



**TAS / CAS**

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

**CAS OG 26/07 Rebecca Passler v. NADO Italia Antidoping, World Anti-Doping Agency (WADA), Italian Winter Sports Federation (FISI), International Olympic Committee (IOC), International Testing Agency (ITA), International Biathlon Union (IBU) & Italian National Olympic Committee (CONI)**

**AWARD**

issued by the

**COURT OF ARBITRATION FOR SPORT**

in the arbitration between

**Rebecca Passler**, Italy

Represented by Mr Ernesto De Toni, Attorney-at-law, Padua, Italy

**– Athlete –**

**v.**

**NADO Italia Antidoping**, Italy

Represented by Mr Pierfilippo Laviani, Chief Anti-Doping Prosecutor,  
Padua, Italy

**– First Respondent –**

**and**

**World Anti-Doping Agency (WADA)**, Canada

Represented by Mr Nicolas Zbinden, Attorney-at-law, Kellerhals Carrard, Lausanne,  
Switzerland

**– Second Respondent –**

**Italian Winter Sports Federation (FISI)**, Italy

**– Third Respondent –**

**International Olympic Committee (IOC)**, Switzerland

Represented by Mr Antonio Rigozzi and Mr Patrick Pithon, Attorneys-at-law, Lévy-Kaufmann  
Kohler, Geneva, Switzerland

**– Fourth Respondent –**

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

**International Testing Agency (ITA)**, Switzerland

– Named as “Fifth Respondent” –

**International Biathlon Union (IBU)**, Austria  
Represented by Mr Nicolas Zbinden, Attorney-at-law, Kellerhals Carrard, Lausanne,  
Switzerland

– Sixth Respondent –

**Italian National Olympic Committee (CONI)**, Italy

– Seventh Respondent

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

**I. THE PARTIES**

1. The Applicant is Ms Rebecca Passler, an Italian biathlete (the “Athlete”).
2. The First Respondent is NADO Italia Antidoping (“NADO Italia” or the “First Respondent”), the National Anti-Doping Organisation in Italy (based in Rome) and a signatory to the World Anti-Doping Code (the “WADC”). From time to time, it issues anti-doping rules in accordance with the WADC including in particular the Anti-Doping Sports Code dated from 11 February 2025 (the “ADSC”) supplemented by the Results Management Procedure dated from 1 February 2023 (the “RMP”).
3. The Second Respondent is the World Anti-Doping Agency (“WADA” or the “Second Respondent”), a Swiss private law foundation with its registered seat in Lausanne, Switzerland and its headquarters in Montreal, Canada. WADA was created in 1999 to promote, coordinate and monitor the fight against doping in sport on the basis of the WADC.
4. The Third Respondent is the Italian Winter Sports Federation (Federazione Italiana Sport Invernali (“FISI” or the “Third Respondent”), the winter sports federation for Italy, which organises, promotes and coordinates winter sports in Italy.
5. The Fourth Respondent is the International Olympic Committee (the “IOC” or the “Fourth Respondent”), the world governing body of Olympic sport, with its registered offices in Lausanne, Switzerland. One of the IOC’s primary responsibilities is to organise, plan, oversee, and sanction the Milano-Cortina 2026 Winter Olympic Games (the “2026 OWG”), fulfilling the mission, role and responsibilities assigned by the Olympic Charter (the “OC”). In addition, it has issued the ‘International Olympic Committee Anti-Doping Rules applicable to the XXV Olympic Winter Games Milano Cortina 2026 (17 March 2025)’ (the “IOC ADR”), by which the Athlete was bound.
6. The International Testing Agency (“ITA”) was named as the Fifth Respondent by the Athlete. It was responsible for, on behalf of the IOC, all anti-doping responsibilities at the 2026 OWG. (It is to be noted that it objected to its inclusion as a respondent, which the Panel addresses below.)
7. The Sixth Respondent is the International Biathlon Union (the “IBU” or the “Sixth Respondent”). It is the international governing body for the sport of biathlon, seated in Salzburg, Austria.
8. The Seventh Respondent is the Italian National Olympic Committee (in Italian, Comitato Olimpico Nazionale Italiano) (“CONI” or the “Seventh Respondent”).
9. The First through Seventh Respondents are collectively referred to herein as the “Respondents”.
10. The Athlete and the Respondents are collectively referred to herein as the “Parties”.

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

## II. OUTLINE OF THE MATTER

11. This matter has been commenced by way of an application (the “Application”) to the Court of Arbitration for Sport (“CAS”) Ad Hoc Division for the 2026 OWG pursuant to the CAS Arbitration Rules for the Olympic Games (the “CAS Ad Hoc Rules”).
12. As more fully described below, the Athlete underwent an out-of-competition urine test on 26 January 2026 (at her home), the result of which for the A Sample was positive for Letrozole Metabolite Bis Methanol, and which result was confirmed subsequently by the B Sample. Letrozole Metabolite Bis Methanol, is an aromatase inhibitor prohibited under the 2026 WADA Prohibited List in section S4.1 “Hormones and Metabolic Modulators” under S4.1 “Aromatase inhibitors”. It is a Specified Substance under these rules.
13. As a result, upon the application of NADO Italia to what is known in English as the National Anti-Doping Tribunal (the “NADT”), in a decision dated 2 February 2026 the NADT provisionally suspended the Athlete (the “Decision”).
14. By her Application, the Athlete seeks (*inter alia*) “an annulment” or a “lifting” of that provisional suspension on the basis that the positive result must have been caused by cross-contamination with her mother’s medication, her mother having been prescribed Letrozole as part of her treatment and care for breast cancer.

