



TAS / CAS

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

**COURT OF ARBITRATION FOR SPORT (CAS)
Ad Hoc Division – Games of the XXXIII Olympiad in Paris**

**CAS OG 24-15 Federation Romanian Gymnastics and Ana Maria Bărbosu v. Donatella Sacchi and Fédération Internationale de Gymnastique
CAS OG 24-16 Federation Romanian Gymnastics and Sabrina Maneca-Voinea v. Donatella Sacchi and Fédération Internationale de Gymnastique**

sitting in the following composition:

President of the Panel: Dr. Hamid G. Gharavi, France/Iran

Arbitrators: Prof. Philippe Sands KC, United Kingdom/France/Mauritius
Prof. Song Lu, China

ARBITRAL AWARD

in the arbitration between

**Federation Romanian Gymnastics
Ana Maria Bărbosu
Sabrina Maneca-Voinea**

("Applicants")

against

**Donatella Sacchi
Fédération Internationale de Gymnastique (FIG)**

("Respondents")

and

**Romanian Olympic and Sports Committee
Jordan Chiles
United States Olympic & Paralympic Committee
USA Gymnastics
International Olympic Committee**

("Interested Parties")

I. PARTIES

1. The Applicants are:

- a. The Federation Romanian Gymnastics (FRG), the national-governing body for gymnastic in Romania;
- b. Ms. Ana Maria Bărbosu and;
- c. Ms. Sabrina Maneca-Voinea, both Romanian artistic gymnasts.

Collectively referred to as “**Applicants.**”

2. The Respondents are:

- a. Ms. Donatella Sacchi, President of the Women's Artistic Gymnastics Technical Committee within the FIG;
- b. The Fédération Internationale de Gymnastique (FIG), the international governing body for gymnastics.

Collectively referred to as “**Respondents.**”

3. The Interested Parties are:

- a. The Romanian Olympic and Sports Committee (ROSC);
- b. Ms. Jordan Chiles, an U.S. American artistic gymnast;
- c. The United States Olympic & Paralympic Committee (USOPC),
- d. USA Gymnastics, the national governing body for gymnastic in the United States of America;
- e. The International Olympic Committee (IOC).

Collectively referred to as “**Interested Parties.**”

II. FACTS

A. Background Facts

4. This section summarizes the main relevant facts for the purposes of the adjudication of the dispute agreed by the Parties, or otherwise established by the Panel on the basis of the written and oral submissions of the Parties and the testimonial evidence. Additional facts are set out, where relevant, in the other sections of this award.
5. On 5 August 2024, at around 14h23 (all times indicated in this Award are Paris time), the Women’s Floor Exercise Final of the Olympic Games was held in Paris at the Bercy

Arena. Nine (9) gymnasts participated in the final, including Ms. Bărbosu, Ms. Maneca-Voinea and Ms. Chiles.

6. Ms. Ana Bărbosu was the fifth gymnast to perform her routine. She was awarded a total score of 13.7000, broken down as follows: Difficulty Score (“**D Score**”) of 5.800, Execution Score (“**E Score**”) of 8.000 and a penalty of 0.1.
7. Ms. Sabrina Maneca-Voinea was the eighth gymnast to perform her routine. She was awarded a total score of 13.700, broken down as follows: D Score of 5.900, E Score of 7.900 and a penalty of 0.1. An inquiry was submitted within time on behalf of Ms. Maneca-Voinea to increase her D Score from 5.900 to 6.100, but the inquiry was denied. No inquiry was submitted in relation to the application of a penalty of 0.1 for an alleged one step outside the boundary as, according to the Applicants, (i) the fault was not communicated to Ms. Maneca-Voinea, (ii) Article 8.5 of FIG Technical Regulations 2024 provides that inquiries related to execution are not permitted, and (iii) Ms. Maneca-Voinea did not step outside the boundary.
8. Ms. Jordan Chiles was the ninth gymnast to perform her routine. Ms. Chiles was awarded a total score of 13.666, broken down as follows: D Score of 5.800, and E score of 7.866. Ms. Chiles was awarded 5th place.
9. It was undisputed that 1 minute and 4 seconds after the publication of Ms. Chiles’ initial score on the scoreboard, Ms. Chiles’ coach, Ms. Cecile Canqueteau-Landi, submitted a verbal inquiry as to Ms. Chiles’ D Score.
10. Following the inquiry submitted on behalf of Ms. Chiles, her D Score was revised to 5.900. This had the effect of revising her total score to 13.766.
11. Based on the above, the final results of the Women’s Floor Exercise Final were as follows: Ms. Chiles was awarded 3rd place (with a score of 13.766), Ms. Bărbosu 4th place (with a score of 13.700) and Ms. Maneca-Voinea 5th place (with a score of 13.700).

III. THE CAS PROCEEDINGS

12. The following day, on 6 August 2024, at 10:04, the FRG, through its General Secretary, filed two separate Applications, naming Ms. Donatella Sacchi alone as the sole Respondent. The Applications challenged the scores awarded to Ms. Bărbosu, Ms. Maneca-Voinea and Ms. Chiles, as set out in more detail below in the Parties’ Submissions. The Applications named only the ROSC as the Interested Party.
13. On 6 August 2024 at 17:01, the CAS Ad Hoc Division notified the Application to Ms. Sacchi and the ROSC. The CAS Ad Hoc Division, acting *ex officio*, identified as further Interested Parties Ms. Chiles, USOPC and US Gymnastics, and notified a copy of the Application to them.
14. On 7 August 2024 at 10:42, the CAS Ad Hoc Division informed the Parties and Interested Parties that the two proceedings had been consolidated in accordance with Article 11 of the CAS Arbitration Rules for the Olympic Games (the “Ad Hoc Rules”). It notified the Parties and Interested Parties of the composition of the Arbitral Tribunal:

President of the Panel: Dr. Hamid G. Gharavi, France & Iran

Arbitrators: Prof. Philippe Sands KC, United Kingdom/France/Mauritius
Prof. Song Lu, China

15. In the same communication, the attention of the Parties and Interested Parties was drawn to the disclosure made by Dr. Hamid G. Gharavi in his Independence and Acceptance form, namely the fact that he acts as counsel for Romania in investment arbitrations before ICSID (Cases ARB/20/15, ARB/22/13 and ARB/16/19). No objection to the appointment of Dr. Gharavi as President of the Panel was received by any Party or Interested Party, either within the deadline for raising objections fixed by the CAS Ad Hoc Division, or at any time during the proceedings, including at the hearing or up to the issuance of the dispositive part of the award.
16. On 7 August 2024 at 11:05, the CAS Ad Hoc Division issued procedural directions on behalf of the Panel, establishing for Ms. Donatella Sacchi and the Interested Parties a deadline until 7 August 2024, at 17:00, to file their Answer and *amici curiae* briefs respectively. In the same communication, the Parties and Interested Parties were informed that a hearing, if any, would take place on 8 August 2024, at 10:00.
17. On 7 August 2024, at 12:31, pro bono lawyers with the “Paris Bar for the Paris 2024 Olympics” scheme informed the CAS Ad Hoc Division that they had been appointed to represent FRG, Ms. Bărbosu, Ms. Maneca-Voinea in these proceedings, and submitted duly executed powers of attorney. They requested an “*extension of the deadline mentioned in the summons until 9pm today (7 August 2024), as the athletes are currently flying back home and we won’t be able to finalize their affidavits before 5pm today*”. Upon request of the CAS Ad Hoc Division, the lawyers clarified that the Athletes Ms. Bărbosu, Ms. Maneca-Voinea wanted “*to intervene as Interested Parties and submit short briefs*”. They further emphasised the “*crucial necessity of a hearing in the present cases*” and indicated that “[b]oth application forms were addressed by the Applicant to the Ad Hoc Division of CAS without any legal assistance”.
18. Later on 7 August 2024, at 15:48, FIG submitted a duly executed power of attorney on behalf of external counsel and requested an extension of the time limit to file an *amicus curiae* brief until 7 August 2024, 21:00.
19. On 7 August 2024, at 16:50, Ms. Donatella Sacchi filed brief comments on the matters raised in the Application. These are reported below in the section “Parties’ Submissions”.
20. A few minutes later, at 16:57, the CAS Ad Hoc Division received a communication from new counsel informing that they would now represent FRG, Ms. Ana Bărbosu and Ms. Sabrina Maneca-Voinea in these proceedings and submitted an “Amended Application”. The Amended Application sought a modification in the naming of the Parties in the proceedings, specifically by including Ms. Ana Bărbosu and Ms. Sabrina Maneca-Voinea as Applicants, and FIG as Respondent. The CAS Ad Hoc Division, at 17:22, noted that no duly executed power of attorney had been submitted. Consequently, FRG, Ms. Ana Bărbosu and Ms. Sabrina Maneca-Voinea were invited to produce duly signed letters of representation. They were further informed that, subject to the submission of valid powers of attorney, the “Amended Application” would first be submitted to the other Parties for comments.

