympic Committee. The ISU has its registered seat in Lausanne, Switzerland.
3. The Appellant and the Respondent will be hereinafter jointly referred to as the “Parties”.

II. FACTUAL BACKGROUND AND THE APPEALED DECISION

4. On 24 April 2022, the ISU Council decided not to allow any skaters or officials belonging to the SUB to participate in international competitions.
5. On 20 December 2024, the ISU decided to grant an exception to eligible Belarusian skaters and their support personnel to participate as individual neutral athletes (“AIN”) at the qualifying competitions for the 2026 Olympic Winter Games (ISU Communication No. 2680).
6. The eligibility criteria included *inter alia* the following:

“The special screening [...] will be conducted by an outside provider (such as SportRadar) aims to guarantee that no person who actively supports the war in Ukraine or who is contracted to the Russian or Belarusian military or national security agencies will participate as AIN and/or their Support Personnel. Any form of verbal, non-verbal or written expression, explicit or implicit, at any time since February 24, 2022 (being the date of the beginning of the war in Ukraine), in particular public statements, including those made in social media, participation in pro-war demonstrations or events, and the wearing of any symbol in support of the war in Ukraine, for example the ‘Z’ symbol, are considered to be acts of support for the war in Ukraine.”
7. On 22 February 2025, the Appellant submitted 17 applications for Belarusian athletes to obtain neutral status.
8. On 13 May 2025, the ISU sent a letter to the Appellant (the “Appealed Decision”), informing it as follows:

“Following the recent submission by the Skating Union of Belarus of athletes and support personnel for consideration to compete as neutral participants in qualifying events for the Winter Olympic Games 2026, the International Skating Union (ISU) wishes to formally communicate the outcome of the eligibility screening process.

This screening was conducted by a neutral working group, each a national of a different country. The group was supported by a specialist external party and operated under strict confidentiality in close collaboration with the International Olympic Committee to ensure a thorough and impartial review.

We hereby confirm the following outcomes:

Athletes:

- *17 individuals were submitted for review*
- *11 were deemed eligible*
- *4 were deemed ineligible*
- *2 were deemed partly eligible*

Support Personnel:

- *17 individuals were submitted for review*
- *12 were deemed eligible*
- *5 were deemed ineligible [...]*

The list of eligible AIN will be published by the ISU shortly – the names of ineligible athletes will not be disclosed. Note that the results of the screening are not open to appeal.

The ISU remains available to discuss the screening results. [...]

9. The four Belarusian athletes who were deemed ineligible are Mr Artsiom Chaban, Mr Ignat Golovatsiuk, Ms Hanna Damaratskaya and Ms Palina Sivets (together, the “Athletes”).
10. On the same day, the ISU published a communication on its website regarding “*the final list of AIN athletes and support personnel deemed eligible to participate in ISU Events*”, which did not include the Athletes and which in the pertinent part reads as follows:

“Communication No.2708

Decisions of the Council

The ISU Council met online on May 12, 2025. The following were among the decisions taken by the Council during the meeting. [...]

3. Individual Neutral Athletes (AIN)

The ISU Council has formally approved the final list of AIN athletes and support personnel deemed eligible to participate in ISU Events. ISU has informed the respective Members of the eligible support personnel. The list of eligible AIN athletes is set out below: [...]

The decision follows a thorough case-by-case review conducted by the AIN Review Commission in accordance with the established eligibility criteria.

All assessments were based on objective criteria, including evidence of compliance with ISU neutrality standards and absence of any public support for the ongoing conflict.

The current decision of the ISU Council on the AIN eligibility list is final with regard to all applicants and not subject to appeal. This reflects the exceptional and sensitive nature of the current process and aims to ensure procedural integrity and consistency across all applicants respecting their right to privacy.

The athletes named in this ISU Communication are required to continue to comply with the eligibility criteria published in ISU Communication 2680. The list of eligible athletes published in this Communication is therefore subject to change.”

11. On 16 May 2025, the Appellant expressed “*its categorical disagreement with the results of the screening*”, noting that “*athletes have been completely barred from competition without any explanation, including our top athletes*”. It stated that it did not understand the reasons for the Appealed Decision and expressed its firm belief “*that the individuals mentioned above, along with their teammates, fully meet all eligibility criteria established by the ISU and deserve the full right to compete for Olympic licenses*”. It argued that imposing sanctions on Belarusian athletes was illegal and unjustified. The Appellant requested the ISU to “*justify the AIN Review Commission’s decision regarding each of the athletes mentioned above*”.
12. On 23 May 2025, the ISU replied *inter alia* that:

“The screening process for AIN status has been carried out under the supervision of an impartial Review Commission. Each application was assessed individually and thoroughly, with consideration given to all relevant circumstances and available documentation.

To assist in this process, member federations were invited to nominate athletes, thereby allowing the ISU to better understand the potential pool of candidates. However, it is important to clarify that neither the athletes nor the federations possess any rights in relation to the selection process. As stated in ISU Communication No. 2469, athletes from the relevant federations have been excluded from international competitions since 2022, and therefore are not entitled to request further review or appeal of the decisions taken within the AIN framework.

