



Arbitration CAS 2020/A/6681 Fédération Française de Canoë Kayak et Sports de Pagaie (FFCK) & Comité National Olympique et Sportif Français (CNOSF) v. International Canoe Federation (ICF) & Argentinian Olympic Committee (COARG) & Argentinian Canoe Federation (FAC), award of 4 February 2021

Panel: Prof. Stephan Breidenbach (Germany), Sole Arbitrator

Canoeing (kayak)

Qualification system for Tokyo 2020 and reallocation of quota positions

CAS power and scope of review

Principles of interpretation of statutes and regulations

1. If a federation has allowed a complete appeal to CAS in its own statutes, a CAS panel has full power of review over the federation's decision. While the federation may have discretion in applying its rules and regulations, such application is subject to full review by CAS, which can decide if the decisions taken by the federation are correct. The federation's policy decisions when making the rules are not subject to CAS' control. However, once the rules are set, the federation is bound to make adequate application and interpretation of them, both of which are subject to complete CAS scrutiny. In applying this scrutiny CAS will consider an objective interpretation of the rules, evaluating principally the text and purpose of the rules. In particular, an international federation's application of its Olympic Qualification Rules is a choice to be made by the international federation in what it understands is the best interests of the sport, a decision that unless taken against specific duties or norms is not under the power of review of the CAS panel. The CAS panel has full power to review the international federation's correct application of its rules, but it cannot mandate a specific interpretation on the sole basis of what it considers to be more adequate to sporting logic.
2. The interpretation of the statutes and of the rules of a sport association generally has to be rather objective and always begin with the wording of the rule, which is the object of the interpretation. The deciding body will have to verify the grammatical meaning of the rule, looking at the ordinary meaning of the language used and at the syntax of the norm. Of course, the deciding body can take into account historical elements by identifying, if possible, the intentions of the association when establishing the rule being interpreted. Based on a systematic analysis, a CAS panel shall determine that the interpretation given to the rules does fit into the context of the whole regulation. When interpreting rules established by international sporting bodies, the intent of the sporting body when drafting the rules (i.e. the sporting objectives that the rules reach for), inasmuch as it can be adequately ascertained, is a factor of important weight. When the evidence-at-hand helps determine the organization's intent at the time of drafting the rules, and this intent does not blatantly contradict the text of the norm, this should be

taken into consideration. This, of course, does not mean that any *ex post* ascertainment of purpose by the international body can be considered to be an “authentic interpretation” of the rules, particularly when it is made once a dispute has arisen.

I. PARTIES

1. *La Fédération Française de Canoë Kayak et Sports de Pagaie* (the “FFCK” or the “First Appellant”) is the national governing body for canoeing in France, which is affiliated with the National Olympic Committee (“NOC”) of France, which in turn is affiliated to the International Olympic Committee (“IOC”).
2. *Le Comité National Olympique et Sportif Français* (the “CNOSF” or the “Second Appellant”) is the NOC of France, which is affiliated with the IOC.
3. The International Canoe Federation (the “ICF” or the “First Respondent”) is the international governing body for canoeing worldwide.
4. The Argentinian Olympic Committee (the “COARG” or the “Second Respondent”) is the NOC for Argentina, which is affiliated with the IOC.
5. The Argentinian Canoe Federation (the “FAC” or the “Third Respondent”) is the national governing body for canoeing in Argentina, which is affiliated with the NOC of Argentina, which in turn is affiliated with the IOC.
6. Together the Appellants and the Respondents are referred to as the “Parties”.

II. FACTUAL BACKGROUND

7. Below is a summary of the relevant facts and allegations based on the Parties’ written submissions, pleadings and evidence adduced during these proceedings. Additional facts and allegations found in the Parties’ written submissions, pleadings and evidence may be set out, where relevant, in connection with the legal discussion that follows. While the Sole Arbitrator has considered all the facts, allegations, legal arguments and evidence submitted by the Parties in the present proceedings, he refers in this Award only to the submissions and evidence he considers necessary to explain his reasoning.
8. The Canoe Sprint discipline is one of the canoeing disciplines regulated by the ICF that is included in the event programme of the 2020 Olympic Games in Tokyo, Japan (which are currently scheduled to be held in 2021 due to the COVID-19 pandemic).
9. The present dispute involves the category of Men’s Kayak sprint, which is divided in three different classes, depending on the number of paddlers in the kayak: Kayak Single (“K1”),

Kayak Double (“K2”) and Kayak Four (“K4”). There are three different distances over which the male classes compete: 200 meters (“m”), 500m and 1000m.

