



Arbitration CAS 2021/A/8140 Gymnastics Canada v. Fédération Internationale de Gymnastique (FIG), award of 12 November 2021 (operative part of 23 July 2021)

Panel: Mrs Carine Dupeyron (France), Sole Arbitrator

Gymnastics (trampoline)

Allocation of a quota place for the Olympic Games

Standing to sue

Consequences of a failure to call a party as respondent

1. In principle, standing to sue is recognised if a person appealing against a certain decision has an interest worthy of protection, i.e., a sufficient interest in the matter being appealed. A national federation has an interest worthy of protection, of a sporting nature, to have one of its athletes compete at the Olympics.
2. If the prayers for relief, whatever the decision of the CAS panel may be, will affect the rights of a third party that has not been named and included as respondent in the proceedings before the CAS, there is no scope of review for the CAS panel and the appeal must be dismissed.

I. PARTIES

1. Gymnastics Canada (GC or the “Appellant”) is the national sport organization for the sport of gymnastics in Canada. Its responsibilities include, *inter alia*, administering high performance programs and providing Canadian gymnastics athletes with opportunities to compete at international events, such as the Olympic Games.
2. The Fédération Internationale de Gymnastique (FIG or the “Respondent”) is the international governing body for the sport of gymnastics worldwide. It is responsible, *inter alia*, for publishing the Olympic Qualification System, which provides the criteria that must be satisfied for athletes to qualify for the Olympic Games.
3. The Appellant and the Respondent are referred to individually as a “Party” and collectively as the “Parties”.

II. FACTUAL BACKGROUND

4. Below is a summary of the relevant facts and allegations based on the Parties’ written submissions and evidence adduced during the procedure. Additional facts and allegations

found in the Parties' written submissions and evidence may be set out, where relevant, in connection with the legal discussion that follows. While the Sole Arbitrator has considered all the facts, allegations, legal arguments, and evidence submitted by the Parties in the present proceedings, it refers in the present Award only to the submissions and evidence it considers necessary to explain its reasoning.

5. On 5 March 2021, FIG issued a revised Qualification System for the Tokyo 2020 Olympic Games for trampoline gymnastics, based on which a total of 32 quota places (16 for men and 16 for women) were allocated. The 32 quota places include a host country place and a tripartite commission invitation place which can be allocated to either the men or the women in accordance thereof.
6. Pursuant to the Olympic Qualification System, each National Olympic Committee ("NOC") may obtain a maximum of two male and two female quota places except for the host country place and tripartite commission invitation quota places that are nominative.
7. The Respondent qualifies the athletes based on the Olympic Qualification System, which operates by applying three criteria, defined as follows:
 - **Criteria 1:** the eight (8) highest placed male and the eight (8) highest placed female athletes based on the results of the Finals will each qualify one (1) quota place for their NOC, with a maximum of one (1) athlete per NOC;
 - **Criteria 2:** the highest placed male and highest placed female athlete, based on the results of the Finals from each Continental Championships 2020 will each qualify one (1) quota place for their NOC, provided the continent has not already an NOC qualified athlete under Criteria 1 (2019 World Championships) or Criteria 3 (2019/2020 Trampoline World Cup Series);
 - **Criteria 3:** the highest ranked eligible athletes up to the 14th quota place will earn quota places for their NOCs (max. one per NOC). The highest ranked NOCs athletes (maximum 4) up to the 14th quota place allocated based on the Olympic qualification ranking list will qualify for a second quota place after securing their first quota place through the first criteria (Finals of World Championships 2019).
8. The Olympic Qualification System also provides that "*the events are listed in chronological order of qualification*".
9. In other words, pursuant to Criteria 1, up to eight male and eight female athletes may obtain a quota based on their results from the 2019 World Championships. As for Criteria 2, up to five male and five female athletes may obtain a quota place based on their results from the 2020 Continental Championships, if and only if the continent has not already an NOC qualified under Criteria 1 or 3. And, as for Criteria 3, up to the 14th quota place for male and

female athletes will be allocated based on their results from the 2019-2020 Trampoline World cup series.

10. Based on the abovementioned, on 21 June 2021, the Respondent published the official list of countries that had qualified quota places in trampoline gymnastics for the 2020 Olympic Games for both men and women. Canada qualified two female quota places, yet no male quota for the 2020 Olympic Games in trampoline gymnastics.
11. The dispute herein arose on the interpretation and application of such criteria as the Appellant contends that the Respondent incorrectly applied its Olympic Qualification System, which consequently did not lead to the qualification of Canadian athlete Jérémie Chartier under Criteria 3 of the Olympic Qualification System.

