TAS / CAS
TRIBUNAL ARBITRAL DU SPORT
COURT OF ARBITRATION FOR SPORT
TRIBUNAL ARBITRAL DEL DEPORTE

COURT OF ARBITRATION FOR SPORT (CAS)

Ad Hoc Division – The XXV Olympic Winter Games in Milano-Cortina

CAS OG 26/04

sitting in the following composition:

President: Ms Marianne Saroli, Attorney-at-law, Montreal, Canada

Arbitrators: Mr Luigi Fumagalli, Professor and Attorney-at-law, Milan, Italy
Mr Joongi Kim, Professor of Law, Seoul, Republic of Korea

AWARD

in the arbitration between

British Bobsleigh & Skeleton Association Limited

Represented by Mr Mike Townley, Attorney-at-law with Moore Law, Brighton, United Kingdom

("Applicant")

v.

International Bobsleigh & Skeleton Federation

Represented by Mr Stephen Netzle, Attorney-at-law, Uster, Switzerland

("Respondent")

I. PARTIES

1. The Applicant, British Bobsleigh & Skeleton Association Limited ("BBSA"), is the national federation for bobsleigh and skeleton in the United Kingdom, headquartered at Bath, United Kingdom, and member of the International Bobsleigh and Skeleton Federation and of the British Olympic Association ("BOA").

2. The Respondent, International Bobsleigh and Skeleton Federation ("IBSF"), is the international organization that administers the sports of bobsleigh and skeleton, headquartered in Lausanne, Switzerland.

II. FACTS

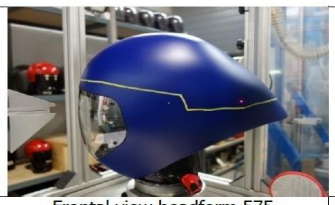
A. Background Facts

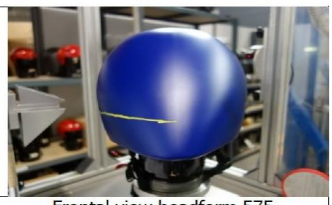
3. The elements set out below are a summary of the main relevant facts as considered established by the Panel by way of a chronology on the basis of the submissions of the Parties. Additional facts may be set out, where relevant, in the legal considerations of the present award.

4. The present dispute concerns the compliance, under Article 10.16.1 of the IBSF International Skeleton Rules 2025 (Release Date September 2025) (the "IBSF Rules"), of a newly developed skeleton helmet manufactured by the Applicant (the "Helmet"), and the Respondent's email dated 29 January 2026 stating its "*opinion that the helmet does not comply with the IBSF skeleton Rules.*"

5. The following pictures of the Helmet were provided by the Applicant:


Frontal view headform 575
Helmet size 57-58


Frontal view headform 575
Helmet size 57-58


Frontal view headform 575
Helmet size 57-58


Micrometric Buckle

6. Article 10.16.1 of the IBSF Rules governs the mandatory wearing of safety helmets in competitions and training and sets out detailed requirements relating, *inter alia*, to helmet shape, surface characteristics, protrusions, padding, and aerodynamic elements. Article 10.16.1 further provides that, starting from the 2026-2027 season, helmets must comply with, and be certified under, both ASTM 2040 and EN 1077 (Class A) standards.

7. Article 10.16.1 provides as follows:

"10.16.1 ***Helmet***

Wearing of a safety helmet is mandatory for all competitions, during both training and races. It is the duty and the responsibility of the National Federations to comply with the safety standards.

Only helmets whose shell and padding cover the head and at least the ear area are allowed.

Helmets with spoilers or protruding edges are not allowed.

The bottom edge of the helmet shell must maintain the shape of the helmets normally available on the market. Chin guards and clasps are not allowed to be positioned excessively low.

The chin guard, the visor and the hardware for attaching them are the only protruding elements allowed. These elements cannot, however, have aerodynamic coverings.

For safety reasons, all helmets must have a smooth surface.

A safety helmet

a) has to be without any additionally attached aerodynamic elements or adhesive tape (except that used to fix the visor or the goggle strap), and

b) one piece of adhesive tape is allowed on the chin guard with a maximum size of 50mm x 70mm.

c) One piece of foam padding may be added on the chin strap with adhesive tape, the addition may not exceed a maximum size of 100mm along the length of the strap with 50mm width and 6mm thickness.

d) On the inside of the chin guard padding may be applied but may not exceed a maximum size of 50mm width with 10mm thickness, according to Figure 8 & 8a.

e) the helmet shell must not have any concave shape except for the recesses for the visor, and

f) the padding may protrude a maximum of 3 cm below the shell.

Please see the drawing in article 12.10.

Requirements valid from the season 2026/2027 onwards

Helmet model must meet ASTM 2040 and EN 1077 (Class A) and be certified under both.

In addition, the helmet model must pass an additional specific test under EN 1077 test methods, but at a higher test speed of 6.8 m/s."

8. The requirement for ASTM 2040 and EN 1077 (Class A) certification was first introduced by the Respondent into the IBSF Rules in 2022, with intended mandatory application from the 2023-2024 season. Its enforcement was subsequently postponed, first to the 2024-2025 season and later to the 2026-2027 season, due to the limited availability of

suitable certified helmets. It is common ground between the Parties that such requirement does not apply to the Olympic Winter Games Milano-Cortina 2026 ("OWG 2026") since they fall within the 2025-2026 season.

9. Against this background, the Applicant undertook the development and manufacture of a new helmet, which it asserts complies with both ASTM 2040 and EN 1077 (Class A) standards. The Applicant states that it obtained the relevant certifications and made the Helmet available for use by its athletes in preparation for the OWG 2026.

10. On 1 January 2026, representatives of the Respondent, Mr Christoph Langen (Head of Material, Technology and Innovation) and Mr Christian Senge, (Material Controller IBSF), attended a meeting at the Applicant's hotel in Winterberg, Germany.

11. The meeting lasted approximately one hour. Representatives of the Applicant, including Ms Natalie Dunman, Mr David Short and Mr Matthias Guggenberger, presented several items of equipment intended for use at the OWG 2026 skeleton competitions, including the Helmet. The Respondent's representatives examined the equipment and asked questions concerning its design and characteristics.

12. The Parties disagree as to whether any approval of the Helmet was given during this meeting and, if so, with what legal effect. The Applicant asserts that the Respondent's representatives confirmed that the Helmet met the requirements of the IBSF Rules and was approved for use at the OWG 2026. The Respondent denies having given any binding approval, characterizing the meeting as informal and stating that Mr Langen expressly reserved the right for the Helmet to be reviewed by the IBSF Material Controllers.