## III. FACTUAL BACKGROUND

17. Set out below is a summary of the relevant facts and allegations based on the Parties’ submissions and from matters of public knowledge. The Panel has considered all matters put forward by the Parties, but reference is made below only to those matters necessary to explain the Panel’s reasoning and its decision.
18. The Athlete was selected to represent Italy in the biathlon competition at the 2026 OWG.
19. On 26 January 2026, the Athlete took part in out-of-competition testing at her home in Antholz-Anterselva in Bolzano, Italy conducted by NADO Italia. The sample was, as per usual, divided into the A Sample and the B Sample. The analysis was positive for the presence the prohibited substance Letrozole Metabolite Bis Methanol. This is the Adverse Analytical Finding (the “AAF”).
20. On 2 February 2026, the Procura Nazionale Antidoping (the prosecutorial office of NADO Italia (in English, the “NADP”) sent to the Athlete a “Notification of Adverse Analytical Finding” (the “AAF Notice”) putting her on notice that:
  - a. her A Sample had returned positive for “Letrozole metabolite bis-(cyanophenyl) methanol”;
  - b. the fact that the AAF may result in an anti-doping rules violation (“ADRV”);
  - c. the Athlete had the right to request the analysis of the “B” Sample within three (3) days, it being understood that, in the absence of such a request within the

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

indicated period, the analysis of “B” Sample shall be considered to have been waived;

- d. the Athlete had the opportunity to attend the “B” Sample opening and analysis;
  - e. the Athlete had the right to request a copy of the analytical documentation pertaining to Samples “A” and “B”, if the analysis of the B Sample is required;
  - f. the Athlete had the opportunity to provide written observations and/or to request to be heard; and
  - g. the Athlete had the opportunity to provide substantial assistance as set out under ADSC Article 11.7.1 to admit to the ADRV.
21. On the same day, 2 February 2026, the NADT issued the Decision, which was in the following terms (free translation):

*“Having regard to the request for the immediate provisional suspension of the athlete Rebecca Passler, registered with FISJ, submitted by the PNA on 2 February 2026 to the National Anti-Doping NADT;*

*Noting that the athlete concerned tested positive following the analysis of biological sample A, and that, at present, elements of responsibility attributable to her exist;*

*Having regard to the Sporting Anti-Doping Code (CSA) currently in force;*

*Having regard to the Results Management Procedure (PGR) currently in force;*

**ORDERS**

*The immediate provisional suspension of the athlete Rebecca Passler.*

*This decision shall be communicated to the person concerned, the PNA, WADA, the IBU, FISJ, and the athlete’s club.*

*Pursuant to Article 3.3.2 of the PGR, the athlete has the right to submit an application for revocation of the present provisional suspension and to produce any supporting documentation, within the mandatory time limit of three (3) days from notification of this decision.”*

- 22. On an unknown date, the Athlete requested the analysis of the B Sample.
- 23. On 5 February 2026, the B Sample was analysed and the analysis was issued by NADO Italia on 6 February 2026. It confirmed the presence of Letrozole (in an estimated concentration of 1.1 ng/ml).

**IV. SUMMARY OF THE PROCEEDINGS BEFORE THE CAS Ad Hoc DIVISION**

- 24. On 6 February 2026 at 17:38 (Milan time), the Athlete filed her Application with the CAS Ad Hoc Division.

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

25. On 7 February 2026, the President of the CAS AHD:
  - a. acknowledged receipt of the Athlete's application;
  - b. sent to the Respondents a copy of the Athlete's application; and
  - c. notified the Parties of the constitution of the Panel as follows:
    - i. President: Mr James Drake KC, Barrister and Arbitrator in London, United Kingdom; and
    - ii. Arbitrators: Mr André Brantjes, Attorney-at-law in Amsterdam, The Netherlands and Mr Jordi López Batet, Attorney-at-law in Barcelona, Spain (both acting remotely).
26. Also on 7 February 2026, the Panel issued procedural directions, including as follows:
  - a. The Athlete was invited to submit all evidence on which she intends to rely by 17:00 Milan time on 8 February 2026.
  - b. The Respondents were invited to submit their Replies by 17:00 Milan time on 9 February 2026.
  - c. A hearing was listed for 10:30 Milan time on 10 February 2026.
27. On 8 February 2026, the Athlete filed with the CAS Ad Hoc Division all of the evidence on which she relies, together with what was called an "Authorised Submission" containing further, supplemental submissions in support of her Application (the "Supplemental Submission").
28. On 9 February 2026:
  - a. NADO Italia submitted its Answer to the Athlete's Application.
  - b. WADA and the IBU submitted their joint Reply to the Athlete's Application.
  - c. The IOC submitted its Answer to the Athlete's Application.
  - d. The ITA sent an email to the CAS Ad Hoc Division setting out its position with respect to the Application.
29. On 10 February 2026, the Panel conducted a hearing in person in Milan at the offices of the CAS Ad Hoc Division in which hearing the following people participated (either in person or remotely):
  - a. **The Panel**
    - i. Mr James Drake KC, President
    - ii. Mr Jordi López Batet, Co-Arbitrator
    - iii. Mr André Brantjes, Co-Arbitrator

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

iv. Mr Antonio de Quesada, CAS Counsel

**b. The Athlete**

i. Ms Rebecca Passler, the Athlete

ii. Mr Ernesto De Toni, Counsel

iii. Ms Maria Laura Guardamagna, Counsel

iv. Mr Luca Colombo, Counsel

v. Ms Herlinde Kargruber, the Athlete's mother

vi. Professor Donata Favretto, Expert

**c. First Respondent**

i. Mr Pierfilippo Laviani, Counsel

ii. Ms Lorenza Mel, Counsel

**d. Second and Sixth Respondents**

i. Mr Nicolas Zbinden, Counsel

ii. Prof. Martial Saugy, Expert

iii. Prof. Mario Thevis, Expert

**e. Fourth Respondent**

i. Mr Antonio Rigozzi, Counsel

ii. Mr Patrick Pithon, Counsel

**f. Independent Observer:**

i. Mr Thomas Capdevielle

**g. Interpreters**

i. Mr Peter Sand

ii. Mr Alexander Schmit

30. The Athlete is scheduled to compete in her first event on 14 February 2026, the 7.5km Sprint.

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

**V. SUMMARY OF THE PARTIES' EVIDENCE AND SUBMISSIONS**

31. The Panel has read with care the evidence and submissions put forward by the Parties with respect to the Athlete's request for a stay of the provisional sanction. What follows is a summary of the essential matters advanced by the Parties.

**A. The Athlete**

32. As noted above, the Athlete filed the Application on 6 February 2026 as well as the Supplemental Submission on 8 February 2026.

33. In her Application, the Athlete provided the following "*brief explanation of facts and legal arguments*":

*"The athlete tested positive in an out-of-competition anti-doping control on 26 January 2026 for the substance LETROZOLE METABOLITE BIS-(4-CYANOPHENYL) METHANOL, a substance included on the WADA List under category S4 – Hormone and Metabolic Modulators. The positive result was contested with the adverse analytical finding notification of sample code 1570252, issued on 2 February 2026. On the same date, at the request of the National Anti-Doping Prosecutor's Office, the Athlete was provisionally suspended by the National Anti-Doping NADT. Today, 6 February 2026, the positive result was confirmed following the B-sample analysis, and it was determined that the amount of Letrozole detected in the Athlete is 1.1 ng/ml. This is a clear case of inadvertent contamination with no fault of the Athlete. The contamination occurred because the Athlete's mother, Ms. Herlinde Kargruber, who lives with her, unfortunately suffers from breast cancer and takes the medication Letrozolo Teba, which contains the contested substance, on a daily basis. The Athlete was not aware of her mother's use of the medication. The medication was under the exclusive control of Ms. Kargruber and was not stored together with other commonly used household medications."*

34. In her further written submissions dated 8 February 2026, the Athlete made submissions as to a number of matters including, most importantly: (a) that there was a strong *prima facie* case of inadvertent exposure to Letrozole and (b) that the requirement of irreparable harm is clearly met.