21. At the same time, the CAS Ad Hoc Division confirmed the extension until 21:00, for all Parties, of the time limit to file the Answer and the *amici curiae* brief. The Parties were also informed that the previously scheduled hearing would be postponed until Friday 9 August 2024.
22. FIG filed its *amicus curiae* brief on 7 August 2024, at 20:42. FIG, *inter alia*, requested the referral of the dispute to the CAS Appeals Division, in accordance with Article 20 of the Ad Hoc Rules.
23. On 8 August 2024, at 13:47, FIG objected to the admissibility of the Amended Application.
24. On 8 August 2024, at 14:59, FRG, Ms. Bărbosu and Ms. Maneca-Voinea objected to the possible referral of the dispute to the CAS Appeals Division, in accordance with Article 20 of the Ad Hoc Rules.
25. On 8 August 2024, at 15:39, the CAS Ad Hoc Division acknowledged the objection of FIG to the admissibility of the Amended Application. The CAS Ad Hoc Division, noted that, as a technical matter, the Amended Application could have been treated as a formal new application and registered under a new procedure number, and that this would have resulted in the same practical consequence as accepting the amendment of the original Applications. Against this background, and having regard to the desire for procedural efficiency, the CAS Ad Hoc Division invited FIG to reconsider its objection to the admissibility of the Amended Application. At the same time, FRG, Ms. Bărbosu and Ms. Maneca-Voinea were invited to file a Reply to the *amicus curiae* of FIG by 8 August 2024, 22:00.
26. On 8 August 2024, at 16:00, FIG informed the CAS Ad Hoc Division “*that while it formally maintains its objection to the request to amend the Applications, it is ready to accept that the Panel may review the Applications, in their amended version*”.
27. On 8 August 2024, at 21:17, FRG, Ms. Bărbosu and Ms. Maneca-Voinea filed their Reply to the *amicus curiae* brief of FIG. This included, *inter alia*, a request for disclosure of “*the complete footage showing whether the accredited coach complied with the rules and whether the challenge was lodged within the 60 seconds provided by the rules*”.
28. The CAS Ad Hoc Division, on 9 August 2024 at 00:12, invited the other Parties to file Rejoinders to the Reply of FRG, Ms. Bărbosu and Ms. Maneca-Voinea. FIG, in particular, was requested to comment on the request for disclosure contained in the Rejoinder.
29. On 9 August 2024, at 09:02, the CAS Ad Hoc Division sent the following communication at the request of the Panel:

“The Panel has duly considered Art. 8.5 of the Technical Regulations 2024 (Appendix no. 1), which provides as follows: “The person designated to receive the verbal inquiry has to record the time of receiving it, either in writing or electronically, and this starts the procedure”.

In its next submission, FIG is kindly requested to provide information on (i) the identity of the “person designated to receive the verbal inquiry” and (ii) evidence from that

person (or others) of their recording of "the time of receiving [the verbal inquiry], either in writing or electronically".

30. Noting that the CAS Ad Hoc Division had received no communication from Ms. Chiles, US Gymnastics and USOPC, in response to the communication of the Applications sent by the CAS Ad Hoc Division (on 6 August 2024 at 17:01), it invited FIG to provide further contact details of US Gymnastics in order to make sure that they were informed about the present proceedings.
31. On 9 August 2024, at 09:02, the CAS Ad Hoc Division wrote as follows to the Parties:

"The Panel has duly considered Art. 8.5 of the Technical Regulations 2024 (Appendix no. 1), which provides as follows: "The person designated to receive the verbal inquiry has to record the time of receiving it, either in writing or electronically, and this starts the procedure".

In its next submission, FIG is kindly requested to provide information on (i) the identity of the "person designated to receive the verbal inquiry" and (ii) evidence from that person (or others) of their recording of "the time of receiving [the verbal inquiry], either in writing or electronically".
32. In the same communication, the CAS Ad Hoc Division also informed the Parties of the inclusion of the IOC as an Interested Party. The IOC was invited to file an *amicus curiae* and to comment on the possible referral of the dispute to the CAS Appeals Arbitration Division. The IOC, on 9 August 2024 at 12:03, informed that it did *"not intend to make any substantive submission at this juncture"* and expressed the view that *"it would be both preferable and consistent with the purpose of the CAS Ad Hoc Division that a dispute concerning an event that took place on 5 August 2024 be resolved before the end of the Olympic Games"*.
33. Separately, on 9 August 2024 at 10:23, the CAS Ad Hoc Division established contact with USOPC, namely with Mr. Chris McCleary, USOPC General Counsel, in order to inquire about receipt of all correspondence exchanged in these proceedings by Ms. Chiles, US Gymnastics and USOPC. The CAS Ad Hoc Division duly provided to Mr. McCleary a copy of the entire case file, in particular all written submissions and the Notice of formation of the Panel and Arbitrator's Acceptance and Statement of Independence signed by the Members of the Panel, to USOPC. It appeared that US Gymnastics and USOPC (and so Ms. Chiles) had not received the previous communications sent in these proceedings. Further communications were exchanged between the CAS Court Office and USOPC, with the inclusion of other USOPC Officials and Officials of US Gymnastics regarding the different deadlines applicable in the proceedings. USOPC, in particular, expressed the view that the deadlines were not reasonable in circumstances in which Ms. Chiles, US Gymnastics and USOPC were not aware of the proceedings since their outset. USOPC expressed the desire to share their objections with the other Parties. Eventually, the USOPC made no formal objections to the procedure adopted.
34. On 9 August 2024 at 14:44, US Gymnastics, noting that it did not receive the submissions from the beginning of the procedure, requested, *"along with the US Olympic & Paralympic Committee, ... an extension of time to review the submission and evidence*

presented and respond formally". In the same email, US Gymnastics confirmed that "[c]opies were secured circuitously from other parties".

35. On 9 August 2024 at 15:51, the CAS Ad Hoc Division, with reference to the communication of US Gymnastics, agreed to an extension and informed the Parties as follows:

"The issue of notification to US Gymnastics and the USOPC, Interested Parties that were included ex officio by the CAS Ad Hoc Division although the Applicant(s) did not include them in their Application, has already been discussed bilaterally between the CAS Ad Hoc Division and those parties. It is, of course, an unfortunate circumstance that should not have occurred. However, these Interested now dispose of all relevant documents in order to participate in these proceedings and file their amici curiae briefs.

In the last email of today at 14:22 Paris time (enclosed for ease of reference), US Gymnastics and the USOPC were granted until 18:00 Paris time today to comment on the Applicants' application. However, the Panel appreciates the circumstances and accepts to grant US Gymnastics and the USOPC (and FIG) a further extension until today, 20:00 Paris time to file their submissions in reply to the Application. Furthermore, US Gymnastics and the USOPC, like any other Party, will be given ample opportunity to present their position at the hearing scheduled for tomorrow, 10 August 2024, at 08:00 Paris time.

On a separate note, I inform the Parties that the Panel will not apply Article 20 c) of the Ad Hoc Rules. Accordingly, the hearing scheduled for tomorrow will not be postponed in any event."

36. On 9 August 2024 at 17:29, FIG filed its Reply, copying all other Parties, which included the official report prepared by Omega and a list of the times of all inquiries received during the Women's Floor Exercise Final (Exhibit 3 of FIG's Reply).
37. On 9 August 2024 at 19:57, Ms. Chiles and US Gymnastics, through their lawyer, filed their comments on the dispute.
38. On 9 August 2024 at 20:38, the CAS Ad Hoc Division acknowledged receipt of the submissions filed by FIG and by Ms. Chiles and US Gymnastics. The CAS Ad Hoc Division also noted that USOPC did not file any submission. In the same communication, the CAS Ad Hoc Division provided the Parties with directions regarding the hearing. The CAS Ad Hoc Division further remarked that the FIG had not addressed the request of the Panel to "provide information on (i) the identity of the "person designated to receive the verbal inquiry" and (ii) evidence from that person (or others) of their recording of "the time of receiving [the verbal inquiry], either in writing or electronically". The CAS Ad Hoc Division extended the deadline to allow the FIG to provide such information.
39. On 9 August 2024 at 22:21, FIG provided the following information:

"Regarding the request to provide the identity of the "person in charge of receiving the inquiry" within the meaning of Article 8.5 of the FIG Technical Regulations, the FIG would like to clarify that this individual is not an FIG official and was directly appointed by the LOC. As this person does not hold any official judging position, her/his name does not appear in any FIG official documents."

40. On 10 August 2024 at 00:26, the CAS Ad Hoc Division acknowledged receipt of FIG's comments and informed the Parties that the issue "*will be further discussed at the hearing*", which was set to commence that day at 08:00. In addition, the Parties were invited to address, in their oral submissions, the following:

"1. the submission of FIG of 9 August 2024 (enclosed for ease of reference) at Paragraph 12 that the Superior Judge disposes of some tolerance to accept an inquiry not strictly made within the 1-minute window set out at Article 8.5 of FIG Technical Regulations, including any supporting evidence, together with Article 8.5 of FIG Technical Regulations that provides that: "Late verbal inquiries will be rejected";

2. whether a dispute over Superior Judge's decision to admit Ms Chiles' inquiry, despite the same having been made outside the 1-minute window of Article 8.5 FIG Technical Regulations, could fall within the exceptions to the "field of play" doctrine."

41. The CAS Ad Hoc Division circulated a link to the video-hearing (whereas invites were previously sent to all Parties).
42. On 10 August 2024, at 08:30, the hearing in this matter was held, virtually, with the participation of the following persons:

For the Applicants:

- Ms. Carmencita Constantin, President of the FRG;
- Ms. Calina Tejan, Counsel;
- Mr. Sabin Gherdan, Counsel;
- Ms. Angela Cacoveanu, FRG Technical Director;
- Ms. Camelia Voinea, Coach of Ms. Voinea.