10. There will be four Kayak Sprint Men’s Events at the Tokyo 2020 Olympics: K1 200m, K1 1000m, K2 1000m and K4 500m.
11. The rules for the allocation of qualification places for participation in each 2020 Olympic event are governed by a document titled *‘Qualification System – Games of the XXXII Olympiad – Tokyo 2020 – ICF – Canoe Sprint’* (the “Olympic Qualification Rules”).
12. Pursuant to Article B.3 of the Olympic Qualification Rules, athlete quota places (“AQP”) for the Olympics are allocated to the NOCs and not to the specific athletes who won the qualification places on behalf of their NOC. It is the NOC who then selects the athletes who can represent the NOC at the Olympics.
13. Pursuant to Article D.3.1.3 of the Olympic Qualification Rules, all the AQP for the K4 events were to be allocated at the 2019 IFC Canoe Sprint World Championships as follows:
 - “(i) The 10 highest ranked NOCs from the 2019 IFC Canoe Sprint World Championships will receive four (4) athlete quota places each.*
 - “(ii) Where there are fewer than four (4) continents represented in the 10 highest ranked NOC’s, then to the extent necessary to ensure that NOCs from four (4) continents receive athlete quota places, the tenth (10th), ninth (9th) and if necessary, the eight (8th) ranked place(s) will be reallocated to the next highest ranked NOC at the 2019 IFC Canoe Sprint World Championships from a continent without any K4 boats qualified in that event.*
 - “(iii) Where NOCs from fewer than 4 continents compete in the Finals at the 2019 IFC Canoe Sprint World Championships, then the highest ranked NOC(s) not yet qualified will obtain the athlete quota places regardless of continent”.*
14. Pursuant to Article B.2 of the Olympic Qualification Rules, a maximum of six AQP can be allocated to a NOC for the Men Kayak event, and a maximum of 1 boat per event.
15. Pursuant to Article D.2.3 of the Olympic Qualification Rules, there are a number of AQP and boat quota places available for each Men’s Kayak Event to be won as follows:

EVENTS	ATHLETE QUOTA PLACES	BOAT QUOTA PLACES
K1 200m	12	12
K1 1000m	13	13
K2 1000m	20	10
K4 500m	40	10

C1 1000m	12	12
C2 1000m	26	13
TOTAL	123	70

16. Pursuant to Article D.3.2 of the Olympic Qualification Rules, it is a fundamental principle that an athlete may only acquire one AQP for their NOC regardless of how many events the athlete competes in. Once an athlete obtains an AQP, they are not eligible to compete in any further Olympic Qualification Competitions. When an athlete has qualified for more than one AQP as a result of their performance at the Global Qualification Competitions, the AQPs will be reallocated.
17. Article D.3.2.2 of the Olympic Qualification Rules sets out the procedure for the reallocation of AQPs where an athlete qualifies for more than one AQP in different boat classes at the 2019 IFC Canoe Sprint World Championships. In that case, the athlete's NOC will be allocated only one AQP. This shall be an AQP in the event with the largest boat class out of the events in which the athlete qualified. The remaining AQPs will be reallocated using the following procedure:
- “i) *On completion of the 2019 IFC Canoe Sprint World Championships all remaining athlete quota places which have been released as a result of the athletes qualifying for more than one athlete quota place in different boat classes, will be grouped together in four separate pools as follows:*
 - a. Men Kayak events;*
 - b. Female Kayak events;*
 - c. Male Canoe events;*
 - d. Female Canoe events.*
 - ii) *The remaining athlete quota places in each of the Male and Female Kayak pools will be reallocated to the highest ranked NOCs not yet qualified in the relevant K4 event at the 2019 IFC Canoe Sprint World Championships, to enable those NOCs to fill the K4 boats.*
 - iii) *When a K4 boat cannot be completely filled with the remaining athlete quota places, then the remaining athlete quota places from the Male and Female Kayak pools will be reallocated to the highest ranked NOCs not yet qualified in the relevant K2 events at the 2019 IFC Canoe Sprint World Championships, to enable those NOCs to fill the K2 boats.*
 - iv) *The remaining athlete quota places in each of the Male and Female Canoe pools will be reallocated to the highest ranked NOCs not yet qualified in the relevant C2 event at the 2019 IFC Canoe Sprint World Championships, to enable those NOCs to fill the C2 boats.*
 - v) *Following the application of this procedure, if it is not possible to completely fill a K4, K2 or C2 boat with the athlete quota places, then:*

- a. *the remaining Kayak athlete quota places will be given to the next highest ranked NOC not yet qualified in the longest distance K1 event (Men 1000m, Women 500m); and*
- b. *the remaining Canoe athlete quota places will be given to the next highest ranked NOC not yet qualified in the C1 event (Men 1000m, Women 200m) from the 2019 IFC Canoe Sprint World Championships”.*

