



Arbitration CAS ad hoc Division (OG Beijing) 22/011 Evan Bates, Karen Chen, Nathan Chen, Madison Chock, Zachary Donohue, Brandon Frazier, Madison Hubbell, Alexa Knierim & Vincent Zhou v. International Olympic Committee (IOC), award of 30 March 2022 (operative part of 19 February 2022)

Panel: Mr Lars Hilliger (Denmark), President; Mr Alain Zahlan de Cayetti (France); Mr Xianyue Bai (China)

Skating (figure skating)

Decision not to hold a medal ceremony during the Olympic Games

Autonomy of the IOC with regard to a medal ceremony

Principles of legitimate expectation and equal treatment in unprecedented situations

1. The discretionary powers of the decision-making bodies of Swiss sports associations are broad. They are to be restrained by the CAS only in extreme cases (i.e., illegality, arbitrariness or abusiveness). Even if it follows from the “Operational Requirements” as set out in the IOC Protocol Guide that *“the Victory Ceremonies, to present medals to the athletes, shall follow the conclusion of each sports event at the competition venue and/or, where applicable for the Olympic Winter Games, at the Medals Plaza”*, such operational requirements do not limit, at least with regard to the Olympic athletes, IOC’s authority to decide on *“where”* and *“when”* a medal ceremony is to take place.
2. When a different and unprecedented situation has required a decision to be taken in response, a submission based on the principle of legitimate expectation has no sufficient legal basis to set aside the decision in question. The same goes for a submission based on the principle of equal treatment of the athletes, as a decision to treat a different and unprecedented situation in a different way does not *per se* constitute or imply an unjustified unequal treatment of the athletes covered by such a decision.

I. PARTIES

1. The Applicants are members of the United States Figure Skating Team who placed second in the Figure Skating Team Event at the XXIV Olympic Winter Games in Beijing (the “OWG 2022”). The US Olympic and Paralympic Committee (the “USOPC”), the IOC-recognised National Olympic Committee for the USA, is not a party to these proceedings.
2. The Respondent is the International Olympic Committee (the “IOC”), which is the governing body of the Olympic Games and the organisation responsible for the Olympic movement, having its headquarters in Lausanne, Switzerland. One of the primary responsibilities of the

IOC is to organise, plan, oversee and sanction the summer and winter Olympic Games, including the OWG 2022, fulfilling the mission, role and responsibilities assigned to it.

II. FACTS

A. Background Facts

3. The elements set out below are a summary of the main relevant facts as established by the Panel on the basis of the submissions of the Parties. Additional facts may be set out, where relevant, in the legal considerations of the present award.
4. On 7 February 2022, the Applicants competed in the Figure Skating Team Event at the OWG 2022 and placed second, with the Russian Olympic Committee (“ROC”) team placing first and the Japanese team placing third. The medal ceremony for the Figure Skating Team Event, which was originally planned to take place on the same date, was postponed to the day after in order for all the members of the teams to be able to participate in the ceremony.
5. On 8 February 2022, based on an Adverse Analytical Finding (“AAF”) in a sample of one of the athletes (the “Athlete”) who had been competing as a member of the ROC team in the Figure Skating Team Event, the Athlete was provisionally suspended as of the same date by decision of the Russian Anti-Doping Agency (“RUSADA”). The sample in question was taken on 25 December 2021 and received by the relevant Doping Control Laboratory on 29 December 2021, and thus, before the opening of the OWG 2022.
6. On the same date, the IOC announced that the medal ceremony for the Figure Skating Team Event was delayed due to a “legal issue”, without giving further information about the nature of this “legal issue”.
7. On 9 February 2022, and following the Athlete’s request, the provisional suspension of the Athlete imposed by RUSADA was lifted by decision of the RUSADA Disciplinary Anti-Doping Committee (the “DADC”).
8. On 11 February 2022, the IOC, the World Anti-Doping Agency (“WADA”) and the International Skating Union (the “ISU”) filed their respective applications with the CAS Ad Hoc Division against the decision of the DADC, with the Athlete, RUSADA and the ROC as respondents and/or Interested Parties (consolidated in CAS OG 22/8-22/9-22/10). All three Applicants in these proceedings requested that the decision of the DADC of 9 February be set aside.
9. On 14 February 2022, the CAS Ad Hoc Division dismissed all three applications in the consolidated proceedings (CAS OG 22/8-22/9-22/10). The grounds of this award subsequently stated, *inter alia*, that the award did not decide whether or not the Athlete, with the status of a Protected Person, committed an anti-doping rule violation (“ADRV”), but whether or not the provisional suspension imposed on the Athlete by RUSADA was to be reinstated.