We understand that the decisions not to grant AIN status to certain Belarusian athletes and coaches, including the individuals named in your letter, are a matter of concern for

the Skating Union of Belarus. However, we must reiterate that the decisions reached by the Commission are final and based on a structured, objective review.”

III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

13. On 3 June 2025, the Appellant filed a Statement of Appeal with the Court of Arbitration for Sport (the “CAS”) against the ISU with respect to the Appealed Decision, with the following request for relief:

“13.1. On these grounds, Appellant, acting in the interests of the development of speed skating both in the Republic of Belarus and throughout the World, to protect the interests of each of the 4 above-mentioned Belarusian athletes who are members of the SUB, respectfully requests the CAS to rule as follows:

- 1. The Appeal filed by the SUB is upheld.*
- 2. The ISU Decision is subject to partial modification regarding the granting of neutral status to the following Belarusian athletes individually:*
 - 2.1. Artsiom Chaban,*
 - 2.2. Ignat Golovatsiuk,*
 - 2.3. Hanna Damaratskaya*
 - 2.4. Palina Sivets.*
- 3. The ISU shall bear all costs incurred with the present procedure and it shall pay the SUB a contribution towards its legal fees and other expenses incurred in connection with the present proceedings, in an amount to be determined at the CAS’s discretion but no less than EUR 30,000.00 (thirty thousand).”*

14. In its Statement of Appeal, the Appellant nominated Mr. Michele Bernasconi as arbitrator, reserved its right to request an expedited procedure or to file a request for provisional measures and made the following request for production of documents:

“11.1. As an evidential measure, in accordance with Article R57 (3) in conjunction with Article R44 (3) of the Code, the Appellant requests the ISU the production of the entire file that led to the Appealed Decision. In particular, the Appellant requests to order the Respondent to disclose the following evidence:

- the complete and reasoned the ISU Decision including the minutes of the ISU Council meeting dated 12 May 2025 that led to the Appealed Decision;*
- the complete and reasoned with the grounds the AIN Review Commission conclusion regarding each Belarusian athlete (i.e. Artsiom Chaban, Ignat Golovatsiuk, Hanna Damaratskaya and Palina Sivets) who were denied neutral status, indicating the specific reasons for the respective denial.”*

15. On 13 June 2025, the Appellant filed its Appeal Brief, with the following request for relief:

“98. On these grounds, Appellant, acting in the interests of the development of speed skating both in the Republic of Belarus and throughout the World, to protect the interests of each of the 4 above-mentioned Belarusian athletes who are members of the SUB, respectfully requests the CAS to rule as follows:

 1. *The Appeal filed by the SUB is upheld.*
 2. *The ISU Decision is subject to partial modification regarding the granting of neutral status to the following Belarusian athletes individually:*
 - 2.1. *Artsiom Chaban,*
 - 2.2. *Ignat Golovatsiuk,*
 - 2.3. *Hanna Damaratskaya*
 - 2.4. *Palina Sivets.*
 3. *The ISU shall bear all costs incurred with the present procedure and it shall pay the SUB a contribution towards its legal fees and other expenses incurred in connection with the present proceedings, in an amount to be determined at the CAS’s discretion but no less than EUR 30,000.00 (thirty thousand).”*
16. In the Appeal Brief, the Appellant again reserved its right to request an expedited procedure or to file a request for provisional measures.
17. On 16 June 2025, the CAS Court Office, among others, informed the Parties that the costs of these proceedings were to be paid by the Parties as the Appealed Decision did not impose a disciplinary sanction and invited the Respondent to comment on the request for production of documents made by the Appellant.
18. On 19 June 2025, the Respondent informed the CAS Court Office, *inter alia*, that (i) it nominated Mr. Olivier Carrard as arbitrator, (ii) as to the request for production of documents made by the Appellant, it objected to the request for *“the complete and reasoned the ISU Decision including the minutes of the ISU Council meeting dated 12 May 2025 that led to the Appealed Decision”* and agreed to file (and filed) the Sportradar report on each of the Athletes which led to their exclusion from the list of AIN athletes and (iii) its letter should not be construed as an acceptance of the jurisdiction of the CAS and/or of the admissibility of the Appellant’s appeal.
19. On 24 June 2025, the CAS Court Office informed the Parties, *inter alia*, that another appeal had been filed against the ISU with respect to the decision taken by the ISU Council on 12 May 2025 (CAS 2025/A/11479 *Daria Kachanova v. International Skating Union*) and invited them to inform whether they agreed to submit these proceedings and the proceedings CAS 2025/A/11479 to the same Panel.
20. On 26 June 2025, the Appellant insisted in the purely disciplinary nature of these proceedings, requested some information on the proceedings CAS 2025/A/11479 to

express its position on submitting both proceedings to the same Panel and requested that the operative part of the Award be issued no later than August 2025, taking into account the need to obtain visas for the Athletes for the upcoming competitions in Salt Lake City, USA, and Calgary, Canada, in November 2025.