18. From 21 to 25 August 2019, the 2019 ICF Canoe Sprint World Championships took place in Szeged, Hungary.
19. In the K4 500m event, 40 AQPs and 10 boat quota places were available to be won at the 2019 World Championships (subject to any subsequent reallocation of places). The finishing order was as follows:

K4 500m Results			
(1) GERMANY Rendschmidt / Rauhe / Leibscher / Lemke	(2) SPAIN Craviotto / Arevalo / Walz / Germade	(3) SLOVAKIA Balaz / Vlcek / Zalka / Botek	(4) RUSSIA Kuzakhmetov / Sergeev / Gusev / Ershov
(5) HUNGARY Nadas / Totka / Birkas / Kuli	(6) PORTUGAL Silva / Ribeiro / Baptista / Varela	(7) BELARUS Misiuchenka / Daineka / Litvinau / Natynchyk	(8) FRANCE Beaumont / Le Floch / Decorchemont / Burger / Mouget
(9) CZECH REPUBLIC Spicar / Nepras / Havel / Zavrel	(10) AUSTRALIA Tame / Green / Collins / Goble	(11) ITALY Gnecchi / Ripamonti / Di Liberto / Pra Floriani	(12) JAPAN Mizumoto / Matsushita / Miyata / Fujishima
(13) LITHUANIA Lankas / Ramanauskas / Maldonis / Maldonis	(14) CANADA De Jonge / Matveev / Poulin / Mctavish		

20. The first seven NOCs – i.e. Germany, Spain, Slovakia, Russia, Hungary, Portugal and Belarus – won each four AQPs, as did Australia, who finished 10th, accounting for 32 out of the total 40 available AQPs to win for this event. The eighth and ninth qualifying places could not be allocated to France and Czech Republic (as the eight remaining AQPs to be won for this event), because those places fell to be awarded to NOCs from continents other than from Europe and Australia so that there was sufficiently broad representation of nations (Article D.3.1.3 (ii) of the Olympic Qualification Rules). As such, despite the fact that they finished behind boats from Europe, the remaining eight AQPs were allocated to Japan (representing Asia) and Canada (representing America).

21. In the K2 1000m event, 12 AQPs and six boat quota places were available to be won at the 2019 World Championships (subject to any subsequent reallocation of places). The finishing order is summarised as follows:

K2 1000m Results			
(1) GERMANY Hoff / Schopf	(2) SPAIN Cubelos / Pena	(3) FRANCE Carre / Hubert	(4) CZECH REPUBLIC Dostal / Slouf
(5) AUSTRALIA Fitzsimmons / Wood	(6) ITALY Burgo / Beccaro	(7) RUSSIA Litovka / Anoshkin	(8) HUNGARY Kammerer / Gal

22. The first six NOCs – i.e. Germany, Spain, France, Czech Republic, Australia and Italy – each won two AQPs, for 12 in total.
23. In the K1 1000m event, five AQPs were available to be won at the 2019 World Championships (subject to any subsequent reallocation of places). The finishing order is summarised as follows:

K1 1000m Results			
(1) HUNGARY Kopasz	(2) CZECH REPUBLIC Dostal	(3) PORTUGAL Pimenta	(4) SLOVAKIA Gelle
(5) RUSSIA Spesivtsev	(6) BELARUS Yurenia	(7) FRANCE Hubert	(8) SPAIN Rodriguez
(9) ARGENTINA Vernice			

24. In the K1 200m event, five AQPs were available to be won at the 2019 World Championships (subject to any subsequent reallocation of places). The finishing order is summarised as follows:

K1 200m Results			
(1) GREAT BRITAIN Heath	(2) SERBIA Stefanovic	(3) SPAIN Garrote	(4) FRANCE Beaumont
(5) ITALY Rizza	(6) SWEDEN Menning	(7) RUSSIA Lukantsov	(8) LITHUANIA Seja

25. As evident from the above, a Czech athlete, Mr Josef Dostal, doubled up in the K1 1000m and the K2 1000m, achieving a sufficiently high ranking in both events provisionally to qualify him for two AQPs. In accordance with Article D.3.2.2. (i) of the Olympic Qualifying Rules, Mr Dostal was awarded one AQP in the event with the largest boat class, being K2 1000m. His AQP arising from the K1 1000m therefore fell to be reallocated (the “Dostal AQP”).
26. On 4 November 2019, the ICF decided to reallocate two AQPs in the Men’s Kayak Events, either because an NOC had reached the maximum number of athletes allowed, or because of

restrictions on the number of quotas an individual athlete could earn, to the NOC of Russia, enabling Russia to qualify a K2 team at the 2020 Olympic Men's Kayak Events, and to COARG, enabling Argentina to qualify a K1 team at the 2020 Olympic Men's Kayak events.