For FIG and Ms Donatella Sacchi

- Ms. Donatella Sacchi;
- Mr. Riccardo Coppa, Counsel.

For US Gymnastics and Ms. Jordan Chiles

- Mr. Paul Greene, Counsel;
- Ms. Sarah Moccelin, Counsel;
- Ms. Li Li Leung, CEO of US Gymnastics;
- Ms. Caryn Szyper, US Gymnastics Senior Counsel;
- Ms. Cecile Canqueteau-Landi, Coach of Ms. Chiles as a Witness.

For the IOC

- Prof. Antonio Rigozzi, Counsel
 - Mr. Eolos Rigopoulos, Counsel
43. Ms. Alexandra-Iuliana Mladin attended the hearing as interpreter in case of need.
 44. Ms. Nadia Comaneci was due to attend the hearing as a witness for the Applicants, but in the circumstances was travelling at the time of the hearing and not available.
 45. USOPC, who received the link to connect to the video-hearing, did not attend. It did not give any explanation for such absence. Nor did it contact the CAS Ad Hoc Division any more at any time until the conclusion of the proceedings.
 46. At the outset of the hearing, the Parties were requested whether they had any objection as to the constitution of the Panel. All Parties declared that they were satisfied with the composition of the Panel and had no objection.
 47. At the end of the hearing, the Parties were reminded that they had confirmed at the outset of the hearing not to have any objection to the constitution of the Panel. They were then invited to confirm that they had no objection to the manner in which the arbitration was conducted, and to confirm that their right to be heard had been respected. All the parties so confirmed.

IV. THE PARTIES' SUBMISSIONS AND REQUESTS FOR RELIEF

48. The Parties' submissions and arguments have been reviewed and carefully considered and are set out below in summary form. The summary addresses matters to the extent required for purposes of ruling on the issues in dispute.

A. The Applicants

49. Set out below are the Applicants' submissions (a) and relief sought (b).

a. Applicants' Submissions

50. The Applicants did not particularize or substantiate their position in support of jurisdiction over Ms. Donatella Sacchi. Their submissions on the merits are summarized below.
51. First, the Applicants contend that the inquiry submitted by Ms. Chiles should be dismissed as it was submitted after the end of the 1-minute deadline provided by Article 8.5 of FIG Technical Regulations 2024. Applicants first relied on a video footage on which Ms. Cecile Canqueteau-Landi, Ms. Chiles' coach, appears in the frame for 45 seconds. According to Applicants, in such circumstances Ms. Canqueteau-Landi could not have lodged the inquiry within the limited time provided. The Applicants note the information prepared by Omega which indicated that the said inquiry was submitted 1 minute and 4 seconds after Ms. Chiles'. Chiles's score was put up on the board, that is to say 4 seconds late.

52. In response to the Respondents' position that Article 8.5 of FIG Technical Regulations 2024 does not allow the Applicants to "*complain against a gymnast*" from another national federation, the Applicants reply that the restriction applies to a national federation submitting an inquiry as to the D Score of another gymnast as opposed to a challenge of the timeliness of a verbal inquiry made on behalf of another gymnast.
53. Second, the Applicants submit that the inquiry submitted by Ms. Chiles was reviewed in "*manifest bad faith*" by the FIG WAG Technical Committee, without properly consulting the video footage and to the clear detriment of the Applicants. According to the Applicants, the review would have been conducted by the FIG WAG Technical Committee in less than 15 seconds whereas it would have taken more than 15 seconds to rewind the video and conduct the review and analysis of the relevant portion of the performance.
54. Third, the Applicants allege that the deduction of 0.1 point applied to Ms. Maneca-Voinea's score was unjustified. According to the Applicants, as, per Section 13.1.c of FIG Code of Points 2022-2024, the deduction for stepping out of the designated area is considered as an E Score, the same could not be challenged immediately according to Article 8.5 of FIG Technical Regulations 2024. Moreover, the Applicants contend that the deduction of 0.1 point was not justified as Ms. Maneca-Voinea did not step outside the boundary.
55. Fourth, in response to Respondents' allegation that the Panel could not review a "field of play" decision as set out below, the Applicants seek to rely on a CAS press release dated 13 December 2022, setting out a Consent Award related to Daniela Maier (Germany), the German Ski Association & German Olympics Sports Confederation v. Fédération Internationale de Ski (FIS), Swiss Olympic, Swiss-Ski & Fanny Smith (Switzerland), to argue that the present case involves an exception to the "field of play rule." According to the Applicants, in the afore-mentioned case while the skier Ms. Fanny Smith had been initially demoted to 4th place by the Fédération Internationale de Ski for having allegedly obstructed Ms. Daniela Maier, following a conciliation process between the parties under the supervision of the CAS, both Ms. Maier and Ms. Smith were awarded the 3rd place and the International Olympic Committee accordingly allocated to both athletes a bronze medal. CAS ratified the settlement reached by the Parties and embodied it in a Consent Award dated 13 December 2022.
56. Lastly, the Applicants submit, as an alternative argument and on the basis of the "fair play principle," that as the object of the Olympic Movement would be to "*foster and advance to the practice of sport in a 'spirit of friendship, solidarity and fair play,*" it would be appropriate to award the 3rd place and the bronze medal to the Applicants as well as to Ms. Chiles.

b. Applicant's Requests for Relief

57. The Applicant's request for relief is as follows:
- To conclude that the inquiry submitted by Ms. Cecile Canqueteau-Landi on behalf of Ms. Jordan Chiles was filed beyond the 1-minute deadline specified in Art. 8.5 of FIG 2024 Technical Regulations and to dismiss the inquiry as untimely, thereby upholding the initial score of 13.666 and the 5th spot in the final standings while adjusting the final ranking accordingly;

- To conclude that the inquiry made by Ms. Cecile Canqueteau-Landi on behalf of Ms. Jordan Chiles was reviewed in manifest bad faith by the FIG Women's Artistic Gymnastics Technical Committee where Ms. Donatella Sacchi acted as president, as it was impossible to adequately review the entire 90-second exercise in under 15 seconds;
- To conclude that the penalty of 0.1 assessed to Ms. Sabrina Maneca-Voinea for execution is given without basis, thereby increasing her score to 13.800 and to adjust the final ranking accordingly; and
- In the alternative, to adjust the ranking of Ms. Ana Maria Bărbosu, Ms. Sabina Maneca-Voinea and Ms. Jordan Chiles by placing all three athletes in 3rd position and to allocate the medals accordingly to all three athletes.

B. The Respondents

58. Set out below are the Respondents' submissions (a), followed by relief sought (b).

a. Respondents' Submissions

59. The Panel notes that in her correspondence of 7 August 2024, Ms. Sacchi indicated that she would *"fully rely on all the arguments that the FIG, through its lawyers, will submit."*
60. As to the jurisdiction of the CAS Panel over Ms. Sacchi, Respondents indicated that the Applicants do *"not mention any valid basis under which the CAS Ad Hoc Division would have jurisdiction to hear the present cases"* and that *"it is highly doubtful that a valid arbitration agreement exists to sue Ms. Sacchi before CAS."* Respondents contend that Ms. Sacchi is not the correct party to defend the validity of the results and that only FIG and the IOC would have standing to be sued in this respect.
61. First, in response to the Applicants' argument that the inquiry made by Ms. Chiles' coach would have been submitted belatedly and should accordingly be dismissed, Respondents contend that per Article 8.5 of FIG Technical Regulations 2024, the Applicants' request is inadmissible as the Applicants are not entitled to *"complain against a gymnast"* from another national federation.
62. Respondents contend that the inquiry by Ms. Chiles' coach was in any event timely submitted, notwithstanding the fact – unchallenged by any Party – that the submission was made after one minute and 4 seconds. Respondents rely on the official report prepared by Omega for the FIG, which listed all the inquiries received on 5 August 2024 during the Women's Floor Exercise Finals, namely:
- a. An inquiry was submitted on behalf of Ms. Rebeca Andrade after 1 minute and 22 seconds, the inquiry was admitted but not accepted (i.e., the score remained unchanged);
 - b. An inquiry was submitted on behalf of Ms. Sabrina Maneca-Voinea after 1 minute and 35 seconds, the inquiry was admitted but not accepted (i.e., the score remained unchanged); and