35. The Athlete submitted that there was a strong *prima facie* case that there had been an innocent, inadvertent exposure to the prohibited substance. The Athlete made the following (*inter alia*) points:

- a. The analytical finding was of a very low concentration, 1.1ng/ml.
- b. In light of her mother's prolonged daily intake of Letrozole, it is medically and scientifically plausible that trace amounts were present in her saliva and were inadvertently transferred to the shared food.
- c. From a pharmacokinetic standpoint, Letrozole is characterised by (i) near complete oral bioavailability; a long terminal elimination half-life, extending to several days at steady state; and (iii) detectability at trace levels following minimal exposure.



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

- d. The factual and scientific framework provides a coherent and credible explanation for an isolated low-level finding, not incompatible with innocent exposure, and does not support any inference of intentional use.
  - e. The previous doping control on 29 December 2025 was negative.
  - f. Letrozole has no demonstrated performance-enhancing effect in female athletes.
36. The Athlete also submitted that she would suffer irreparable harm should the provisional suspension not be lifted and that the balance of interests were in her favour:
- a. The continuation of the suspension would result in the Athlete being excluded from participation in the 2026 OWG “an event which, by its very nature, represents a unique, non-recurring and time-limited opportunity within an elite athlete’s career.
  - b. The CAS Ad Hoc Division has consistently recognised that exclusion from the Olympic Games constitutes irreparable harm, since no subsequent decision on the merits or award of damages can restore the opportunity to compete in the particular edition of the Olympic Games: see CAS OG 22/08, 22/09 & 22/10.
  - c. The harm is “especially acute” here because the 2026 OWG are taking place in the Athlete’s home country, a once-in-a-lifetime opportunity.
  - d. If the suspension is not lifted, the Athlete will suffer irreversible prejudice to her sporting career, as well as lasting reputational harm.
  - e. The “*balance of urgency and equity*” weighs decisively in favour of granting a stay of the provisional suspension.

**The Athlete’s Evidence**

37. In support of her submission that it was appropriate for the Panel to stay the provisional suspension on the basis that the positive result was due to cross-contamination from her mother’s medicine, the Athlete adduced, *inter alia*, the following evidence:
- a. A statement from the Athlete’s mother, Ms Herlinde Kargruber Passler (“Ms Kargruber”), with whom the Athlete lives (together with the Athlete’s father and younger sister). Ms Kargruber gave evidence that in October 2024 she was diagnosed with invasive ductal breast carcinoma and that, to treat that condition, she underwent two surgical operations in October and November 2024 and subsequently chemotherapy and radiotherapy. Since June 2025, she has been prescribed Letrozole Teva, which she takes daily by mouth. She said that it is normal in her household to use the same cutlery and to touch the same food with their hands; and that when she prepares meals she may use a utensil to taste the food and then use the same utensil to stir the food. They also wash the dishes by hand. They also all share a bathroom. There is a jar of Nutella in the kitchen pantry which she eats using a spoon and directly from which the Athlete ate some Nutella at breakfast on 25 January 2026.

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

- b. A medical report from the South Tyrol Health Authority (per the Head of the Department, Dr Leitner) dated 3 October 2025 reporting on a follow-up visit by Ms Kargruber on 2 October 2025. Amongst other things, it records that Ms Kargruber was first diagnosed in October 2024 with invasive ductal carcinoma of the left breast and that she has been taking Letrozole since June 2025, in 2.5mg tablets taken orally.
- c. A report dated 8 February 2026 from Dr Elia Del Borrello, Specialist in Oncology and Former Head of the Forensic Toxicology Laboratory, Department of Medical and Surgical Sciences at the University of Bologna. Dr Del Borrello's opinion was that *"Ultimately, applying medico-legal criteria, all findings—both analytical and circumstantial—are univocal and convergent, with a very high probability, towards the only plausible interpretation, namely an **environmental contamination**, with the relevant environment being the family home where the mother lives, which involved the athlete unknowingly, excluding any hypothesis of intent and/or negligent conduct."*
- d. A report dated 8 February 2026 from Professor Donata Favretto, Associate Professor in Forensic Toxicology at the University of Padova where she teaches Clinical and Forensic Toxicology, Legal Medicine and Public Health. She is also the Director of the Laboratory of Clinical and Forensic Toxicology Laboratory at Padova University Hospital. In Dr Favretto's opinion: *It is my opinion that the most likely cause of positive test for Letrozole M1 metabolite in urine was the accidental, unaware contact with the content of her mother's bodily fluid by using the same cutlery or tableware and/or the same food the day before she submitted her 26 January 2026 urine sample."*

**The Requests for Relief**

- 38. By her Application, the Athlete sought the following relief:  
*"Annulment of the Provisional ... suspension due to lack of intent and negligence, with the consequent possibility to participate [sic] in the Olympics."*
- 39. The Athlete also requested a stay of the provisional suspension. The Athlete submitted that:  
*"The request for a stay is justified by the need to prevent serious and irreparable harm pending a final determination, in particular since there is a prima facie plausible indication that the adverse finding may be attributable to inadvertent exposure and an absence of fault in the athlete's conduct, as in the present case."*  
  
*Given the non-punitive nature of provisional measures, maintaining the suspension in such circumstances would be clearly unfair and disproportionate, as it would irreversibly deprive the athlete of the unique opportunity to compete at the Olympic Games and would materially prejudice the applicant's position."*
- 40. By her Supplemental Submission, the Athlete set forth the following prayer for relief:  
*"The Athlete respectfully requests the CAS Ad Hoc Division to:*
  - a. *Uphold the present Application for provisional measures in its entirety;*

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

*b. Order the immediate lifting of the provisional suspension imposed on the Athlete;*

*c. Declare that the Athlete is eligible to participate in the upcoming Olympic Games pending the final determination of the merits of the case.”*

**B. The First Respondent**

41. NADO Italia opposed the Athlete’s Application on the following bases (elaborated below):
- a. The CAS AD Hoc Division lacks jurisdiction.
  - b. The Application is inadmissible in that the Athlete has failed to exhaust internal remedies.
  - c. The Application should be rejected on the merits because the NADT’s Decision was neither irrational nor unreasonable.
  - d. Subsidiarily, because the requirements of Article 14 of the CAS Ad Hoc Rules (namely, likelihood of success on the merits, irreparable harm, balance of interest) have not been satisfied.