10. On the same day, the IOC issued the following statement/decision, in which the Appealed Decision was included:

“The Executive Board (EB) of the International Olympic Committee (IOC) takes note of the decision by the Court of Arbitration for Sport (CAS) to allow figure skater Kamila Valieva (Russian Olympic Committee) to continue to compete at the Olympic Winter Games Beijing 2022.

The IOC has to follow the rule of law and will therefore have to allow her to compete in the Women’s Single Skating competition on Tuesday, 15 February 2022 and, if qualified, on 17 February 2022.

The CAS has clearly expressed that the decision taken by the Ad hoc Division today is not a decision on whether Ms Valieva violated the anti-doping rules. It was limited to the sole question of whether Ms Valieva could be provisionally suspended from the Olympic competition following a positive A-sample taken on 25 December 2021.

The management of the case after this positive A-sample has not yet been concluded. Only after due process has been followed can it be established whether Ms Valieva infringed the World Anti-Doping Code (WADC) and would have to be sanctioned.

This inconclusive situation led the IOC EB to the following decisions, after having had initial consultations with the National Olympic Committees (NOCs) concerned:

*1. In the interest of fairness to all athletes and the NOCs concerned, it would not be appropriate to hold the medal ceremony for the figure skating team event during the Olympic Winter Games Beijing 2022 as it would include an athlete who on the one hand has a positive A-sample, but whose violation of the anti-doping rules has not yet been established on the other hand [the “**Appealed Decision**”].*

2. Should Ms Valieva finish amongst the top three competitors in the Women’s Single Skating competition, no flower ceremony and no medal ceremony will take place during the Olympic Winter Games Beijing 2022.

3. The IOC requests the International Skating Union (ISU), for reasons of fairness, to allow a 25th competitor to participate in the Free Skating part of the competition on 17 February, in case Ms Valieva is ranked in the first 24 of the short programme on 15 February.

4. The IOC will, in consultation with the athletes and NOCs concerned, organise dignified medal ceremonies once the case of Ms Valieva has been concluded”.

11. Thereafter, the Applicants met with the President of the IOC, who explained the reasoning for the decision to postpone the medal ceremony.

12. By letter of 18 February 2022 to the President of the IOC and to the members of the IOC Executive Board, the legal representative of the Applicants wrote, *inter alia*, as follows:

“[...] Our clients seek the legal right they have earned to be given their silver medals in a public ceremony at the Olympic Games prior to the Closing Ceremony. The IOC’s decision to not hold the medal ceremony for the Figure

Skating Team Event during the Olympic Winter Games Beijing 2022 is not only unfortunate, but a decision that violated both Article 56 of the Olympic Charter and the Host City Contract for the XXIV Winter Olympic Games. The IOC's own rules mandate that a victory ceremony "to present medals to the athletes, shall follow the conclusion of each sports event at the competition venue and/or where applicable for the Olympic Winter Games, at the Medals Plaza."

Our clients have trained a lifetime for this opportunity to have their achievements publicly recognized before the world. They are the embodiment of the Fundamental Principles of Olympism by creating a way of life based on the joy of effort, the educational value of good example, social responsibility and respect for universal fundamental ethical principles.