- c. An inquiry was submitted on behalf of Ms. Chiles after 1 minute and 4 seconds, the inquiry was admitted and accepted (i.e., the score was changed).
63. According to Respondents, while Article 8.5 of FIG Technical Regulations 2024 provides that “[f]or the gymnast or group of a rotation, this limit [to submit an inquiry] is one (1) minute after the score is shown on the scoreboard,” the Superior Jury is allowed to show tolerance for time deviations beyond the 1-minute deadline to account for potential technical delays in the system.
64. When asked about the legal basis of such statement by the Panel at the Hearing, neither FIG nor Ms. Sacchi were able to refer to any rule or practise referring to such tolerance as applied to Article 8.5 of FIG Technical Regulation 2024. Rather and at the Hearing, Respondents indicated that while Section 13.1 (b) provides that “[t]he duration of the exercise may not exceed 1:30 minutes (90 seconds),” the FIG WAG Help Desk provides that “[d]eduction starts with the beginning of the second 91,” allowing a tolerance of up to one second.
65. Upon being questioned by the Panel at the Hearing as to the timing of Ms. Chiles’ inquiry, Ms. Sacchi admitted that when she received the inquiry on behalf of Ms. Chiles, she was not in a position to verify – and did not verify - whether it had been submitted within time, namely within the 1-minute window. Ms. Sacchi explained on receiving the notification of the inquiry by electronic means (on her “tablet”) the information offered no indication that it had been received late. For this reason, she proceeded on the assumption that it had been submitted on time and registered accordingly. Ms. Sacchi further explained that while she could have inquired about this in the OMEGA electronic system, there was no reason for her to do so, as the notification to her of the inquiry did not come with any “red flags.” Ms. Sacchi and FIG further indicated, upon being questioned by members of the Panel, that the person who was charged with registering the inquiry was not an employee of FIG and could not in fact be identified by name.
66. The Panel put numerous questions to Ms. Sacchi regarding the process whereby an inquiry was filed, including information as to how the monitoring that the inquiry was submitted within the 1-minute window took place, and who was responsible and in charge, of such monitoring, and in particular whether it was (i) the OMEGA electronic system; and/or (ii) Ms. Sacchi’s superior; and/or (iii) any other person. In response to these questions both FIG and Sacchi were unable to provide any answers that indicated that any system for monitoring the timeliness of any inquiry was in place.
67. The Panel also enquired about the decision that Ms. Sacchi would have taken had she known that the inquiry had been filed outside the 1-minute window. Ms. Sacchi indicated that if she had known – or had been informed – that an inquiry was made outside the 1minute window then she would not have proceeded to conduct the inquiry, and would have consulted with, or sought the opinion of, her supervisor.
68. Second, in response to the Applicants’ allegation that the inquiry submitted by Ms. Chiles’ coach was reviewed “*in manifest bad-faith*” as it would have been “*impossible to review the entire 90-second exercise in under 15 seconds,*” Respondents contend that such allegations are pure speculation and reject the same. According to Respondents, during Apparatus finals, the Superior Jury reviews the performances in real-time, calculates the D Score and review the video replay before the score is displayed on the

scoreboard. As such, when an inquiry is submitted the Superior Jury would only review the contested element which would only require a few seconds.

69. Third, Respondents contend that the Amended Application is procedurally flawed with respect to the Applicants' challenge of the 0.1 deduction applied to Ms. Maneca-Voinea as the Applicants failed to timely request the review of the line deduction in accordance with FIG rules. Respondents allege that pursuant to the following rules, coaches are entitled to request a video review for any line deduction imposed on the gymnasts:
- a. Article 3.1 of FIG Code of Points 2022-2024 provides that coaches have the right to “[r]equest to Superior Jury a review of the Time and Line deductions;” and
 - b. Article 4.1 of FIG Code of Points 2022-2024 provides that “[t]he President of the Women’s Technical Committee or her representative will serve as Chair of the Superior Jury” and have the responsibilities to “control the work of the Apparatus Supervisors and intervene if deemed necessary. Except in case of an inquiry and time or line errors, generally no change of score is allowed after the score has been flashed on the score board.”
70. Respondents submit that Ms. Maneca-Voinea’s coach failed to request a review of the line deduction applied in a timely manner and is accordingly now precluded from doing so before the CAS Ad Hoc Division. Moreover, according to Respondents and contrary to the Applicants’ allegations, the deduction of 0.1 point was communicated to Ms. Maneca-Voinea as the same appeared on the scoreboard separately from execution deductions as well as on the main screen above the field of play.
71. Fourth, Respondents submit that the Applicants seek to challenge “field of play” decisions that cannot be reviewed by a CAS Panel and must be regarded as final. Respondents rely on the following elements:
- a. Article 8.5 of FIG Technical Regulations 2024 provides that “[t]he inquiries must be examined by the Superior Jury and a final decision (which may not be appealed) [...]”
 - b. CAS 2004/A/704 in which, according to Respondents, the Panel refused to review a decision of the FIG Superior Jury as it considered that “CAS should abstain from correcting the results by reliance of an admitted error by an official so that the ‘field of play’ jurisprudence is not directly engaged;” and
 - c. CAS 2021/A/8119 in which, according to Respondents, the Sole Arbitrator found that “CAS does not review “field of play” decisions made on the playing field by judges, referees, umpires and other officials, who are responsible for applying the rules of a particular game, an exception is nevertheless possible if such rules have been tainted by fraud, arbitrariness, corruption or applied in bad faith. The rationale for the “field of play” doctrine is that CAS Panels are not sufficiently trained in the rules of any or all sports and do not have the advantage to observe the event. All submissions by a party in relation to the judging and scoring of a competition are within the “field of play” doctrine and cannot be reviewed by a CAS Panel. Consequently, any challenge to the assessment of difficulty in a performance, assessment of artistry and execution – including the

results of the performances – are all matters within the doctrine of “field of play”. Any challenge on technical breaches in the athletes’ performance are always matters requiring the expertise and judgment by those experts in the “field of play”. If a video recording was a procedural aspect that led to the decision-making in the “field of play”, its use is not open to review.”

72. The Panel put numerous questions to the FIG during the hearing. In the course of those questions, and following the evidence given by Ms. Sacchi, the focus was on the apparent absence of a mechanism put in place by FIG to monitor whether an inquiry had been made in time, within the one-minute rule. In response to a question put by a member of the Panel on this issue, as to any default in relation to time monitoring arrangements, counsel for the FIG stated: *“If the default is part of the system you have the right to challenge.”* The Panel understood this as a concession, which FIG counsel confirmed once this understanding was put to it by another member of Panel, to the effect a default in the arrangements to monitor the timeliness of a request for an inquiry could not be considered as a field-of-play decision and could accordingly be reviewed by a CAS Panel.
73. Fifth, in response to the Applicants’ subsidiary request that Ms. Bărbosu, Ms. Maneca-Voinea and Ms. Chiles be awarded the 3rd place and accordingly bronze medals, Respondents, noting that the fair play principle relied upon by the Applicants is undefined, contend that such request is untenable. The FIG asserts that the Applicants cannot rely on the press release related to Daniela Maier (Germany), the German Ski Association & German Olympics Sports Confederation v. Fédération Internationale de Ski (FIS), Swiss Olympic, Swiss-Ski & Fanny Smith (Switzerland) case as (i) such case is an isolated precedent; (ii) no conclusion can be drawn from the press release issued by CAS; and (ii) such case concerns another sport and different rules as well as an award on consent terms.
74. When requested at the Hearing by the Panel as to whether FIG would accept a consent award (such as that made by the CAS on 13 December 2022 in relation to the Daniela Maier case), so as to award the 3rd place to both Ms. Chiles and Ms. Bărbosu, FIG stated that it was not in a position to accept such an option.

b. Respondents’ Requests for Relief

75. Respondents seek an order that the Amended Application be dismissed and that, to the extent necessary, the results of the Women’s Floor Exercise Final be confirmed.
76. Respondents did not explicitly challenge the CAS Jurisdiction other than by FIG’s statement in its submission of 7 August 2024 that the *“Applications are manifestly misdirected since the Applicant is suing Ms. Sacchi (in her personal capacity) rather than the FIG and the IOC”* and that accordingly *“the Applicants must be summarily rejected.”*
77. Yet, later and without waiving its challenge to jurisdiction over Ms. Sacchi in her personal capacity, Respondents did not, in their submission of 9 August 2024 (at 20:00) or in its oral submissions at the Hearing, pursue the overall corresponding challenge. By then, the Amended Application dated 8 August 2023 had been submitted, formally adding the two gymnasts as applicants and FIG as a respondent, which the Respondents ultimately declared on 8 August 2024 (at 16:00) as not wishing to oppose. The Applicants further

made amendments, this time to their arguments, by their submission of August 9, 2024 (17:00), which the Respondents also ultimately confirmed at the Hearing not to oppose.

C. The Interested Parties

78. USA Gymnastics and Ms. Chiles made written and oral submissions as Interested Parties. The Panel notes that Ms. Chiles and USA Gymnastics indicated that they “*fully agree with the submission of FIG [...] and join it.*”
79. USA Gymnastics and Ms. Chiles did not challenge Respondents’ submission that the inquiry made by Ms. Canqueteau-Landi as coach of Ms. Chiles was submitted within one minute and 4 seconds. They did not challenge the corresponding evidence provided by Respondents as Exhibit 3 to its submission of 9 August 2024, namely the official report represented by FIG to have been prepared by Omega and did not ask for any more time to double-check the information provided by Omega, or to be able to provide further or additional evidence to establish that the inquiry was made within time. They made no reservations in relation to the Omega determination that the inquiry was made one minute and four seconds after Ms. Chiles’ score was posted on the scoreboard.
80. The Panel questioned Ms. Cecile Canqueteau-Landi, who was Ms. Chiles’ coach and who appeared as a witness at the hearing, on behalf of Ms. Chiles and USA Gymnastics. She offered testimony in relation to the process she had followed in making the inquiry, confirming that the request for an inquiry was made electronically (rather than in writing). She stated her recollection that the official who recorded the inquiry did so “immediately” upon her making the request. She indicated that she knew the one-minute rule, and believed she had made the inquiry as fast as she could. She stated that she was not able to state with certainty whether she made the inquiry within or beyond the one-minute time limit, as everything had happened in a great rush.
81. USA Gymnastics and Ms. Chiles endorse in general the submissions of Respondents and focus their defense on the merits with the factual assumption, as set out above, that the inquiry was made within one minute 4 seconds. They argue that “*the field of play doctrine*” constitutes a “*bedrock principle of sports law*” and that in application of such doctrine, CAS Panel could not overturn final decisions made during a competition unless bad faith or fraud is demonstrated.
82. USA Gymnastics and Ms. Chiles rely notably on the following to support their position:
 - a. CAS 2004/A/704, and
 - b. American Arbitration Association case AAA 01-16-0002-3596 where, according to Ms. Chiles and USA Gymnastics, the tribunal found that the “*rationale for the field of play doctrine is to ensure finality in sporting events and to avoid ‘constant interruption of competition, the opening of floodgates, and Monday morning ‘quarterbacking’ and the difficulties in rewriting records and results after the facts;*” and
 - c. CAS OG 02/007; where the Panel stated “[t]he jurisprudence of CAS in regard to the issue raised by this application is clear, although the language used to explain that jurisprudence is not always consistent and can be confusing. Thus, different phrases, such as “*arbitrary*”, “*bad faith*”, “*breach of duty*”, “*malicious*