21. On 27 June 2025, the CAS Court Office, *inter alia*, noted that the implementation of an expedited procedure required the Respondent's agreement and provided some information on the proceedings CAS 2025/A/11479.
22. Also on 27 June 2025, the Respondent informed the CAS Court Office that it objected to the consolidation of these proceedings with the proceedings CAS 2025/A/11479.
23. On 30 June 2025, the Appellant agreed to submit these CAS proceedings and CAS 2025/A/11479 to the same Panel and reiterated its request that the operative part of the Award be rendered by the end of August 2025.
24. On 1 July 2025, the CAS Court Office informed the Parties that the President of the CAS Appeals Arbitration Division (the "Division President") had decided not to consolidate these proceedings with CAS 2025/A/11479, but to nominate the same President in both cases.
25. On 2nd July 2025, the CAS Court Office informed the Parties that Mr. Michele Bernasconi did not accept his nomination as arbitrator and invited the Appellant to appoint another arbitrator from the list of CAS arbitrators.
26. On 3 July 2025, the CAS Finance Director invited the Parties to pay their respective shares of the advance of costs no later than 25 July 2025.
27. On 7 July 2025, the Appellant appointed Mr. Jeffrey Benz as arbitrator.
28. On 8 July 2025, the Appellant filed a request for provisional measures in accordance with Article R37 of the Code of Sports-related Arbitration (the "Code") with the following prayers for interim relief:

"The Appellant respectfully applies that the CAS grants the suspensory effect to the Appeal and/or, order the ISU to take all necessary measures to reinstate the neutral status for participation in qualifying events for the Winter Olympic Games 2026 mentioned in the Request for provisional measures to the following Belarusian athletes individually:

1. *Artsiom Chaban,*
2. *Ignat Golovatsiuk,*
3. *Hanna Damaratskaya,*
4. *Palina Sivets.*

The Appellant also respectfully requests CAS to consider this request for the provisional measures as urgent in accordance with Article R37 of the CAS Code and make a corresponding decision on it within one month, i.e. no later than 8 August 2025.”

29. On 18 July 2025, the Respondent filed its Answer to the request for provisional measures, claiming such request to be dismissed.
30. On 21 July 2025, the CAS Court Office informed the Parties that the Division President, or her Deputy, would render an Order on provisional measures in due course.
31. On the same day, the Appellant requested an extension until 29 August 2025 of the time limit to pay the advance of costs.
32. On 22 July 2025, the CAS Finance Director partially granted the Appellant’s request for extension and invited it to pay the advance of costs by 1 August 2025.
33. On 23 July 2025, the Appellant reiterated its request for extension of the time limit to pay the advance of costs “*at least until 15 August 2025*”.
34. On 28 July 2025, the Appellant inquired with the CAS Court Office about the Respondent’s position on the request for provisional measures, alleging that it had not yet received any position by the Respondent.
35. On 29 July 2025, the Appellant – having again received from the CAS Court Office the Respondent’s Answer to the request for provisional measures already provided on 21 July 2025 – submitted comments in reply to the Respondent’s position.
36. On 4 August 2025, the Respondent filed its Answer on the merits, with the following request for relief:

“The Respondent respectfully requests the Court of Arbitration for Sport:

On the admissibility of the appeal:

1. *To declare the appeal filed by the Appellant is inadmissible.*

On the merits:

2. *To dismiss the appeal filed by the Appellant against the ISU decision dated 13 May 2025.*
3. *To confirm the ISU decision dated 13 May 2025 communicated to the Appellant.*
4. *To grant to Respondent an award against the Appellants for its legal costs and other expenses pertaining to these appeal proceedings before the Court of Arbitration for Sport.*
5. *To order the Appellant to bear the costs of these appeal proceedings before the Court*

of Arbitration for Sport and to reimburse the Respondent's share of the advance of costs accordingly."

37. On 5 August 2025, the CAS Court Office acknowledged receipt of the Appellant's comments on the Respondent's Answer to the request for provisional measures and again informed the Parties that the Division President, or her Deputy, would render an Order on provisional measures in due course.
38. Also on 5 August 2025, the CAS Court Office invited the Parties to inform whether they preferred a hearing being held in this matter or for the Panel to issue an award based solely on the Parties' submissions, and also whether they requested a case management conference with the Panel.
39. On 11 August 2025, the Division President dismissed such request for provisional measures by means of the relevant Order (the "First Order on Provisional Measures").
40. On 12 August 2025, the Appellant expressed its disagreement with the First Order on Provisional Measures and requested a hearing be scheduled promptly and no later than 29 August 2025.
41. On 18 August 2025, the CAS Court Office informed the Parties that the arbitration tribunal appointed to decide the present matter was constituted as follows:

President: Mr Jordi López Batet, Attorney-at-Law, Barcelona, Spain
Arbitrators: Mr Jeffrey Benz, Attorney-at-Law and Barrister in London, United Kingdom
Mr Olivier Carrard, Attorney-at-Law, Geneva, Switzerland
42. On 20 August 2025, the Appellant filed a second request for provisional measures, with the following prayers for relief:

"69. The Appellant respectfully applies that (i) the CAS grants the suspensory effect to the Appeal, (ii) suspend the execution of the ISU Decision regarding our skaters and/or (iii) order the ISU to take all necessary measures to reinstate the neutral status for participation in qualifying events for the Winter Olympic Games 2026 mentioned in the Second Request for provisional measures to the following Belarusian athletes individually:
 1. *Artsiom Chaban,*
 2. *Ignat Golovatsiuk,*
 3. *Hanna Damaratskaya,*
 4. *Palina Sivets.*
70. *The Appellant also respectfully requests CAS to consider this Second Request for the provisional measures as urgent in accordance with Article R37 of the CAS Code and make a corresponding decision on it no later than 29 August 2025."*

43. On 25 August 2025, the Respondent filed its answer to such second request for provisional measures, seeking its dismissal.
44. On 26 August 2025, the CAS Court Office informed the Parties that the Panel had duly noted that the Respondent produced to the file some documents in response to the Appellant's request for production of documents and that it objected to the request of further documentation, and that the Appellant did not make any further request of specific documents after the production of those attached to the Respondent's letter of 19 June 2025 and that unless news on the contrary from the Appellant by 27 August 2025, the Panel would consider that no further specific documents are requested from the Respondent.
45. On 27 August 2025, the CAS Court Office informed the Parties that the Panel had decided to hold a hearing in this case and asked the Parties whether they would be available for that hearing on 4 or 8 September 2025. In addition, the Appellant was invited to inform whether it maintained the second request for provisional measures, should one of the aforementioned hearing dates be confirmed and the operative part of the award be issued shortly thereafter.
46. On 27 August 2025, the Appellant filed unsolicited submissions on the Respondent's answer to its second request for provisional measures.
47. On 28 August 2025, the Respondent requested the Panel not to allow a second exchange of submissions on the provisional measures issue and alternatively, in case it was allowed, that the Respondent could file its comments to the Appellant's reply.
48. Also on 28 August 2025, the Appellant informed the CAS Court Office that it insisted on the Panel issuing a decision on the second request for provisional measures.
49. On 29 August 2025, the CAS Court Office informed the Parties that the Appellant's submissions of 27 August 2025 were admitted to the file and invited the Respondent to comment on them by 1 September 2025 at noon, which the Respondent did within the deadline granted.
50. Also on 29 August 2025, the CAS Court Office informed the Parties that a hearing in this matter would be held on 4 September 2025.
51. On 1st September 2025, the ISU filed before the CAS Court Office the list of attendees at the hearing.
52. On 2 September 2025, the Panel issued an Order dismissing the second request for provisional measures (operative part only).
53. On 3 September 2025, the Appellant filed before the CAS Court Office the list of attendees at the hearing, consisting of the President of the SUB, the Athletes, a translator and a lawyer.

54. Also on 3 September 2025, the Parties returned duly signed copies of the Order of Procedure to the CAS Court Office and the Respondent objected to the Athletes being present at the hearing.
55. On 4 September 2025, the Appellant sent a letter to the CAS Court Office, signed by the SUB's President, which in the pertinent part reads as follows:

“[...] In this connection, taking into account the objections of the Respondent, the Appellant hereby kindly inform that, in order to maximize the exercise of its right to defense and the right to be heard, as well as to clearly demonstrate the absurdity and legal nullity of the Respondent's arguments about the absence of any interests of the SUB in the cancellation of the illegal ISU Decision in this case, the interests of the Appellant will be represented at the hearings by the following full members of the SUB:

*Chaban Artsiom,
Damaratskaya Hanna,
Golovatsiuk Ignat.
Sivets Palina,*

The functions of the translator will be performed by Kartel Irina [...]”

56. On 4 September 2025, a hearing was held by videoconference. The Panel, Ms. Delphine Deschenaux-Rochat, CAS Counsel and the following persons attended the hearing:
- For the Appellant:
 - The Athletes, who claimed to be acting on behalf of the Appellant as announced in the Appellant's submissions of 4 September 2025 referred to above.
 - Ms. Irina Kartel – Interpreter
 - For the Respondent:
 - Mr. Fabrice Robert Tissot – Counsel
 - Ms. Sumin Jo – Counsel
 - Ms. An Ting Koh – Counsel
57. At the beginning of the hearing, the Panel asked the Respondent to comment on the latest letter of the Appellant regarding the fact that the interests of the Appellant were to be represented at the hearing by the Athletes. The Respondent stated that the Athletes were not parties to these proceedings and could not be considered witnesses and initially objected their participation at the hearing. After several discussions with the Panel, the Respondent clarified that if the Athletes acted at the hearing as representatives of the Appellant, it did not object to their presence. The Panel admitted the participation of the Athletes at the hearing as representatives of the Appellant, making it clear that the Athletes are neither parties nor witnesses in these proceedings. The Parties made their opening and closing statements, and a turn for rebuttal was also granted to them. At the outset of the hearing, the Parties confirmed that they had no objections with regard to the constitution and composition of the Panel, and at the end of the hearing all the Parties

expressly declared that they did not have any objections with respect to the procedure and that their rights were duly respected.

