



**Advisory Opinion CAS 2009/C/1776 Fédération Internationale de Gymnastique (FIG),
opinion of 28 May 2009**

Panel: Prof. Christoph Vedder (Germany), President; Prof. Petros Mavroidis (Greece); Mr Vit Horacek (Czech Republic)

Gymnastics

Participation of an athlete younger than the admissible age in the Olympic Games

Responsibility for the enforcement of the eligibility rules of the IOC

Withdrawal of results and medals won during the OG

Responsibility of the IF for the technical control of the Olympic competitions

Statutes of limitations for rule violations

1. According to Rules 30.1.5 and 57. 3 of the Olympic Charter (OCh), the competitions of the Olympic Games in a particular sport take place under the technical responsibility of the relevant International Federation (IF). The rules of the IFs apply as far as they are not incompatible with the OCh. According to Bye-law 1.7 to Rule 57 OCh this responsibility includes the enforcement of the IOC's eligibility rules which, by virtue of Rule 47 OCh, encompass the age limits set forth by the IFs.
2. The IOC Executive Board has the exclusive competence to withdraw the accreditation of any person violating the OCh, with immediate effect, before the beginning of or during the Olympic Games. In such case, the decision of last resort concerning the Olympic Games rests with the IOC. The withdrawal of results and medals remains equally a genuine Olympic issue under the sole authority of the IOC Executive Board, even after the closing ceremony of the Olympic Games. Such a decision may be appealed before the CAS.
3. According to the OCh, the responsibility of the IFs for the technical control and direction of the Olympic competitions includes *"to establish the final results and ranking of Olympic competition"*. This means that in case an IF comes to the conclusion that the age limit was violated and, therefore, the gymnast concerned was not eligible to compete, it would also have the power to decide on the consequences: to annul the results and to correct its own rankings.
4. So long as the Statutes and the other rules of an IF or the IOC do not contain any statute of limitations for any kind of dispute or rule violations, the IF or the IOC are not statute-barred to examine an alleged age-limit violation and to decide on the matter, in due time after it received knowledge thereof.

The Questions submitted to the Panel

In its request for an advisory opinion dated 19 December 2008 the Fédération Internationale de Gymnastique (FIG) submitted the following facts and related questions:

“A young gymnast qualified and registered for the Olympic Games (OG) in Sydney. The gymnast had to be accredited by the relevant National Organising Committee (NOC) in order to participate in the OG. SOCOG accredited the gymnast, based on the data and the passport received from the respective NOC. The gymnast participated in the OG and won a team bronze medal as well as an individual bronze medal.

Eight years later the FIG gathered evidence that the gymnast must have been younger than the admissible age to participate in the OG. The gymnast’s OG accreditation and the documents the gymnast had provided to its NOC at the time were however legal and valid and indicated the gymnast as meeting the age criteria.

If the documents of the gymnast had been falsified in order to enable the athlete to enter such competition

- 1. Who should be the authority or authorities to pursue the case?*
- 2. Do this/these authority/ies have the means to annul the athlete’s results at such competition? Under which rules ?*
- 3. Could this case still be considered within the time limits in order to be pursued?”*

The request for opinion was accompanied by a package of documents containing the relevant rules of FIG.

The request for opinion was accepted by the CAS President who, according to R 61 of the Code of Sports-Related Arbitration (“Code”) formed the Panel and, by communication of 12 February 2009, forwarded the questions submitted by FIG unchanged to the Panel for consideration. The FIG is the International Federation governing the sport of gymnastics and has its headquarters in Lausanne, Switzerland.

The Procedure

After having duly reviewed the short description of facts and the rules pertinent to the case the Panel has held a conference call on 15 April 2009 and, after further deliberations by correspondence, issues its Advisory Opinion.

THE LEGAL ANALYSIS

1. The submitted questions deal with procedural issues such as competent body, power of review and time limit. The answers to these questions depend on the substance of the case which is an alleged violation of the age limit by a gymnast who participated in the year 2000 in the Sydney Olympic Games. However, the determination of whether or not an age limit violation took place is a matter for an “authority” examining the case. The file accompanying the request for the opinion is silent on the details. The request for opinion comprises three separate questions: (a) which is the competent body to deal with the alleged age limit-violation? (b) does it have the power to annul the results obtained by the, allegedly, under-aged the gymnast? (c) can the case be pursued more than eight years after the Sydney Olympic Games?