III. PROCEDURAL HISTORY

12. In a correspondence dated 7 July 2021, and in accordance with Articles R47, R48, and R51 of the Code of the Court of Arbitration for Sport (the “Code”), the Appellant filed with the Court of Arbitration for Sport (the “CAS”) a Statement of Appeal, serving as Appeal Brief, with respect to Respondent’s decision, published on 21 June 2021, “*not to allocate Canada a quota place in men’s trampoline gymnastics*” (the “Appealed Decision”). The Appellant indicated FIG as the respondent. In its cover email, the Appellant further indicated the following: “*To the extent necessary under the Code, Gymnastics Canada hereby notifies the CAS Court Office that the Colombian and Ukrainian Gymnastics Federations are affected parties in this matter*”. In its Appeal, GC requested that this appeal be conducted in an expedited manner and decided “*in time to permit qualified entries into the 2020 Olympic Games on 23 July 2021*”. Furthermore, the Appellant nominated Prof. Richard H. McLaren, Professor and Barrister in London, Ontario, Canada, as an arbitrator.
13. On 8 July 2021, the CAS Court Office acknowledge receipt of the Appeal and requested FIG “*to confirm that the Respondent in this procedure is only the Fédération Internationale de Gymnastique*”. By email of later that day, “*Gymnastic Canada confirm[ed] that the FIG is the only Respondent in this matter*”. Furthermore, the Appellant, in another email of the same day, informed the CAS Court Office that “*it would be in agreement to have a sole arbitrator hear this matter. Once the FIG is notified of this appeal, the undersigned will communicate with counsel for the FIG to determine whether an arbitrator can be agreed on mutually between the parties, failing which the President of the Division shall appoint a sole arbitrator*”.
14. On the same date, the CAS Court Office served a copy of the Appeal to the Respondent, who was invited, *inter alia*, to express its agreement to the Appellant’s request that this appeal be conducted in an expedited manner and to confer with respect to the composition of the arbitral tribunal.
15. On 12 July 2021, the Appellant communicated the timetable and procedural details agreed upon between the Parties regarding the arbitration proceedings. The Parties, *inter alia*, agreed that the Appellant should have the opportunity to file a “*short Reply*”, if necessary.

16. On 13 July 2021, the Parties agreed to jointly nominate Mr Pierre Muller as the sole arbitrator in this matter. If he were not available or cannot act, the Parties then agreed to nominate Mrs Carine Dupeyron.
17. On 16 July 2021, after having informed the Parties that Mr Pierre Muller was not available to act as sole arbitrator in this matter, the CAS Court Office circulated Mrs Carine Dupeyron's "Arbitrators' Acceptance and Statement of Independence" form.
18. On 16 July 2021, and in accordance with Article R55 of the Code and the briefing schedule agreed on by the Parties, the Respondent filed its Answer in response to the Statement of Appeal along with its Exhibits.
19. On 19 July 2021, the CAS acknowledged receipt of the Respondent's Answer, filed on 16 July 2021, and circulated a notice of formation of a panel to the Parties naming Mrs Carine Dupeyron as Sole Arbitrator.
20. In a correspondence dated 19 July 2021, the Appellant took note of the letter from the CAS Court Office dated the same day and informed thereof it required filing exhibits in support of its reply which do not change the Appellant's original arguments.
21. In a correspondence dated 19 July 2021, the CAS Court Office acknowledged receipt of the Appellant's email and authorized the filing of new exhibits which will be put on the records of the file and transmitted to the Sole Arbitrator, subject to any objection from the Respondent and failing any agreement to the contrary.
22. On 20 July 2021, and in accordance with briefing schedule agreed on by the Parties, the Appellant filed its rebuttal submissions to the Respondent's Answer. Among other things, the Appellant, in reply to a specific submission of the Respondent regarding the standing to be sued (s. *infra ad 43 et. seq.*), stated the following:

"As a preliminary point, Gymnastics Canada notes that it informed the CAS Court Office on 7 July 2021, in its email filing its Statement of Appeal/Appeal Brief, that both the Colombian and Ukrainian Gymnastics Federations were affected parties in the present matter.¹¹ The CAS Court Office confirmed to the undersigned via telephone that these affected parties would be notified accordingly".
23. In a correspondence dated 21 July 2021, the CAS Court Office acknowledge receipt of the Appellant's Reply filed on 20 July 2021 and informed the Respondent that, although not specifically provided for in the briefing schedule agreed between the Parties, it shall have the opportunity to file, no later than 22 July 2021, a short Rejoinder, failing which the Sole Arbitrator will render her Award on the basis of the records on file.