13. Following the meeting, British athletes began using the Helmet during training sessions in St. Moritz, Switzerland, where it was visible to other teams.

14. By email dated 26 January 2026, Mr Langen informed the Applicant that, following internal review and discussion, the Helmet, in its current form, was considered not to comply with the IBSF Rules. The email cited concerns relating to protruding elements, aerodynamic features, and the illustrative drawings in Article 12.10, stating in relevant part (emphasis in original):

"[…] *It has been reviewed and discussed, and it has been decided that the helmet, in its current form, does not comply with our regulations.*

The decision is based on the following points of the regulations:

1. The chin guard, the visor and the hardware for attaching them are the ***only protruding elements allowed****.*

2. Helmets with spoilers or protruding edges are not allowed.

3. A safety helmet has to be without any additionally attached aerodynamic elements or adhesive tape (except that used to fix the visor or the goggle strap).

4. 12.10. Equipment

Drawing for article 10.16.1 ***no aerodynamic modification allowed****.*

We therefore consider that the presented helmet design does not comply with these three points. […]*"*

15. By email dated 28 January 2026, the Applicant contested this assessment, asserting that the Helmet complied with Article 10.16.1 and that the Respondent's position represented a reversal of the understanding reached on 1 January 2026. The Applicant addressed each of the provisions cited by Mr Langen, emphasizing that the Helmet was manufactured as a single integrated form without attached elements and had not been aerodynamically modified after manufacture. In particular, the Applicant argued that the Helmet *"does comply with the rules for the following reasons:*

    1. *The chin guard, the visor and the hardware for attaching them are the only protruding elements allowed.*

       Response*: There are no protruding elements. The helmet has been manufactured as one solid form.*

    2. *Helmets with spoilers or protruding edges are not allowed.*

       Response*: There is no spoiler or protruding edges.*

    3. *A safety helmet a) has to be without any additional attached aerodynamic elements or adhesive tape (except that used to fix the visor or the goggle strap).*

       Response*: There are no attached aerodynamic elements or adhesive tape on the helmet. The helmet is one solid form - there is nothing attached.*

    4. *12.10. Equipment: Drawing for article 10.16.1 no aerodynamic modification allowed*

       Response*: There has been no aerodynamic modification. The helmet has been produced in a form that meets the rules and has not been modified in any way."*

16. On 29 January 2026, the Respondent's Sports Manager, Mr Gatis Gūts, responded as follows:

    "*Based on the new shape of the helmet, we have reviewed the documentation provided, and the Material Controllers are of the opinion that the helmet does not comply with the IBSF Skeleton Rules.*

    In order to further assess the technical development of your proposed helmet prototype, we intend to organise a call within the next few days with the relevant Skeleton Sport experts, e.g. members of the Skeleton Sport and Skeleton Material Committees. We would propose that you present the prototype during this call for evaluation.

    Should you not be available for this call, we would kindly ask you to provide the relevant information, which we could then circulate to the committee members for their assessment."

17. Later that day, the Applicant responded that, while disappointed with the outcome, it acknowledged the Respondent's position that the Helmet was considered non-compliant. The Applicant reiterated its disagreement and objected to the proposal to

share information regarding the Helmet with the *"Skeleton Sport and Materials Committees*", asserting that such assessment was not normal procedure during the competitive season and that the matter should be treated as confidential between the Parties.

18. On 30 January 2026, the Respondent confirmed that no information had been shared with other parties, while noting that members of the relevant committees were aware of the Helmet due to its visible use in training sessions in St. Moritz. The Respondent further indicated that equipment could be presented to IBSF Material Control during official OWG 2026 training sessions in Cortina for review and feedback, and that *"[t]he approval of used items during the race is done during each material control check as one may amend or change the previously presented material for the race."*

19. It is against this factual background that the Applicant filed its application before the CAS Ad Hoc Division.

20. The central issue in the present arbitration is whether the Helmet complies with Article 10.16.1 of the IBSF Rules for purposes of use at the OWG 2026. The Applicant maintains that the Helmet is compliant because it is manufactured as an integrated whole without any elements "*attached*" to it and does not have "*aerodynamic modifications*". The Respondent maintains that, based on its overall shape and design, the Helmet incorporates prohibited spoilers, protruding edges, or aerodynamic elements and therefore does not comply with the applicable rules.

III. THE CAS PROCEEDINGS

21. On 2 February 2026 at 13:17 (time of Milan), the Applicant filed an Application with the CAS Ad Hoc Division against the Respondent to challenge the decision of the Respondent contained in its email that was sent to the Applicant on 29 January 2026, mentioning the BOA as interested party.

22. On 2 February 2026, at 15:59 and at 16:02 (time of Milan), the CAS Ad Hoc Division notified the Application to the Respondent and to the interested parties, namely the BOA and the International Olympic Committee ("IOC").

23. On 2 February 2026 at 17:01 (time of Milan), the CAS Ad Hoc Division notified the Parties of composition of the Arbitral Tribunal:

President:	Ms Marianne Saroli, Attorney-at-law, Montreal, Canada
Arbitrators:	Mr Luigi Fumagalli, Professor and Attorney-at-law, Milan, Italy
	Mr Joongi Kim, Professor of Law, Seoul, Republic of Korea

24. On 2 February 2026, at 17:32 (time of Milan), the CAS Ad Hoc Division invited the Respondent to file a Reply by 3 February 2026 at noon (time of Milan) and informed the BOA that it was entitled to file an *amicus curiae* within the same deadline. The CAS Ad Hoc Division further summoned the Parties to appear before the Panel of the CAS Ad Hoc Division on 3 February 2026 at 15:00 (time of Milan).

25. On 3 February 2026, at: 06:21 (time of Milan), the Applicant provided the list of persons attending the hearing.

26. On 3 February 2026 at 10:02 (time of Milan), the Respondent filed its Reply with the CAS Ad Hoc Division, including a defence on lack of jurisdiction and procedural requests.

27. On 3 February 2026 at 11:07 (time of Milan), the CAS Ad Hoc Division invited the Applicant to file its reply on jurisdiction with the CAS Ad Hoc Division.

28. On 3 February 2026 at 12:54 (time of Milan), the Applicant filed its reply on jurisdiction with the CAS Ad Hoc Division.