1. Preliminary considerations: the age limit for the participation in the Olympic Games

2. The Olympic Games are celebrated under the authority of the IOC in conformity with the rules of the Olympic Charter (“OCh”). Unless otherwise indicated all references made to the OCh refer to the OCh as in force during the Sydney Olympic Games. Occasionally, for the sake of clarity, this version of the OCh is addressed as “OCh 2000”. The OCh, as in force today, is referred to as “OCh 2007”.
3. According to Rules 30.1.5 and 57. 3 OCh, the competitions of the Olympic Games in a particular sport take place under the technical responsibility of the relevant IF. The rules of the IFs apply as far as they are not incompatible with the OCh. According to Bye-law 1.7 to Rule 57 OCh this responsibility includes the enforcement of the IOC’s eligibility rules which, by virtue of Rule 47 OCh encompass the age limits set forth by the IFs.

a. Eligibility under the Olympic Charter

4. According to Rule 45 OCh an athlete is eligible to participate in the Olympic Games under the condition that he or she complies with the rules of both the OCh and the relevant IF, in the particular case, the rules of the FIG. Furthermore, the athlete must be duly registered by a NOC.
5. Concerning the age limit Rule 47 OCh provides that no age limit applies to the Olympic Games except for those which are “*prescribed for health reasons in the competition rules of an IF*”. At this stage the rules of the FIG become relevant.

b. Age limit for the gymnastic competitions

6. According to the general rule on the participation of gymnasts in FIG’s competitions, set forth in Reg. 5.1 of the Technical Regulations 2000 (“TR”), “official FIG competitions” are open to gymnasts who *i. a.* “*fulfill the requirements of the Statutes (and the Rules of Eligibility)*”. Rule 40.1 of the Statutes and Reg. 2.1.1 TR include the gymnastics competitions of the Olympic Games as “official events” or “official competitions” of the FIG.

7. Reg. 5.2 TR, for the competitions at the Olympic Games, provides for an age limit of 16 years for both male and female artistic gymnasts.
8. The “Rules of Eligibility” (“RE”) which form the Appendix 2 to the TR and to which reference is made in Reg. 5.10 TR, in their Reg. 1 and 3 make the eligibility of a gymnast to official competitions dependent on the compliance with “*the eligibility rules of the FIG*”. From the wording of that provision it is unclear whether the term “*eligibility rules of the FIG*” refers to the “Rules of Eligibility” exclusively or, in a broader understanding, encompass every rule concerning the participation in the Olympic Games. This textual ambiguity, however, is irrelevant with respect to the existence of an age limit. The RE do not entail or make reference to an age limit. According to Reg. 8 RE any gymnast “*infringing ‘these rules’ [which obviously means the RE] may not claim to be eligible to participate in the Olympic Games ...*”.
9. In any event, Rule 47 OCh and Reg. 5.2 TR, read together make it clear that the participation to the Olympic Games is reserved to athletes who are at least 16 years old. It follows that, if the gymnast in question actually was younger than 16 years he or she participated in the Sydney Games in violation of Rule 47 OCh in conjunction with Reg. 5.2 TR of FIG.

2. Question 1: the authority competent to pursue the case

10. Based on the foregoing the Panel is able to address the first question: “*Who should be the authority or authorities to pursue the case?*”

a. An Olympic matter for the IOC Executive Board

11. According to Rule 50, 1st sentence OCh as applicable to the Sydney Olympic Games, it is within the competence of the IOC Executive Board to withdraw the accreditation of any person violating the OCh. This would have been the sanction immediately applicable before the beginning of or during the Olympic Games. In general terms, according to Rule 9 para. 2 OCh the decision of last resort concerning the Olympic Games rests with the IOC. As no retroactive withdrawal of the accreditation is possible the only sanction which remains to the IOC is, according to Rule 50, 2nd sentence OCh to withdraw the two bronze medals.
12. The withdrawal of results and medals remains a genuine Olympic issue under the sole authority of the IOC, in particular, of the Executive Board, even after the closing ceremony of the Olympic Games. Such a decision may be appealed before the CAS according to Rule 74 OCh.
13. Rule 50 OCh was deleted by a later amendment to the OCh and was *mutatis mutandis* overtaken in the new Rule 23 OCh in force as of July 2007 which deals with “measures and sanctions” in general. According to Rule 23. 2. 1 OCh 2007 the IOC Executive Board still has the power to withdraw accreditations and to order that medals be returned.
14. At that stage a part of the answer to question 1 is, that the IOC Executive Board has the exclusive authority to decide on the withdrawal of the medals. This already responds to question

