

CAS 2010/A/2401 Bulgarian Boxing Federation v. European Boxing Confederation

ARBITRAL AWARD

rendered by

THE COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

Sole Arbitrator: Prof. Petros Mavroidis, Commugny, Switzerland

in the arbitration between

BULGARIAN BOXING FEDERATION, Sofia, Bulgaria

Represented by Mr Vassil Hristov Baichev, Simeoniv & Dermendjiev Law Firm, Sofia, Bulgaria

-Appellant-

and

EUROPEAN BOXING CONFEDERATION, Lausanne, Switzerland

Represented by Mr Afshin Salamian, Cramer Salamian Avocats, Geneva, Switzerland

-Respondent-

1. THE PARTIES

- 1.1 The Bulgarian Boxing Federation (“BBF” or the “Appellant”) is the national governing body of boxing in Bulgaria and is a member of the European Boxing Confederation and the International Boxing Association (AIBA).
- 1.2 The European Boxing Confederation (“EUBC” or the “Respondent”) is the governing body of amateur boxing in Europe. EUBC exercises regulatory, supervisory and disciplinary functions over national associations, clubs, officials and players on a continental level.

2. FACTUAL BACKGROUND

- 2.1 Below is a summary of the main relevant facts and allegations based on the parties’ written submissions. Additional facts and allegations may be set out, where relevant, in connection with the legal discussion that follows. Although the Panel has considered all the factual allegations, legal arguments and evidence submitted by the parties in the present proceedings, it refers in its Award only the submissions and evidence it considers necessary to explain its reasoning.
- 2.2 On 28 January 2011, BBF was awarded the hosting rights of the European Men Championships 2011 to be held from 10 – 19 June 2011.
- 2.3 On 3 February 2011, Mr Humbert Furgoni, EUBC President, wrote to Mr Marin Dimitrov, BBF President, to advise him that in light of an AIBA disciplinary investigation which could result in BBF being suspended, *“EUBC asks you not to move forward on any preparations for this event, especially giving any finance related investments which EUBC will not be responsible for any possible consequences”*.
- 2.4 On 1 March 2011, Mr Furgoni wrote to the members of the EUBC Executive Committee Bureau and advised them that in light of the fact that he did not know when the results of the AIBA investigation would be known and in the interests of the approaching Championships and athletes, he suggested that the hosting rights should be allocated to Turkey, which finished second in the bidding process.
- 2.5 On 4 March 2011, Mr Furgoni sent an email to Mr Dimitrov advising him that *“I have regret to announce you that following the mail vote of EC Bureau, EUBC took decision to allocate the hosting rights of European Men Championships 2011 to Turkey. You are perfectly aware of the investigation intended by AIBA Disciplinary Commission and consequences which can follow such procedure.”*
- 2.6 Also on 4 March 2011, Mr Furgoni sent a letter to all EUBC members (including BBF) to advise them that the Championships had been allocated to Turkey *“given the uncertainty of the situation related to AIBA Membership of Bulgaria”*.

- 2.7 On 7 March 2011, EUBC issued a press release advising that in light of the AIBA investigation and that Bulgaria “*risks suspension of its membership*” the hosting rights for the Championships had been allocated to Turkey.