29. On 3 February 2026, at 13:14 (time of Milan), the CAS Ad Hoc Division informed the Parties that the issue of the jurisdiction of the CAS Ad Hoc Division would be decided in the final Arbitral Award, and that the hearing scheduled for today at 15h00 shall be a Case Management Conference ("CMC") during which the Panel shall consider any further procedural steps required in the present matter.

30. On 3 February 2026 at 15:00 (time of Milan), a CMC was held in presence of the Panel, the CAS Ad Hoc Division Counsel and Clerk as well as the Parties' representatives.

31. On 3 February 2026 at 17:33 (time of Milan), after having heard the Parties on the procedural requests made by the Respondent, the Panel issued Further Procedural Directions including the Panel's order for the Parties to appoint an expert and provide a joint expert protocol on the compliance of the Helmet with the IBSF Rules. The CAS Ad Hoc Division also informed the Parties that a hearing will be held on 5 February 2026 at 13:00 and invited the Parties to provide the name of the persons attending the hearing.

32. On 3 February 2026 at 17:53 (time of Milan), the IOC informed the CAS Ad Hoc Division that it did not wish to intervene in the present proceedings as interested party.

33. On 3 February 2026 at 18:32 (time of Milan), the President of the CAS Ad Hoc Division extended the time-limit for the Panel to give a decision until 6 February 2026 at 14h00 (time of Milan).

34. On 4 February 2026 at 09:47 (time of Milan), the Respondent requested the Panel to revisit its Further Procedural Directions informing the Panel that it wished to withdraw part of its procedural requests.

35. On 4 February 2026 at 09:52 (time of Milan), the Applicant provided the name of its party appointed expert.

36. On 4 February 2026 at 13:53 (time of Milan), upon the CAS Ad Hoc Division's invitation to reply, the Applicant filed its comments to the IBSF's withdrawal of part of its procedural requests.

37. On 4 February 2026 at 14:51 (time of Milan), the CAS Ad Hoc Division informed the Parties that the Panel confirmed its Further Procedural Directions.

38. On 5 February 2026, at 10:37 (time of Milan), the employees of the Parties appointed as experts by them provided a joint protocol on the compliance of the Helmet with the IBSF Rules. At the request of the Parties, the hearing time was postponed to 14:00 (time of Milan).

39. On 5 February 2026 at 14:00 (time of Milan), a hearing was held with the participation of the following persons, in addition to the Panel, Counsel to the CAS and Clerk to the CAS:

For the Applicant:

- Mr Mike Townley, Counsel (attending by video)
- Ms Natalie Dunman, Executive Performance Director of the Applicant (attending in person)
- Mr Dave Short, Employee appointed as expert by the Applicant (attending in person)

For the Respondent:

- Mr Stephen Netzle, Counsel (attending by video)
- Ms Heike Grösswang, Secretary General of the Respondent (attending by video)
- Mr Gatis Güts, Employee appointed as expert by the Respondent (attending in person)
- Mr Christoph Langen, Head of Material, Technology and Innovation of the Respondent (attending by video)

40. At the hearing, the Parties confirmed that they had no objections to the composition of the Panel. Each Party was afforded the opportunity to present its arguments on jurisdiction issue and on the merits of the case. The Parties heard the evidence of the experts and were given the opportunity to examine and cross-examine them. Prior to their depositions, all appointed experts and witnesses were duly informed of their obligation to tell the truth. During the hearing, the Parties also presented various samples of the Helmet, along with one sample each of the JURK helmet (formerly known as UVEX) and the Suomy helmet.

41. Before the hearing was concluded, the Parties expressly stated that they did not have any objection to the procedure adopted and how the proceeding was conducted by the Panel and confirmed that their right to be heard and to be treated equally was respected.

IV. THE PARTIES' SUBMISSIONS AND REQUESTS FOR RELIEF

42. The Parties' submissions and arguments shall only be referred to in the sections below if and when deemed necessary, even though all such submissions and arguments have been thoroughly considered.

A. The Applicant

a. Applicant's Submissions

i. Jurisdiction

43. The Applicant's submissions may be summarized, in essence, as follows:

- The Applicant argues that the CAS Ad Hoc Division has jurisdiction under Rule 61 of the Olympic Charter and Article 1 of the CAS Ad Hoc Rules, as the dispute arose in connection with the OWG 2026 and the exhaustion of internal remedies would render CAS relief ineffective given the Olympic time constraints.

- The Applicant further submits that the Respondent's internal appeal rules do not provide for any expedited procedure suitable for resolving Games-time disputes and that no such procedure was communicated to member federations in advance of the OWG 2026. According to the Applicant, the Respondent's suggestion that the IBSF Appeals Tribunal could hear the dispute on an expedited basis was made only after the present Application was filed and is not grounded in any established procedural framework.

- In any event, the Applicant submits that even if the IBSF Appeals Tribunal could render a decision before the first official training session, this would leave no opportunity for a subsequent appeal to the CAS Ad Hoc Division, thereby rendering such appeal ineffective.

ii. Nature of the dispute

- The Applicant submits that the present dispute does not concern a "*field of play*" matter but rather raises a question of legal interpretation and application of the Respondent's written equipment rules.

- The email of 29 January 2026 was issued well before any competition, based on a review of documentation and the design of the Helmet. The essential issue is whether the Respondent, as rule-maker, has correctly applied Article 10.16.1 of the IBSF Rules. This, according to the Applicant, is a matter falling within the jurisdiction of the Panel.

- The Applicant clarifies that it does not seek to enforce any alleged verbal approval given at the meeting of 1 January 2026. That meeting is relied upon only as factual context. The Applicant requests the Panel to determine, as a matter of rule interpretation and application, that the Helmet complies with Article 10.16.1 of the IBSF Rules.

iii. Equipment approval process and compliance with Article 10.16.1

- The Applicant disputes the Respondent's assertion that equipment inspection and approval occur exclusively during competition. It submits that the Respondent's emails of 26 and 29 January 2026 demonstrate that determinations of compliance or non-compliance may be, and in this case were, made prior to competition.

- The Applicant refers in particular to the Respondent's email of 30 January 2026, which states that in-competition material controls serve to verify that equipment presented has not been amended prior to use. According to the Applicant, this confirms that pre-competition assessments of compliance do take place.

- The Applicant further submits that evidence from Ms. Natalie Dunman demonstrates that pre-approval or pre-assessment of equipment has occurred in practice, albeit without a formalised procedure.