**Jurisdiction and Admissibility**

42. The Application falls outside the jurisdiction of the CAS Ad Hoc Division and is inadmissible.
- a. Pursuant to Article 17 .1 of the RMP, provisional suspensions imposed by the NADT are subject to appellate review before the National Anti-Doping Appeal Board (“NADAB”).
  - b. Pursuant to the NADAB’s Procedural Rules: (i) Article 3.1 provides that “*Against the provisional suspension measure referred to in art. 3 of the [RMP] of NADO Italia an appeal is allowed before the NADAB*”; and (ii) Article 3.7 provides that the decision of the NADAB is final and not subject to appeal.
  - c. The CAS Ad Hoc Division cannot assume jurisdiction in substitution of or in parallel with the NADAB. The Athlete’s decision to bypass the appeal to the NADAB cannot create jurisdiction in the CAS Ad Hoc Division where none exists.
  - d. The CAS Ad Hoc Division lacks jurisdiction *ratione materiae* over the dispute because under Rule 61(2) of the OC “*the CAS AHD may only hear disputes arising on occasion of, or in connection with, the Olympic Games*”.
  - e. The challenged decision is the provisional suspension imposed by the NADT following a positive sample collected on 26 January 2026; i.e., 11 days before the opening ceremony. The doping control was neither conducted on the occasion of nor in connection with the 2026 OWG.

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

- f. The fact that the provisional suspension “*incidentally affects*” the Athlete’s eligibility for the 2026 OWG “*does not suffice to create the jurisdictional nexus required under Rule 61(2)*”.
- g. The Application is also inadmissible in that the Athlete has failed to exhaust all available internal remedies pursuant to Article 1 of the CAS Ad Hoc Rules.
- h. Under the RMP, the Athlete had the right: (i) to request the NADT to lift the provisional suspension within three days of notification of the Decision; and (ii) to appeal to the NADAB.
- i. There was sufficient time available to the Athlete to take these steps. The Athlete did neither.

**Merits**

- 43. The NADT’s Decision was neither irrational nor unreasonable.
  - a. The measure was adopted in strict application of the anti-doping framework following the AAF, thereby triggering the optional suspension regime.
  - b. The NADT’s discretion ought not to be second-guessed or revisited by the CAS Ad Hoc Division.
  - c. “*Indeed, the legal test governing provisional measures, including the three cumulative prongs of likelihood of success, irreparable harm and balance of interests, is not designed to displace or override an imposed anti-doping suspension grounded in a confirmed AAF.*”
- 44. The requirements of Article 14 of the CAS Ad Hoc Rules (namely, likelihood of success on the merits, irreparable harm, balance of interest) have not been satisfied.
- 45. As to the likelihood of success on the merits, this is “*manifestly low*”:
  - a. The Athlete tested positive for a prohibited substance and the B Sample confirmed the result.
  - b. Letrozole is a non-threshold substance prohibited at all times and is scientifically recognised as capable of altering hormonal balance by inhibiting aromatase activity, thereby enhancing muscle development and endurance performance.
  - c. Under the ARSC (and the WADC), presence alone constitutes an ADV, and intention or negligence is irrelevant to the violation.
  - d. The Athlete’s defence of inadvertent contamination therefore pertains exclusively to the sanction.
  - e. The control took place on 26 January 2026, immediately preceding the Olympic Games period. This temporal proximity “*heightens competitive relevance since the substance was present in the lead up*” to the 2026 OWG. “*The potential performance impact is therefore sufficiently demonstrated.*”

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

- f. The Athlete's factual narrative mirrors that of Sara Errani (CAS 2017/A/5301 and CAS 2017/A/5302). In that case, the athlete claimed contamination from her mother's medication but CAS nevertheless imposed a 10-month period of ineligibility. This confirms that such explanations *"do not negate fault entirely"*.
  - g. The medical report from the South Tyrol Health Authority dated 3 October 2025 "raises concerns as to its *"completeness, formation and reliability"* in that the initial part is in German and the latter part in Italian and page two is missing. It also refers to a prescription for Letrozole dated 2 February 2026, which post-dates the suspension.
  - h. The contamination scenario put forward by the Athlete "appears highly unlikely or even impossible" given that the tablets are film-coated, which protects the core of the tablet, ensures stability, and makes it easier to swallow. Such film-coated tablets *"do not release any contamination on fingers/hands when touched either in the mouth during its assumption [sic]"*.
  - i. The Athlete has failed to provide a photograph of the back of the Letrozolo Teva package where the warning red "DOPING" label can be seen. It was therefore easy to know that in the Athlete's house there was a drug containing a prohibited substance.
  - j. There is a disqualification risk; i.e., if the Athlete is sanctioned in due course, all of her results from the date of the sample collection would be disqualified. This would create *"irreversible sporting disruption"*.
46. As to the balance of interest, they *"overwhelmingly favour maintaining provisional suspension"* for the following reasons:
- a. *"The integrity of the Olympic competition is paramount and allowing an athlete with a confirmed AAF in the very proximity of the Games to compete would undermine fair play, anti-doping enforcement and confidence of the sports system and other stakeholders (including competitors and the general public)."*
  - b. The Athlete competes in the biathlon *"where there are formats in which the mere presence of an additional athlete affects group formation, race pacing, drafting resistance, shooting lane rhythm and psychological pressure, thereby influencing the performance of the other competitors"*.
  - c. The Athlete's presence therefore *"may directly affect drafting dynamics, shooting lane pressure and race pacing"* and *"may therefore distort both performance conditions and final rankings"*.

**Relief**

47. NADO Italia sought the following relief:

*"For all the foregoing reasons, NADO Italia respectfully requests that the Panel:*

- a) *Declare that the CAS Ad Hoc Division lacks jurisdiction to entertain the Application.*

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

- b) *In the alternative to a), declare the Application inadmissible for failure to exhaust the internal remedies.*
- c) *Subsidiarily, on the merits, dismiss the Application for a stay in its entirety and confirm the provisional suspension imposed on 2 February 2026.”*

**C. The Second and Sixth Respondents**

48. WADA and the IBU submitted a joint Reply. Their submissions are summarised below. They also arranged for Professor Martial Saugy and Professor Mario Thevis to appear (remotely) at the hearing to address the scientific matters raised by the Athlete’s experts. (Prof. Saugy was Associate Professor, Director of the Center of Research & Expertise in Antidoping Sciences (Reds) Institute of Sports Sciences of the Lausanne University (ISSUL) University of Lausanne (Switzerland); Prof. Thevis is Professor for Preventive Doping Research and Director of the Institute of Biochemistry/Center for Preventive Doping Research at the German Sport University Cologne.)