3. PROCEEDINGS BEFORE THE CAS; CONSTITUTION OF THE PANEL AND THE HEARING

- 3.1 On 6 April 2011, pursuant to Article R47 of the Code of Sports-Related Arbitration (2010 edition) (the “Code”), BBF filed a Statement of Appeal at the Court of Arbitration for Sport (CAS) against EUBC’s decision which “*was announced officially on 07 March 2011. Despite BBF was not personally notified of the Decision, the Appellant considers that date as the starting point of the time limit for appeal.*”
- 3.2 In its statement of appeal, BBF applied to stay the execution of the challenged decision.
- 3.3 On 20 April 2011, EUBC filed its answer to the request for a stay.
- 3.4 On 20 April 2011, following its request for an extension of time to which EUBC agreed, BBF filed its appeal brief.
- 3.5 On 3 May 2011, the parties were advised that Prof. Petros Mavroidis has been appointed Sole Arbitrator in this matter. The parties did not raise any objection as to the constitution of the Panel.
- 3.6 On 4 May 2011, the parties were advised that should the Sole Arbitrator deem a hearing necessary, he would be available for the hearing on 26 May 2011. Both parties indicated their availability on this date.
- 3.7 On 13 May 2011, the parties were advised that having reviewed the file, the Sole Arbitrator noted EUBC’s submission that “*contrary to the Appellant’s assertion, the appealed decision was effectively notified on 4 March 2011 to the Appellant*”. On behalf of the Sole Arbitrator, the parties were invited to comment on the admissibility of the appeal by 17 May 2011. The parties were also advised that having considered BBF’s request for a stay of the challenged decision, together with EUBC’s response, the Sole Arbitrator had decided that the request for a stay was refused. The parties were further advised that the reasons for the Sole Arbitrator’s decision would be contained in the award.
- 3.8 On 17 May 2011, BBF commented on EUBC’s submission that the decision was effectively communicated on 4 March 2011.
- 3.9 On 17 May 2011, EUBC filed its answer and its position on the admissibility of the appeal.

- 3.10 On 20 May 2011, the parties were called to appear at a hearing which would be held at the CAS on 26 May 2011.
- 3.11 On 20 May 2011, EUBC respectfully submitted that it did not consider a hearing necessary and should the BBF agree, it invited the CAS to cancel the hearing.
- 3.12 On 20 May 2011, BBF agreed that it did not consider a hearing necessary as the matter to be decided was predominantly legal rather than factual.
- 3.13 On 24 May 2011, the parties were advised that that having considered the parties' correspondence, pursuant to Article R57 of the CAS Code, the Sole Arbitrator had decided not to hold a hearing; accordingly, the hearing scheduled for 26 May 2011 would not go ahead.

4. THE PARTIES' SUBMISSIONS

A. Appellant's Submissions and Requests for Relief

- 4.1 In summary, BBF submits that the decision to remove the hosting rights from Bulgaria and allocate them to Turkey is flawed and lacks legal foundation.
- 4.2 Specifically, BBF disputes that the decision taken to remove the hosting rights was properly taken under Articles 9(1), 9(2), 36(h), 38(2) or 38(3) of the EUBC Constitution or the EUBC By-laws. BBF submits that "*the appealed Decision lacks legal basis since (i) it did not come in the context of a disciplinary procedure within EUBC; (ii) it was not issued by the proper body; (iii) it was not based on any existing legal rule; (iv) it was not communicated properly neither to the Appellant nor to the EUBC Executive Committee*".
- 4.3 BBF requests an award in the following terms:
- 4.3.1.1. CAS has jurisdiction over the dispute and the parties to this arbitration;
 - 4.3.1.2. The appeal of Bulgarian Boxing Federation is upheld and the appealed Decision of 7 March 2011 (or of any other actual date) of EUBC Executive Committee Bureau is declared invalid for all purposes;
 - 4.3.1.3. The appealed Decision of the EUBC Executive Committee Bureau to deprive the Bulgarian Boxing Federation of the hosting rights of European Men Championships 2011 and to allocate those rights to the Turkish Boxing Federation is set aside;
 - 4.3.1.4. The hosting rights of European Men Championships 2011 are re-allocated to Bulgarian Boxing Federation and EUBC is directed to perform all necessary acts in that respect;

4.3.1.5. The Respondent is ordered to pay all the costs of the arbitration, including without limitation the fees and expenses of the Sole Arbitrator and the Appellant's legal fees and expenses.

4.4 On 2 May 2011, BBF advised the CAS that following a meeting on 27 April 2011, the AIBA Disciplinary Commission had ruled that BBF should be sanctioned with a fine of CHF 1,000 but its membership of AIBA was not suspended. Accordingly, BBF submits that "*BBF has the legitimate rights to organize the continental competition it had validly won by a decision of the EUBC EC at the EC meeting in Istanbul on 27 January 2011*".

B. Respondent's Submissions and Requests for Relief

4.5 As a preliminary point, EUBC submits that the appeal is out of time as the decision was effectively notified to BBF on 4 March 2011. This issue is dealt with below at section 7 of the award.

4.6 EUBC submits that the decision to remove the hosting rights from Bulgaria was not a disciplinary decision but rather a "*practical one*" as "*A cancellation of the European Men Championships due to a potential suspension of the BBF would have been disastrous for the Respondent and its Members*".