- Ultimately, the Applicant contends that the Helmet complies with Article 10.16.1 of the IBSF Rules and that the Respondent's contrary conclusion is based on an incorrect interpretation of the rule. In this respect, the Applicant emphasizes that Article 10.16.1 prohibits helmets with "*additionally attached aerodynamic elements*", the term "*attached*" being decisive. It claims that the Helmet is manufactured as a single, integrated structure and contains no elements affixed or added after manufacture. Similarly, the Applicant submits that the prohibition of "*aerodynamic modifications*" applies to changes made to an existing helmet. The Helmet has not been modified as it was produced in its current form. It also does not feature spoilers or protruding edges, complies with the limitation on permitted protruding elements, and has a smooth surface as required by the rules. Moreover, the diagrams in Article 12.10 illustrate prohibited add-on aerodynamic elements and modifications, none of which are present in the Helmet.

- With this, the Applicant submits that safety is the paramount consideration underlying Article 10.16.1, which places responsibility on National Federations to comply with safety standards. It stresses that the Helmet already meets the ASTM 2040 and EN 1077 (Class A) certification standards that will become mandatory from the 2026-2027 season. Testing demonstrates that the Helmet provides superior protection against serious head injury compared to helmets currently in use. As such, preventing athletes from using such equipment would be inconsistent with the safety objectives of the IBSF Rules and the Olympic Charter. Any ambiguity in Article 10.16.1 should be resolved in favour of permitting the use of equipment that demonstrably enhances athlete safety.

- Lastly, the Applicant states that any rule providing for the finality of Jury decisions does not apply in the present case. The email of 29 January 2026 was issued by the Respondent's Sports Manager based on the opinion of Material Controllers and was not a decision of a competition Jury. In any event, the Applicant submits that decisions taken in breach of applicable rules must remain subject to review.

b. Applicant's Requests for Relief

44. The Applicant's Requests for relief, as described in the Application, are as follows

> *"13.Claimant asks the CAS Ad Hoc Division for the 2026 OWG to set aside the decision of the IBSF and to rule that use of the Certified Helmet is permitted during the Skeleton competition at the 2026 OWG."*
>
> *"23.The Claimant requests the CAS Ad Hod Division to rule that the Certified Helmet is compliant with the Rules, that it is safe to use in the Skeleton Competition at the OWG 2026 and future IBSF competitions, and that based on its safety certifications it is objectively proven to be more safe and beneficial to athletes' health and safety than any of the other available helmets being used by athletes at IBSF and Olympic Games Skeleton Sport competitions."*
>
> *"24. CAS is asked to condemn Respondent for seeking prohibit the use of the Certified Helmet and to force athletes to wear uncertified helmets that fail to provide the safety guarantees rigorously tested for and established by the bodies that administer the ASTM 2040 and EN 1077 standards."*

45. This notwithstanding, the Applicant clarified its Requests for relief during the hearing. In particular, it confirmed that paragraph 13 of the Application accurately reflects the relief

sought, namely that the Panel declare that the Helmet complies with the applicable IBSF Rules and may be used in the Skeleton competitions at the OWG 2026. The Applicant further confirmed that its Requests for relief are limited exclusively to the OWG 2026 and do not extend to future IBSF competitions or seasons. The Applicant also clarified that the dispute does not concern the intrinsic safety of the Helmet as such. While the Applicant maintains that the Helmet is safe, it acknowledged that safety is not the principal issue for determination in these proceedings. Rather, the central issue is whether the Helmet complies with the applicable equipment rules in force for the OWG 2026.

B. The Respondent

a. Respondent's Submissions

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

i. Jurisdiction :

- The CAS Ad Hoc Division lacks jurisdiction because the Applicant failed to exhaust all the internal remedies available to it. The IBSF Appeals Tribunal is competent to decide on the present matter under Article IV.A. iii of the IBSF Appeals Tribunal Code (the "Appeals Tribunal Code") as this is a dispute between the IBSF and one of its Members. The IBSF Appeals Tribunal is furthermore available from 6 February 2026 onwards partially from Cortina d'Ampezzo and capable to render its decision in time before the first official skeleton training in Cortina d'Ampezzo.

- Accordingly, the Respondent maintains that the IBSF Appeals Tribunal would be able to render a decision before the first official training session on 9 February 2026, and well in advance of the first competition on 12 February 2026.

- The Respondent also submits that the Applicant's athletes qualified for the OWG 2026 using helmets other than the Helmet at issue and could continue to use those helmets during training pending any decision.

ii. Nature of the dispute

- The Respondent submits that the only legal issue capable of judicial determination is whether it granted unconditional approval of the Helmet at the meeting held on 1 January 2026. The Respondent categorically denies that any such approval was given.

- The Respondent further submits that the technical compliance of the Helmet with Article 10.16.1 constitutes a "*field of play*" matter requiring specialised technical expertise and is therefore not suitable for determination by an arbitral tribunal.

- According to the Respondent, granting the Applicant's request would require the Panel to substitute its own technical assessment for that of the Material Controllers.

- Furthermore, the meeting of 1 January 2026 was informal in nature and did not constitute a formal equipment inspection. No decision was made on behalf of the Respondent, and Mr Langen expressly reserved the right for the Helmet to be reviewed by the Material

Controllers. The Applicant was aware that no approval had been granted, as evidenced by the fact that the Helmet was not used in subsequent competitions.

iii. Equipment approval process and compliance with Article 10.16.1

- The Respondent submits that there is no pre-season homologation or certification system under its rules. Equipment compliance is assessed during competition through inspection by Material Controllers.

- The Helmet represents a novel design and its compliance with Article 10.16.1 is a technical question requiring expert judgment.

- The Respondent's opinion, communicated on 29 January 2026 and reaffirmed in the joint protocol dated 5 February 2026, is that the Helmet does not comply with Article 10.16.1 due to its shape and design, which were considered to incorporate prohibited spoilers, protruding edges, or aerodynamic modifications. The fact that the Helmet is manufactured as a single integrated form does not render it compliant. The prohibitions in Article 10.16.1 apply to helmet features regardless of how they are manufactured.

- The purpose of the design restrictions in Article 10.16.1 is to prevent unfair competitive advantages derived from aerodynamically enhanced helmet designs, while ensuring adequate safety protection. According to the Respondent, the aerodynamic characteristics of the Helmet, irrespective of its safety performance, raise legitimate concerns under the existing rules.

iv. Procedural Matters

- The Respondent initially requested expert inspection procedures but subsequently withdrew those requests on the basis that the decisive issue was whether any binding approval had been given on 1 January 2026.

