

1. Where the Issues Originate

1. Ambiguity in GS 6.3.2

- The General Section (GS) implies that a protest may follow a complaint during an event but does not expressly require a complaint as a condition precedent.
- Some Commissions interpret this loosely, allowing a protest without a prior complaint. This has led to the argument that a complaint channel remains “open” even after the event, which is inconsistent with the principle of finality of the results (declared by the Jury).

2. Parallel post-event tracks (GS 6.2.3 and 6.3.3)

- Current rules allow complaints (within 15 days) and protests (within one month) *after the event*, with decisions made by the ASC Bureau.
- This structure re-empowers the Event Director even after the Jury has formally closed the event, requiring them to issue a post-event complaint decision.
- It also allows a politically elected (by plenary/delegates) Bureau to overrule a Jury that was appointed (by the same plenary/delegates) for its expertise and independence.
- It undermines GS 4.10.1, which provides that results are final once all protests are dealt with by the Jury and the Jury has ceased its functions.

3. Different timelines and appeal clocks

- In-event protest decisions by a Jury and post-event Bureau decisions start the 90-day appeal period at different times, making it unclear when finality is reached.
- This layered system confuses competitors and weakens trust in the Sporting Code.

4. Appeal barriers

- The appeal fee (CHF 3'000) is retained even when the appellant (appealing NAC) succeeds.
- This deliberately discourages appeals and places an unreasonable burden on individual competitors, especially since appeals can only be filed via their NAC.
- As a result, legitimate cases may never be tested.

5. Governance risks

- Allowing ASC Bureaux to decide on protests after an event introduces conflicts of interest, as Bureau members may have been involved in the event or have political ties.
 - It replaces an independent, event-specific judicial panel (the Jury) with a political body lacking adjudicative training.
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2. Consequences

- **Finality undermined:** Results can remain open to challenge well after an event is closed.
 - **Conflicting authority:** Jury decisions may be contradicted by ASC Bureau rulings.
 - **Loss of trust:** Competitors and NACs perceive inconsistency and legal uncertainty.
 - **Barriers to justice:** Excessive appeal fees suppress meritorious cases.
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3. The Way Out

A. Complaint as mandatory condition

- Reword GS 6.3.2 to state explicitly: *“A protest may be lodged only following a written decision on a complaint concerning the same matter.”*
- This closes the loophole of skipping directly to protest and eliminates the “open complaint” argument after the event.

B. Remove post-event complaint/protest

- Delete GS 6.2.3 and 6.3.3.
- Once the Jury has declared the event closed and valid, only the appeal track remains open.
- This preserves the clean ladder: complaint → protest → appeal → CAS.

C. Timelines and finality

- Anchor the 90-day appeal period firmly to the point when the Jury has declared the event closed and valid, and the final written decision in the matter has been made public.

D. Appeals accessibility

- Modify GS 6.4.2: refund the appeal fee if the appeal is upheld; refund minus costs if withdrawn before the first hearing.
- This restores fairness and encourages legitimate appeals.

E. Transparency of Appeals

- Announce publicly when an appeal is filed, marking results as “subject to appeal.”
 - Require anonymised summaries of all International Appeals Tribunal decisions to build jurisprudence.
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4. Conclusion

The current complications stem from:

- Ambiguous drafting in GS 6.3.2,
- The existence of post-event complaint and protest tracks, and
- The assignment of judicial power to ASC Bureaux.

The solution is to restore a **single, clear ladder of justice**:

Complaint → Protest (Jury) → Appeal (IAT) → CAS.

This ensures results are finalised at the event, protects Jury authority, removes political interference, and maintains a fair appeal system with accessible fees. The 90-day appeal period must always begin only when the Jury has declared the event final and closed.

Complaints – Protests – Appeals - CAS

Issues and Way Forward

Visualisation:

Current System

Complaint (during event)
→ Event Director

Complaint (after event)
→ Event Director

Protest (during event)
→ Jury

Protest (after event)
→ ASC Bureau

Appeal → IAT → CAS

Appeal → IAT → CAS

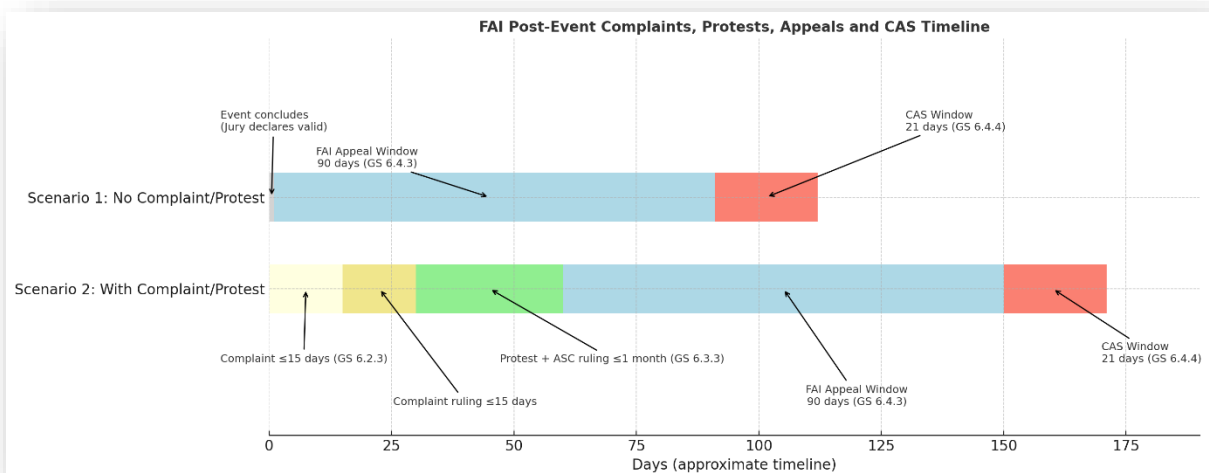
Proposed System

Complaint (during event)
→ Event Director

Protest (during event)
→ Jury

Appeal → IAT → CAS

 Problematic additions



Note:

The timelines indicate the principles only and are flexible depending on when the exact steps are taken and the time required for rulings.

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