Our clients appreciated the opportunity to meet with Mr. Bach and better understand the IOC's initial decision regarding the medal ceremony for the Figure Skating Team Event, but believe they have the right to be publicly celebrated and awarded the silver medal at the Olympic Winter Games Beijing 2022 and prior to the Closing Ceremony. In response to Mr. Bach's offer for input, a dignified medal ceremony from our clients' vantage point is one in the Medals Plaza as originally planned and afforded to all other medalists.

While we hope the IOC reconsiders its decision and decides on its own to award to the United States team the silver medal for the Figure Skating Team Event in a public medal ceremony prior to the close of the Olympic Winter Games Beijing 2022, we are committed to protecting our clients' rights before the CAS and anticipate that the Panel assigned to this case will understand that our clients are being denied a legal right they have earned and are entitled to receive. Because of the urgency, we anticipate filing an Application with the CAS Ad Hoc Division prior to receiving your response, but we hope that the IOC's reconsideration will make the CAS filing moot".

III. THE CAS PROCEEDINGS

13. On 18 February 2022, the Applicants filed an Application with the CAS Ad Hoc Division against the Respondent with respect to the Appealed Decision as included in the statement of the IOC of 14 February 2022. On the same date, the Application was notified by the CAS Ad Hoc Division to the Respondent. No interested parties were named in the Application by the Applicants.
14. The Applicants also submitted a letter dated 18 February 2022.
15. On 19 February 2022, pursuant to Article 15 (c) par. 1 of the CAS Arbitration Rules for the Olympic Games (the "CAS Ad Hoc Rules"), the Parties were notified of the composition of the Arbitral Tribunal (the "Panel") as follows:

President: Mr Lars Hilliger, Denmark
Arbitrators: Mr Alain Zahlan de Cayetti, France
Mr Xianyue (Simon) Bai, China

16. At 14:49 (Beijing time), the Respondent filed its Answer, requesting, *inter alia*, that since the Applicants' request had no legal bearing, it should be summarily dismissed without the need to hold a hearing.
17. At 16:12 (Beijing time), the Parties were informed that the Panel had decided to hold a hearing by video conference at 19:00 (Beijing time).
18. On 19 February 2022 at 19:00 (Beijing time), a hearing was held with the participation of – in addition to the Panel and Mr Matthieu Reeb, CAS Director General, Mr Antonio de Quesada, CAS Head of Arbitration and Mr Giovanni Maria Fares, Counsel to the CAS – the following persons, all attending remotely via videoconference

For the Applicants:

- Mr Evan Bates, Co-applicant;
- Mr Paul Green, Counsel;
- Mr Howard Jacobs, Counsel

For the Respondent:

- Mr Antonio Rigozzi, Counsel.

There were no objections to the constitution of the Panel. Mr Evan Bates gave his testimony on behalf of the Applicants and answered the questions posed to him. At the end of the hearing, the Parties confirmed that their rights to be heard and to be treated equally had been respected.

IV. THE PARTIES' SUBMISSIONS AND REQUESTS FOR RELIEF

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

A. The Applicants

a. Applicants' Submissions

20. The Applicants' submissions may be summarised, in essence, as follows:
21. The Applicants are the "*embodiment of the Fundamental Principles of Olympism*" and are "*innocent bystanders*" "*completely uninvolved*" in the ongoing doping case related to the Athlete and the Olympic Figure Skating Team Event, in consideration of which the Appealed Decision was made.