24. In a correspondence dated 21 July 2021, and in accordance with the leave granted by the Sole Arbitrator, the Respondent circulated a short rejoinder stating that:
 - the Parties had agreed that Appellant would have until 20 July 2021 to file a “*short reply if necessary*”, but the Rebuttal Submissions filed on 20 July 2021 was practically as long as Respondent’s Answer. The Respondent will not object to the admissibility thereof, except for section 16 of the Rebuttal Submissions and exhibit 10 thereto concerning the sudden and late declaration of support by the Canadian Olympic Committee. This is a new fact which is not admissible at this stage of the procedure, and the Respondent objects to the admissibility of such section 16 and exhibit 10;
 - the Respondent declares that it disagrees with the content of the Rebuttal Submissions and hereby fully confirms its position as well as its requests for relief as set out in its Answer of 16 July 2021.
25. In a correspondence dated 22 July 2022, the Appellant circulated Exhibit 11 and Exhibit 12 which were referenced in its reply submission.
26. In a correspondence dated 22 July 2022, the CAS Court Office, *inter alia*, informed that the Sole Arbitrator, who considers herself sufficiently informed, will render her Award by 23 July 2021 and enclosed an Order of Procedure, to be signed and returned to the CAS Court Office by 23 July 2021. The CAS Court Office also clarified that it has not, under any circumstances, confirmed that a notification of the Appellant’s submission would have been made to third parties who have not been specifically designated as respondents in these proceedings, as it is the Appellant’s sole and exclusive duty to identify and name the parties to the proceedings.
27. On 23 July 2021, the CAS Court Office acknowledged receipt of the Parties’ signed Order of Procedure and, on the same day, notified the operative part of the Award.

IV. JURISDICTION

28. While making certain development in its Answer, the Respondent did not formally raise any objection on the CAS jurisdiction and both Parties formally accepted jurisdiction of the CAS based on Article 61 of the Olympic Charter.
29. Accordingly, the Sole Arbitration finds that she has jurisdiction to decide the matter.

V. ADMISSIBILITY

30. The appeal from the Appellant was received within 21 days from the appealed decision, in accordance with Article R49 of the Code, and is accordingly admissible. Thereafter, the Parties agreed to an expedited schedule, by exception to the Code, and they complied with the

expenditure deadlines they have set forth by agreement. The Sole Arbitrator thus determines that the current recourse is admissible.

31. Regarding the admissibility of section 16 of the Rebuttal Submissions and exhibit 10 thereto concerning the sudden and late declaration of support by the Canadian Olympic Committee, the Sole Arbitrator believes that (i) these elements are relevant to the debate and (ii) the Respondent was granted an opportunity to discuss them. The Sole Arbitrator accordingly admits these submission and exhibit in the record.

VI. APPLICABLE LAW

32. Article R58 of the CAS Code provides that:

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

33. The Sole Arbitrator finds that this dispute is governed by the FIG Statutes, FIG applicable regulations, and all other sporting applicable regulations which shall include the FIG Olympic Qualification System and by reference, the Olympic Qualification Principles. If necessary, the Sole Arbitrator will turn to Swiss law, which is the law of the seat of the FIG.

VII. THE PARTIES' POSITIONS ON THE MERITS

34. The Sole Arbitrator has taken into consideration all the Parties' written submissions and has weighed the arguments made by the Parties in the light of all the evidence presented. The Sole Arbitrator sets out below a summary of the Parties' positions relevant to its decision, which does not attempt to be an exhaustive account of all the evidence and arguments put forward before this Sole Arbitrator (all of which, it repeats, it has fully evaluated but only of the most relevant facts and legal arguments).

A. Standing to sue

1. *The Respondent's arguments*

35. The Respondent considers that the Appellant lacks the standing to appeal against the FIG's Appealed Decision based on Swiss Law since, pursuant to Rule 44 (2) and (3) of the OC:

"Only NOCs recognised by the IOC may submit entries for competitors in the Olympic Games. Any entry is subject to acceptance by the IOC, which may at its discretion, at any time, refuse any entry, without indication of grounds. Nobody is entitled as of right to participate in the Olympic Games".