**Jurisdiction and Admissibility**

49. The legal framework is as follows:
- a. Article 8.3 of the ADSC provides that provisional suspensions are to follow the procedure set out in the RMP.
  - b. Article 8.3 of the ADSC provides that “*Mandatory and Optional Provisional Suspensions follow the procedure set out in the RMP*”.
  - c. Article 3.2 of the RMP states that “[f]ollowing an Adverse Analytical Finding related to any Specified Substance in the List, NADO Italia, through the NADP, may apply with the NADT for the infliction of a Provisional Suspension on the Athlete”.
  - d. Per 3.3.1 of the RMP adds that in “*the cases of the Article 3.1 and 3.2, the NADT will, as a matter of urgency as well as ex parte, reach its decision serving immediate notice to the NADP, the individual concerned, the Club, the NSF/ASD/SPE as well as the relevant International Federation, National Anti-Doping Organization (if different from NADO Italia) and WADA. By the same decision, a mandatory period of three (3) days is granted to the individual concerned to produce evidence in order to possible withdrawal of the Provisional Suspension.*”
  - e. Per 3.3.2 of the RMP, “[t]he Party shall, within three (3) days, request the NADT which adopted the Provisional Suspension, to review the decision enclosing the supporting evidence. The NADT shall immediately and in any case no later than four (4) days hold the hearing, in order to hear the individual concerned. At the end of the hearing, the NADT decides, giving immediate notice to the NADP, to the individual concerned, to the Club, to the National Sports Federation/Associated Sports Discipline/Sports Promotion Entity and other relevant Sports Organizations and to WADA. This is without prejudice to the right of the Athlete or of any other Person to appeal against the Provisional Suspension decision, within the deadline set out in Article 17.1”.

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

- f. Article 17.1 of the RMP states that “[a]n appeal against a Provisional Suspension as under Article 3 may be filed by the Athlete or other Person upon whom the Provisional Suspension is imposed. The appeal must be filed with the NADAB according to the applicable procedural rules, within and not later than ten (10) days after notice of the decision of Provisional Suspension”.
  - g. Article 18.2 of the ADSC lists all the decisions, which can be subject of an appeal. Relevantly, the provision states that “a decision to impose, or lift, a Provisional Suspension as a result of a Provisional Hearing [...] may be appealed exclusively as provided in this Article 18.2”.
  - h. Per Article 18.2.1 of the ADSC, “[i]n cases arising from participation in an International Event or in cases involving International-Level Athletes, the decision may be appealed exclusively to CAS”.
50. This framework reflects the provisions of the WADC.
- a. Pursuant to Article 7.4.2 of the WADC, “[a] Signatory may adopt rules, applicable to any Event for which the Signatory is the ruling body or to any team selection process for which the Signatory is responsible or where the Signatory is the applicable International Federation or has Results Management authority over the alleged anti-doping rule violation, permitting Provisional Suspensions to be imposed for anti-doping rule violations not covered by Article 7.4.1 prior to analysis of the Athlete’s B Sample or final hearing as described in Article 8.”
  - b. Article 7.4.3 adds that “[n]otwithstanding Articles 7.4.1 and 7.4.2, a Provisional Suspension may not be imposed unless the rules of the Anti-Doping Organization provide the Athlete ... with: (a) an opportunity for a Provisional Hearing either before the imposition of the Provisional Suspension or on a timely basis after the imposition of the Provisional Suspension. [...] The rules of the Anti-Doping Organization shall also provide an opportunity for an expedited appeal against the imposition of a Provisional Suspension, or the decision not to impose a Provisional Suspension, in accordance with Article 13.”
  - c. Pursuant to Article 13.2 of the WADC “a decision to impose, or lift, a Provisional Suspension as a result of a Provisional Hearing [...] may be appealed exclusively as provided in this Article 13.2”.
  - d. Article 13.2.1 of the WADC states that “[i]n cases arising from participation in an International Event or in cases involving International-Level Athletes, the decision may be appealed exclusively to CAS”.
51. In light of this framework it is clear that, where a Specified Substance is concerned (as is the case here), a provisional suspension is imposed by the NADT upon the request of the NADP, and the athlete is granted a deadline of three days “to request a withdrawal” of the provisional suspension.
52. This reflects Article 7.4.3 of the WADC which provides that a provisional suspension cannot be imposed unless the rules of the anti-doping organisation provide the athlete a right to a provisional hearing either before the imposition of the provisional suspension or on a timely basis after its imposition. In the ADSC, the provisional hearing is provided for after the imposition of the provisional suspension.

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

53. The Athlete did not request withdrawal of the provisional suspension within the deadline. She filed with the CAS Ad Hoc Division instead.
54. The Athlete's failure to do so "*is fatal*" to her Application:
  - a. As made clear by Article 1 of the CAS Ad Hoc Rules, an applicant is required to exhaust internal remedies available to them 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.
  - b. Here, the Athlete had an internal remedy available to her, viz. a right to request a withdrawal of the Provisional Suspension under 3.3.1 of the RMP. Assuming that she had a right to take the matter to the CAS Ad Hoc Division, this ought to have been done after exhausting this remedy.
  - c. Further, there can be no argument that there was insufficient time to proceed with the internal remedy. Article 3.3.2 makes clear that the request shall be made within three days, and that NADT shall no later than four days hold the hearing. Therefore, bearing in mind that the Decision was issued on 2 February 2026, even assuming that the Athlete had taken the full three days to apply for a withdrawal, and the NADT had taken the full four days to convene a hearing and issue a decision (which is a maximum), the resulting decision would have been issued on 9 February 2026, which is five days before the Athlete's competition.
  - d. This was made clear in the Decision, which stated in terms that the Athlete had the right to submit a request for revocation within three days. The Athlete decided to circumvent this process, without any basis in the rules.
  - e. The Athlete is seeking to create a right of appeal to CAS which is not provided for under the applicable rules: As mentioned above, the ADSC (as well as the WADC) are clear that an appeal can only be filed against "*a decision to impose, or lift, a Provisional Suspension as a result of a Provisional Hearing*" (see Article 18.2 of the ADSC; Article 13.2 of the WADC; emphasis added). The Appealed Decision was, however, not issued "*as a result of a Provisional Hearing*", because the Athlete did not request one. It follows that, per the clear language of the ADSC and WADC, the Appealed Decision is not appealable as per Article 18 of the ADSC, or Article 13 of the WADC.
  - f. The IBU and WADA are conscious that Article 3.3.2 of the RMP "*reserves*" Article 17.1 of the RMP, which states that "[a]n appeal against a Provisional Suspension as under Article 3 may be filed by the Athlete or other Person upon whom the Provisional Suspension is imposed. The appeal must be filed with the NADAB according to the applicable procedural rules, within and not later than ten (10) days after notice of the decision of Provisional Suspension".
  - g. This provision in the RMP ought to be interpreted in line with the ADSC and the WADC, and therefore cannot create an independent appeal right against a decision that is not said to be appealable under the ADSC and WADC.