22. The Applicants earned their second place in the OWG 2022 Figure Skating Team Event and cannot be deprived *“of being awarded their silver medals in a public ceremony”*.
23. Pursuant to Article 56 of the Olympic Charter, as well as to the relevant provisions of the Host City Contract for the XXIV Winter Olympic Games in 2022, the Applicants *“are entitled to a public medal ceremony to be held prior to the close of the XXIV Winter Olympic Games”*. In particular, the IOC Protocols (referenced and incorporated by both the Olympic Charter and the Host City Contract for the OWG 2022) mandate that *“the Victory Ceremonies, to present medals to the athletes, shall follow the conclusion of each sports event at the competition venue and/ or, where applicable for the Olympic Winter Games, at the Medals Plaza”*.
24. While the sole authority of the IOC set out in Rule 56(1) of the Olympic Charter only covers *“who”* is to be awarded victory medals, Rule 56(2) determines *“how”* and *“when”* such medals must be awarded to the respective athletes in accordance with the IOC Protocol Guide and other protocol-related requirements set forth in the Olympic Host Contract. Any other interpretation of Rule 56 does not make any legal sense.
25. It is not disputed by the IOC that the Applicants are entitled to be awarded (at least) the silver medals following the OWG 2022 Figure Skating Team Event, and with the Appealed Decision, the IOC has therefore violated the said provisions and, accordingly, the Appealed Decision requires reconsideration.
26. The Applicants could not have known from reading the applicable rules that if there was a pending doping case involving another team, then the Applicant would be denied their opportunity to receive their medals during a ceremony conducted during the OWG 2022.
27. The Applicants have a legitimate expectation deriving from, *inter alia*, the Olympic Charter and the Host City Contract, pursuant to which any athlete who performs well enough to earn an Olympic medal will be awarded such a medal at a medal ceremony to take place during the Olympic Games and not at a later stage.
28. The Appealed Decision violates not only such legitimate expectation, but also the principle of legal certainty, whereby athletes must not be penalised by a sudden and unwarranted change of clearly established rules.
29. As members of the Olympic movement, the Applicants were promised to be awarded potential medals at a public medal ceremony to take place prior to the closing of the OWG 2022, and the Applicants were in fact on their way to the medal ceremony scheduled for 8 February 2022. The Appealed Decision constitutes a breach of this promise to the members of the Olympic movement, which the IOC should be estopped from deciding.
30. The Applicants have both a personal and an economic interest in being awarded their silver medals at a public ceremony during the OWG 2022.

31. The absence of the public recognition of the Applicants' outstanding life achievements to win an Olympic silver medal may cause a mental hurdle and psychological damage, which will affect their future performance.
32. Moreover, not having the medals awarded to them during the OWG 2022 will be damaging to the Applicants, in particular with regard to the possible sponsoring and endorsement opportunities, which will normally only be available during a narrow window after the closing of the Olympic Games and at the momentum of the public exposure of the medal ceremony.
33. The Appealed Decision based on the IOC's implementation of the CAS award rendered in the CAS OG 22/8-22/9-22/10 violates the equality of treatment between athletes. The Applicants have fairly and unquestionably won their silver medal and must not be treated differently from others who will benefit from a medal ceremony during the Olympic Games.
34. The IOC cannot validly sustain that awarding medals is only possible when it deems the result to be "final". There have been many cases in the Olympic history where athletes have been stripped of their medals, which have then been reallocated to other athletes after the closing of the competitions. Consequently, there is no reason to consider the situation at hand as unique and unprecedented since the inception of the Olympic Games.
35. The Applicants accept a possible future reallocation of medals depending on the outcome of the Athlete's doping case. However, the Applicants cannot legally be denied being awarded their silver medals in a public ceremony during the OWG 2022 in view of such a possible future reallocation of medals. Never before has the IOC refused to hold a medal ceremony for an Olympic Event during the same Olympic Games.
36. Finally, it must be stressed that, from a practical point of view, a medal ceremony can still be organised and held at the OWG 2022 before the Closing Ceremony in the presence of the ROC team and the Japanese team, who won gold and bronze medals, respectively.

b. Applicants' Request for Relief

37. The Applicants' request for relief is as follows:

"[...] Applicants request that the IOC be ordered to present to them the silver medals that they earned in the Olympic Figure Skating Team Event in a public medal ceremony to be held prior to the close of the XXIV Winter Olympic Games".

38. During the hearing, and asked by the Panel about the circumstance that the request apparently only deals with the silver medals exclusively, the Applicants stated that the wording mentioned above in respect of ordering the presentation of 'silver medals' exclusively was improperly formulated. The Applicants indicated that they did not intend to breach the principle of equal treatment or the rights vis-à-vis the ROC team and the Japanese team, who could also benefit from a decision by the CAS Ad Hoc Division to order a public medal ceremony to be held prior to the closing of the OWG 2022.