27. On 20 November 2019, the FFCK brought an appeal before the ICF against this decision.
28. On 11 December 2019, the ICF decided to reject the appeal (the "Appealed Decision").

III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

29. On 30 December 2019, pursuant to Articles R47 and R48 of the 2019 edition of the Code of Sports-related Arbitration (the "CAS Code"), the FFCK and the CNOSF filed a Statement of Appeal with the Court of Arbitration for Sport ("CAS") directed against the ICF, the COARG and the FAC, as well as against the Russian Canoe Federation ("RCF") and the Russian Olympic Committee ("ROC"), with respect to the first instance and appeal decision of the ICF dated 4 November 2019 and 11 December 2019. In their Statement of Appeal, the Appellants requested the case be submitted to a Sole Arbitrator.
30. On 6 January 2020, the CAS Court Office informed the Parties that, pursuant to Article S20 of the CAS Code, the case had been assigned to the Appeals Arbitration Division.
31. On 8 January 2020, COARG and the FAC inter alia requested that the dispute be submitted to a Panel rather than a Sole Arbitrator.
32. On 13 January 2020, the ICF also requested that the dispute be submitted to a Panel.
33. On 15 January 2020, the Appellants filed their Appeal Brief pursuant to Article R51 of the CAS Code.
34. On 21 January 2020, and after inviting the Respondents to indicate whether they intended to pay their share of the advance of costs, the CAS Court Office informed the Parties that, with respect to the Parties' disagreement concerning the number of arbitrators, in accordance with Article R50 of the CAS Code, it would be for the President of the CAS Appeals Arbitration Division to decide on the number of arbitrators, taking into account the circumstances of the case.
35. On 10 February 2020, the Parties were informed that the President of the CAS Appeals Arbitration Division had decided to refer this dispute to a Sole Arbitrator.
36. On 5 March 2020, the RCF informed the CAS Court Office that it no longer considers itself a party to these proceedings because it will no longer be reallocated an AQP. On the same day, the CAS Court Office invited the Appellants to inform the CAS Court Office whether they agreed to exclude the RCF as a Respondent in these proceedings.
37. On 5 March 2020, the ICF, the COARG and the FAC filed their Answers pursuant to Article R55 of the CAS Code.

38. On 6 March 2020, the ROC informed the CAS Court Office that it agreed with the position of the RCF and that, therefore, it also considered itself no longer to be a party to these proceedings. On the same day, the CAS Court Office invited the Appellants to inform the CAS Court Office whether they agreed to exclude the ROC as a Respondent in these proceedings.
39. On 6 March 2020, the Appellants informed the CAS Court Office that they agreed to exclude the RCF and the ROC as Respondents in this proceeding. On the same day, the CAS Court Office confirmed that, in light of the Appellants' withdrawal of their claims against them, the RCF and the ROC were no longer Respondents in this proceeding.
40. On 10 March 2020, the CAS Court Office informed the Parties that Prof. Dr. Stephan Breidenbach, Law Professor in Berlin, Germany, had been appointed as Sole Arbitrator in accordance with Article R54 of the CAS Code.
41. On 16 March 2020, the Appellants requested leave to supplement and amend their arguments due to the modification of the ICF's decision regarding the reallocation of AQPs, which can be considered an exceptional circumstance under Article R56 of the CAS Code.
42. On 19 March 2020, the Respondents informed the CAS Court Office that they objected to the Appellants' request to supplement and amend their arguments.
43. On 25 March 2020, the CAS Court Office informed the Parties that the Sole Arbitrator had decided to grant the Parties the opportunity to file another round of submissions pursuant to Article R56 of the CAS Code. On the same day, the CAS Court Office informed the Parties that Mr Willem-Alexander Devlies, Attorney-at-law in Brussels, Belgium, had been appointed as *ad hoc* Clerk in this case.
44. On 8 April 2020, the Appellants filed their Reply.
45. On 15 April 2020, the COARG and the FAC requested that the Appellants' Reply be disregarded and removed from the file and that the time limit for the Respondents to file their Rejoinders to the Appellants' Reply be suspended pending a decision by the Sole Arbitrator on the former request.
46. On 21 April 2020, the ICF informed the CAS Court Office that it supported the request of the COARG and the FAC to disregard and remove the Appellants' Reply from the file.
47. On 30 April 2020, the CAS Court Office informed the Parties that the Sole Arbitrator had decided that the Appellants' Reply is admissible, as the Parties were granted another round of submissions to supplement and amend their arguments, whereby the submissions were not limited to be about the exceptional circumstance.
48. On 14 May 2020, the Respondents filed their Rejoinders to the Appellants' Reply.
49. On 5 June 2020, the CAS Court Office, after consulting the Parties, and in accordance with Article R57 of the CAS Code, informed the Parties that the Sole Arbitrator deemed himself

sufficiently well-informed to issue an Award in this case based solely on the Parties' written submissions, without the need to hold a hearing.