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

- h. Even assuming that the Decision were covered by Article 17.1, the appeal is to the NADAB and the RMP do not provide for a further right of appeal to the CAS against its decision.
  - i. Article 61 of the Olympic Charter is not meant to create a right of appeal to CAS in circumstances where the applicable rules do not provide for one.
55. For these reasons, the Application must be considered inadmissible, outside of the jurisdiction of the CAS Ad Hoc Division or should be dismissed.

**Merits**

56. WADA and the IBU's following submissions on the merits may be summarised as follows:
- a. The RMP provides that the NADT may impose a provisional suspension,
  - b. Article 6.2.2 of the International Standard for Results Management (the "ISRM") makes clear that whether or not to impose a suspension is a matter for the Results Management Authority *"to decide in its discretion, taking into account all the facts and evidence"*.
  - c. It is consistent with CAS case law that the threshold review of a discretionary decision is very high and may only be reviewed where "clearly arbitrary, grossly disproportionate, irrational or perverse or otherwise outside the margin of discretion": CAS 2018/A/6239; CAS 2009/A/1918; CAS 2019/A/6393.
  - d. There is no reason here to interfere with the Decision by the NADT.
    - i. A specific explanation was provided by the Athlete on 8 February 2026. This explanation will need to be scrutinised by NADO Italia but Prof. Saugy and Prof. Thevis both consider that the explanation put forward by the Athlete possible but implausible.
    - ii. The Athlete's contamination scenario cannot necessarily be excluded but the scenario put forward by the Athlete does not work, and the Panel is left with pure speculation as to how the substance may have entered the Athlete's body.
    - iii. Even assuming that the Athlete's mother was the source, without a specific scenario, there cannot be any proper analysis of the Athlete's degree of fault, and therefore of the potential resulting sanction.
    - iv. The factual evidence provided by the Athlete in support of her submission of yesterday is less than optimal. At this stage, apart from her mother's short statement, the Athlete has only provided one medical document from 2 October 2025 indicating that her mother had received a letrozole therapy starting in June 2025, and a prescription for letrozole dated 3 February 2026, i.e. after the Athlete's AAF.
    - v. Caution should be exercised when assessing an explanation of source in an expedited process.

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

- vi. The discretion exercised by the NADT to impose a provisional suspension was neither arbitrary nor unreasonable,

**Relief**

57. WADA and the IBU sought the following relief:

*“The IBU and WADA respectfully request the CAS Ad Hoc Division to rule as follows:*

*1. The CAS Ad Hoc Division lacks jurisdiction over the Application filed by Rebecca Passler, or alternatively the Application filed by Rebecca Passler is inadmissible, or in the further alternative shall be dismissed.”*

**D. The Third Respondent**

58. FISU did not respond to the Application and did not participate in the hearing or the proceedings.

**E. The Fourth Respondent**

59. The IOC opposed the Application on the following grounds:

- a. The Panel lacks jurisdiction to hear the dispute.
- b. The Application should be summarily dismissed insofar as it is directed at the IOC.
- c. On the merits of the Application, the request for a stay should be rejected.

**Jurisdiction and Admissibility**

60. As a preliminary matter, the Panel lacks jurisdiction to hear the dispute.

61. The Panel lacks jurisdiction to hear appeals against the decisions of NADO Italia in relation to provisional suspension.

- a. The matter is governed by the ADSC and the RMP.
- b. The RMP provides that an order for provisional suspension may be made by the NADT on an *ex parte* basis upon a request from the NADP.
- c. This is what happened here: the NADP requested the NADT to issue an order for provisional suspension of the Athlete in light of the AAF, and the NADT did so on 2 February 2026.
- d. Under the RMP, the following remedies are available in cases of provisional suspension: (i) per Article 3.3 of the RMP, a request to the NADT to lift the suspension; and (ii) per Article 3.3 of the RMP, an appeal to the NADAB against the provisional suspension.
  - i. The former must be submitted within three days of the suspension and the NADT is to issue its decision within a further four days.

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

- ii. The latter be brought within 10 days of the notice of suspension; and its decisions are final and cannot be appealed.
  - e. Therefore, under the RMP, CAS has no jurisdiction to hear appeals imposed against a provisional suspension imposed by the NADT. That jurisdiction lies with the NADAB, irrespective of whether the athlete is an international-level athlete; and the decisions of the NADAB cannot be appealed to CAS.
  - f. The Athlete's requested relief to annul the order imposing the provisional suspension is outside the jurisdiction of CAS.
62. The Panel lacks jurisdiction *ratione personae* with regard to NADO Italia.
- a. As the Decision is not appealable before CAS under the ADSC, the CAS Ad Hoc Division can only assert jurisdiction over NADO Italia if NADO Italia has agreed to provide for CAS jurisdiction under Rule 61 of the OC.
  - b. NADO Italia is not bound by the OC, NADO Italia is not a "constituent" of and does not belong to the Olympic Movement within the meaning of Rule 1 of the OC. NADO Italia is therefore not bound by the OC.
63. The Athlete did not exhaust the internal remedies available to her.
- a. Article 1(2) of the CAS Ad Hoc Rules provides that when an application is directed "*against a decision pronounced by the IOC, an NOC, an International Federation or an Organising Committee for the Olympic Games*", the jurisdiction of the CAS AHD further requires that the applicant has "*exhausted all the internal remedies*" available against the challenged decision.
  - b. If the OC is to be interpreted as allowing an athlete to rely on the arbitration clause contained in Rule 61 of the OC to challenge at CAS a decision by an entity that is not bound by the OC, then the requirement to exhaust internal remedies would also apply to the decision take by that entity. Hence, the Athlete would need to exhaust the NADO Italia's internal remedies
  - c. The Applicant failed to exhaust the provisional hearing pursuant to Article 3.3.2 NADO RMP. A remedy that has been waived must be considered as not having been exhausted.
  - d. Even if the Athlete is still allowed to file an appeal before the NADAB, the reality is that she did not.
  - e. The Panel should thus decline jurisdiction also on the ground that the Athlete did not exhaust the internal appeal available under Article 17 NADO RMP, "*unless the time needed to exhaust the internal remedies would make the appeal to the CAS Ad Hoc Division ineffective*" per Article 1(2) of the CAS Ad Hoc Rules.
  - f. According to CAS case law, the exception under Article 1(2) is extraordinary in nature and only applies in particular circumstances of, e.g., extreme, evidenced urgency: CAS OG 22/04. In addition, the Athlete bears the burden to prove the existence of exceptional circumstances.