2. According to Rule 50, 2nd sentence OCh the IOC Executive Board, during the Sydney Olympic Games, would have had the authority to annul the results that the gymnast in question obtained at the Sydney Games, one in an individual event, the other in a team event. According to Rule 23. 2. 1 OCh 2007 this competence remains with the IOC Executive Board until today.

b. Supervision of the age limit set forth in Reg. 5.2 TR of FIG

15. However, the examination whether or not a violation of the age limit, set forth in the rules of FIG to which Rule 47 OCh makes reference, actually took place is a matter for the FIG and their competent bodies.

aa. Competence of FIG's Executive Committee

(1) Reg. 7 Rules on Eligibility

16. According to Reg. 7 RE the Executive Committee of FIG interprets these eligibility Rules and “*determines whether they [the RE] have been violated*”. Their power seems to be exclusive. This provision, however, does not seem applicable because the RE do not contain any age limit nor do they refer to the age limit set forth in the TR.

(2) Disciplinary action according to Reg. 14. 2 (j) Technical Regulation

17. According to Reg. 14.2 (j) TR the Executive Committee of FIG is competent “*(to take) any disciplinary action required under the Statutes and Technical Regulations*”. The Statutes of FIG, in its Rule 45, addresses the observance of the RE and the OCh. According to this provision

“gymnasts, entered for competitions by their federations, must be amateurs according to the Rules of Eligibility of the FIG and the relevant Rule of the International Olympic Committee”.

18. As in the RE, the age limit is not explicitly mentioned in Rule 45 of the Statutes. However, the outdated term “amateur” in the sense of the OCh must be interpreted in a way compatible with the OCh as it stands today, *i.e.* at the Sydney Games. The term “amateur” has been removed from the OCh in 1981. The amateurship as a prerequisite of the participation in the Olympic Games has been replaced with the “eligibility” according to the relevant rule of the OCh which, at the time of the Sydney Games, was Rule 45 OCh. By reference Rule 47 OCh includes the age limit determined by FIG. According to this construction the Executive Committee of FIG is the competent body to examine the alleged violation of the age limit.

(3) General power according to Rule 14. 2 (n) Technical Regulation

19. In case one does not follow this interpretation of Rule 45 of the Statutes, one is confronted with the fact that neither the TR nor the Statutes contain any provision which explicitly enables the Executive Committee of FIG to “*take any disciplinary action*” in the case of a violation of the age limit provided for in Reg. 5.2 TR.

20. Under these circumstances, the Panel refers to the general clause of Rule. 14.2 (n) of the Statutes which enables the Executive Committee “(to make) necessary decisions in cases where there are no existing rules ...”. The Executive Committee of FIG, according to Rule 14.1 of the Statutes has the general and overall responsibility for the administration of FIG and has “full power - in respect of the Statutes and the Regulations - for administration and management”. Hence, the Executive Committee has an implied power to examine and to determine whether or not a violation of the age limit took place.
 21. According to Rule. 12.1 of the Statutes the General Assembly of FIG is “the final body of appeal”. However, the Panel does not find any provision which specifically provides for an appeal against a decision of the Executive Committee.
- bb. Competence of a Disciplinary Commission of FIG according to the Code of Discipline*
22. For the “good rule and government of the FIG” Rule 36 of the Statutes refers to Appendix 4 to the Statutes which is called Code of Discipline (“CoD”) and has “equal force” as or, according to the CoD, in the third paragraph of its introduction, forms “part of the ... Statutes”.
 23. The CoD defines various “acts of misconduct” including under (a) “breaches of the Statutes or Regulations of the FIG”. As stated above a violation of the age limit constitutes a breach of the Regulations of FIG
 24. The CoD lists the “sanctions” FIG can impose and, under (b), in particular, provides for the “suspension of the federation, or a person, from participation in any official event of the FIG ...”. As a retroactive exclusion from participation is contradictory in itself and the CoD does not foresee the withdrawal of results, the Panel is doubtful whether the CoD provides a suitable legal basis for the prosecution of the gymnast concerned. According to the second paragraph of the part on “Procedure” in the CoD the Disciplinary Commission which is the competent body to execute the CoD, “may discipline any offending federation or person in any manner consistent with the sanctions described above”. Hence, the possible sanctions are exhaustively listed in the CoD and do not include the annulment of the results.
 25. Under “Procedure for Dealing with Instances of Misconduct” the CoD stipulates that misconduct shall be dealt with by a Disciplinary Commission (“DC”) which, on a case by case basis, is established by the President of FIG. The DC is closely linked to the Executive Committee. The DC consists of three persons who are selected by the President of FIG from a “panel” approved by the Executive Committee. The DC shall include at least two members of the Executive Committee, one of whom will act as chairperson. However, the Panel reiterates that the DC will be competent to deal with the breach of the age limit but has no power to annul the results.
 26. According to the CoD, in the 5th paragraph of “Procedure”, a decision of the DC may be appealed before an Appeal Tribunal which consists of three persons appointed by the Executive Committee. The decision of the Appeal Tribunal shall be final and binding upon the parties. No appeal to the CAS is provided for.