50. On 1 October 2020, the CAS Court Office transmitted the Order of Procedure to the Parties, which was duly signed and returned by the Appellants on 2 October 2020, the First Respondent on 7 October 2020 and the Second and Third Respondents also on 7 October 2020.

IV. SUBMISSIONS OF THE PARTIES

A. The Appellants' Submissions

51. The Appellants' submissions, in essence, may be summarised as follows:

- The Appealed Decisions are contrary to the letter and to the purpose of the Qualification System Rules.
- The ICF should have applied article D.3.2.2 (ii) of the Olympic Qualification Rules which clearly reads "*The remaining athlete quota places in each of the Male and Female Kayak pools will be reallocated to the highest ranked NOCs not yet qualified in the relevant K4 event at the 2019 ICF Canoe Sprint World Championships, to enable those NOCs to fill the K4 boats*". On this basis, at least one of the additional AQPs should have been reallocated to the CNOSF, which was the highest ranked NOC not yet qualified in the relevant K4 event at the 2019 ICF Canoe Sprint World Championships.
- The ICF disrespected the purpose of the Olympic Qualification Rules, as the Appealed Decisions clearly contradict the Olympic Qualification Rules which are unambiguous. In previous cases, the ICF argued that the underlying purpose of the Olympic Qualification Rules was to increase the number of K4 boats and with that the number of K2 boats through the "doubling up" option. This purpose was also confirmed by a CAS panel.

52. The Appellants submitted in their Appeal Brief the following requests for relief:

"Principally

- *To partially set aside the first appealed decision (Exhibit 2) in that it decided that:
 - (i) *None of the remaining additional AQPs in men kayak events after 2019 ICF Canoe Sprint World Championships had been reallocated to CNOSF;*
 - (ii) *French K4 is not qualified for 2020 Tokyo Olympic men events.**
- *to set aside the second decision appealed (Exhibit 5) in that it upheld this first decision.*
- *and, to rule that:*

(iii) At least one of the remaining AQPs in men kayak events after 2019 ICF Canoe Sprint World Championships is reallocated to CNOSF;

(iv) French K4 is thus qualified for 2020 Tokyo Olympic men events.

As a complementary:

- *to order ICF to pay all the costs of arbitration;*
- *to order ICF to pay EUR 10,000 to the Appellants to cover their legal expenses”.*

B. The First Respondent’ Submissions

53. The First Respondent’s submissions, in essence, may be summarised as follows:

- The Appellants’ case is unsustainable both as a matter of fact and as a matter of Swiss law because:
 - There is no basis whatsoever for the Appellants’ approach within the express words, meaning and intention of the Olympic Qualification Rules;
 - There is no history of AQPs being allocated on the basis for which the Appellants now contend;
 - In contrast, the ICF’s position is consistent with: the express terms of the rules; the purpose and intention behind them; the way in which places have been allocated historically; and with the ICF Convention, which is understood widely across the canoeing community and by the IOC;
 - To the extent (which is not admitted) that the Olympic Qualification Rules do not specifically cover the question of which athletes should count towards filling a boat for the purposes of re-allocating spare AQPs, the 2019 ICF Statutes make it clear that the determination of any such issue is a matter for the discretion of the ICF Executive Committee, subject to ratification by the ICF Board of Directors;
 - Were the Appellants’ approach to be applied more broadly, it would result in an absurd outcome and break the qualification system;
 - Contrary to the position that the Appellants have adopted for the purposes of bringing this appeal, they have expressly acknowledged to the ICF that the AQPs earned by Messrs Carre and Hubert in the K2 1000m event do not count as AQPs for the purpose of the K4 500m boat.
- The rules of the ICF and their application must be seen in the light of the limited number of places to be allocated, and do not fall to be construed against the ICF, because that

would impermissibly be against the national federations and NOCs that were successful, and in favor of those that were not.

- Nor must the rules be construed rigidly or without regard to the needs of the sport. What must be identified, together with the words, context and underlying factual matrix, is the purpose and meaning behind the rules. All these interpretative elements point in the same direction, namely that places available for reallocation must be applied in a way which prioritises the K4 boat class where possible while respecting the fundamental principle that an athlete must have competed in an event in order to earn an AQP for his NOC in that event.