intent”, “committed a wrong” and “other actionable wrongs” are used, apparently interchangeably, to express the same test” and “[i]n the Panel’s view, each of those phrases means more than that the decision is wrong or one that no sensible person could have reached. If it were otherwise, every field of play decision would be open to review on its merits. Before a CAS Panel will review a field of play decision, there must be evidence, which generally must be direct evidence, of bad faith.”

83. USA Gymnastics and Ms. Chiles made also the argument at the Hearing that Article 8.5 of FIG Technical Regulation 2024 does not provide that late inquiries “*shall*” be rejected but rather or only “*will be rejected*,” which the Panel considers to be a suggestion made by the Interested Parties that this may entail that no strict or mandatory rejection was intended or could derive from non-compliance with the one-minute deadline.
84. USA Gymnastics and Ms. Chiles otherwise contend that the Applicants have not demonstrated any “corrupt behavior” nor any “*bad faith or malicious intent*” on the part of Ms. Sacchi and/or the FIG in the review process of the inquiry.
85. USOPC did not submit any comment on the dispute and did not participate in the hearing.
86. The IOC did not make any substantive written submissions and was present at the Hearing mainly as an observer.

V. JURISDICTION AND ADMISSIBILITY

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

“61 Dispute Resolution

[...]

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”.

88. Article 1 of the CAS Arbitration Rules for the Olympic Games (“CAS Ad Hoc Rules”) provides as follows:

“Article 1. Application of the Present Rules and Jurisdiction of the Court of Arbitration for Sport (CAS)

The purpose of the present Rules is to provide, in the interests of the athletes and of sport, for the resolution by arbitration of any disputes covered by Rule 61 of the Olympic Charter, insofar as they arise during the Olympic Games or during a period of ten days preceding the Opening Ceremony of the Olympic Games.

In the case of a request for arbitration against a decision pronounced by the IOC, an NOC, an International Federation or an Organising Committee for the Olympic Games, the claimant must, before filing such request, have exhausted all the internal remedies available to him/her pursuant to the statutes or regulations of the sports body concerned, unless the time needed to exhaust the internal remedies would make the appeal to the CAS Ad Hoc Division ineffective”.

89. It is undisputed and the Panel in any event finds that the dispute pertaining to facts and the Decisions of 5 August 2024 in relation to the Women's Floor Exercise Final arise on the occasion of, or in connection with, the Olympic Games. Further, they have been submitted in a timely manner to CAS, without the need to exhaust any prior remedies.
90. No objection to jurisdiction, whether in respect of the Applicants (either the FRG or the two athletes) or the Respondents was submitted except in relation to Ms. Sacchi.
91. The Panel finds that it has jurisdiction only with respect to FIG. The Panel finds that the Applicants have not offered any legal basis on which it can assert that jurisdiction could be exercised over Ms. Sacchi (in her personal capacity, or as a referee in the competition) as Respondent with respect to the results of the Women's Floor Exercise Final. The Panel finds that it has no jurisdiction over Ms. Sacchi.
92. The Panel notes the Applicants' Amended Application dated 8 August 2024, which added the two gymnasts as Applicants and the FIG as Respondent. The Panel finds that the Respondents, by correspondence dated 8 August 2024 at 16:00, waived any objection to the amendment, namely with regard to the inclusion of Ms. Bărbosu and Ms. Maneca-Voinea as Applicants and FIG as Respondent.
93. As to the substantive amendment of Applicants, by way of their submission of 9 August 2024, the Panel notes that in its responsive submission dated 9 August 2024 the FIG declared that the Applicants had, in their submission dated 8 August 2024, "*substantially amended their applications and introduced entirely new facts and arguments that were not included in the original applications as filed on 6 August 2024*", and that the Panel "*should not allow*" these amendments. However, at the Hearing the FIG stated that it had no objection with regard to the substantive amendments. For this reason, the Panel concludes that it is able to proceed to determine the matter on the basis of the Applications as amended.
94. As regards the Interested Parties, no objections were submitted to the Amended Applications of 8 and 9 August 2024.
95. In any event, the Panel considers that, regardless of the Parties' agreement with respect to the amendment of the Application(s), the issue does not have any outcome determinative bearing on the dispute. As pointed out by the CAS Ad Hoc Division in its earlier correspondence, the Amended Application could simply have been treated as a timely new application, registered under a new procedural number, and either joined to the present two proceedings or pursued as a separate case after the termination of the two present proceedings (which would not have had any *res judicata* consequence). Therefore, any discussion in this respect would, in any event, be moot. As a consequence, the Panel accepts the amendment to the Applications.

VI. APPLICABLE LAW

96. Under Art. 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.*"

97. The Panel notes that the “*applicable regulations*” in this case are the FIG Code of Points 2022-2024 and FIG Technical Regulations 2024.

VII. DISCUSSION

A. Legal framework

98. These proceedings are governed by the CAS 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 Art. 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 Art. 7 of the CAS Ad Hoc Rules.
99. According to Art. 16 of the CAS Ad Hoc Rules, the Panel has “*full power to establish the facts on which the application is based.*”

B. Merits

100. The Panel addresses the relevance and scope of the ‘field of play’ doctrine on which Respondents and Interested Parties principally rely in their arguments (point **1** below). It then addresses the challenge to the 0.1 penalty applied to Ms. Maneca-Voinea (**2**), the challenge to the inquiry submitted by Ms. Chiles on the ground of the violation of the one minute rule set out at Article 8.5 of FIG Technical Regulations and whether this would qualify as a field of play decision (**3**), and the challenge on the ground of bad faith of the substantive review of the same inquiry of Ms. Chiles (**4**). Finally, it addresses the Applicants’ request that per the “*fair play principle*” the 3rd place be awarded to Ms. Chiles, Ms. Maneca-Voinea and Ms. Bărbosu (**5**).
101. As a preliminary manner, the Panel wishes to express its full respect for all the three gymnasts involved in these proceedings, as well as their representatives. It wishes to make clear that it considers all three to have acted in this arbitration in utmost good faith at all times and from all perspectives. The Panel expresses its regret that arrangements were not in place, in particular in relation to the monitoring of the timings of any inquiry that might be made, which could have avoided the developments that followed, and the pain and grief caused to the athletes.
102. The Panel further wishes to make clear that it has the deepest respect for Ms. Donatella Sacchi and Ms. Cecile Canqueteau-Landi, who appeared as witnesses in these proceedings. Both offered full, candid and honest evidence, and made an effective contribution to the establishment of the truth in responses to questions from the Panel. It is plain to the Panel that they have acted in good faith throughout, both at the time of the events that occurred and in the course of the proceedings. Like the athletes, they have been let down by the absence of effective arrangements on the timing of inquiries.
- 1. The ‘field-of-play’ doctrine and scope of the Panel’s review**
103. Respondents advance the ‘field of play’ doctrine or principle to counter all claims and submit that it should dispose of the entirety of these proceedings.