IV. THE PARTIES' POSITIONS

58. The following summary of the Parties' positions is illustrative only and does not necessarily comprise each contention put forward by them. However, in considering and deciding upon the Parties' claims, the Panel has carefully considered all the submissions made and the evidence adduced by the Parties, even if there is no specific reference to those submissions in this section of the Award or in the legal analysis that follows.

A. The Appellant

59. The Appellant's submissions, in essence, may be summarized as follows:

On standing to appeal and legal interest

- Article 26 para. 3 of the ISU Constitution enables the SUB to file an appeal against the Appealed Decision, as it is a "*member of the ISU concerned*". Any ambiguity that may exist in this provision cannot benefit the ISU on the basis of the *contra proferentem* principle.
- Nothing in the CAS prohibits the Appellant from directly acting as a representative of its members (the Athletes), which also directly complies with the requirements of Articles 60-79 of the Swiss Civil Code (SCC).
- According to Articles 6 and 7 of Chapter II "ISU Membership" of the ISU Constitution, it is the SUB that is a full member of the ISU, while the Athletes are full members of the SUB who interact with the ISU exclusively through their national federation (the SUB), including within the framework of filing an application for obtaining the AIN status and the application for participation in the 2026 Olympic Winter Games.
- The SUB is acting on the basis of the relevant powers of attorney granted by the Athletes, entrusting the SUB to protect their rights to participate in the 2026 Olympic Winter Games qualifying competitions including by appealing the ISU Decision to CAS, and on the basis of due authority to protect the interest of its members under Article 3.5 of the SUB Charter. The Athletes did not waive any right, but expressly empowered the SUB to act on their behalf. The principles of *res judicata* or *res inter alios acta* shall thus not apply to the case.
- The SUB is acting in the interests of the development of speed skating both in the Republic of Belarus and throughout the world to protect the interests of each of the Athletes and seek to obtain that each of the Athletes is granted the AIN status and that they are allowed to participate in the qualifying events for the 2026 Olympic Winter Games.

- The exclusion of the Athletes from competitions undermines the SUB statutory duties, damages its reputation, jeopardizes funding and obstructs its ability to fulfil its mission, which justifies the SUB's interest and standing to appeal.
- Although CAS jurisprudence requires a direct, personal and actual interest founding the standing to appeal, the approach made by CAS to it has been flexible and on a case-by-case basis.
- Therefore, the SUB has standing to appeal and legal interest in these proceedings.

On the merits

- The Appealed Decision is not substantiated or motivated and has no legal basis. Only after filing the appeal before the CAS the Appellant could have access to the reasons on which the ISU based the ineligibility of the Athletes. Neither the SUB nor the Athletes had the opportunity to defend and exercise their right to be heard and have access to the files of the case. In addition, the ISU indicated that the Appealed Decision is not subject to appeal or review at all.
- The Athletes comply with the eligibility criteria set out in the ISU Communication No. 2680, and the reasons adduced by the ISU not to include them as individual neutral athletes are groundless. None of the Athletes has ever in any way supported the Russian invasion of Ukraine. In the evidence presented by the Respondent there is not a single word for which the Athletes could be deprived of the right to participate in the qualifying competitions for the 2026 Olympic Winter Games as neutral athletes.
- The Appealed Decision violates the fundamental bases and objectives of the Olympic Movement.
- The Appealed Decision is purely disciplinary by its essence, as it applies a punishment on the Athletes. As such, it is disproportionate, with the result of discriminating Belarusian athletes and violates the principle *nulla poena sine lege*. In the absence of any grounds for not granting neutral status to the Athletes, the burden of proof is shifted and it is for the ISU to prove proportionality, non-discrimination and other characteristics of the validity of the Appealed Decision.
- Given that the appeal is of exclusively disciplinary nature, the CAS proceedings should be free.
- Therefore, the Athletes should be immediately admitted to the qualifying competitions for the 2026 Olympic Winter Games as neutral athletes.