54. The First Respondent submitted in its Answer the following request for relief:

“It is denied that the Appellants (or either of them) are entitled to the Relief sought or any relief.

The ICF respectfully asks CAS to rule that:

The Appeal filed by la Fédération Française De Canoë Kayak Et Sports De Pagaie and Le Comité National Olympique Et Sportif Français is dismissed; and

La Fédération Française De Canoë Kayak Et Sports De Pagaie and Le Comité National Olympique Et Sportif Français shall bear the costs of the present arbitration and be concerned to pay a significant contribution towards the ICF’s costs”.

C. The Second and Third Respondents’ Submissions

55. The Second and Third Respondents’ submissions, in essence, may be summarised as follows:

- The Appellants’ arguments that the reallocation of the AQPs that the ICF carried out after the 2019 ICF Canoe Sprint World Championships were incorrect are flawed in several respects. Accordingly, the ICF’s decision regarding said reallocation are correct, in particular, awarding an AQP in the K1 1000m event to Argentina was correct.
- In addition, it appears that the Appellants’ appeal is in essence an appeal not against two decisions based on the Olympic Qualification Rules, but against those rules themselves. The Olympic Qualification Rules are also a decision by the ICF, meaning that they could have been challenged by the Appellants before CAS, which they were not. As the Olympic Qualification Rules were published in April 2019, the deadline to file an appeal against them elapsed long time ago.
- COARG and FAC were informed by the ICF about the unconditionally reallocated AQP on 31 October 2019 and accepted the AQP on 1 November 2019. By this acceptance, a contract between the ICF, COARG and FAC was concluded. In addition, the ICF created a state of trust and due expectation with COARG and FAC as well as with the participating athletes. Accordingly, COARG and FAC are legally entitled to the AQP awarded to them.

- Based on the reallocation of the AQP, COARG and FAC have invested a considerable amount of money and time for their athletes to prepare for the Olympic Games as best as possible. Taking away the AQP from them now would therefore lead to liability of the Appellants and/or the ICF based on the contract and the principle of liability for trust.
 - In principle, COARG and FAC do not oppose the Appellants being granted an AQP. However, they insist that they are legally entitled to their own AQP and that their AQP must therefore be maintained.
56. The Second and Third Respondents submitted in their Answer the following requests for relief:
- “1. *The Appeal filed by the Appellants against the decision of the International Canoe Federation of 4 November 2019 and of 11 December 2019 shall be dismissed;*
 2. *The decisions of the International Canoe Federation of 4 November 2019 and of 11 December 2019 shall be confirmed;*
 3. *In any event: It shall be held that the decision of the International Canoe Federation to allocate an Athlete Quota Place for the Men’s Kayak Events at the Olympic Games Tokyo 2020 to the [Second] and [Third] Respondent must stand;*
 4. *The Appellants shall be ordered to pay all costs and fees relating to these proceedings, including, but not limited to, the entire costs for the [Second] and [Third] Respondents’ lawyers, witnesses and experts, which the [Second] and [Third] Respondent reserve the right to produce in due course”.*

V. JURISDICTION

51. The jurisdiction of CAS, which is not disputed by the Parties, derives from Article 47 of the ICF Statutes, which read, inter alia, as follows: “(..) *An appeal to a body outside the ICF shall be made exclusively and only to the Court of Arbitration for Sport (CAS) in Lausanne (Switzerland)*”.
52. The jurisdiction of the CAS further derives from Article R47 of the CAS Code.
53. In principle, the Appealed Decisions should have been first appealed to the Court of Arbitration of the ICF. All Parties, however, had accepted that due to the urgency of the proceedings, this internal remedy was waived, allowing the Appellants to directly resort to CAS. In agreeing that all of the Appellants’ and Respondents’ cases be heard in the same CAS case and by signing the Order of Procedure, all Parties accepted that the dispute would be solved by CAS.
54. It follows that CAS has jurisdiction to decide on the present dispute.

VI. ADMISSIBILITY

55. The Appellants filed their Statement of Appeal within the deadline of 21 days from the receipt of the Appealed Decision as set out in Article R49 of the CAS Code. The Statement of Appeal complied with all other requirements of Article R48 of the CAS Code, including the payment of the CAS Court Office fee of CHF 1,000.
56. The admissibility of the appeal is also not disputed by the Respondents.
57. Consequently, it follows that the appeal is admissible.