B. The Respondent

a. Respondent's Submissions

39. The Respondent's submissions may be summarised, in essence, as follows:
40. While there is no doubt that the IOC has sympathy with the Applicants and the unfortunate situation in which they find themselves, it must be stressed that the CAS Ad Hoc Division is a court of law, which simply cannot replace a decision by the IOC unless the necessary legal standards are met, which is not the case in this matter.
41. Neither the Olympic Charter nor the Host City Contract guarantees the Applicant a public medal ceremony to be held before the closing of the OWG 2022.
42. First of all, it follows from Rule 56 of the Olympic Charter that the awarding of any victory medal "*falls within the sole authority of the IOC*", which authority the IOC Executive Board (the "IOC EB") – legitimately – exercised with its decision of 14 February 2022, which included the Appealed Decision.
43. Furthermore, and even if the IOC Protocols states that a victory ceremony "*shall follow the conclusion of each sport event at the competition venue and/or where applicable for the Olympic Winter Games, at the Medal Plaza*", such provision is part of the "Operational Requirements", which are mere directions given by the IOC to the Organising Committee.
44. Such directions do not and cannot limit the IOC' authority to make the decision it deems appropriate, by its sole authority, under Rule 56 of the Olympic Charter.
45. Moreover, the above-mentioned Operational Requirements form an integral part of the Host City Contract, which is a private law agreement between the IOC on the one hand and the City of Beijing and the Chinese Olympic Committee on the other hand.
46. The Host City Contract is governed by Swiss law pursuant to its own wording, and, thus, only generates rights and obligations between the contracting parties.
47. As such, the Host City Contract does not and cannot give any rights to the athletes participating in the Olympic Games, and the Applicants' request has no legal basis.
48. The CAS Ad Hoc Division has only a very limited scope to review the discretionary powers exercised by a decision-making body, and in this case the discretion was not exercised in an abusive manner, the IOC EB did not exceed its powers, and the decision was in fact based on valid interests of the IOC and the Olympic movement, as it was an unprecedented situation in Olympic history.
49. Even if Rule 56 of the Olympic Charter includes the possibility of a subsequent allocation of medals already awarded to athletes, such a need for allocation should be the very last resort.

50. The Applicants were never “promised” or “guaranteed” a public medal ceremony to be held before the closing of the OWG 2022.
51. This situation is indeed an unprecedented one and could not have been expected or foreseen since it involves an Adverse Analytical Finding (“AAF”) in a sample taken long before the opening of the OWG 2022, but with the result only being available after the Athletes had competed in the Figure Skating Team Event. Based on that, the results of the event are not yet to be considered final since the possible consequences of the Adverse Analytical Finding are still to be decided.
52. By this measure alone, the submissions of the Applicants based on the principles of legitimate expectations, equal treatment, estoppel and legal certainty have no legal basis in this situation.
53. Moreover, it must be noted that the Appealed Decision did not contain a sanction on the Applicants and that the Appealed Decision was not only directed against the Applicants, but also against the other participants in the Figure Skating Team Event.

b. Respondent’s Request for Relief

54. The Respondent requests that the Panel dismiss the Applicants’ request entirely.

V. JURISDICTION

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

“61 Dispute Resolution

1. The decisions of the IOC are final. Any dispute relating to their application or interpretation may be resolved solely by the IOC Executive Board and, in certain cases, by arbitration before the Court of Arbitration for Sport (CAS).

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”.

56. The present dispute concerns the Appealed Decision issued by the IOC EB not to hold a medal ceremony for the Figure Skating Team Event during the OWG 2022.
57. The jurisdiction of the CAS Ad Hoc Division was not challenged by the IOC, and the Panel agrees that the CAS Ad Hoc Division has jurisdiction to hear the present matter.