36. In the Respondent's view, the Qualification System provides for the allocation of the quota places to the relevant NOCs, but not to the national associations/federations, like Gymnastics Canada. In particular, the Canadian Olympic Committee has not joined Gymnastics Canada in its attempt to obtain a quota place for the men's trampoline gymnastics, which, according to the Olympic Charter, is the only entity empowered to submit the entries for the competitions in the Olympic Games.
37. Although the Appellant may be deemed as potentially or indirectly affected by the Appealed Decision, the Respondent contends that this does not entitle it to have a right to appeal before CAS (CAS 2015/A/4289).

2. *The Appellant's arguments*

38. The Appellant contends it has standing to appeal the Respondent's application of the Olympic Qualification System as a directly aggrieved party with a legitimate interest worthy of protection.
39. The Appellant's bases its position on CAS 2013/A/3140, which states that '*In principle, standing to sue is recognised if a person appealing against a certain decision has an interest worthy of protection, i.e., a sufficient interest in the matter being appealed*'.
40. Accordingly, the Appellant argues since one of its men's trampoline athletes – Jérémie Chartier – has been denied by the FIG the opportunity to compete at the 2020 Tokyo Olympic Games due to the fact that the FIG's application of its Olympic Qualification System, it has '*has a tangible interest of a sporting nature at stake*'.

3. *The Sole Arbitrator's Decision*

41. Based on an analysis under Swiss law on standing to sue ("*qualité pour agir*"), the Sole Arbitrator accepts the Appellant's position according to which it has an interest worthy of protection, of a sporting nature, *inter alia* to have one of its athletes compete at the Olympics.
42. The Sole Arbitrator also finds that the Canadian Olympic Committee certainly has a similar interest that does not prevent the Appellant to seek to protect its own interest and sue the Respondent, as there is no exclusivity in that respect.

B. *The alleged Breach of the Colombian NOC's right to be heard*

1. *The Respondent's argument*

43. According to the Respondent, the Appellant by wanting (i) the CAS to remove the quota place already obtained by the Colombian NOC through Criteria 2 and then reallocate it to the Appellant and alternatively (ii) allocate an additional extra quota place to the Appellant, is

breaching the right to be heard of the Colombian NOC and disregarding the authority of the IOC Executive Board.

44. First, the Respondent alleges that the CAS cannot issue an award which may purport to affect the rights of absent third parties without their involvement in the procedure. The CAS must respect the right to be heard of the Colombian NOC on the allocation of a quota place for the Olympic Games.
45. Second, the quota places are defined in the Qualification System which has been approved by the IOC Executive Board and cannot be modified without its approval. Therefore, according to the Respondent, only the IOC may determine the maximum number of quota places, which means that it would have to be a party to this procedure.
46. Finally, the allocation of additional quota places should only be considered as very last resort and only in particularly exceptional circumstances, which the Appellant has not proven.

2. The Appellant's arguments

47. The Appellant alleges that (i) it had informed the CAS Court Office on 7 July 2021, in its email filing its Statement of Appeal/Appeal Brief, that both the Colombian and Ukrainian Gymnastics Federations were affected parties in the present matter, (ii) there is no need for the Colombian NOC to be involved in this matter as the Respondent was responsible for properly applying the Olympic Qualification System and to communicate that proper application to the Colombian NOC.
48. The Appellant also considers that there is no reason for the IOC to be included in these proceedings as the Olympic Qualification System was approved by thereof, and the Respondent, like the Colombian NOC, should have communicated its proper application of the Olympic Qualification System to the IOC.
49. The Appellant argues that in CAS OG 04/001, the IOC was not a party to the proceedings, and it did not prevent the CAS Panel to recommend that the IOC allocate an additional quota place in that matter, as the CAS "*is best positioned to make that interpretation, particularly in the very limited time available for such a decision to be made*". The same decision was made in CAS OG 10/001 which led to the allocation of another quota place, to avoid a detrimental effect on another NOC. In both cases, the potentially affected NOCs were not heard as parties to the proceedings.