4.7 EUBC refers to the letter sent by AIBA to Mr Furgoni dated 3 May 2011 which stated that "*At this stage, the Disciplinary Commission has decided not to suspend the Bulgarian Boxing Association. However, we draw your attention to paragraph 4 of the decision which grants AIBA permission to further investigate the matter, in particular, the facts relating to a meeting held in Bulgaria in September or October 2010. Please be advised that AIBA will shortly further investigate Bulgaria's involvement in the matter and, if necessary, submit a further complaint to the Disciplinary Commission requesting that Bulgaria be suspended. Put simply, the case against the Bulgaria Boxing Federation is not closed*".

4.8 EUBC considers that the decision of the Executive Committee was validly taken under Articles 36 and 38 of the EUBC Constitution. EUBC also submits that "*it is very important to stress out that the organization of the European Championships 2011 in Ankara (Turkey) is now too advanced and accordingly far disproportionate – not to say impossible – to stop at this stage*".

4.9 Finally, EUBC submits that BBF has failed to pay its annual fee of 500 Euros to EUBC, which pursuant to Article 13 of the EUBC Bylaws, could lead to a suspension of a member.

4.10 EUBC seeks the following relief:

4.10.1. An order that the appeal filed by Bulgarian Boxing Federation is inadmissible. Further, an order that Bulgarian Boxing Federation is dismissed of all its conclusions.

4.10.2. An Order that Bulgarian Boxing Federation pays all costs of and occasioned by the arbitration as well as legal costs incurred by EUBC.

4.10.3. Any other or opposite conclusions of Bulgarian Boxing Federation be dismissed.

5. JURISDICTION OF THE CAS

5.1 Article R47 of the CAS Code provides as follows:

An appeal against the decision of a federation, association or sports-related body may be filed with the CAS insofar as the statutes or regulations of the said body so provide or as the parties have concluded a specific arbitration agreement and insofar as the Appellant has exhausted the legal remedies available to him prior to the appeal, in accordance with the statutes or regulations of the said sports-related body.

5.2 Article 57 of the EUBC Constitution provides that:

Article 57 Competence of CAS

1 The Court of Arbitration for Sport (CAS), with headquarters in Lausanne (Switzerland) is the only authority to resolve appeals, after exhaustion of all other appeals, against decisions made by AIBA, EUBC a Member and a club...

5.3 In its answer, EUBC states that the jurisdiction of the CAS is not disputed. Accordingly, the Sole Arbitrator is satisfied that the CAS has jurisdiction to hear this dispute.

6. APPLICABLE LAW

6.1 Article R58 of the CAS Code provides as follows:

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

6.2 Article R57.6 of the EUBC Constitution provides that:

CAS shall primarily apply the various regulations of AIBA and of EUBC and Swiss law.

6.3 The applicable law is not in dispute in this matter. Accordingly, pursuant to Article 57.6 of the EUBC Constitution, the Sole Arbitrator shall primarily apply the various regulations of AIBA and of EUBC and Swiss law.

7. ADMISSIBILITY

7.1 Article 57.3 of the EUBC Constitution provides that:

The CAS may only be appealed to after all internal appeals with EUBC have been exhausted. Appeals must be filed in accordance with the provisions of the CAS Code of Sports-Related Arbitration. Appeals shall be lodged with CAS within 30 days of notification of the written decision in question. The appeal shall not have suspensive effect, unless the decisions so requires or CAS decides otherwise.

7.2 BBF submits in its statement of appeal that “*the appealed Decision was announced officially on 07 March 2011. Despite BBF was not personally notified of the Decision, the Appellant considers that date as the starting point of the time limit for appeal*”. BBF attached to its statement of appeal, a press release dated 7 March 2011, which stated that in light of the AIBA investigation and the fact that Bulgaria “*risks suspension of its membership*” the hosting rights for the Championships had been allocated to Turkey.