VI. APPLICABLE LAW

58. Under Article 17 of the CAS Ad Hoc Rules, the Panel must decide the dispute “*pursuant to the Olympic Charter, the applicable regulations, general principles of law and the rules of law, the application of which it deems appropriate*”.
59. The Panel agrees with the Parties that the “applicable regulations” in this case are the Olympic Charter. The Panel further notes that it finds that Swiss law is applicable on a subsidiary basis should the need arise to fill a possible gap in the Olympic Charter.

VII. DISCUSSION

A. Legal framework

60. These proceedings are governed by the Ad Hoc Rules enacted by the International Council of Arbitration for Sport (“ICAS”) on 14 October 2003 (amended on 8 July 2021). They are further governed by Chapter 12 of the Swiss Private International Law Act of 18 December 1987 (“PILA”). The PILA applies to this arbitration as a result of the express choice of law contained in Article 17 of the Ad Hoc Rules and as the result of the choice of Lausanne, Switzerland as the seat of the Ad Hoc Division and of its panels of Arbitrators, pursuant to Article 7 of the CAS Ad Hoc Rules.
61. According to Article 16 of the CAS Ad Hoc Rules, the Panel has “*full power to establish the facts on which the application is based*”.

B. Merits

62. Rules 56 and 58 of the Olympic Charter read as follows:

“56 Victory, medal and diploma ceremonies and the awarding of medals

Any decision regarding the awarding, withdrawal or reallocation of any victory medal or diploma falls within the sole authority of the IOC.

Victory, medal and diploma ceremonies shall be conducted in accordance with the IOC Protocol Guide and other protocol-related requirements set forth in the Olympic Host Contract. To the extent reasonably possible, the ceremonies for reallocation of medals shall replicate the formal ceremonies for allocation of medals. The format and design of the medals and diplomas shall be submitted to the IOC for its prior approval.

58 IOC – Authority of last resort

The authority of last resort on any question concerning the Olympic Games rests with the IOC”.

63. While the Respondent, on its side, submits that, pursuant to the above-mentioned Rules, any matter with regard to the awarding of victory medals falls within the sole authority of the IOC,

the Applicants, on their side, submit that it follows from Rule 56 that the “sole authority of the IOC” only covers “who” is to be awarded victory medals, while the “where” and “when” are not covered by IOC’s discretion as these matters are already set out in the IOC Protocol Guide and other protocol-related requirements set forth in the Olympic Host Contract.

64. Initially, the Panel notes that it is not in dispute that the Host City Contract is a private law agreement between the IOC on the one hand and the City of Beijing and the Chinese Olympic Committee on the other hand. Moreover, it is not in dispute, that the said contract is governed by Swiss law.
65. Pursuant to Swiss law and the principle of “relativity of agreements”, in general a contract only has effect between the contracting parties.
66. So even if it follows from the “Operational Requirements” as set out in the IOC Protocol that “the Victory Ceremonies, to present medals to the athletes, shall follow the conclusion of each sports event at the competition venue and/or, where applicable for the Olympic Winter Games, at the Medals Plaza”, the Panel agrees with the IOC that no rights for or guarantees to the Applicants with regard to the “where” and “when” of the medal ceremony can be derived out of these “operational requirements”.
67. Moreover, the Panel finds that such operational requirements included in the IOC Protocol do not limit, at least with regard to the Olympic athletes, IOC’s authority to decide on “where” and “when” a medal ceremony is to take place.
68. In this regard, the Panel points out that in accordance with Swiss law and the well-established CAS case law, the discretionary powers of the decision-making bodies of Swiss sports associations are broad. Such case law consistently allows for a wide exercise of such powers, which is to be restrained by the CAS only in extreme cases (i.e., illegality, arbitrariness or abusiveness).
69. In the matter at hand, the Panel finds that the Appealed Decision was neither abusive nor arbitrary, nor does the Panel find that the IOC EB exceeded its power.
70. As much as the Panel has sympathy for the interests of the Applicants to be awarded their well-deserved medals in a public ceremony before the closing of the OWG 2022, the Panel initially notes that the Appealed Decision, which does not deprive the Applicants from being awarded their medals at a subsequent dignified ceremony, was only made after the consultation with the relevant National Olympic Committees (“NOC”) concerned and after the Applicants were given the opportunity to present their point of view before the President of the IOC.
71. When asked about the position of the Applicants’ NOC to the Appealed Decision and about the reason for the NOC not being a party to these proceedings, the counsel for the Applicants was not able to provide the Panel with any information in this regard, and the Panel is therefore left to guess why the NOC is not a party to these proceedings.

