



The CAS Ad Hoc Division at the Olympic Games

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1. Introduction

The Olympic Games represent an exceptional legal ecosystem in which sporting, economic and personal interests converge under conditions of extreme time pressure. Decisions adopted by sports governing bodies during this period - relating, *inter alia*, to eligibility, selection, disciplinary sanctions or accreditation - may have irreversible consequences for athletes' careers. Against this background, the Court of Arbitration for Sport ("CAS") has developed a unique procedural architecture tailored to the specific demands of the Games.

Just as CAS itself was established to ensure that sporting disputes are resolved within the sports justice system¹, the inherently short duration of the Olympic Games likewise requires that any disputes arising in connection with the Games be adjudicated within the same limited timeframe. In this context, shortly before the Atlanta Olympic Games in 1996, the International Council of Arbitration for Sport ("ICAS") decided to establish a special, event-specific section of CAS, namely the CAS Ad Hoc Division for the Olympic Games ("CAS AHD"), to ensure that "*that all games participants have free access to justice, with rulings delivered within timeframes aligned with the pace of Olympic competitions*"². The CAS AHD was thus conceived as a purely temporary emanation of

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¹ See M. COCCIA, *The "Supreme Court" on International Sports Law: the Court of Arbitration for Sport*, M. COCCIA, M. COLUCCI (eds.), *International Sports Justice*, SLPC, 2024, 31.

² M. REEB, D. MAVROMATI, *The Code of the Court of Arbitration for Sport*, 2025, 2nd edition, 739.

CAS, constituted on an event-by-event basis to provide immediate and effective judicial protection through a highly expedited form of arbitration.

This model of temporary, Games-time adjudication subsequently informed the creation of the CAS Anti-Doping Division (“CAS ADD”). Initially established on a temporary basis for the Rio 2016 Olympic Games, the CAS ADD was later institutionalised as a permanent division of CAS in 2019, reflecting the increasing complexity and volume of anti-doping disputes and the need for a specialised first-instance adjudicatory body operating within the CAS framework³.

Accordingly, for the Olympic Winter Games Milano Cortina 2026, the CAS will operate two temporary offices: the CAS AHD and the CAS ADD, both based in Milan, to resolve sports-related disputes arising during the Games and to adjudicate anti-doping cases. The present analysis is limited to the CAS AHD and does not address the jurisdiction or operation of the CAS ADD.

2. Jurisdiction, Olympic Charter and Access to Justice

The jurisdiction of the CAS AHD is grounded in Article 61(2) of the Olympic Charter and is narrowly circumscribed by Article 1 of the Arbitration Rules applicable to the CAS AHD for the Olympic Games (“CAS Ad Hoc Rules”). Article 61(2) of the Olympic Charter states that “*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, in accordance with the Code of Sports-Related Arbitration*”; similarly, Article 1 of the CAS Ad Hoc Rules states that “*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*”.

Both *ratione temporis* and *ratione materiae* limitations serve to preserve the exceptional character of the mechanism, restricting its use to disputes arising during the Olympic Games or within the ten days preceding the Opening Ceremony.

A key feature of this jurisdictional framework is the flexible approach to the exhaustion of internal remedies. While athletes are in principle required to pursue available remedies within international federations or National Olympic Committees (“NOCs”), this requirement is waived where it would undermine the effectiveness of CAS protection. Indeed, Article 1(2) of the CAS Ad Hoc Rules provides that “*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*”.

CAS jurisprudence consistently characterises the specific exception set out in Article 1 of the CAS Ad Hoc Rules as extraordinary in nature. In particular, CAS panels have held that this exception may apply only in highly exceptional circumstances, such as situations involving extreme and substantiated urgency. CAS case law further makes clear that the burden of proof lies with the applicant, who must demonstrate the existence of

³ M. VIGNA, *CAS Anti-Doping Division*, M. COCCIA, M. COLUCCI (eds.), *International Sports Justice*, SLPC, 2024, 145.

such exceptional circumstances and establish that the available internal legal remedies were illusory, thereby justifying a departure from the principle of exhaustion⁴.