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

- g. The Athlete has neither alleged nor demonstrated that exhausting the internal remedies available to her would have rendered an appeal to the CAS Ad Hoc Division ineffective or illusory. Quite apart from the fact that it was her decision to waive such remedy, the reality is that the 10-day time limit to appeal defines the last moment in which the appeal to the NADAB can be made.
- h. One must suppose that the Athlete could have filed an appeal with NADAB on the same date that she filed her Application, i.e., 6 February 2026. It was thus her burden to establish that the NADAB would not have been in a position to rule on her appeal by 11 February 2026, that is 24 hours before the date she is requesting the CAS Ad Hoc Division to issue its award.
- i. As the Athlete has not alleged, let alone established, that the NADAB is not in a position to adjudicate an appeal against a provisional suspension within six days, the appeal to the NADAB cannot be considered as being ineffective.
- j. Hence the Applicant's lack of exhaustion of the available internal remedies prevents the CAS Ad Hoc Division from assuming jurisdiction over the present case. This is a second independent reason why the Panel should decline jurisdiction in the present matter.

**Merits**

64. The Athlete's request for provisional measures should be rejected.
- a. The Athlete must show likelihood of success, irreparable harm and that the balance of interests is in her favour. The Athlete did not address the latter and so has failed to meet her burden.
  - b. The Panel will conduct a hearing on 10 February 2026 which gives the Panel ample time to issue a decision on the merits before the Athlete's next events which are scheduled between 11 and 21 February 2026.

**Relief**

65. The IOC sought the following relief:

*"41. In light of the above, the IOC respectfully requests the Panel:*

- a. to dismiss the applicant's request for provisional measures;*
- b. to decline jurisdiction to hear the Application and, subsidiarily, dismiss the Application as far as it is directed against the IOC."*

**F. The ITA (named as the "Fifth Respondent")**

66. The ITA took the position that it had been wrongly joined as a Respondent in this matter. It explained that, in accordance with the IOC ADR, the ITA is tasked with the implementation of the anti-doping programme for the 2026 OWG and that, since the sample collected from the Athlete which led to the provisional suspension imposed on her was collected under the authority of NADO Italia, the applicable regulation is NADO Italia's ADSC.

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

67. The ITA thus did not make submissions and did not participate in the hearing.

**Relief**

68. The ITA asked for the following relief:

*“In light of the foregoing, the ITA was wrongly designated by the Athlete as a Respondent. The ITA thus respectfully requests that the application should be dismissed to the extent it is directed against the ITA and asks the CAS Ad Hoc Division to remove the ITA from the list of parties to this arbitration.”*

**G. The Seventh Respondent**

69. CONI did not respond to the Application and did not participate in the hearing or the proceedings.

**VI. JURISDICTION AND ADMISSIBILITY**

70. Rule 61 of the OC is headed “*Dispute Resolution*” and para. 2 provides as follows:

*“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.”*

71. Article 1 of the CAS Ad Hoc Rules is headed “*Application of the Present Rules and Jurisdiction of the Court of Arbitration for Sport (CAS)*” and provides as follows:

*“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.”*

72. The CAS Ad Hoc Division thus enjoys jurisdiction to resolve by arbitration any dispute that arises on the occasion of, or in connection with, the Olympic Games, defined by Article 1 of the CAS Ad Hoc Rules to mean either during the Olympic Games or during a period of ten days preceding the Opening Ceremony of the Olympic Games. In the context of the 2026 OWG, which had its Opening Ceremony on 6 February 2026, this means that the CAS Ad Hoc Division enjoys jurisdiction over disputes which arise during the 2026 OWG and for the 10-day period commencing 27 January 2026.

73. In this matter, there is little doubt that the dispute between the Parties has arisen during the Olympic Games or during a period of ten days preceding the Opening Ceremony of the Olympic Games, namely after 27 January 2026. Whilst the doping control of the Athlete took place on 26 January 2026, the NADT’s Decision on 2 February 2026 to impose a provisional suspension on the Athlete was squarely within the jurisdictional

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

window. The dispute is not about the collection of the sample or the relevant test, or whether there has been a violation of an anti-doping rule or not; it is, indisputably, a dispute about whether the Decision imposing a provisional suspension should be annulled or lifted, and whether it should be stayed or not pending that determination, and the outcome of this dispute will impact the Athlete's further participation in the 2026 OWG.

74. *Prima facie* then, the CAS Ad Hoc Division enjoys jurisdiction to hear this appeal. It was, however, the submission of WADA, the IBU and the IOC that, despite the *prima facie* position, the CAS Ad Hoc Rules cannot create jurisdiction where none otherwise exists and it was nevertheless a matter for the Athlete to show that she enjoyed the right to appeal to the CAS Ad Hoc Division.
75. It is thus necessary to ask whether the Athlete has the right to bring her appeal to the CAS Ad Hoc Division in the manner that she has. In order to assess this issue, one must recognise that the Athlete's Application is, in the first instance, an application for an order that the Decision imposing a provisional suspension is "*annulled*" or, as it was sometimes put by the Athlete, that the provisional suspension be "*lifted*". That being so, the Application is a challenge to the Decision or an appeal against the Decision. Secondly, the Application also seeks a stay of the provisional suspension; i.e., that the provisional suspension of the Athlete be stayed pending the determination of the merits of her Application – not, it is important to note, pending the determination of the merits of any proceedings that may come to pass with respect to her ADRV.
76. The doping control in this case was undertaken pursuant to and is governed by the relevant provisions of the ADSC and the RMP; similarly, they provide the rules and regulations relating to provisional suspensions. The starting point is Article 8.3 of the ADSC which provides that provisional suspensions are to follow the procedure set out in the RMP.
77. Under the RMP, the position is as follows, as to which there appears to be no or little disagreement:
  - a. Article 3.2 of the RMP provides that NADO Italia, acting through its prosecutor, the NADP, may, upon the return by an athlete of an AAF, apply to the NADT for an order provisionally suspending the athlete.
  - b. The NADT is to consider such an application on an urgent – and *ex parte* – basis; that is, the athlete is not heard at this stage of the proceeding.
  - c. In the event that the NADT decides to impose a provisional suspension – something which is within its discretion to do – then the athlete has the right to apply to the NADT to review its decision. If the athlete wishes to do so, they must do so, supported by any evidence, within three days of the notice of provisional suspension.
  - d. In the event that the athlete does apply for a review, the NADT must immediately and in any event within four days hold an *inter partes* hearing at which the athlete is heard and, at the end of that hearing, the NADT must decide whether or not to maintain the provisional suspension, and give notice of its decision to, amongst others, the athlete.