- Following the Panel's decision to order expert inspection, a joint protocol was filed on 5 February 2026, confirming the Respondent's position that the Helmet does not comply with Article 10.16.1.

b. Respondent's Requests for Relief

47. The Respondent's Requests for relief, as described in the Reply, are as follows

"1) Not to accept the Application because of lack of jurisdiction.

2) Subsidiarily, and in case the Panel accepts jurisdiction of the CAS Ad Hoc Division, it shall dismiss the Application in its entirety to the extent that it is admissible."

V. JURISDICTION AND ADMISSIBILITY

48. Rule 61.2 of the Olympic Charter provides as follows:

"61 Dispute Resolution

[...]

2. Any dispute arising on the occasion of, or in connection with, the Olympic Games shall be submitted exclusively to the Court of Arbitration for Sport (CAS), in accordance with the Code of Sports-Related Arbitration".

49. Article 1 of the CAS Arbitration Rules for the Olympic Games (hereinafter referred to as the "CAS Ad Hoc Rules") provides as follows:

"*Article 1. Application of the Present Rules and Jurisdiction of the Court of Arbitration for Sport (CAS)*

The purpose of the present Rules is to provide, in the interests of the athletes and of sport, for the resolution by arbitration of any disputes covered by Rule 61 *of the Olympic Charter, insofar as they arise during the Olympic Games or during a period of ten days preceding the Opening Ceremony of the Olympic Games.*

In the case of a request for arbitration against a decision pronounced by the IOC, an NOC, an International Federation or an Organising Committee for the Olympic Games, the claimant must, before filing such request, have exhausted all the internal remedies available to him/her pursuant to the statutes or regulations of the sports body concerned, unless the time needed to exhaust the internal remedies would make the appeal to the CAS Ad Hoc Division ineffective."

50. As consistently held in CAS jurisprudence, including CAS OG 22/02, the jurisdiction of the CAS Ad Hoc Division is limited. Jurisdiction exists only where the cumulative requirements set out in Article 1 of the CAS Ad Hoc Rules are satisfied. In particular, the dispute submitted to the Panel must:

(a) arise on the occasion of, or in connection with, the Olympic Games within the meaning of Rule 61.2 of the Olympic Charter; and
(b) arise during the Olympic Games or within the ten-day period preceding the Opening Ceremony;
(c) where the request is directed against a decision of a sports body, either follow the exhaustion of available internal remedies or fall within the exception provided in Article 1 of the CAS Ad Hoc Rules where the time required to exhaust such remedies would render recourse to the CAS Ad Hoc Division ineffective.

A. Subject matter jurisdiction

51. As a preliminary matter, the Panel notes that in its Requests for relief, the Applicant requests this Panel to find that the Helmet is safe to be used in "*future IBSF competitions, and that based on its safety certifications it is objectively proven to be more safe and beneficial to athletes' health and safety than any of the other available helmets being used by athletes at IBSF and Olympic Games Skeleton Sport competitions"* and that the Respondent be condemned *"for seeking prohibit the use of the Certified Helmet and to force athletes to wear uncertified helmets that fail to provide the safety guarantees rigorously tested for and established by the bodies that administer the ASTM 2040 and EN 1077 standards".*

52. At the Hearing, the Applicant confirmed that its Requests for reliefs were limited to the present OWG 2026.

53. The Panel notes that, pursuant to Rule 61.2 of the Olympic Charter, the jurisdiction of the CAS Ad Hoc Division is limited to *"any dispute arising on the occasion of, or in connection with, the Olympic Games"*.

54. Therefore, even if the Applicant had decided to maintain its Requests for relief beyond the present OWG 2026, the Panel would lack jurisdiction to rule on matters exceeding its limited mandate under Rule 61.2 of the Olympic Charter and Article 1 of the CAS Ad Hoc Arbitration Rules.

55. Further, the Panel also notes that the Respondent characterizes the dispute as a *"field of play"* matter involving technical compliance determinations by Material Controllers, and therefore submits that it is not appropriate for arbitral review.

56. The Panel, however, does not accept this characterization. The Applicant does not assert that the Respondent is bound by any alleged verbal approval given on 1 January 2026, which it describes as contextual only. The Applicant seeks a determination as to whether the Helmet complies with Article 10.16.1 of the applicable rules for use at the OWG 2026.

57. The Respondent's position of non-compliance was communicated by email on 29 January 2026, following a review of documentation and the Helmet's design. It was not a split-second decision taken by officials during competition.

58. The question whether equipment complies with written rules is a matter of rule interpretation and application. While it may involve technical evidence, it is ultimately a legal question of the type routinely addressed by arbitral tribunals.

59. The doctrine of *"field of play"* restraint applies to discretionary, real-time decisions made during competition. It does not extend to pre-competition administrative determinations regarding equipment compliance. To hold otherwise would insulate such determinations from any form of review.

60. Moreover, the Respondent cannot have it both ways. It cannot argue to this Panel that the matter is a *"field of play"* issue beyond legal review while simultaneously asserting that the Applicant should have use the internal remedies of the IBSF Appeals Tribunal, which expressly lacks jurisdiction over field of play matters. If the IBSF Appeals Tribunal would lack jurisdiction, then there is no internal remedy to exhaust.

B. Jurisdiction *ratione temporis*

61. The Parties disagree as to whether the Respondent's email of 29 January 2026 constituted a final decision or merely a provisional opinion. The email stated that *"the Material Controllers are of the opinion that the helmet does not comply with the IBSF Skeleton Rules"*, while also indicating that *"in order to further assess the technical development of your proposed helmet prototype, we intend to organise a call within the next few days with the relevant Skeleton Sport experts, e.g. members of the Skeleton Sport and Skeleton Material Committees. We would propose that you present the prototype during this call for evaluation."*

62. For the purposes of jurisdiction, however, the precise characterization of the 29 January 2026 email is not decisive. This is because the Parties agree that a dispute arose on 28 January 2026, when the Applicant contested the Respondent's position communicated

on 26 January 2026 and sought reconsideration. The Respondent's reply of 29 January 2026 confirmed its position that the Helmet did not comply with the applicable rules.

63. The Parties agree that the dispute arose within the ten-day period preceding the Opening Ceremony, as required by Article 1 of the CAS Ad Hoc Rules.

64. Hence, the jurisdictional requirements relating to the existence of a dispute connected to the Olympic Games and arising within the relevant temporal window are satisfied. The remaining issue is whether, assuming *arguendo* that the 29 January 2026 email constitutes a *"decision"* within the meaning of Article 1 of the CAS Ad Hoc Rules, the Applicant was required to exhaust internal remedies prior to seizing the CAS Ad Hoc Division, or whether the exception to that requirement applies.