Another limitation of the jurisdiction of the CAS AHD is represented by the established CAS case-law of not interfering with the “field of play” decisions rendered by officials, “*except where it can be demonstrated that there has been arbitrariness or bad faith in arriving at this decision*”⁵. For example, in CAS OG 12/10 the Panel observed that the referee had applied the correct rule and that his decision therefore fell squarely within the definition of a field-of-play decision. Accordingly, given that (i) the sole question for the referee to decide was which athlete’s torso crossed the line first; and (ii) having reviewed the photo-finish images, the referee decided that the Swiss athlete’s torso crossed the line first, the Panel did not seek to review the decision⁶.

3. Institutional Design

The CAS AHD operates as a temporary but fully autonomous branch of the CAS. A President and Co-President oversees proceedings, while panels are constituted from a special list of arbitrators present at the Olympic Games.

The CAS AHD established for the 2026 Olympic Winter Games Milano Cortina is composed of six arbitrators present in Milano and three arbitrators available remotely⁷. Despite the physical proximity of proceedings to the Olympic venue, the seat of arbitration is legally fixed in Lausanne, Switzerland. As a result, the arbitration is governed by Chapter 12 of the Swiss Private International Law Act (“PILA”), and any challenge to an award lies exclusively before the Swiss Federal Tribunal.

This legal anchoring has significant implications. Swiss arbitration law provides a stable and arbitration-friendly framework, while simultaneously limiting judicial review to narrow procedural grounds. At the same time, the substantive law applied by the panel extends beyond Swiss law to include the Olympic Charter, applicable sports regulations, and general principles of law. This pluralistic normative framework exemplifies the transnational character of the *lex sportiva*, in which national law operates as a procedural foundation rather than a substantive constraint⁸.

4. Procedural Flexibility and Evidentiary Powers

The most evident and peculiar feature of the procedure before the CAS AHD is represented by the exceptional degree of flexibility. According to Article 15(b) of the CAS Ad Hoc Rules, “*the Panel organizes the procedure as it considers appropriate while taking into account the specific needs and circumstances of the case, the interests of the parties, in particular their right to be heard, and the particular constraints of speed and efficiency specific to the present ad hoc procedure*”.

⁴ CAS OG 24/03, Para. 21; CAS OG 22/004, Para. 64.

⁵ CAS 2004/A/727, Para. 28. See also, M. REEB, D. MAVROMATI, *Arbitration and Olympism: the CAS ad hoc Divisions History, characteristics and overview of the procedural particularities and the jurisdiction of the CAS ad hoc Divisions at the Olympic Game*, CAS Bulletin, 2024/02, 20.

⁶ CAS OG 12/10, para. 8.1.

⁷ https://www.tas-cas.org/generated/assets/lists/dceab111-07bc-435f-b5f9-de88eff9db72/CAS%20Media%20Release_Milano_Cortina_2026.pdf

⁸ A. RIGOZZI, *L'importance du droit suisse de l'arbitrage dans la résolution des litiges sportifs internationaux*, available at <http://laboratoire-droit-sport.fr/wp-content/uploads/2012/10/Droit-suisse-de-l-arbitrage-et-resolution-des-litiges-sportifs-2013.pdf> (last consulted on 26 January 2026)

As regard the hearings, Article 15(c) of the CAS Ad Hoc Rules states that “*except where it considers another form of procedure more appropriate, the Panel shall summon the parties to a hearing on very short notice immediately upon receipt of the application. Unless the Panel decides otherwise in compliance with the sanitary measures in force, the hearing shall be held by videoconference or by telephone conference. At the hearing, the Panel shall hear the parties and take all appropriate action with respect to evidence. The parties shall introduce at the hearing all the evidence they intend to adduce and produce the witnesses, who shall be heard immediately*”.