B. The Respondent

60. The Respondent's submissions, in essence, may be summarized as follows:

On standing to appeal and legal interest

- The appeal is inadmissible and should be dismissed, as the Appellant is not directly affected by the Appealed Decision and thus lacks both standing to appeal and a legal interest. The Appellant is not entitled to challenge the Appealed Decision on behalf of the athletes concerned, who are not parties to the proceedings. The Appealed Decision solely concerns the Athletes and relates exclusively to the assessment of their AIN status. The SUB was not engaged in the AIN screening process and holds no individual right that could be asserted in this context.
- In order to have standing to appeal against a decision of an association, Article 75 SCC requires, in principle, that the appellant (i) holds membership and that (ii) it has not consented to the resolution taken by the general assembly. Moreover, as to whether the appellant has interest to bring its claim under this provision, the CAS establishes that in cases where the member (the appellant) was not entitled to take part in the decision-making process, it must be personally affected by the decision concerned in its membership rights. The SUB was not entitled to participate in the decision-making process that led to the Appealed Decision, as it was issued by the ISU Council, a body of which the SUB is not a member. Consequently, the SUB must demonstrate that the Appealed Decision infringes upon its own membership rights. However, as the Appealed Decision concerns AIN status of the Athletes, this is not the case.
- Although the Athletes authorised the Appellant to appeal the Appealed Decision on their behalf, their standing to appeal cannot be transferred. Standing is conferred upon the holder of the right of action whose legal rights or interests have been directly affected. As such, the right to appeal cannot be exercised by the SUB unless the Athletes themselves appear as parties to the proceedings, which is not the case herein.
- The Athletes, the only individuals directly addressed by the Appealed Decision, did not appeal the Appealed Decision within the applicable time limit, effectively waiving their right to challenge the Appealed Decision. Accordingly, the Appealed Decision has *res judicata* effect towards the Athletes.
- The Appellant lacks a legal interest, as its legal and factual position remained unchanged both before and after the Appealed Decision. The Appealed Decision solely pertains to the AIN status of the Athletes who failed to pass the screening review. The Appellant therefore has no legal interest to appeal the Appealed Decision.

On the merits

- The Appealed Decision rightfully implements the AIN Eligibility Rules and does not violate the Olympic Charter.
- The ISU conducted the relevant screening process vis-à-vis the Athletes and found, based on the screening reports issued by Sportradar, that they were not eligible. Mr Ignat Golovatsiuk attended events with sanctioned individuals. In particular, in January 2024, Mr Golovatsiuk attended a state reception hosted by President Lukashenko and received the “Athlete of the Year” award from Deputy Sports Minister, Mr Alexander Baraulia, who is sanctioned by Poland for supporting repression of dissenting athletes. Mr Golovatsiuk has publicly criticised the IOC and ISU’s admission policies for Russian and Belarusian athletes, drawing comparisons to the treatment of Israeli and Palestinian athletes. Mr Chaban was considered ineligible due to the ineligibility of the main skater, Mr Golovatsiuk in accordance with the AIN Eligibility Rules. Ms Hanna Damaratskaya took part in the annual Old New Year reception hosted by President Lukashenko, an event regularly attended by prominent figures from the sports, arts, and media communities and in which Mr Lukashenko generally makes a speech on the present and future of the country. Ms Palina Sivets receives a scholarship from the Presidential Sports Club, a state-affiliated organisation led by Mr Dmitry Lukashenko, son of President Lukashenko. The club is under the USA and Canadian sanctions for alleged corruption, human rights violations and ties to the Belarusian regime. It is also reported to have been involved in indoctrinating and relocating Ukrainian children in cooperation with Russian authorities.
- The Appealed Decision is not disciplinary in nature but rather constitutes an eligibility decision. Therefore, the principles of proportionality and *nulla poena sine lege clara* are not applicable to this case.
- The Appealed Decision respects the principle of procedural fairness, since the ISU accepted the jurisdiction of the CAS to adjudicate the present dispute and provided the requested documentation regarding the grounds for the ineligibility of the athletes concerned. Given the CAS’s *de novo* power of review, any alleged procedural shortcomings are rendered moot and legally irrelevant.

V. JURISDICTION

61. Article R47(1) of the Code of Sports-related Arbitration (the “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.”

62. The Appellant relies on Article 26 of the ISU Constitution and General Regulations 2024, which provides as follows:

“1. Appeals

Appeals against decisions of the DC, and of the Council when allowed by explicit provision of this Constitution, may be filed with the Appeals Arbitration Division of the Court of Arbitration for Sport (CAS), Lausanne, Switzerland.

2. CAS Jurisdiction

The CAS shall have the power to hear and decide appeals in the following cases:

- a) Against any decision of the DC, or of the DC Chair in the case of Article 25, paragraph 8.e).*
 - b) Against decisions of the Council imposing any penalty on or suspension of ISU Membership of an ISU Member.*
 - c) Against any decision of the Council declaring ineligibility of a Skater, Official, Office Holder or other participant in ISU activities.*
 - d) Against any decision of the Council sitting as a disciplinary body hearing charges against a member of the DC.*
 - e) Against any decision of the Council not sanctioning an Open International Competition relating primarily to the application of the ethical criteria or technical and sporting criteria. For any other dispute relating to the ISU’s decision, the ISU will enter an arbitration agreement at the request of the Applicant to refer the matter to the ordinary arbitration procedure at CAS in accordance with the Code of Sports-Related Arbitration. [...]*
63. The jurisdiction of CAS is not contested by the Respondent and was accepted by both Parties in the Order of Procedure they signed. Therefore, the statements made by the ISU in the Appealed Decision and in the Communication No. 2780 by virtue of which the results of the Athlete’s screening were not open to appeal (as well as the Appellant’s initial complaints on it) are of no avail, given that the ISU expressly accepted the jurisdiction of the CAS in this case. In addition, the Parties fully participated in this proceeding without objection.
64. Hence, it follows that CAS has jurisdiction to adjudicate and decide on the present dispute.