cc. *Conclusions for question 1*

27. The case which led the FIG to request for the advisory opinion falls under the jurisdiction of both the FIG and the IOC. The inquiry of an age limit violation under the federation's Statutes and Regulations is a matter for the FIG whereas the IOC has exclusive jurisdiction with regard to the withdrawal of the medals. In order to answer to question 1 the Panel had to take into consideration the power of review of the relevant bodies which is the subject-matter of question 2, as well. However, the Panel observes that the Statutes and Regulations, including the annexes thereto, of FIG as far as they are relevant for the requested opinion are not coherently phrased.

Answer to question 1

28. The Executive Committee of FIG or, alternatively, a Disciplinary Committee which must be appointed by the President of FIG are competent bodies to examine and determine whether a violation of the age limit took place. Whereas the Executive Committee has the power to annul the results, the Disciplinary Committee has not.
29. The IOC Executive Board is exclusively competent to decide on the consequences of an age limit violation in the Olympic realm, *i. e.* to withdraw the medals won by the gymnast concerned.

3. Question 2: Power of review

30. Question 2 which relates to the annulment of the results and the withdrawal of the medals reads as follows: *"Do this/these authority/ies have the means to annul the athlete's results at such competition? Under which rules?"*
31. In addition to the above considerations the Panel emphasizes the delimitation of IOC's and FIG's jurisdiction. According to Bye-law 1.2 to Rule 27 OCh the responsibility of the IFs for the technical control and direction of the Olympic competitions includes *"to establish the final results and ranking of Olympic competition"*. Should the FIG Executive Committee come to the conclusion that the age limit was violated and, therefore, the gymnast concerned was not eligible to compete, it would also have the power to decide on the consequences: to annul the results and to correct the ranking. This applies to the rankings and records of FIG, exclusively.
32. Based on the results established by the IFs it is in the responsibility of the IOC to present the medals to the athletes (Rule 70 OCh) and to keep the ranking (Rule 71 OCh). This is a genuine Olympic matter under the exclusive jurisdiction of the IOC. In the case of an age limit violation which not only violates FIG's rules but also constitutes a breach of Rule 47 OCh (see above par. 12) the withdrawal of the medals and the loss of the *"benefit of any ranking"* lies, according to Rule 50 OCh, in the exclusive authority of the IOC Executive Committee.
33. The Panel advises the FIG to pursue the case before its Executive Committee first, and, in case the age limit violation is confirmed, to refer the matter to the IOC.

Answer to question 2

34. The competence of FIG's Executive Committee includes the annulment of the results obtained by the gymnast concerned at the Olympic Games in Sydney.
35. The IOC Executive Board has the exclusive power to withdraw the medals won by the gymnast concerned at the Olympic Games in Sydney and to adjust the Olympic ranking.

4. Question 3

36. Question 3 asks: "*Could this case still be considered within the time limits in order to be pursued?*"
37. As the case concerning the alleged age limit-violation and the consequences thereof fall under the shared competence of both the Executive Committee of FIG and the IOC Executive Board, albeit for separate issues, the Panel addresses the matter of a statute of limitations for these bodies accordingly.

a. Statute of limitations applicable to proceedings before FIG's Executive Committee?