In appropriate cases, if the Panel considers itself to be sufficiently well informed, the Panel may decide not to hold a hearing and to render an award immediately.

With respect to other evidentiary measures, Article 15(d) of the CAS Ad Hoc Rules provide that “*if a party requests an opportunity to introduce additional evidence which, for legitimate reasons, it was not able to produce at the hearing, the Panel may permit such introduction to the extent necessary to the resolution of the dispute. The Panel may at any time take any appropriate action with respect to evidence. In particular, it may appoint an expert and order the production of documents, information or any other evidence. It may also, in its discretion, decide whether to admit or exclude evidence offered by the parties and assess the weight of evidence*”.

5. Procedure Before the CAS AHD and Formation of the Panel

Any natural or legal person seeking to submit a dispute to the CAS AHD must file a written application with the CAS Court Office. The application must identify the challenged decision, where applicable, and set out a concise statement of the relevant facts, the legal grounds relied upon, and the relief sought. It may also include a request for a stay of execution or for other forms of urgent interim relief. In addition, the applicant is required to address the basis of CAS jurisdiction and to provide contact details enabling rapid communication during the proceedings, including an address at the site of the Olympic Games and, where relevant, an electronic mail address for both the party and its representative.

Applications must be submitted in English, French, or Spanish. Where the NOCs concerned are not parties to the proceedings, they are nonetheless informed of the application. Moreover, the application is served also on other potentially interested parties indicated by the applicant⁹.

Upon receipt of the application, the President of the CAS AHD constitutes the arbitral panel. As a rule, the panel is composed of three arbitrators selected from the special list established for the CAS AHD, and a president is appointed among them. Where the circumstances so warrant, a sole arbitrator may be appointed. If a newly filed application is closely connected to a dispute already pending before the ad hoc Division, the President may assign the matter to the panel already constituted, taking into account the relationship between the cases and the procedural progress already achieved. The CAS Court Office then transmits the application to the panel for adjudication

⁹ M. REEB, D. MAVROMATI, *The Code of the Court of Arbitration for Sport*, 753.

6. Law applicable to the Merits

In resolving disputes submitted to the CAS AHD, the panel applies the Olympic Charter and the relevant sporting regulations. In addition, it may have regard to general principles of law and to any other rules of law that it considers appropriate in light of the circumstances of the case (Article 17 CAS Ad Hoc Rules). Legal scholars have underlined that “*in practice, the ad hoc panels systematically apply the Olympic Charter, with Swiss law applying on a subsidiary basis in order to fill any gaps in the rules*”¹⁰.

7. Provisional Measures and Irreparable Harm

In situations of extreme urgency, an application for a stay of execution of the challenged decision or for other forms of interim relief may be decided without first hearing the respondent. Where the arbitral panel has already been constituted, such powers are exercised by the panel; otherwise, they are exercised by the President of the CAS AHD. Any decision granting interim relief remains effective only until the panel renders its final decision pursuant.

In assessing whether to grant interim measures, the deciding authority applies a cumulative test, examining the risk of irreparable harm to the applicant, the likelihood of success on the merits, and the balance of interests between the parties, as well as the potential impact on other members of the Olympic Community.

8. Decisions, Referral and Legal Effects

Article 18 of the CAS Ad Hoc Rules provides that “*the Panel shall give a decision within 24 hours of the lodging of the application. In exceptional cases, this time limit may be extended by the President of the ad hoc Division if circumstances so require*”.

The obligation to render a decision within twenty-four hours constitutes the defining feature of the procedure. Although reasons are generally concise, awards are immediately enforceable and final, ensuring legal certainty during the Olympic Games.

Where the dispute cannot be fully resolved within the constraints of the ad hoc procedure, the Panel may refer the case to the Ordinary or Appeals Arbitration Division of the CAS.