3. The Sole Arbitrator's Decision

50. The Sole Arbitrator is mindful of some CAS precedents, which have been cited by the Appellant, specifically OG 04/001 and OG 10/001 where (i) the potentially aggrieved/affected parties were not called as Respondents and (ii) the CAS Ad Hoc Division however overturned the decision taken by the international federation regarding the non-

qualification of athletes for the Olympic Games and recommended the concerned international federations, respectively the *Fédération Equestre Internationale* (FEI) and the *Fédération Internationale de Bobsleigh et de Tobogganing* (FIBT), to request from the IOC and/or the host organizing committee to allocate an additional quota place, to avoid negative consequences for the third parties.

51. The Sole Arbitrator, however, recalls that CAS case law and more particularly CAS 2013/A/3228 holds that “*If the prayers for relief, whatever the decision of the CAS panel may be, will affect the rights of a third party that has not been named and included as respondent in the proceedings before the CAS, there is no scope of review for the CAS panel and the appeal must be dismissed*”. The Sole Arbitrator fully adheres to this jurisprudence and does not see any reason to deviate from this principle, confirmed by several CAS panels.
52. That said, and although it is undisputable that, if the Appeal were to be upheld, the Colombian NOC would be directly affected in its rights, the Sole Arbitrator, for the reasons set forth in the subsequent paragraphs, does not consider it necessary to assess the question whether the non-inclusion of the Colombian NOC is fatal for the Appellant.

C. ON THE INTERPRETATION OF THE QUALIFICATION SYSTEM

1. *The Appellant’s arguments*

53. According to the Appellant, Canada should have earned a quota place in men’s trampoline gymnastics.
54. The Appellant considers that its interpretation of the Olympic Qualification System is consistent thereof because it is based on a plain reading, which does not require the addition or substitution of any words, whereas the Respondent’s interpretation does.
55. First, regarding the expression “*chronological order of qualification*” as set forth in the Olympic Qualification System, the Appellant believes that:
 - the reference in the Olympic Qualification System to a “*chronological order*” only concerns all the ordinary criteria, which are based on “*qualifying events*”, as opposed to the Host Country place or the Tripartite Commission invitation place; nothing in the Olympic Qualification System indicates that this “*order*” would be limited to the first three criteria; instead, on a plain reading, this statement must be understood as referring to the “*events*” listed in the Olympic Qualification System as being listed in chronological order, not the criteria itself;
 - Criteria 2 of the Olympic Qualification System indicates that there is a priority amongst Criteria 1, 2 and 3; it clearly states that a quota place will only be allocated to a particular continent if the latter has not “*already qualified*” under Criteria 1 or 3;

- the term “*already*” presupposes that an event has taken place in the past, prior to a later occurring event, and in this case, there was no need for the Respondent to allocate a quota place to the Americas under Criteria 2 of the Olympic Qualification System because one had already been earned by Canada under Criteria 3, on the basis of Mr. Chartier’s World Cup Series results;
 - if the Respondent indeed intended that Criteria 1, 2 and 3 were to be in priority order, they would have said so in the Olympic Qualification System, which they did not.
56. The Appellant rejects the Respondent’s concept of provisional reservation of quota places into Criteria 2 of the Olympic Qualification System, as that specific criteria expressly indicated that quota places would only be allocated pursuant to it only if a quota place was not already qualified under Criteria 1 or 3.
57. Moreover, the Appellant contends that there is nothing in either Criteria 2 or Criteria 3 that indicates that a quota place earned under Criteria 3 was provisional subject to the application of Criteria 2. On the contrary, Criteria 2 is subject to the application of Criteria 3.
58. The Appellant further adds that there is “*no prioritization of the criteria in the Olympic Qualification System (except that application of Criteria 2 must be determined after Criteria 1 and 3), much like there is no method in the system to rank athletes under Criteria 2 amongst themselves or amongst those that have earned a quota place under Criteria 1 or 3. Instead, quota places are allocated using the five criteria within the maximum number of possible quotas (16), and if the Olympic Qualification System can be applied in a manner that respects this number, there is no reason to add or substitute language into the Olympic Qualification System, as suggested by the FIG (i.e., by considering the criteria to be listed in chronological or priority order, and by reading the concept of provisional reservation of quota places into Criteria 2)*”¹.