38. Neither the Statutes of FIG, in particular in their Rules 40 to 45 which deal with the organisation of and participation in official events of the FIG, and include the CoD, nor the TR including the RE, contain any statute of limitations for any kind of dispute or rule-violations. In order to implement the WADA Code FIG has introduced, in Art. 16 of its Anti-Doping Rules (version 2007), a statute of limitations of 8 years for anti-doping rule-violations exclusively (see para. 53).
39. The Executive Committee of FIG is not statute-barred to examine the alleged age limit-violation and to decide on the matter.

b. Statute of limitations for the IOC Executive Board

aa. Olympic Charter 2000

40. Rule 25.2.2.4 OCh 2000 provides that
"no decision taken in the context of the Olympic Games can be challenged after a period of three years from the day of the closing ceremony of such Games".
41. Rule 25.2.2.4 OCh belongs to Rule 25 which, in its paras. 2 to 6, deals with "*measures and sanctions taken in the context of the Olympic Games*". Rule 25 lists the sanctions applicable for various contraventions of the OCh and allocates the power to apply those sanctions between the IOC Session and the IOC Executive Board. The interpretation of Rule 25.2.2.4 OCh in this legal context leads to the conclusion that this provision applies to appeals or other challenges against

decisions which have been taken by either the Session or the Executive Board according to the other clauses of Rule 25 OCh.

42. Rule 25.2.2 OCh provides for sanctions against individuals who do not comply with the rules of the OCh or other Olympic regulations. *"In the context of the Olympic Games"* Rule 25.2.2.1 enables the IOC Executive Board to exclude competitors from the Olympic Games or to declare them temporarily or permanently ineligible. As a sub-paragraph to that provision, Rule 25.2.2.4 applies to such decision, exclusively. The award of Olympic medals is not covered by this provision.
43. Rule 25.2.2.4 OCh 2000 does not apply to the case which gives rise to the request for an opinion.

bb. Olympic Charter 2009

44. After the Sydney Olympic Games Rule 25.2.2.4 OCh 2000 was deleted by amendment of 1 September 2004. Instead, as a subparagraph to Rule 6 OCh which rules on the Olympic Games in general, a new provision was introduced. Rule 6 para. 4 OCh, as in force today, stipulates that
"Notwithstanding the applicable rules and deadlines for all arbitration and appeal procedures and subject to any other provision in the World Anti-Doping Code, no decision taken by the IOC concerning an edition of the Olympic Games, including but not limited to competitions and their consequences such as rankings or results, can be challenged by anyone after a period of three years from the day of the Closing Ceremony of such Games".
45. Under the hypothesis that, according to a general rule of law, a statute of limitations can apply retroactively, the Panel considered the question whether or not Rule 6.4 OCh, as in force today, would statute-bar the Executive Board from withdrawing the medals and modifying the ranking. Rule 6.4 OCh 2007 would be pertinent under the condition that the award of medals constitutes a *"decision taken by the IOC"*.
46. A *"decision taken by the IOC"* must be a decision which was taken by one of the competent organs of the IOC which, according to Rule 17 OCh 2007, are the President, the Session and the Executive Board, or by an IOC Commission. At many instances the rules of the OCh speak of *"decisions"* (e.g. Rule 19.3, Rule 15.4 OCh 2007) or provide that an organ *"decides"* (e.g. Rule 18.2.10, Bye-law 1.6 to Rule 34 OCh 2007). The award of medals and diplomas is only indirectly mentioned in Rule 57 OCh 2007, previously Rule 70 OCh 2000 (see para. 6). For the award of medals and diplomas no decision of an IOC organ is provided for. Instead, according to Bye-law 1.2 to Rule 47 OCh 2007 it is under the sole responsibility of the IFs to *"establish the final results and ranking of Olympic competitions"*.
47. The IOC, in setting up the ranking and presenting the medals within the victory ceremony, simply implements the data established and forwarded by the IFs. There is no *"decision taken by the IOC"* in its own sphere of responsibility. Contrary to that, the withdrawal of rankings and medals is expressly provided for in Rule 23.2 OCh 2007, previously Rule 25.2.2 OCh 2000, as a consequence of a disqualification or the withdrawal of an accreditation imposed as a sanction

by the Executived Board. Only these “consequences” of a sanction imposed by a decision of an IOC organ are covered by Rule 6.4 OCh 2007