According to Article 20 (a) of the CAS Ad Hoc Rules, “*taking into account all the circumstances of the case, including the claimant’s request for relief, the nature and complexity of the dispute, the urgency of its resolution, the extent of the evidence required and of the legal issues to be resolved, the parties’ right to be heard and the state of the record at the end of the ad hoc arbitration proceedings, the Panel may either make a final award or refer the dispute to arbitration by the CAS in accordance with the Code of Sports-related Arbitration. The Panel may also make an award on part of the dispute and refer the unresolved part of the dispute to regular CAS procedure*”.

Where the Panel refers the dispute to the ordinary CAS procedure, a specific procedural regime applies.

First, the Panel may grant preliminary relief which will remain in effect until the arbitrators decide otherwise in the regular CAS procedure.

¹⁰ M. REEB, D. MAVROMATI, *The Code of the Court of Arbitration for Sport*, 759. See also CAS OG 22/011, para.59.

Second, the Panel may either set a time limit within which the claimant must initiate proceedings before the CAS or order such referral on its own motion (*ex officio*).

Thirdly, having regard to the nature of the dispute, the CAS Court Office determines whether the case is to be allocated to the Ordinary Arbitration Division or the Appeals Arbitration Division.

Fourthly, the Panel constituted during the Olympic Games remains competent to adjudicate the dispute under the regular CAS procedure. By submitting to the applicable rules, the parties thereby waive any contrary provisions of the Code of Sports-related Arbitration (“CAS Code”) or of their arbitration agreement concerning both the number of arbitrators and the method of constitution of the panel.

Finally, in cases of *ex officio* referral, the CAS Court Office may adopt any measures deemed appropriate to facilitate the initiation of the regular CAS proceedings, with due regard to the specific procedural framework governing such referrals.

Decisions rendered by the CAS AHD are immediately enforceable and are final and binding upon the parties. Recourse is available only in exceptional circumstances, in accordance with Swiss law, and must be exercised within thirty days of notification of the award.

Furthermore, where the parties have neither their domicile, habitual residence, nor a business establishment in Switzerland, and have expressly waived any right to challenge the award - either in the arbitration agreement or in a subsequent agreement, including at the commencement of the arbitration - no action for setting aside may be brought before the Swiss Federal Tribunal.

9. Cost-Free Justice

Another important feature of the CAS ad hoc Division is the cost-free nature of its proceedings. The facilities and services provided by the CAS ad hoc Division, including the appointment and remuneration of arbitrators, are offered to the parties free of charge. This institutional choice significantly lowers the financial barriers to access to arbitration, particularly in the context of major sporting events. Nevertheless, the parties remain responsible for bearing their own costs related to legal representation, as well as any expenses incurred for experts, witnesses, and interpreters (Article 22 of the CAS Ad Hoc Rules).

By eliminating arbitration fees while preserving party autonomy over ancillary costs, the CAS AHD is expressly designed to enable athletes to bring disputes before the CAS in a rapid and accessible manner, thereby enhancing effective access to justice within the sports dispute resolution system

10. Conclusions

The Olympic Games are followed by millions of spectators worldwide and bring together thousands of athletes at the highest level of competition. While they are primarily perceived as a global sporting spectacle, it is essential to recall that, behind an event of such magnitude, legal questions inevitably arise. Decisions taken in the organisation and conduct of the Games may have a direct and lasting impact on athletes, making the existence of effective legal safeguards a necessary component of the Olympic framework.

In this context, the presence of dedicated dispute resolution mechanisms during the Olympic Games reflects the recognition that athletes’ rights require protection even under

conditions of extreme urgency. The CAS AHD forms part of this broader legal infrastructure, ensuring that disputes arising during the Games can be addressed within a timeframe compatible with the competition schedule, while remaining subject to legal scrutiny.

Ultimately, the Olympic Games illustrate how sport and law operate in close interaction. The legal dimension of the Games, though often less visible than the competitions themselves, plays a central role in maintaining fairness, legal certainty and trust in the Olympic system, particularly from the perspective of the athletes whose careers may be affected by decisions taken during this exceptional period.