7.3 EUBC submits that “*contrary to the Appellant’s assertion, the appealed decision was effectively notified on 4 March 2011 to the Appellant*”. In support of its submission, the Respondent exhibited two emails to its answer to request for provisional measures; the first dated 4 March 2011, sent at 18h16 from Mr Humbert Furgoni, EUBC President, to Mr Marin Dimitrov, President of the BBF, stating *inter alia* that “*I have regret to announce you that following the mail vote of EC Bureau, EUBC took decision to allocate the hosting rights of European Men Championships 2011 to Turkey. You are perfectly aware of the investigation intended by AIBA Disciplinary Commission and consequences which can follow such a procedure.*”

7.4 The second email, also dated 4 March 2011, sent at 18h44 from Mr Furgoni to all EUBC Members, notified them *inter alia* that “*The EC Bureau has taken unanimously the decision to allocate the hosting rights of European Men Championships 2011 to Turkish Boxing Federation, which finished second at the bidding process and the vote at the last EC Meeting. I do believe that this decision was difficult, but necessary to take, given the uncertainty of the situation related to AIBA Membership of Bulgaria.*”

- 7.5 By letter dated 13 May 2011, on behalf of the Sole Arbitrator, the parties were invited to comment on the Respondent's two emails and the admissibility of the appeal.
- 7.6 By letter dated 17 May 2011, BBF submits that Article R47 of the CAS Code and Article 57(3) of the EUBC Constitution, provide that "*a written copy of the appealed decision must be sent to and received by the appellant in order for the latter to be considered validly notified thereof*" and that "*At best [the emails] represent a rephrasing of the decision taken and not the decision itself*". In any event, BBF disputes that the emails came to their knowledge on 4 March 2011 as (i) the emails were not confirmed by any other means; (ii) the only computer in the BBF office was not working on 4 March 2011; (iii) the emails were sent after business hours; and (iv) 4 March 2011 was a public holiday in Bulgaria.
- 7.7 In its answer, EUBC submits that the decision of the EUBC Executive Committee was notified to the Appellant on 4 March 2011 and therefore the time limit to appeal expired on 4 April 2011. The appeal filed by BBF on 6 April 2011 is therefore out of time and inadmissible.
- 7.8 In analysing the issue of admissibility, it is necessary first to consider what is a "decision" for the purposes of Article R47 of the CAS Code.
- 7.9 Here the Sole Arbitrator has the advantage of several previous CAS decisions, which provide an illuminating analysis of what is involved in the concept of a decision, with which the Sole Arbitrator respectfully agrees.
- 7.10 The characteristic features of a "decision" stated in the relevant CAS jurisprudence are set out in the following passages:
- "*the form of the communication has no relevance to determine whether there exists a decision or not. In particular, the fact that the communication is made in the form of a letter does not rule out the possibility that it constitute a decision subject to appeal*" (CAS 2005/A/899 *Aris Thessaloniki v/ FIFA & New Panionios* par. 63; CAS 2004/A/748 *ROC & Viatcheslav Ekimov v/IOC, USOC & Tyler Hamilton* par. 90; CAS 2008/A/1633 *FC Schalke 04 vs. Confederação Brasileira de Futebol* par. 31).
 - "*In principle, for a communication to be a decision, this communication must contain a ruling, whereby the body issuing the decision intends to affect the legal situation of the addressee of the decision or other parties*" (*Aris Thessaloniki* par. 61; *Ekimov, Hamilton* par. 89; *FC Schalke* par. 31).
 - "*A decision is thus a unilateral act, sent to one or more determined recipients and is intended to produce legal effects*" (2004/A/659 *Galatasaray v/ FIFA & Club Regatas Vasco da Gama & F. J. Loureiro* par. 36; *Ekimov, Hamilton* par. 89; *FC Schalke* par. 31).
 - "*an appealable decision of a sport association or federation "is normally a communication of the association directed to a party and based on an 'animus decidendi', i.e. an intention of a body of the association to decide on a matter [...].*"

A simple information, which does not contain any 'ruling', cannot be considered a decision." (M. Bernasconi, "When is a 'decision' an appealable decision?" in: The Proceedings before the CAS, ed. by Rigozzi/Bernasconi, Bern 2007, p. 273; *FC Schalke* par. 32).

- In short (i) what constitutes a decision is a question of substance not form (ii) a decision must be intended to affect and affect the legal rights of a person, usually, if not always, the addressee (iii) a decision is to be distinguished from the mere provision of information.