VI. ADMISSIBILITY

65. According to Article R49 of the 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.”

66. Article 26(4) of the ISU Constitution and General Regulations 2024 provides that “*The appeal must be filed in writing with the CAS and the Secretariat within 21 days from the communication of the decision to the party having the right of appeal*”.
67. The Appealed Decision was notified on 13 May 2025. The Appellant filed its Statement of Appeal on 3 June 2025. The Statement of Appeal complied with all requirements of Article R48 of the Code.
68. The Respondent has not challenged the timeliness of the appeal but submits that the request for provisional measures is inadmissible for lack of legal interest and standing to appeal. In this respect, the Panel considers that, in line with CAS jurisprudence, the issue of the Appellant’s lack of standing and legal interest raised by the ISU is not a matter of admissibility of the appeal, but rather a substantive issue that is to be assessed with the merits of the appeal and that will be addressed below in this award.
69. It follows that the appeal is admissible.

VII. APPLICABLE LAW

70. Article R58 of the Code provides the following:

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

71. In their submissions, both Parties held that the regulations of the ISU and additionally Swiss Law shall apply to the case, while the Appellant also refers to the Olympic Charter.
72. Bearing the aforementioned in mind and that the Appealed Decision has been issued by the ISU, the Panel is of the view that this dispute is to be resolved by applying the ISU regulations (in their condition of “*applicable regulations*” as per Article R58 of the Code) and subsidiarily, Swiss law.

VIII. MERITS

73. In a nutshell, the Appellant is claiming in this appeal that (i) contrary to the ISU’s contention, it has standing to appeal and legal interest in these proceedings and (ii) the Appealed Decision shall be modified in the sense that the Athletes should be granted the AIN status as it happened with other Belarusian athlete submitted to the screening process established in the ISU regulations, which were not correctly applied by the ISU in the

Appellant's opinion. Of its part, the Respondent contends that (i) the appeal shall be declared inadmissible or shall be dismissed given that the Appellant lacks standing to appeal and legal interest and (ii) in any event, the ISU correctly applied the AIN Eligibility Rules towards the Athletes.

74. In accordance with the claims made by the Parties in these proceedings, the Panel shall start its analysis by addressing the SUB's standing to appeal and legal interest issue.
75. The Panel shall firstly note that pursuant to the CAS and the Swiss Federal Tribunal case law, on a general basis standing to appeal is a question relating to the merits of the case and not a matter of admissibility. This means that the lack of standing to appeal shall entail the dismissal of the case (*inter alia*, Decisions of the SFT 4A_548/2019 and 4A_550/2019, or CAS 2018/A/5888 and CAS 2016/A/4602). The Panel shares this view in this case and considers that the Respondent's specific contention *in casu* that the Appellant lacks standing to appeal is an issue of substance, pertains to the merits of the case (understood in a broad sense) and is to be thus addressed and resolved in this final award.
76. The Panel also reviewed the CAS jurisprudence on standing to appeal by virtue of which (i) a party which is not directly affected by the decision appealed has not such standing, (ii) the appellant shall have sufficient legal interest in the outcome of the decision (*inter alia*, CAS 2020/A/7590 & 7591 or CAS 2018/A/5746) and (iii) it is for the appellant to prove that he/she/it is sufficiently affected by the decision and has a tangible interest at stake (*inter alia*, CAS 2013/A/3140 or CAS 2015/A/4343).
77. This being said, the Panel notes that it is uncontested that with regard to the Appealed Decision, the Athletes did not become eligible to participate as individual neutral athletes in qualifying events for the 2026 Olympic Winter Games, after the screening process on them was followed by the ISU in accordance with its regulations. It is thus self-evident that the Appealed Decision personally, actually and directly affected the Athletes: in regard to such decision, the Athletes are deprived of participating in such competitions.
78. The Panel also notes that it is undisputed that the Athletes did not file an appeal against the Appealed Decision before the CAS, and that it was only the SUB that filed such an appeal. The Panel notes in this respect that in accordance with the application forms signed by the Athletes to acquire the AIN status, they expressly agreed that "*any dispute which arises in connection with this application shall be exclusively settled by arbitration before the Court of Arbitration for Sport [...]*", so their entitlement to challenge the Appealed Decision before the CAS is clear.
79. The Panel also deems proven that the Athletes were aware of the Appealed Decision before the expiration of the 21-day deadline to file an appeal against it before the CAS, as all the Athletes asked in writing to the SUB, between 25 and 30 May 2025 (that is to say, before the expiration of such deadline), to protect their right to participate in the qualifying competitions for the 2026 Olympic Winter Games "*including by appealing the decision of the International Skating Union in the International Court of Arbitration for*

Sport”, which the Athletes could only do because they knew about the existence of the decision.