72. Moreover, and even if, as confirmed by the counsel for the IOC during the hearing, a public medal ceremony could, and perhaps from an Olympic perspective should have taken place during the OWG 2022 without breaching any applicable rules, the Panel appreciates the interests of the IOC in avoiding the risk of a possible subsequent reallocation of already awarded medals subject to the possible consequences of the pending proceedings in connection with the Adverse Analytical Finding in the Athlete's sample taken on 25 December 2021.
73. With regard to the alleged legitimate expectations of the Applicants to have the medal awarded to them during the OWG 2022, and the alleged violation of the principle of legal certainty, and the submission regarding estoppel, the Panel fully understands the interests of the Applicants in having the medals awarded to them in public during the Games.
74. However, and as confirmed during the hearing, none of the Parties ever expected a situation like the one at hand to arise, which is why the Panel finds no legal basis for concluding that the Appealed Decision did in fact breach any legal rights of the Applicants based on the above-mentioned principles.
75. When a certain situation is unprecedented, as set out by the Respondent, the Panel does not find that a submission based on the principle of legitimate expectation has sufficient legal basis to set aside the Appealed Decision, and as the Panel further notes that it does not consider the Appealed Decision to be a sanction imposed on the Applicants.
76. The same goes for the Applicants' submission based on the principle of equal treatment of the Olympic athletes.
77. While the Panel appreciates that the Applicants might feel that they have been treated differently than other Olympic athletes, who were competing in different Olympic events and who subsequently were awarded their well-deserved Olympic medals at a public medal ceremony held during the OWG 2022, the Panel agrees with the IOC that the decision to treat a different and unprecedented situation in a different way does not *per se* constitute or imply an unjustified unequal treatment of the athletes covered by such a decision. The Appealed Decision did cover all of the Olympic medallists in the OWG 2022 Figure Skating Team Event, and the Panel also finds that the Appealed Decision was neither arbitrary nor unjustifiable.
78. The Panel admires and respects the Applicants' impressive achievements and the lifelong efforts needed in order to succeed. The Panel furthermore appreciates that the situation at hand is a very unfortunate situation which affects many Olympic athletes, who are not to blame in any way.
79. However, the Panel at the same time recognises the sole discretion of the IOC to decide on issues regarding, *inter alia*, the medal ceremonies as set out in Rule 56 of the Olympic Charter.
80. As such, and based on the circumstances of this case, the Panel finds no legal basis for ordering the IOC to organise a medal ceremony for the OWG 2022 Figure Skating Team Event during

the OWG 2022. Consequently, the Applicants' Application of 18 February 2022 is therefore dismissed.

81. Therefore, the Appealed Decision stands.

VIII. COSTS

82. According to Article 22 par. 1 of the CAS Ad Hoc Rules, the services of the CAS ad hoc Division "*are free of charge*".

83. According to Article 22 par. 2 of the CAS Ad Hoc Rules, parties to CAS ad hoc proceedings "*shall pay their own costs of legal representation, experts, witnesses and interpreters*".

84. It was confirmed at the hearing that none of the Parties seek costs. Accordingly, there is no order as to costs.

IX. CONCLUSION

85. In view of the above considerations, the Applicants' Application is dismissed.

DECISION

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

The Application filed by Evan Bates, Karen Chen, Nathan Chen, Madison Chock, Zachary Donohue, Brandon Frazier, Madison Hubbell, Alexa Knierim and Vincent Zhou is dismissed.