7.11 In the Sole Arbitrator's view, by reference to the test elaborated in the CAS decisions cited above and his own analysis of them, the "decision" within the meaning of Article R47 was that taken by the EUBC's Executive Committee and communicated by two emails to BBF on 4 March 2011. However, Article R57(3) of the EUBC Constitution provides that the time limit to appeal starts to run from "*within 30 days of notification of the written decision in question*". Accordingly, the Sole Arbitrator must be satisfied that the decision was properly notified to BBF.

7.12 Swiss law, the *lex fori*, provides that pursuant to Article 34.1 of the Federal Law on Administrative Procedure:

1 L'autorité notifie ses décisions aux parties par écrit.

Ibis La notification peut être faite par voie électronique aux parties qui ont accepté cette forme de communication. La décision comporte une signature électronique reconnue. Le Conseil fédéral règle les modalités de la notification électronique.

Free translation:

1 The authority notifies its decisions to the parties in writing.

1 bis The notification may be made by electronic means to the parties who accepted this form of communication. The decision will include a recognised electronic signature. The Federal Counsel will determine the conditions of electronic notification.

7.13 Furthermore, pursuant to Ch. 10 of the law of 17 June 2005 by the Federal Administrative Tribunal, in force from 1 January 2007 (RO 2006 2197; FF 2001 4000) the onus is on the sender of any electronic communication to prove receipt, unless the parties agree otherwise.

7.14 Firstly, it is not clear to the Sole Arbitrator that the EUBC Constitution provides that notification of decisions may be made by email. (The Sole Arbitrator notes that Articles 31 and 34 of the EUBC Constitution provide for the use of registered mail as a means of communicating the minutes of meetings and the announcement of candidates for elections.) But even if this mode of notification is permissible, the Sole Arbitrator notes that in this case, EUBC sent two emails after 6pm on a Friday evening to the President of the BBF and all EUBC Members. However, for various reasons set out

above, the BBF states that they first became aware of these emails on Monday, 7 March 2011. The EUBC – who bears the burden of proving receipt – has not submitted any arguments or evidence to the contrary.

- 7.15 The Sole Arbitrator believes that the circumstances of the present case distinguish it from the Award on Jurisdiction rendered in CAS 2004/A/574 Associação Portuguesa de desportos v/ Club Valencia C.F. S.A.D., where the Panel held that notification of a decision by facsimile at 8.10pm on a Friday evening was properly made. There, the applicable FIFA regulations specifically provided for notification to be made by facsimile and the appellant party did not dispute that the decision arrived at its office on Friday evening; rather, the appellant party claimed that it only had knowledge of the decision the following Monday.
- 7.16 In light of the foregoing, the Sole Arbitrator is satisfied that the time limit to appeal started to run on 7 March 2011 and the appeal filed on 6 April 2011 was therefore filed in due time and is admissible.

8. MERITS OF THE APPEAL

- 8.1 This dispute can be succinctly put into the following question: was the EUBC's decision to remove the hosting rights of the Championships from Bulgaria legal?
- 8.2 The Sole Arbitrator answers this question in the negative for the reasons that follow.
- 8.3 Despite the fact that Article 36(k) of the EUBC Constitution provides that the EUBC Executive Committee has the power to provisionally suspend a Member pending the decisions of AIBA, EUBC did not invoke this provision and – by its own admission – took the decision to remove the hosting rights as a “*practical*” decision rather than a disciplinary one. Although the Sole Arbitrator recognizes that EUBC must have regard to practical considerations in conducting its affairs, the decision to remove hosting rights from a Member has significant legal ramifications and cannot be taken for practical reasons alone, without regard to the EUBC's own governing Constitution. The Sole Arbitrator also notes that the reference to “*practical*” decisions is an invention of EUBC: what matters is whether the legal act at hand modifies rights and obligations of affected parties. This was definitely the case here, as, by virtue of the EUBC decision, BBF would be deprived of its right to host the Championships.
- 8.4 Nowhere does the EUBC Constitution (or AIBA Statutes) provide for the possibility to withdraw the right to host a sporting event only because the winner is being investigated. The outcome of the investigation was unknown at the moment of awarding the right to host the event to Bulgaria. Had it, nevertheless, been suspected that Bulgaria was potentially liable to see a heavy fine imposed against it (as a result of the then pending investigation), Bulgaria should not have been allowed to participate in the bidding process in the first place. This was clearly not the case. Article 36(k) of

the EUBC Constitution is the only statutory legal route available in order to remove the right to host an event. In theory, had this option been privileged, it could have led to the exclusion of BBF from AIBA and the corresponding loss of the right to host the event, by virtue of Article 16 and 54 of the EUBC Constitution.