VII. APPLICABLE LAW

58. Article R58 of the CAS Code provides the following:

“The Panel shall decide the dispute according to the applicable regulations and, subsidiarily, to 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 that the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision”.
59. The Appellants remain silent on the laws applicable to the merits of the present dispute; however, the Appellants relied in their submissions solely on the ICF Statutes and the ICF Olympic Qualification Rules.
60. The Respondents agree that the present dispute is governed by the ICF Statutes, Rules and Regulations, in particular the ICF Statutes and Olympic Qualification Rules, and, additionally, by Swiss law.
61. Consequently, the Sole Arbitrator will apply the various rules and regulations of the ICF, and, subsidiarily, Swiss law.

VIII. MERITS

A. Scope of review

62. Pursuant to Article R57 of the CAS Code, *“The Panel has full power to review the facts and the law. It may issue a new decision which replaces the decision challenged or annul the decision and refer the case back to the previous instance”.*
63. The Sole Arbitrator has full power of review over the ICF’s decision, which has allowed a complete appeal to CAS in its own statutes. While the ICF may have discretion in applying its rules and regulations, such application is subject to full review by CAS, which can decide if the decisions taken by the ICF are correct.

64. The ICF's policy decisions when making the rules are not subject to CAS' control. However, once the rules are set, the ICF is bound to make adequate application and interpretation of them, both of which are subject to complete CAS scrutiny. In applying this scrutiny CAS will consider an objective interpretation of the rules, evaluating principally the text and purpose of the rules.

B. Main Issues

65. The main issues to be decided upon by the Sole Arbitrator are:
- i. Whether the ICF correctly reallocated the AQPs after the 2019 ICF Canoe Sprint World Championships; and, if not,
 - ii. Did at least one of the additional AQPs have to be allocated to the CNOSF so that the French K4 team would qualify for the 2020 Tokyo Olympic Men's Kayak Events?

i. Did the ICF reallocate the AQPs after the 2019 ICF Canoe Sprint World Championships correctly?

66. The Sole Arbitrator observes that the 2019 ICF Canoe Sprint World Championships took place in Szeged, Hungary, between 21 and 25 August 2019. This was the first, and primary, qualification event at which NOCs could secure AQPs and boat quota places for the Tokyo Olympics. All the AQPs and boat quota places in the K4 fell to be allocated on the basis of the results at this event according to Article D.3.1.3 of the Olympic Qualification Rules. In relation to the other events, on the other hand, some places could also be allocated based on the results at the subsequent World Cup 2 or Continental Qualification competitions (Article D.3.1.2 and D.3.3 of the Olympic Qualification Rules).
67. In the K4 500m event, 40 AQPs and 10 boat quota places were available to be won at the 2019 World Championships (subject to any subsequent reallocation of places) (Article D.3.1.1 of the Olympic Qualification Rules). The finishing order was as follows:

K4 500m Results			
(1) GERMANY Rendschmidt / Rauhe / Leibscher / Lemke	(2) SPAIN Craviotto / Arevalo / Walz / Germade	(3) SLOVAKIA Balaz / Vlcek / Zalka / Botek	(4) RUSSIA Kuzakhmetov / Sergeev / Gusev / Ershov
(5) HUNGARY Nadas / Totka / Birkas / Kuli	(6) PORTUGAL Silva / Ribeiro / Baptista / Varela	(7) BELARUS Misiuchenka / Daineka / Litvinau / Natynchyk	(8) FRANCE Beaumont / Le Floch Decorchemont / Burger / Mouget
(9) CZECH REPUBLIC Spicar / Nepras / Havel / Zavrel	(10) AUSTRALIA Tame / Green / Collins / Goble	(11) ITALY Gnecchi / Ripamonti / Di Liberto / Pra Floriani	(12) JAPAN Mizumoto / Matsushita / Miyata / Fujishima
(13) LITHUANIA Lankas / Ramanauskas / Maldonis / Maldonis	(14) CANADA De Jonge / Matveev / Poulin / Mctavish		

68. The first seven NOCs – i.e. Germany, Spain, Slovakia, Russia, Hungary, Portugal and Belarus – won each four AQPs, as did Australia, who finished 10th, accounting for 32 out of the total 40 available AQPs to be won for this event. The eighth and ninth qualifying places could not be allocated to France and the Czech Republic (as the eight remaining AQPs to be won for this event), because those places fell to be awarded to NOCs from continents other than Europe and Australia so that there was sufficiently broad representation of nations (Article D.3.1.3 (ii) of the Olympic Qualification Rules). As such, despite the fact that they finished behind boats from Europe, the remaining eight AQPs were allocated to Japan (representing Asia) and Canada (representing America).
69. In the K2 1000m event, 12 AQPs and six boat quota places were available to be won at the 2019 World Championships (Article D3.1.1 of the Olympic Qualification Rules) (subject to any subsequent reallocation of places according to Article D.3.2 of the Olympic Qualification Rules). The finishing order is summarised as follows:

K2 1000m Results			
(1) GERMANY Hoff / Schopf	(2) SPAIN Cubelos / Pena	(3) FRANCE Carre / Hubert	(4) CZECH REPUBLIC Dostal / Slouf
(5) AUSTRALIA Fitzsimmons / Wood	(6) ITALY Burgo / Beccaro	(7) RUSSIA Litovka / Anoshkin	(8) HUNGARY Kammerer / Gal

70. The first six NOCs – i.e. Germany, Spain, France, Czech Republic, Australia and Italy – each won two athlete quota places, for 12 in total (Article D.3.1.1 of the Olympic Qualification Rules).