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

- e. This right of the athlete to review is without prejudice to the athlete's right to appeal against the *ex parte* imposition of the provisional suspension directly to the NADAB.
  - f. If the athlete wishes to take this route of appeal (as opposed to asking the NADT to review), the athlete must do so within 10 days of the notice of the NADT *ex parte* decision imposing the provisional suspension.
  - g. Pursuant to its own procedural rules, the NADAB: (i) requests the case file from the NADT, which the NADT must provide within three days of the request; (ii) must hold a hearing within 10 days following receipt of the file from the NADT; and (iii) at the end of the hearing, must issue the operative part of its decision, which is a final decision that cannot be appealed.
78. In its turn, Article 18.2 of the ADSC (which is in substantively the same terms as the more familiar Article 13 of the WADC) enumerates those decisions which can be the subject of an appeal and by whom. This states that "*a decision to impose, or lift, a Provisional Suspension as a result of a Provisional Hearing*" may be appealed exclusively as provided in Article 18.2. And Article 18.2.1 of the ADSC provides as follows: "*In cases arising from participation in an International Event or in cases involving International-Level Athletes, the decision may be appealed exclusively to CAS.*"
79. It is therefore to be noted that:
- a. An International Level athlete has the right to appeal to CAS against a decision to impose a provisional suspension where the decision is taken at a provisional hearing held by the NADT in accordance with the framework limned above.
  - b. There is, however, no right to appeal to CAS from the *ex parte* decision of the NADT; if an athlete wishes to appeal that decision, he or she must appeal to the NADAB.
  - c. No appeal is permitted with respect to the decision of the NADAB on appeal. From that decision, there is no right of appeal, whether to CAS or at all, and the decision is final.
80. For the Athlete, an International Level athlete, this means that the position is as follows:
- a. Upon receipt on 2 February 2026 of the notice of the NADT Decision imposing a provisional suspension, the Athlete had the right to submit a request (supported by evidence) to the NADT to review its decision. She was required to do so within three days, i.e., by 2 February 2026 (at the earliest) and 5 February 2026 (by the latest).
  - b. Had she done so, the NADT would have been obliged to hold a provisional *inter partes* hearing within four days, i.e., by 9 February 2026 (at the latest) and the NADT would have been obliged to render its decision on that request for a review immediately, i.e., by 9 February 2026 (at the latest).
  - c. Accordingly, had the Athlete chosen to apply to the NADT to review the NADT's *ex parte* Decision, and had a provisional hearing been held in accordance with

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

the procedural framework set forth above, and had the suspension been maintained, she would have had the right to appeal to CAS, including to the CAS Ad Hoc Division – as expressly confirmed by WADA during the course of the hearing.

- d. In the event that the Athlete had applied to the NADT to review the *ex parte* Decision, and the NADT had failed to comply with its (stated) duty to render its decision on the review within the required four days, the CAS Ad Hoc Division would have had the possibility to entertain an appeal in light of Article 1 of the CAS Ad Hoc Rules. However, this question did not arise as the Athlete did not submit such a request for review.
- e. In the absence of any such application by the Athlete, and thus the absence of a further decision by the NADT in a provisional hearing, she has no right to appeal to CAS and no right to appeal to the CAS Ad Hoc Division.
- f. The Athlete enjoys a right to appeal to the NADAB provided that she exercises that right within 10 days of the date on which she received notice of the NADT Decision, i.e., by 12 February 2026.
- g. It must be said, however, that Article 3.7 of the NADAB's procedural rules provides that the decision of the NADAB on appeal is final and not subject to appeal.

- 81. It follows from the preceding account that the Athlete has no right to appeal to the CAS Ad Hoc Division from the Decision such that the CAS Ad Hoc Division lacks jurisdiction to hear the Athlete's Application. Should however the Athlete wish to appeal the Decision, she may do so to the NADAB, provided of course that she does so before the deadline of 12 February 2026 – tomorrow.

## **VII. ITA STANDING TO BE SUED**

- 82. As noted above, the ITA took the position that it had been wrongly joined as a Respondent in this matter on the basis that the doping control was not conducted by it but by NADO Italia.
- 83. There was no submission by the Athlete to gainsay this and indeed it was the case. That being so, the Panel agrees that the ITA had no standing to be sued and was wrongly named as a respondent.
- 84. The Panel therefore rules that the ITA should be removed as a Respondent in these proceedings.

## **VIII. CONCLUSION**

- 85. In the result, the Panel concludes the CAS Ad Hoc Division does not have jurisdiction to hear the Application.
- 86. Accordingly, it is both unnecessary and inappropriate for the Panel to consider the various further matters advanced by the Parties and, in particular, the Panel says



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

nothing at all as to the merits of the Athlete's Application nor, of course, as to the merits of the ultimate dispute between (principally) the Athlete and NADO Italia in relation to the alleged ADRV.

**IX. COSTS**

87. According to Article 22 of the CAS Ad Hoc Rules:

- a. The facilities and services of the CAS Ad Hoc Division "*are free of charge*".
- b. The parties to CAS ad hoc proceedings "*shall pay their own costs of legal representation, experts, witnesses and interpreters*".

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

## DECISION

**The Panel hereby rules that:**

1. The CAS Ad Hoc Division has no jurisdiction to hear the Athlete's Application.

Milan, 11 February 2026

## THE COURT OF ARBITRATION FOR SPORT



**James Drake**  
President of the Panel



**André Brantjes**  
Arbitrator



**Jordi Lopez**  
Arbitrator