- 8.5 It follows from the analysis above, that EUBC acted *ultra vires* since it imposed a sanction on BBF which is not explicitly enshrined in the corresponding statutes. The withdrawal of the hosting rights from Bulgaria was therefore illegal and under normal circumstances, Bulgaria should have kept the right to host the European Men Championships 2011. In this case however, there are some exceptional circumstances which preclude the Sole Arbitrator from so ordering.
- 8.6 This appeal was filed on 6 April 2011, only two months before the Championships are due to take place from 10 – 19 June 2011. The BBF requested a decision “*by mid-May at the latest*”. The Sole Arbitrator notes in this respect that both parties contributed to delaying the process: first, they asked for an extension to submit their written submissions; second, only on 20 May 2011 did the parties confirm that they did not require a hearing. As a result, the decision of the Sole Arbitrator could not have come prior to that date.
- 8.7 In any event, in the Sole Arbitrator’s opinion, by mid-May it was already not feasible for the hosting rights to be removed from Turkey for the following reasons:
- 8.7.1. Turkey and the world had been notified that Turkey was hosting the Championships and as a result, Turkey has already incurred significant costs for organizing the event. Note that Turkey is a *bone fides* third party, whose rights also must be protected;
- 8.7.2. Bulgaria on the other hand, was already informed on 3 February 2011 not to undertake any organization costs due to the AIBA investigation. It is at best unclear to the Sole Arbitrator what is the extent of costs already undertaken by BBF in relation to the organization of the event;
- 8.7.3. All participants – athletes, spectators, sponsors and other interested bodies – have incurred costs in preparing for the Championships in Turkey. In addition, the commercialization of the event is underway and at this stage significant investment is already underway;
- 8.7.4. The needs of the athletes cannot be ignored, including their right to know where Championships will be held so that they can plan and train properly. Altering at this stage the site of the event would jeopardize their preparation and the eventual success of the Championships.
- 8.8 In the normal course of events, the hosting rights would revert to Bulgaria. However, given the time constraints and the fact that the Championships are due to commence on 10 June 2011, the costs (as explained above), resulting from a decision to reinstate BBF in its hosting rights would be disproportionate.

- 8.9 The Sole Arbitrator thus concludes that despite his finding that the EUBC's decision was illegal, it would be disproportionate to remove the Championships from Turkey at this stage.
- 8.10 On 13 May 2011, the parties were advised that the reasons for the Sole Arbitrator's decision to refuse BBF's request for a stay of the challenged decision would be contained in the award. The reasons for refusal of the stay are the same as the reasons for which BBF's main requests for relief must be denied.

CONCLUSION

- 8.11 Under the circumstances the Sole Arbitrator decides that:
- 8.11.1. The appeal of Bulgarian Boxing Federation is partially upheld;
 - 8.11.2. The appealed Decision of EUBC Executive Committee Bureau is *ultra vires* and shall be set aside; and
 - 8.11.3. The BBF's request that the hosting rights of European Men Championships 2011 are re-allocated to Bulgarian Boxing Federation is denied for the reasons set out above at paragraphs 8.6 *et seq.* of this Award.
- 8.12 Furthermore, EUBC should publicly acknowledge that its decision to remove the hosting rights of the European Men Championships 2011 from BBF was *ultra vires*, and, hence, it committed an error that should not be repeated in the future (satisfaction and guarantees for non-repetition).
- 8.13 All other prayers for relief are rejected.
9. (...)

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The appeal of the Bulgarian Boxing Federation is partially upheld.
2. The appealed Decision of EUBC Executive Committee Bureau is *ultra vires* and shall be set aside.
3. The BBF's request that the hosting rights of European Men Championships 2011 are re-allocated to Bulgarian Boxing Federation is denied for the reasons set out above at paragraphs 8.6 *et seq.* of this Award.

(...)

Place of arbitration: Lausanne, Switzerland

Date: 7 June 2011

THE COURT OF ARBITRATION FOR SPORT

Prof. Petros Mavroidis
Sole Arbitrator