2. *The Respondent’s arguments*

59. The Respondent explains that there are 4 (four) ways to be qualified for the Olympics Games:
- under Criteria 1: qualification is based on the results of the 34th Trampoline Gymnastics World Championship held in Tokyo (Japan) on 28 November-1 December 2019 which allocates the quota places up to 8 Man and 8 Women athletes, with a maximum of “*one (1) quota place for their NOC, with a maximum of one (1) athlete per NOC*”;
 - under Criteria 2: qualification is based on the results obtained at the 2020 Continental Championships; the qualification places were allocated pursuant to the following rule: “*The highest placed male and highest placed female athlete, based on the results of the Finals from each Continental Championships 2020 will each qualify one (1) quota place for their NOC, provided the*

¹ See para. 40 of Appellant’s Rebuttal Submissions.

continent has not already an NOC qualified under Criteria 1 (2019 World Championships) or 3 (2019/2020 Trampoline World Cup Series);

- under Criteria 3: qualification is based on the results of 2019-2020 Trampoline World Cup Series up to the 14th position;
 - qualification for the Host Country and Tripartite Commission quotas occurs only once the quotas places from 1st to 14th position are definitely allocated (i.e. “*after all other 3 criteria*”), for the 15th and 16th position, i.e. at the end of qualification process.
60. Then, the allocation of places occurs in a chronological order, which entails that these positions cannot be allocated applying directly Criteria 1 to 3. The last quota places allocated through Criteria 3 based on the ranking resulting from the World Cup Series may be removed from the list of the qualified NOC if one of the five continents is not already represented under Criteria 2.
61. In fact, the Respondent submits that “*Criteria 2 intends to correct the lack of continental representation insofar as, after the application of Criteria 1 and 3, there is not at least one NOC representing a determined continent. In this perspective, Criteria 2 is subsidiary. However, once this criterion applies, the relevant quota places must be ranked before the quota places allocated under Criteria 3*”. In other words, it means that Criteria 1 applies first, Criteria 2 applies second, and Criteria 3 applies third, in sequential or priority order.
62. According to the Respondent, following this interpretation, the following happened in the present case:
- after the allocation of quota place pursuant to Criteria 3, the continent of Africa was not represented; hence, the Canadian NOC, which obtained the 14th position had to be removed in favour of the Egyptian NOC.
 - since Japan had already obtained its quota place(s) through the ordinary criteria, the Host Country place must be allocated according to other specific criteria, as provided in the Olympic Qualification System; here, the Canadian NOC could not have obtained that quota place at 15th position through Criteria 3, given that the Ukrainian NOC had a higher place in the Olympic qualification ranking list;
 - the Tripartite Commission invitation place was used for an athlete from the USA.
63. Therefore, the Respondent’s rejects wholly the Appellant’s assumptions.
- 3. *The Sole Arbitrator’s Decision***
64. The Sole Arbitrator finds that, in light of the drafting of the FIG’s Olympic Qualification System, the chronological application of the criteria as interpreted by the Respondent prevails,

both on the order of the application of the three ordinary criteria but also when looking at the reallocation of the Host Country quota.

65. Indeed, what the plain reading of the Olympic Qualification System states is:
- first, that the quota 1 to 14 are allocated in accordance to 3 ordinary criteria, which have to be applied “chronologically”; in that respect, while the Sole Arbitrator noted the Appellant’s argument that the term used is “events” as opposed to “criteria”, the Sole Arbitrator notes that this word does not and cannot refer to the chronology of World Championships, which took place in November 2019, and the World Cup Series, which took place from February–October 2019 and February 2020–29 June 2021; it naturally is linked to the Criteria, which are also numbered 1 to 3 for the same reason;
 - second, the interpretation developed by the Appellant is incompatible with the reallocation rules of the Host Country quota for the 15th quota, which refers to Criteria 1 - and implicitly to Criteria 3 if necessary; accordingly, even if there remains one quota for the men trampoline here, that quota cannot be attributed to the Canadian NOC.
 - third, the Appellant’s argument regarding the intangibility of quotas once attributed under Criteria 3 fails, as the existence of a maximum figure of 16 and Criteria 2 on continental representation necessarily imply that a NOC might be removed from the list of 14 to allow representation of a continent.

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The appeal filed by Gymnastic Canada on 7 July 2021 against the decision of the Fédération Internationale de Gymnastique not to allocate Canada with a quota place in men’s trampoline gymnastics for the Games of the XXXII Olympiad – Tokyo 2020, is dismissed.
2. The decision of the Fédération Internationale de Gymnastique not to allocate Canada with a quota place in men’s trampoline gymnastics for the Games of the XXXII Olympiad – Tokyo 2020, is confirmed.
3. (...).
4. (...).
5. All other motions or prayers for relief are dismissed.