C. Exhaustion of internal remedies

65. Where a request for arbitration is directed against a decision of an International Federation, Article 1 of the CAS Ad Hoc Rules requires exhaustion of available internal remedies, unless the time required to exhaust such remedies would make recourse to the CAS Ad Hoc Division ineffective.

66. The requirement to exhaust internal remedies serves important purposes, including respect for the autonomy of sports governing bodies and affording them the opportunity to resolve disputes internally in the first instance.

67. That requirement is, however, expressly subject to an exception where *"the time needed to exhaust the internal remedies would make the appeal to the CAS Ad Hoc Division ineffective."* This exception reflects the specific function of the CAS Ad Hoc Division, namely to provide urgent and effective dispute resolution during the Olympic Games period, when ordinary appeal timelines are incompatible with competition schedules.

68. The question for the Panel is therefore whether, in the circumstances of the present case, requiring the Applicant to exhaust the internal remedies of the IBSF Appeals Tribunal would render recourse to the CAS Ad Hoc Division ineffective.

69. *In casu*, the dispute arose on 28 January 2026. The first official training session is scheduled for 9 February 2026, and the first competition for 12 February 2026.

70. The Respondent submits that the IBSF Appeals Tribunal could render a decision prior to 9 February 2026. Even accepting this assertion arguendo, the relevant question is whether there would thereafter be sufficient time for meaningful review by the CAS Ad Hoc Division.

71. If the IBSF Appeals Tribunal were to issue a decision shortly before the first training session, the Applicant would have, at most, one day to file an application with the CAS Ad Hoc Division, prepare the necessary documentation, serve the opposing party, allow for submissions, constitute a panel, and obtain a decision. In the Panel's view, this would not amount to an effective or meaningful opportunity for CAS Ad Hoc review.

72. The exhaustion requirement is not intended to operate in a manner that effectively forecloses access to the CAS Ad Hoc Division. Where insistence on internal remedies

would, as a practical matter, eliminate the possibility of timely CAS review, the exception in Article 1 applies (*CAS OG 22/004*).

73. The Respondent further submits that the IBSF Appeals Tribunal could act expeditiously and notes that its Chairman would be present in Cortina d'Ampezzo from 6 February 2026, with other members available by videoconference.

74. However, the Respondent has not identified any published or established expedited procedure governing Games-time appeals before the IBSF Appeals Tribunal. Nor has it explained which procedural rules would apply, what timelines would govern submissions and deliberations, or whether member federations had been notified of the existence of such expedited procedures.

75. The mere availability of tribunal members does not amount to an established, effective, and expedited remedy upon which the Applicant could reasonably rely. An internal remedy whose procedure, timing, and jurisdiction are uncertain cannot be regarded as sufficiently effective for the purposes of the exhaustion requirement.

D. Conclusion

76. In light of the foregoing, and given the circumstances of the present case, the Panel finds that it has jurisdiction to hear this dispute.

VI. APPLICABLE LAW

77. Under art. 17 of the CAS Ad Hoc Rules, the Panel shall decide the dispute "*pursuant to the Olympic Charter, the applicable regulations, general principles of law and the rules of law, the application of which it deems appropriate*."

78. The Panel notes that the "*applicable regulations*" in this case are the IBSF Rules.

VII. DISCUSSION

A. Legal framework

79. These proceedings are governed by the CAS Ad Hoc Rules enacted by the International Council of Arbitration for Sport ("ICAS") on 14 October 2003 (amended on 8 July 2021). They are further governed by Chapter 12 of the Swiss Private International Law Act of 18 December 1987 ("PILA"). The PILA applies to this arbitration as a result of the express choice of law contained in Article 7 of the CAS Ad Hoc Rules and as the result of the choice of Lausanne, Switzerland as the seat of the CAS Ad Hoc Division and of the Panel, pursuant to Article 7 of the CAS Ad Hoc Rules.

80. According to Article 16 of the CAS Ad Hoc Rules, the Panel has "*full power to establish the facts on which the application is based*".

B. Merits

81. The Applicant seeks a declaration that the Helmet complies with Article 10.16.1 of the IBSF Rules and authorization to use it at the OWG 2026. Both Parties however agree

that safety is not an issue to be determined by the Panel in the framework of the present proceedings.

82. The Panel notes at the outset that this dispute arises in a context of rapid technological development in athlete safety and performance innovation. In addition to its aerodynamic innovations, the Helmet presented by the Applicant is alleged to be independently certified to international safety standards, and designed to enhance athlete protection.

83. The question is, however, whether, on the evidence before it, the Applicant has sufficiently established that the Panel can determine that the alleged aerodynamic innovations of the Helmet comply with the design and configuration requirements of Article 10.16.1 as currently applicable to the OWG 2026.

a. Burden of Proof

84. Article 10.16.1 provides in its opening paragraph that: *"Wearing of a safety helmet is mandatory for all competitions, during both training and races. It is the duty and the responsibility of the National Federations to comply with the safety standards."*

85. The rule thus expressly places responsibility for compliance with the applicable standards on National Federations. Where a National Federation seeks affirmative relief in the form of a declaration of compliance and advance authorization for use at the OWG 2026, it necessarily bears the burden of proof.

86. The Panel emphasizes that it is not tasked with determining whether the Helmet represents an improvement over existing equipment, nor with deciding what the equipment rules ought to be. Its role is confined to assessing whether the Applicant has sufficiently demonstrated that the Helmet complied with the rules as they currently stand.

87. The Panel is also mindful that it should not substitute its own technical judgment for that of the Respondent's Material Controllers or the Jury. Rather, it must determine whether the Applicant has provided sufficiently clear and convincing evidence that the Helmet falls within the range of equipment permitted by Article 10.16.1.

b. Analysis

88. The evidence establishes that after the 2022 Beijing Winter Olympic Games the Respondent does not, typically, operate a pre-competition equipment homologation or certification system. Equipment controls are now ordinarily conducted on-site before competition to verify compliance.

89. That said, the absence of a formal homologation procedure does not deprive the Respondent of authority to "*assess*" compliance prior to competition. The Respondent's emails of 26 and 29 January 2026 demonstrate that pre-competition "*assessments*" of equipment compliance can sometimes occur in practice.