80. Therefore, knowing about the Appealed Decision, the Athletes, who had a direct interest on (and were frontally affected by) such decision, decided (i) not to appeal it and not to defend their case before the CAS being a party to such proceedings and (ii) not to even try to file a request for intervention in these proceedings initiated by the SUB. Therefore, the Athletes are not parties to these proceedings. The fact that the Athletes participated at the hearing as representatives of the SUB does not convert them into parties to the proceedings and does not alter at all (and less remedy) the fact that (i) they did not appeal the decision and (ii) they are not parties to the proceedings.
81. Such Athletes’ inactivity leads to an unavoidable conclusion: the Appealed Decision is final and binding vis-à-vis the Athletes, as they did not file an appeal against it before the CAS.
82. Bearing the aforementioned points in mind and focusing on the issue of the SUB’s standing to appeal, the Panel, after having examined the Parties’ allegations, the evidence produced to the file and the particularities of the case, concludes that the SUB is not personally and directly affected by the Appealed Decision.
83. The Appealed Decision concerns the eligibility/ineligibility of the Athletes and was issued after (i) the Athletes (not the SUB) made and personally signed their applications to become individual neutral athletes and (ii) the Athletes (not the SUB) were submitted to the screening process as established in the ISU regulations. Therefore, the Athletes, and not the SUB, are those directly affected by the Appealed Decision and those who had a tangible interest on it.
84. The SUB’s (at most) indirect interest in this case does not suffice, in the Panel’s opinion, to justify that it has by itself standing to appeal a decision that directly and personally affects the Athletes. The membership rights of the SUB within the ISU are not directly affected by the Appealed Decision, and such decision does not establish any direct consequence (economic, disciplinary or of other kind) for the SUB. The effects of the Appealed Decision are directly addressed to the Athletes, which by virtue of such decision have not acquired the status of individual neutral athletes and will be thus impeded from taking part in certain competitions. General unspecific interests of the SUB such as the undermining of its statutory duties, reputational damage, funding jeopardy or obstruction of its ability to fulfil its mission, are not enough in the Panel’s opinion to ground its standing to appeal in the case at stake, and even less so when the Athletes, who are the ones actually and directly affected by the Appealed Decision, decided not to appeal the Appealed Decision.
85. In addition, the fact that Article 26.3 of the ISU Constitution entitles, in abstract, the ISU members to appeal certain decisions before the CAS does not *per se* confer the SUB’s standing to appeal the Appealed Decision: for a party to have substantive standing to appeal before the CAS, the prerequisites set out in para. 76 of this award shall be met, which is not the case herein. Formal standing to appeal and substantive standing to appeal

shall not be confused. The Parties' discussions on the *contra proferentem* principle based on such article are thus of no avail.

86. The fact that the Athletes requested the SUB to protect their right to participate in the OG qualifiers, including by appealing the Appealed Decision before the CAS, or that the SUB Charter refers to the protection of the interest of the SUB members, is irrelevant to its standing to appeal. The Athletes' standing to appeal *in casu* is not only unquestionable but also personal and non-transferable to the SUB. The Athletes should have appealed the decision themselves if they wanted to challenge it. The SUB cannot simply act on their behalf and pretend that this will provide standing to appeal to the SUB. Neither articles 60 to 79 SCC (invoked by the Appellant), the Code nor any other regulations so provide. In the same vein, the fact that the Athletes are members of the SUB and not direct members of the ISU and that the SUB was the one sending the Athlete's application forms to the ISU does not make any difference in this respect, especially bearing in mind that (i) the Athletes were the ones signing the application form to obtain the AIN status and (ii) the Athlete's entitlement to appeal the Appealed Decision was autonomous and additionally expressly recognized in the AIN status application forms they signed. The Appellant could have helped the Athletes in the preparation of the appeal or even agreed to afford their legal and other expenses in the appeal, but the Athletes should have been the ones appealing the Appealed Decision and being parties to these proceedings.
87. Therefore, the SUB by itself (without the Athletes being parties to these proceedings) lacks standing to appeal, so the appeal filed by the SUB must be dismissed. This finding makes it unnecessary to address the further arguments and allegations made by the Parties in these proceedings.

IX. COSTS

(...)

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The appeal filed by the Skating Union of Belarus against the decision of the International Skating Union’s Council of 12 May 2025 (notified to the Skating Union of Belarus by means of letter of 13 May 2025 under the subject “Results of Screening for AIN Participation – Winter Olympic Games 2026”) is dismissed.
2. The decision of the International Skating Union’s Council of 12 May 2025 (notified to the Skating Union of Belarus by means of letter of 13 May 2025 under the subject “Results of Screening for AIN Participation – Winter Olympic Games 2026”) is confirmed.
3. (...).
4. (...).
5. All other and further motions or requests for relief are dismissed.

Seat of the arbitration: Lausanne, Switzerland

Date: 12 March 2026

(Operative part of the award notified on 8 September 2025)

THE COURT OF ARBITRATION FOR SPORT

Mr Jordi López Batet
President of the Panel

Mr Jeffrey Benz
Arbitrator

Mr Olivier Carrard
Arbitrator