104. The Panel agrees that the ‘field of play’ doctrine is well-established and settled as a cornerstone principle of sports and CAS case law. The Panel will not depart from this principle, which is, moreover, in line with the application of the same in all CAS cases cited by Respondents. The Parties agree on the rationale and the scope of this principle.
105. According to the field of play principle, if a decision is demonstrated to be a “*decision made on the playing field by judges, referees, umpires and other officials, who are responsible for applying the rules of a particular game,*” (CAS 2021/A/8119), the same should not be reviewed by the Panel. This wise principle seeks to avoid a situation in which arbitrators are asked to substitute their judgment for that of a judge, referee, umpire or other official, on a decision taken in the course of a competition that relates to a sporting activity governed by the rules of a particular game.
106. As put in CAS 2021/A/8119, “[t]he rationale for the “field of play” doctrine is that CAS Panels are not sufficiently trained in the rules of any or all sports and do not have the advantage to observe the event. All submissions by a party in relation to the judging and scoring of a competition are within the “field of play” doctrine and cannot be reviewed by a CAS Panel. Consequently, any challenge to the assessment of difficulty in a performance, assessment of artistry and execution – including the results of the performances – are all matters within the doctrine of “field of play”. Any challenge on technical breaches in the athletes’ performance are always matters requiring the expertise and judgment by those experts in the “field of play”. If a video recording was a procedural aspect that led to the decision-making in the “field of play”, its use is not open to review.”
107. Respondents also notably refer to CAS 2004/A/704 where the Panel refused to review a decision of the FIG Superior Jury as it considered that “CAS should abstain from correcting the results by reliance of an admitted error by an official so that the ‘field of play’ jurisprudence is not directly engaged.” An error identified with the benefit of hindsight, whether admitted or not, cannot be a ground for reversing the result of a competition. It does not offer a possibility for any judicial or arbitral interference.
108. USA Gymnastics and Ms. Chiles further cite American Arbitration Association Case AAA 01-16-0002-3596 where the tribunal found that the “*rationale for the field of play doctrine is to ensure finality in sporting events and to avoid ‘constant interruption of competition, the opening of floodgates, and Monday morning ‘quarterbacking’ and the difficulties in rewriting records and results after the facts’;*” and case CAS OG 02/007 where the Panel stated that “[t]he jurisprudence of CAS in regard to the issue raised by this application is clear, although the language used to explain that jurisprudence is not always consistent and can be confusing. Thus, different phrases, such as “arbitrary”, “bad faith”, “breach of duty”, “malicious intent”, “committed a wrong” and “other actionable wrongs” are used, apparently interchangeably, to express the same test.” If the “field of play” principle is not, however, without limits. In particular, if fraud, bias, arbitrariness, corruption or bad faith, or “*equivalent mischief or error of law*” (CAS 2010/A/2090) is proven, the case may fall within the scope of review of a CAS Panel. The burden of proving any of these exceptions rests with the applicant (CAS OG 02/007, Paragraph 18).
109. These are principles to be applied by Panel, which now addresses the Applicants’ requests.

2. Does the decision to apply a penalty of 0.1 point to Ms. Maneca-Voinea qualify as a field-of-play decision?

110. The Panel has no difficulty in concluding that the decision to apply a penalty of 0.1 point to Ms. Maneca-Voinea must be treated as falling within the 'field of play' principle. Accordingly, it falls outside the scope of review of the Panel.
111. The Applicants contend that the 0.1 deduction, corresponding to a line deduction, applied to Ms. Maneca-Voinea's score, was unjustified as the athlete did not step out of the boundary during her performance. The Panel considers that the decision as to whether a 0.1 deduction was appropriate is a textbook example of a 'field of play' decision, one that does not permit the arbitrators to substitute their views for that of the referee. It warrants the non-interference of CAS as it entails the exercise of judgment by the referee, based on expertise in the 'field of play'. Whether the judgment is right or wrong, it cannot be reviewed.
112. A further stand-alone reason to dismiss this challenge is because Ms. Maneca-Voinea's coach could have requested the review of the line deduction pursuant to Article 3.1 and 4.1 of FIG Code of Points, but did not do so. The decision to apply a penalty was displayed on the scoreboard, together with the reason therefor, as proven by the Respondent FIG in its submission dated August 9, 2024, which was not rebutted by the Applicants.
113. Finally, the Applicants make no colourable argument – and provide no evidence whatsoever – as to fraud, bias, arbitrariness, corruption or bad faith, or "*equivalent mischief or error of law*". There may have been a hint of a suggestion as to 'bad faith', but in the view of the Panel there is no basis whatsoever for any such claim, and it must be completely and fully rejected. In the view of the Panel, on the basis of all the evidence before it, the referee Ms. Donatella Sacchi acted with integrity and in good faith at all times.
114. For these reasons, the challenge is dismissed, as is the Application with respect to Ms. Maneca-Voinea.

3. Does the failure to monitor the timeliness of Ms. Chiles' inquiry in relation to Article 8.5 of FIG Technical Regulations qualify as a 'field-of-play' decision?

115. The Panel upholds the challenge of the inquiry for violation of the one-minute rule contained in Article 8.5 of FIG Technical Regulations for the reasons set out below. In particular, the Panel finds that the challenge does not fall within the 'field of play' doctrine and that the same result would in any event be reached should the doctrine apply as it would then fall under one of its exceptions.
116. The Panel first dismisses Respondents' objection to the standing of the Applicants based on the argument that they cannot, according to Article 8.5, raise a complaint as the same provides that a "*NF is not allowed to complain against a gymnast from another FN.*" The Panel finds the argument to be unsubstantiated and unpersuasive. The restriction in Article 8.5 relied on by Respondents relates to standing to make a verbal inquiry in relation to the performance of another gymnast: it does not, and cannot, relate to the standing to challenge the timeliness of another gymnast's verbal inquiry and compliance with the one-minute rule, as set out in Article 8.5.

117. The Panel turns to the merits of the challenge. Article 8.5 of FIG Technical Regulations, provides that a gymnast's coach can submit an inquiry with respect to the D Score provided that the request is

“made verbally immediately after the publication of the score or at the very latest before the score of the following gymnast/athlete or group is shown [...]

For the last gymnast or group of a rotation, this limit is one (1) minute after the score is shown on the scoreboard. The person designated to receive the verbal inquiry has to record the time of receiving it, either in writing or electronically, and this starts the procedure.”

Article 8.5 further provides that *“Late verbal inquiries will be rejected.”*

118. Ms. Chiles was the last gymnast to participate, so the one-minute rule applies. The Panel finds that Article 8.5 is clear and unambiguous from all relevant perspectives. The one-minute time limit is set as a clear, fixed and unambiguous deadline, and on its face offers no exception or flexibility. Despite arguing that Article 8.5 should be interpreted and applied with a degree of flexibility, the Respondents have offered no evidence or practise to support the existence of any exception or tolerance to the application of the rule. The Respondents do point to an argument by way of analogy, relying on Section 13.1 (b) of FIG Code of Points: this provides that *“[t]he duration of the exercise may not exceed 1:30 minutes (90 seconds),”* and the FIG WAG Help Desk's statement that the *“[d]education starts with the beginning of the second 91.”* This provision does not assist the Respondents, but rather undermines the argument, as it indicates that where the FIG wanted to provide for a tolerance or flexibility in a time limit, then it did so with an express provision. In relation to Article 8.5 and the one-minute rule there is no equivalent exception. The Panel notes, further, that the tolerance in relation to Article 13.1 is of less than one full second, whereas the delay in the case at hand is of 4 seconds. In the view of the Panel, the words 'one minute' in Article 8.5 mean one minute, no more and no less.
119. The impact of non-compliance with the one-minute rule of Article 8.5 is similarly clear and unambiguous, namely that the *“Late verbal inquiries will be rejected.”* These words make it clear that compliance is intended to be mandatory and strict, and to be sanctioned by a rejection if violated. No room is afforded for any exercise of discretion. This is understandable, as the rule applies only to *“the last gymnast or group of a rotation,”* with the aim of ensuring a prompt closure and finality of the competition, to avoid a situation of extended uncertainty as to who may have finished in what order in the competition. The rule exists for the benefit of the public and, even more so, for the gymnasts themselves. Ms. Cecile Canqueteau-Landi confirmed at the Hearing to have been well aware of this one-minute rule of Article 8.5, and that each team leader attended training sessions before the Games, at which the existence and importance of this rule was emphasized.
120. The Panel finds also relevant and a further proof of its materiality that Article 8.5 of FIG Technical Regulations 2024 envisages a mechanism or arrangements to monitor compliance with the one-minute rule: it provides that the *“person designated to receive the verbal inquiry has to record the time of receiving it, either in writing or electronically, and this starts the procedure.”*

121. At the hearing there was no dispute between the Parties that Ms. Chiles' inquiry was submitted 1 minute and 4 seconds after her score was official displayed on the scoreboard. All parties accepted as clear and determinative the report prepared by Omega. No party sought to introduce other evidence to challenge that determination. As set out above, the information provided by Omega was submitted by the Respondents in their submission of 9 August 2024, together with a supporting document, namely Exhibit 3 thereto. This was represented by Respondents to be the official report prepared by Omega, the official timekeeper for the Olympic Games.
122. The official report produced by Respondents as Exhibit 3 in support of its position submitted on 9 August 2024 that the inquiry was made within one minute and 4 seconds reads as follows:

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	X	Y	Z	AA	AB	AC	AD	AE	AF	AG	AH	AI
Sport,"Category","Type","Competition","Apparatus","Date","Bib","Name","NOC","Total Original","Inquiry Type","Original","Wanted","Status","Accepted","Total Changed","Official Score Time","Verbal Time","Written Time","Time from Official to Verbal","Time from Verbal to Writing"																																	
Artistic,"Senior","Undefined","ApparatusFinal","Floor Exercise","05.08.2024","393","CHILES Jordan","USA","13.666","D","5.800","6.900","ScoreChanged","5.900","13.766","15:32:17","15:33:21","15:33:37","01:04","00:15"																																	
Artistic,"Senior","Undefined","ApparatusFinal","Floor Exercise","05.08.2024","384","MANECA-VOINEA Sabrina","ROU","13.700","D","5.900","6.100","ScoreUnchanged","","13.700","15:27:17","15:28:53","15:29:03","01:35","00:10"																																	
Artistic,"Senior","Undefined","ApparatusFinal","Floor Exercise","05.08.2024","310","ANDRADE Rebeca","BRA","14.166","D","5.900","6.100","ScoreUnchanged","","14.166","14:59:21","15:00:44","15:00:52","01:22","00:07"																																	
Artistic,"Senior","Undefined","ApparatusFinal","Balance Beam","05.08.2024","325","ZHOU Yaqin","CHN","14.100","D","6.600","6.800","ScoreUnchanged","","14.100","12:48:40","12:50:04","12:50:15","01:23","00:11"																																	