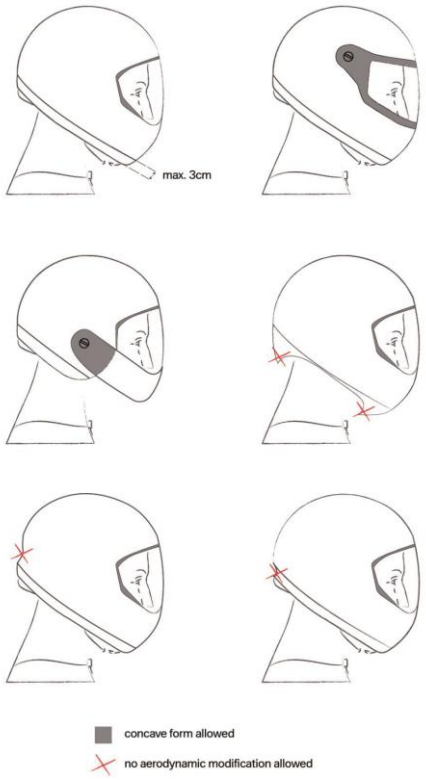
90. The issue for determination by the Panel is therefore whether the Applicant has sufficiently established that the Helmet complies with Article 10.16.1.

91. In connection with examining whether the Applicant has discharged its burden of proof, the Panel finds it should also consider whether the Respondent exercised its regulatory authority in a manner consistent with the applicable rules.

92. Although the Respondent enjoys discretion in administering its equipment control system, such discretion must be exercised within the framework of the written rules. The Panel's task is therefore confined to determining whether the Applicant has sufficiently demonstrated, on the basis of those rules and the evidence, that the Helmet falls within the scope of equipment permitted under Article 10.16.1.

93. The Applicant submits that the relevant provisions are ambiguous and should be interpreted in its favour, invoking both the principle of *contra proferentem* and the maxim that what is not expressly prohibited is permitted.

94. The Respondent counters that the rules are clear and submits that Article 10.16.1 of the IBSF Rules must be read together with the illustrative drawings contained in Article 12.10, which depict a standard helmet shape and configuration and identify prohibited features.



95. The Panel considers that Article 10.16.1, read in conjunction with the drawings in Article 12.10, provides guidance as to the helmet configurations that are permitted and those that are not. In accordance with Article 15.3, the terms used in the rule, such as *"attached"*, *"modified"*, *"spoilers"*, and *"protruding edges"*, should be interpreted in context and in light of the rule's underlying purpose.

96. The Respondent further relies on Article 15.3 of the IBSF Rules on interpretation, which provides that: *"[i]f an article in these Rules should be ambiguously defined so that multiple interpretations are possible, the interpretation should be used that matches the underlying meaning for which the article was written."*

97. The Panel accepts that the drawings in Article 12.10 illustrate a baseline or *"standard"* helmet shape and configuration and serve as a visual aid to understanding the types of shapes and configurations the rules are intended to permit and prevent, including aerodynamic enhancements that depart from that baseline.

98. The Panel further notes that the maxim that what is not prohibited is permitted is not without limits in a regulatory sporting context. Technical equipment rules cannot anticipate every conceivable design variation and must therefore be interpreted purposively rather than as an exhaustive catalogue of prohibited configurations.

99. Against this framework, the Respondent maintains that the Helmet departs from the standard shape and configuration illustrated in the rules. While the Applicant emphasizes that the Helmet is manufactured as one integrated piece and therefore has no "*attached*" elements, this argument focuses on the method of manufacture rather than on the resulting shape and configuration assessed against the regulatory standard.

100. Article 10.16.1 provides that *"[t]he bottom edge of the helmet shell must maintain the shape of the helmets normally available on the market."* This provision presupposes a reference configuration against which compliance is assessed. Avoiding separately attached elements is not, in itself, sufficient if the integrated design departs from "*the shape of helmets normally available on the market*".

101. The Applicant's experts submit that several helmets currently available on the market exhibit a profile along the lower edge similar to that of the Helmet at issue. The Applicant further notes that, in other sections of the IBSF Rules (in particular Articles 12.3 to 12.6), equipment requirements are accompanied by detailed measurements and corresponding technical drawings. By contrast, the rules governing helmets do not contain equivalent dimensional criteria. The Applicant argues that, had the Respondent intended to regulate helmet shape in a precise manner, it could have adopted detailed design specifications similar to those applied in other sports.

102. The Respondent's expert submits that the relevant provisions are intended to regulate helmet shape so as to ensure general uniformity and to prevent the development of helmets conferring an aerodynamic advantage. According to the Respondent's expert, the absence of precise measurements reflects an intentional choice to permit case-by-case assessment by competent technical officials.

103. The Panel notes the absence of detailed technical specifications and lack of precise clarity in some terms in the IBSF Rules but finds that it does not deprive the Respondent of regulatory authority to control helmet shape. Rather, the rules rely on functional standards rather than prescriptive measurements. While this approach necessarily involves an element of discretion, that discretion is directed toward a legitimate regulatory objective, namely preserving equipment uniformity and preventing aerodynamic advantage.

104. Unless the Applicant can demonstrate that the Respondent applied this discretion arbitrarily, inconsistently, in a discriminatory fashion, or contrary to the purpose of the rules, for instance, the lack of precise drawings or the existence of similar market-available helmets does not, in itself, establish that the Respondent exercised its discretion in an arbitrary way.

105. In the present case, the evidence indicates that the Helmet departs from the standard "*shape of helmets normally available on the market*", as illustrated under Article 12.10. The Applicant has not demonstrated that the Helmet maintains such a standard shape. Rather, the Helmet reflects a novel design specifically developed to enhance aerodynamic performance where the rear considerably protrudes. While such innovation may be commendable for aerodynamics, the decisive issue for the Panel is whether the Helmet complies with the requirements of the rules currently in force.

106. A clear distinction must therefore be drawn between innovation and regulatory compliance. The Panel is not criticizing the design as unsafe or undesirable. Rather, it emphasizes that the Applicant bears the burden of proving that the design falls within the category of equipment permitted by Article 10.16.1, particularly from an aerodynamic standpoint. Against this background, the Panel turns to the question of whether the Helmet incorporates prohibited aerodynamic features within the meaning of the rule.

107. The question then becomes whether the Helmet possesses spoilers, protruding edges, or other aerodynamic elements within the meaning of Article 10.16.1. The joint protocol indicates that the Parties' experts reached opposing conclusions on this issue.

108. The IBSF Rules prohibit helmets with spoilers and protruding edges, while permitting only the chin guard, the visor, and their attachment hardware as protruding elements, provided they do not include aerodynamic coverings.