48. The Panel concludes that the establishment of the Olympic rankings and the award of the Olympic medals do not constitute decisions taken by the IOC.
49. Even in the new and broader context the mere wording of Rule 6 para. 4 OCh 2007 makes it clear that it applies to “*arbitration and appeal procedures*” against disciplinary or similar decisions made by IOC bodies. This was the clear meaning of the preceeding Rule 25.2.2.4 OCh 2000 (see para. 43). The proviso (“*notwithstanding*”) refers to deadlines for “*arbitration or appeal procedures*” such as established by the CAS Code, whereas the reference to the WADA Code has the effect that the 8 years limitation in doping matters remains unaffected.
50. Based on the rules of the OCh, the Panel comes to the conclusion that the IOC Executive Board is not statute-barred to withdraw the medals and rankings obtained by the gymnast concerned. Furthermore, Rule 6.4 OCh prevents “*anyone*” from challenging an IOC decision. Even if the award of the medals would be considered a decision taken by the IOC Rule 6.4 would not impede the IOC, acting through its Executive Board (see para. 34), to correct a decision on its own initiative. Whereas the gymnast has no interest to challenge the award of medals, the FIG can simply forward the conclusions of its investigation to the IOC and leave it to the IOC to draw the consequences.

c. *General rule of limitation?*

51. The Panel considered arguments advocating the application, by analogy or as an unwritten general legal principle, of the 8 years limitation in doping matters to an age limit-violation. Such a general limitation would prevent any institution of both the FIG and IOC from investigating the case.
52. In the year 2003, by virtue of Article 17 WADA Code 2003, now Article 17 WADA Code 2009, a statutory limitation of 8 years was introduced for anti-doping rule violations. The IFs have implemented the time limit of 8 years for the prosecution of doping offences in their statutes and regulations. FIG did so by virtue of Art. 16 of their Anti-Doping Rules (see para. 39). This statute of limitations as such clearly does not apply to the case concerning the age limit.
53. The 8 years limitation in doping matters, however, shows that results, rankings and medals shall stay untouched after a certain period of time which is not coincidentally defined by two Olympiads. Violations of both the anti-doping rules and the rules setting an age limit exclude the eligibility of an individual athlete for competitions and, in particular, for the Olympic Games. An anti-doping rule violation constitutes a betrayal of the fundamental principles of sports such as fair play and equal conditions for all competitors, as well as cheating against the fellow competitors and the public. In contrast, according to Rule 47 OCh, setting an age limit is justified in order to protect the health of the competitors. Against this background one could argue that such an 8 years limitation could apply to an age limit violation *mutatis mutandis*.

54. In assessing the arguments in favour of and against a general statute of limitations the Panel comes to the conclusion that, beyond the express limitation in doping matters, in international sports law, as it stands today, no general statute of limitations applies.

d. *Restrictions according to bona fide*

55. Whatever action or behavior may have led to the alleged violation of the age limit, such happened in spring or summer 2000. In the absence of a statute of limitation a prosecution of the alleged violation in the year 2009 must not be in contradiction to the general legal principle of *bona fide*. According to that principle, as applied to the case, the age limit-violation cannot be pursued when FIG would have known the facts over a longer period of time without taking action.

56. In applying this principle of law the Panel comes to the conclusion that FIG can pursue the case under the condition that it received notice of the alleged violation shortly before the request for the opinion was made. For its answer to question 3, the Panel assumes that FIG started proceedings to examine the case, including the request for an advisory opinion without undue delay.

Answer to question 3

57. The competent bodies of FIG and the IOC Executive Board are not statute-barred or otherwise prevented from investigating the case under the condition that FIG started proceedings including the request for an advisory opinion in due time after it received knowledge of the alleged age limit violation.

Advisory Opinion rendered by the Court of Arbitration for Sport:

Answer to question 1

1. The Executive Committee of FIG or, alternatively, a Disciplinary Committee which must be appointed by the President of FIG are the competent bodies to examine and determine whether a violation of the age limit took place. Whereas the Executive Committee has the power to annul the results the Disciplinary Committee has not.
2. The IOC Executive Board is exclusively competent to decide on the consequences of an age limit violation in the Olympic realm, i. e. to withdraw the medals won by the concerned gymnast.

Answer to question 2

1. The competence of FIG's Executive Committee includes the annulment of the results obtained by the gymnast concerned at the Olympic Games in Sydney.
2. The IOC Executive Board has the exclusive power to withdraw the medals won by the gymnast concerned at the Olympic Games in Sydney and to adjust the Olympic ranking.

Answer to question 3

The competent bodies of FIG and the IOC Executive Board are not statute-barred or otherwise prevented from investigating the case under the condition that FIG started proceedings including the request for an advisory opinion in due time after it received knowledge of the alleged age limit violation.