123. To be clear, the submission of 9 August 2024 of Respondents together with the official report prepared by Omega on the timing of the inquiry was submitted following an express request by the Panel, duly notified to the Parties and Interested Parties by CAS. The FIG was asked by the Panel to provide the (“(i) identity of the person designated to receive the verbal inquiry and (ii) evidence from that person (or others) of their recording of the time receiving [the verbal inquiry], either in writing or electronically).” The Panel made the request because it was acutely aware of the need to have before it, in advance of the hearing if possible, an accurate, authoritative and official information as to the timing of the inquiry submitted on behalf of Ms. Chiles.
124. The Panel recognises the clarity and accuracy of the official report, as set out in Exhibit 3. It further notes the submission of Respondents on the timing of the inquiry, which recognises and affirms that it took one minute and 4 seconds for the inquiry to be made. The Panel is also bound to recognise that its view was reinforced by the testimony of Ms. Cecile Canqueteau-Landi, who confirmed at the Hearing, in response to questions put by the Panel, that the inquiry was made to and taken by a person who entered it electronically and did so “immediately” on the spot. She did not indicate any time elapsing between the time the inquiry was made and the time it was entered into the system.
125. The FIG submission and Exhibit 3 were relevant and helpful, but they were not fully responsive to the information the Panel had sought. The Panel had asked that FIG provide information on the identity of the person who recorded the verbal inquiry and the recording of the time. Respondents responded to this solicitation promptly, declaring that the person set out at Article 8.5 in charge of receiving the verbal inquiry was not a FIG official and that their name does not appear in any FIG documents:

Dear Mesdames, Dear Sirs,

We refer to the last point raised in the email below sent by the CAS Ad Hoc Division today at 20:38 (to which it appears the undersigned was not included in the recipient list).

Regarding the request to provide the identity of the “person in charge of receiving the inquiry” within the meaning of Article 8.5 of the FIG Technical Regulations, the FIG would like to clarify that this individual is not an FIG official and was directly appointed by the LOC. As this person does not hold any official judging position, her/his name does not appear in any FIG official documents.

126. The Panel was surprised that the FIG was not able to identify the person who recorded the information as to time, and that no clear and established mechanism appeared to be in place to address so important a matter as the timing of a request for an inquiry. In the course of the hearing, which ran for more than four hours, the Panel put questions to Ms. Donatella Sacchi and to Ms. Cecile Canqueteau-Landi, who is Ms. Chiles’ Coach, and engaged in exchanges with counsel for the Respondents.
127. Ms. Sacchi confirmed that when ruling upon the inquiry, she did not verify whether such inquiry had been submitted in a timely manner, that is to say within the one-minute window. She proceeded on the basis that the inquiry had been submitted on a timely basis, as the tablet which received the notification that an inquiry had been requested did not indicate that it was out of time (there was no ‘red flag’). In the course of a lengthy questioning, the Panel asked:

Q: Does the Technical Regulations of FIG contain recommendation rules or binding rules on the time frame in which an inquiry can be made. Do you think it's binding that an inquiry can be made in that specific time, or it's more of a recommendation rule?

*A: The other case is about the Jordan Chiles’ inquiry that was prove to be at one minute and four seconds and this article 8.5 if you can read. There is honestly nothing saying that is - I don't know how to say in English - is not compulsory to one minute. In this matter I’m sorry I have to say that this is an electronical system is not manual. So in the moment they enter this first verbal inquiry. I receive automatically, because you need to understand how the system works. So there is on the field of play an inquiry table with an inquiry officer with a tablet. The coach goes there and put first the verbal inquiry and in this for the last gymnast of the rotation in this case of the competition to put the verbal inquiry. And then they have four minutes time for the written inquiry. These arrives automatically to my tablet. **On my tablet arrive also the written inquiry for Ms. Chiles. So in that moment I assumed that the system didn't block the verbal inquiry because out of the limit. So I saw the written inquiry and I said. Okay, it means it's okay. I proceed because I cannot control the timing of the inquiries and the difference of the timing.** This was the main problem, probably because nobody came to me at the head table telling look the verbal inquiry was four seconds out of the time and either the tablet, the electronic system, didn't flash any discrepancy. So the moment I receive the second step is my job to work on what I receive.*

128. Ms. Sacchi confirmed that the person in charge of receiving the inquiry on the ground under Article 8.5 of FIG Technical Regulations entered the application on the spot electronically and was not in charge and/or did not monitor compliance with the one-minute rule (and was in fact not part of FIG as Respondents had confirmed the previous day in response to the inquiry of the Panel):

Q: And who was the person that received the verbal inquiry and placed it electronically? Who is that person?

A: The name I don't know honestly because these, at the Olympic Games, there are a group of people called NTOs (National Technical Officials) that are appointed by the local organization. When I received the complete list of people. I check that they have the international judges brevet for that competition then is up to local organization to assign the people to the different functions. So there is one group that is working as real judge place on the line and time. And these they these give me the names name and they appear name in the judge's panels. And there is another group that is we call assistant that are the secretaries, the person putting the vault [?] numbers and two persons as an inquiry officer. They receive instructions from Omega. It not me taking care of them. So if you want to know who is this person, you need to ask to the local organizers.

129. Ms. Sacchi confirmed that, on the basis of her knowledge, the Omega system was not set up to monitor or flag compliance with the one-minute rule. She recognised that she could have inquired and/or sought to verify directly in the OMEGA electronic system whether the inquiry had been submitted in a timely manner, but saw no reason to do so:

Q: I'm asking you or anyone in your position if they had wanted to check that, would they have been able to check?

A: Now I understand, probably asking Omega. Yes. I think that asking Omega is possible.

Q: You could have done it yourself?

A: No.

Q: Who would have been able to ask Omega?

A: I can - oh through me - now I understand. So through me or through my sport manager we can call Omega people and ask [...] It happens one time that in one world championships, a gymnast started with the red light on vault - totally different apparatus - because they need in the scoreboard the green light before starting, she started with the red light. The green light appeared when she was already performing the exercise and the judges there were not sure if she was really the red or not. So in that case they called me if it's possible to have any evidence and I request Omega to check the timing of the red and the green. Somebody notified me.

130. Ms. Sacchi and FIG's representatives were not able to provide any answer or information as to who was in charge of monitoring whether the verbal inquiry made on behalf of Ms. Chiles was submitted in a timely manner. Nor were they able to tell the Panel, in

response to questions, whether there was in place any arrangement to ensure that the one-minute rule in Article 8.5 had been complied with:

Q.: My question was: who is the guardian, the safeguard of the one-minute rule? And you are saying in your answer that the computer processed it, there was no flash, there was no alert. So you are suggesting that it is the computer that monitors the timing and that if it sees out of delay, it's the computer that flashes? Or is it the person that puts it in the electronically that judges this?

A: You ask me something difficult, very difficult to answer.

Q: If you don't know, you don't know.

A: No, no, no. I understand, no. We don't know either, so we're trying to find out.

131. Ms. Sacchi confirmed that if she had been aware of the fact that the inquiry was submitted beyond the one-minute window, then she would have felt uncomfortable accepting the inquiry and would not have done so. In those circumstances, she would have sought the opinion of her supervisor before entertaining the inquiry:

Q: The chair directed you to these six words: "Late verbal inquiries will be rejected." If you had known that the inquiry had come at one minute and four seconds, what would you have done?

A: Difficult to answer, working on hypothesis. What I can tell you, knowing myself and my that before taking such a critical decision and very, very delicate decision. Very probably I would consult the sport Manager and the General secretary to understand if this small tolerance is allowed or not, because I can work I can say quite well with the technical rules but then when we go in this kind of topics I know very well that implement legal aspects so normally usually for my character I go to ask to somebody that can confirm or not the exact mandatory procedure or there is some flexibility. Before taking this decision, I don't take personally because I'm not good enough in this specific area. So knowing myself, if we work with hypothesis. I think I would ask to somebody which is the correct procedure to adopt.

Q: So just to follow up from that can I take it from that? That you are saying you would not have proceeded to accept the inquiry without having first consulted?

A: Yes.

132. Ms. Sacchi declared that she was not aware of any decision or assessment on the ground as to whether the verbal inquiry was submitted in a timely manner.
133. Neither the Respondents nor the Interested Parties sought to re-examine Ms. Sacchi following her examination by the Panel in relation to the above matters. Her responses were candid and honest. Nor did the Respondents or the Interested Parties seek to introduce any evidence as to the existence of a mechanism or arrangements in place to determine whether the one-minute rule (in Article 8.5) had been complied with. In their closing arguments they offered no submissions – including any challenge to or critique of - the clear testimony offered by Ms. Sacchi.