109. The Applicant submits that the Helmet contains no spoilers, no protruding edges, and no aerodynamic coverings, and that it is manufactured as a single, integrated unit. On that basis, the Applicant argues that the Helmet complies with the IBSF Rules.

110. The Respondent contends that compliance cannot be determined solely by the presence or absence of attached elements. According to the Respondent, the Helmet's overall shape produces a spoiler effect, the back section constitutes a protruding edge or "*element*", and the Helmet's shape and form may confer an aerodynamic advantage. The resolution of this dispute turns first on the reasonable interpretation of Article 10.16.1.

111. In ordinary usage, "*attached*" refers to something affixed to another object, and "*modified*" suggests a change from an original state. These terms, however, cannot be read in isolation from the remainder of Article 10.16.1 or from its purpose.

112. Article 10.16.1 prohibits helmets "*with spoilers or protruding edges*". This prohibition is not limited to features added after manufacture. It applies to helmets that possess such features, irrespective of how or when they were created.

113. Likewise, the requirement that helmets have a smooth surface and the prohibition on aerodynamic coverings are not confined to separately attached components.

114. Against this textual background, the Respondent's position emphasises the functional effect of the Helmet's overall shape. The Panel accepts that compliance cannot depend solely on whether an element is attached after manufacture, but must also consider whether the design, irrespective of how it is produced, results in an impermissible aerodynamic effect.

115. In this respect, the Applicant's reliance on one-piece manufacture is not decisive. A helmet may be produced as a single integrated unit and nonetheless fall outside the scope of permitted configurations if its form produces the effects the rule seeks to prevent.

116. If the Applicant's interpretation were accepted, a manufacturer could circumvent the rules by integrating prohibited features into the initial design rather than adding them later. Such an interpretation would undermine the purpose of Article 10.16.1.

117. The Panel therefore considers that there has been a "modification" to the helmet, within the meaning of Article 10.16.1, compared to the standard market configuration, even when the change producing the aerodynamic effects has been implemented at the manufacturing stage.

118. In these circumstances, the Applicant has not sufficiently demonstrated that the Helmet falls within the permitted equipment shape and configuration under Article 10.16.1.

119. The Panel does not consider that the principle of *contra proferentem* can resolve this issue. While relevant in certain contexts, it must be applied cautiously in the regulatory setting of sports equipment rules.

120. International Federations must retain reasonable discretion to interpret and apply technical rules expressed in general terms and applied to novel designs. Such discretion warrants deference absent such factors as arbitrariness, bad faith, or manifest error.

121. The Panel finds that the Respondent's assessment, which appears non-binding, that the Helmet does not comply with Article 10.16.1 falls within the range of reasonable interpretations and applications of the rule.

122. The Panel fully acknowledges the Applicant's commitment to athlete safety. Article 10.16.1 itself emphasizes safety as a core objective. Mandatory certification requirements will enter into force only in the 2026-2027 season. For the OWG 2026, helmets must comply with the design and configuration requirements of Article 10.16.1 as currently drafted.

123. The Helmet has obtained ASTM 2040 and EN 1077 (Class A) certifications, and the evidence suggests improved impact safety performance compared with helmets currently in use. Yet, it has not been argued that the innovative, protruding rear section in controversy was for safety purposes. To the contrary, it was only for aerodynamic purposes.

124. The Panel cannot substitute its own assessment of optimal safety policy for the regulatory choices made by the Respondent. If the Applicant believes the current rules inadequately prioritize safety or should be amended to permit certified helmets

regardless of aerodynamic design shape and configuration, the appropriate forum for that argument is the Respondent's rule-making process, not this arbitration.

125. That said, the Panel expresses the hope that the Respondent will give due consideration to the safety benefit aspects of the Helmet and will continue to develop rules that appropriately balance safety innovation and competitively fair performance innovation.

126. Although the Application must be dismissed for failure to meet the necessary burden of proof, the Panel offers for consideration certain observations regarding regulatory clarity.

127. The Respondent does not maintain a published or transparent procedure for pre-competition equipment approval or for expedited resolution of equipment disputes. Greater procedural clarity could benefit both the Respondent and its member federations.

128. The events surrounding the meeting of 1 January 2026 illustrate this point. A lengthy meeting attended by senior technical representatives reasonably gave rise to expectations on the part of the Applicant that the equipment had been substantively reviewed. The subsequent communication of non-compliance, issued weeks later, created undesirable uncertainty at a critical stage of Olympic preparation.

129. The Panel does not, in any way, suggest that the Respondent acted in bad faith or that the meeting created a binding approval. However, clearer communication as to the status and consequences of such meetings could have reduced the risk of misunderstanding.

130. Finally, the Panel notes the inherent tension between encouraging safety innovation, reflected in forthcoming mandatory certification requirements, and maintaining competitive fairness through reasonable design restrictions on performance enhancement. This tension warrants clearer expression in the rules so that National Federations are not left to speculate as to what degree innovative, novel equipment will be permitted.

131. Drafting technical rules capable of keeping pace with evolving technology is a complex task. The present case nonetheless demonstrates that the current framework would benefit from greater precision and transparency.

c. Conclusion

132. For the reasons set out above, in view of the information available to date, the Panel concludes that the Applicant has not discharged its burden to sufficiently establish that the Helmet complies with the IBSF Rules. The Application must therefore be dismissed.

VIII. COSTS

133. According to Article 22 para. 1 of the CAS Ad Hoc Rules, the services of the CAS Ad Hoc Division “are free of charge”.

134. According to Article 22 para. 2 of the CAS Ad Hoc Rules, parties to the CAS Ad Hoc proceedings “*shall pay their own costs of legal representation, experts, witnesses and interpreters*”.

135. None of the Parties sought costs. Accordingly, there is no order as to costs.

DECISION

The Ad Hoc Division of the Court of Arbitration for Sport renders the following decision:

1. The CAS Ad Hoc Division has jurisdiction to deal with the application filed by the British Bobsleigh & Skeleton Association Limited on 2 February 2026 at 13:17 (time of Milan).

2. The application filed by the British Bobsleigh & Skeleton Association Limited on 2 February 2026 at 13:17 (time of Milan) is dismissed.

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

Milan, 7 February 2026

THE AD HOC DIVISION OF THE COURT OF ARBITRATION FOR SPORT

Marianne Saroli
President of the Panel

Luigi Fumagalli
Arbitrator

Joongi Kim
Arbitrator