134. On the basis of the evidence before it, the Panel is not able to conclude that the FIG had in place arrangements or mechanisms to ensure that the one-minute rule was complied with. It appears on the basis of the evidence that no one on behalf of FIG was in place to monitor the compliance with its mandatory one-minute rule. The verbal inquiry made on behalf of Ms. Chiles was reviewed by Ms. Sacchi on the assumption that it had been submitted on a timely basis, without the same having been checked and without any possibility of a violation being flagged. There was here a manifest default in the arrangements: there was no monitoring system in place to allow the referee to know whether or not the request for an inquiry was filed in a timely manner. In the circumstances, the Panel wishes to make clear that it considers it to have been entirely reasonable for Ms. Sacchi to proceed as she did, on the assumption that a monitoring arrangement was in place and that, in the absence of notification as to a late request, she should proceed to conduct the inquiry. The failure was the responsibility of the FIG, not of Ms. Sacchi or of Ms. Canqueteau-Landi.
135. Against this factual background and case specific circumstances, the Panel finds that the review that it has been requested to conduct for violation of Article 8.5 does not fall within the ‘field of play’ doctrine. The Panel is not being requested to interfere, or to substitute its judgment for that of a referee. It is not interfering with a judgment call of any referee or official on the ground, and it is not correcting a refereeing mistake or an error of judgment. Rather, it is ruling on the basis of a default by the FIG, a complete failure to put in place an arrangement or mechanism to monitor and apply an important rule that it has adopted to protect the athletes and the public.
136. In this regard, the Panel notes that the FIG conceded on two occasions in the course of the Hearing, when questioned on the point by the Panel, that an eventual finding by the Panel of a default in monitoring compliance with the one-minute window of Article 8.5 FIG Technical Regulations would not be considered as a ‘field-of-play’ decision. Counsel for the FIG stated: *“If the default is part of the system you have the right to challenge.”* Recognising the significance of the concession, a member of the Panel recorded these words in writing, read them back to counsel, and inquired if that was indeed the position of the FIG. He replied: “Yes.”
137. On the basis of the evidence before it, which was accepted by all the Parties to the proceedings, it is not disputed that the one-minute rule of Article 8.5, which the Panel finds to be mandatory and not subject to any tolerance as set out above, was violated. The Panel has no alternative but to find this violation. And it was, in the case at hand, completely disregarded, having not been monitored or checked. There was no arrangement or mechanism in place to check whether the rule had been applied or complied with. It follows that the inquiry must be determined to be without effect.
138. The Panel adds that, even assuming that failure to monitor and verify that Ms. Chiles’ inquiry had been timely submitted could qualify as a ‘field of play’ decision – which it does not consider to be the case - the same would still be subject to the Panel’s review with the same violation and consequence found based on the extraordinary fact-specific circumstances and corresponding evidentiary record of this case as set out above. The Panel finds that such failure is tantamount to an error of law or *de facto* arbitrariness in the process or equivalent mischief: the FIG has simply failed to put in place or implement a system to safeguard and apply its own mandatory, clear, and unambiguous rule, one which was admitted and in any event proven to have been violated.

4. Applicants' challenge of Ms. Chiles' inquiry on ground of bad faith

139. In light of the above, it is not necessary to rule on the Applicants' request that the Panel find that the inquiry made by Ms. Cecile Canqueteau-Landi on behalf of Jordan Chiles was reviewed in manifest bad faith by the FIG Women's Artistic Gymnastics Technical Committee.
140. Nevertheless, for the sake of completeness and as it entails an allegation of impropriety addressed at Ms. Sacchi, the Panel is bound to say that it has no hesitation in dismissing that allegation in its entirety.
141. The challenge is dismissed as the corresponding assessment conducted and corresponding process and outcome is found by the Panel to be 'field-of-play' matters with respect to which the Panel may not interfere under this doctrine. Moreover, the Applicants failed to provide any material evidence whatsoever as to the allegation of bias and/or bad faith on the part of Ms. Sacchi. It was, in the view of the Panel, wholly inappropriate to make such an allegation. The only evidence put forward by the Applicants is purely circumstantial, namely that the review of the inquiry would have not taken more than 15 seconds which, according to the Applicants, would have *de facto* demonstrated that the inquiry had been reviewed in bad faith and/or with bias and/or arbitrariness. Yet, the Panel finds that such argument is unproven and in fact rebutted by, as explained by Respondents, the fact that the review of the performance is done in real time and that when an inquiry is submitted the Superior Jury would only review the contested element which would only require a few seconds. Moreover, the Panel finds that only good faith transpired from the testimony of Ms. Sacchi, including with respect to the performance of her substantive review of the inquiry submitted by Ms. Chiles which led to Ms. Chiles' score being revised and increased. The Panel wishes to express its admiration and respect for the manner in which Ms. Sacchi conducted herself in the hearing.
142. For the foregoing reasons, the Applicants' bad faith-based challenge in relation to the verbal inquiry made to Ms. Chiles' score is dismissed. It should never have been made.

5. The Applicants' request to apply the "fair play principle" and award the 3rd place to Ms. Chiles, Ms. Maneca-Voinea and Ms. Bărbosu

143. As to the Applicants' request to apply the 'fair play principle' and award the 3rd place to Ms. Chiles, Ms. Maneca-Voinea and Ms. Bărbosu, the Panel finds that the Applicants failed to demonstrate the application of the 'fair play principle' in support of the relief sought. Admitting such a request would, as set out by the IOC at the Hearing, require the Panel to apply principles of equity, whereas the Panel is required to apply rules of law, unless the Parties have agreed otherwise, which in this case they have not. Therefore, it remains that the allocation of three bronze medals in this Event would be impossible with the strict application of the FIG Rules save if the Parties for a consent award to this effect, which FIG opposes.
144. The only case on which the Applicants rely is Daniela Maier (Germany), the German Ski Association & German Olympics Sports Confederation v. Fédération Internationale de Ski (FIS), Swiss Olympic, Swiss-Ski & Fanny Smith (Switzerland). Yet this followed a conciliation process resulting in a consent award between the parties under the supervision of the CAS. In the present case, when presented with an opportunity to agree

to a consent award which would make bronze medals available to Ms. Chiles and Ms. Bărbosu, the FIG declined to do so.

145. Based on the foregoing, the Applicants' request is dismissed.

146. In summary, the Panel upholds only the Applicants' challenge for violation of the one-minute deadline of Article 8.5 of FIG Technical Rules. Ms. Chiles' inquiry is to be accordingly dismissed and her initial score of 13.666 reinstated. On being questioned by the Panel, the Parties agreed that the impact of such an eventual outcome would be to rank Ms. Bărbosu at third place in the competition, and that it would be for the FIG to draw corresponding consequences on the official ranking and the attribution of the medal(s).

147. In addressing these proceedings, the Panel has applied the law and relied on the evidentiary record that was before it and pertained to the relevant factual occurrences. The Panel is fully conscious of the disappointment this adjudicating process may cause to the two other extraordinary gymnasts who have at all times conducted themselves with integrity and probity and acted in good faith. In particular, the Panel is well aware of the disappointment of Ms. Chiles and Ms. Maneca-Voinea, and their respective coaches, given the remarkable performances of these athletes and the issues involved. The Panel would simply point out that its task is to rule on the law and the evidence before it, and in this case both are crystal clear in relation to the one-minute rule and its application to the circumstances of this case. It is not the function of the Panel to apply principles of equity, or to attribute medals, or to determine that there should be multiple recipients of the bronze medal, as some of the Parties have proposed. If the Panel had been in a position to apply equitable principles, it would surely have attributed a bronze medal to all three gymnasts in view of their performance, good faith and the injustice and pain to which they have been subjected, in circumstances in which the FIG did not provide a mechanism or arrangement to implement the one minute rule it established under Article 8.5. If the FIG had put such a mechanism or arrangement in place, a great deal of heartache would have been avoided. The Panel expresses the hope that the FIG will draw the consequences of this case, in relation to these three extraordinary Athletes and also for other Athletes and their supporting personnel, in the future, so that this never happens again.

VIII. COSTS

148. According to Article 22 para. 1 of the CAS Ad Hoc Rules, the services of the CAS Ad Hoc Division "*are free of charge*".

149. According to Article 22 para. 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*".

150. As none of the Parties seek costs and no such costs in any event are found by the Panel to be warranted, there is no order as to costs.

ON THESE GROUNDS

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

CAS OG 24/15

1. The application filed by Federation Romanian Gymnastics and Ms. Ana Bărbosu on 6 August 2024, in its amended version of 8 August 2024, is partially upheld.
2. The inquiry submitted on behalf of Ms. Jordan Chiles in the Final of the Women's Floor exercise was raised after the conclusion of the one minute deadline provided by Article 8.5 of the 2024 FIG Technical Regulations and is determined to be without effect.
3. The initial score of 13.666 given to Ms. Jordan Chiles in the Final of the Women's Floor exercise shall be reinstated.
4. The Fédération Internationale de Gymnastique shall determine the ranking of the Final of the Women's Floor exercise and assign the medal(s) in accordance with the above decision.
5. All other requests are dismissed.

CAS OG 24/16

1. The application filed by Federation Romanian Gymnastics and Ms. Sabrina Maneca-Voinea on 6 August 2024, in its amended version of 8 August 2024, is dismissed.

Paris, 14 August 2024

Operative part of the Arbitral Award notified on 10 August 2024

THE AD HOC DIVISION OF THE COURT OF ARBITRATION FOR SPORT

Dr. Hamid G. Gharavi
President of the Panel

Prof. Philippe Sands KC
Arbitrator

Prof. Lu SONG
Arbitrator