71. In the K1 1000m event, five AQPs were available to be won at the 2019 World Championships (subject to any subsequent reallocation of places). The finishing order is summarised as follows:

K1 1000m Results			
(1) HUNGARY Kopasz	(2) CZECH REPUBLIC Dostal	(3) PORTUGAL Pimenta	(4) SLOVAKIA Gelle
(5) RUSSIA Spesivtsev	(6) BELARUS Yurenia	(7) FRANCE Hubert	(8) SPAIN Rodriguez
(9) ARGENTINA Vernice			

72. In the K1 200m event, five AQPs were available to be won at the 2019 World Championships (subject to any subsequent reallocation of places). The finishing order is summarised as follows:

K1 200m Results			
(1) GREAT BRITAIN Heath	(2) SERBIA Stefanovic	(3) SPAIN Garrote	(4) FRANCE Beaumont
(5) ITALY Rizza	(6) SWEDEN Menning	(7) RUSSIA Lukantsov	(8) LITHUANIA Seja

73. Athletes are permitted under the Olympic Qualification Rules to “double up” and compete at more than one qualification event, in this instance at the 2019 World Championships. However, it is a fundamental rule that an athlete can only acquire one AQP for his NOC regardless of how many events that athlete competes in (Article D.2.2 of the Olympic Qualification Rules). Therefore, if an athlete qualifies for more than one AQP in different boat classes (such as K2 1000m and K1 1000m):

- As per Article D.3.2.2 of the Olympic Qualification Rules, he will be allocated only one AQP which shall be in the event with the largest boat class out of the events in which the athlete qualified; and
- The additional AQP will be reallocated in accordance with Article D.3.2.2 (i) – (v) of the Olympic Qualification Rules.

74. Article D.3.2.2 of the Olympic Qualification Rules sets out the procedure for the reallocation of AQPs where an athlete qualifies for more than one AQP in different boat classes at the 2019 ICF Canoe Sprint World Championships. In that case, the athlete’s NOC will be allocated only one AQP. This shall be an AQP in the event with the largest boat class out of the events in which the athlete qualified. The remaining AQPs will be reallocated using the following procedure:

- “i) *On completion of the 2019 IFC Canoe Sprint World Championships all remaining athlete quota places which have been released as a result of the athletes qualifying for more than one athlete quota place in different boat classes, will be grouped together in four separate pools as follows:*
- a. Men Kayak events;*
 - b. Female Kayak events;*
 - c. Male Canoe events;*
 - d. Female Canoe events.*
- ii) *The remaining athlete quota places in each of the Male and Female Kayak pools will be reallocated to the highest ranked NOCs not yet qualified in the relevant K4 event at the 2019 IFC Canoe Sprint World Championships, to enable those NOCs to fill the K4 boats.*
- iii) *When a K4 boat cannot be completely filled with the remaining athlete quota places, then the remaining athlete quota places from the Male and Female Kayak pools will be reallocated to the highest ranked NOCs not yet qualified in the relevant K2 events at the 2019 IFC Canoe Sprint World Championships, to enable those NOCs to fill the K2 boats.*
- iv) *The remaining athlete quota places in each of the Male and Female Canoe pools will be reallocated to the highest ranked NOCs not yet qualified in the relevant C2 event at the 2019 IFC Canoe Sprint World Championships, to enable those NOCs to fill the C2 boats.*
- v) *Following the application of this procedure, if it is not possible to completely fill a K4, K2 or C2 boat with the athlete quota places, then:*
- a. the remaining Kayak athlete quota places will be given to the next highest ranked NOC not yet qualified in the longest distance K1 event (Men 1000m, Women 500m); and*
 - b. the remaining Canoe athlete quota places will be given to the next highest ranked NOC not yet qualified in the C1 event (Men 1000m, Women 200m) from the 2019 IFC Canoe Sprint World Championships”.*

75. Article D.3.2.2 of the Olympic Qualification Rules was triggered by the performance at the 2019 World Championships by a Czech athlete, Mr Josef Dostal, who doubled up in the K1 1000m and the K2 1000m, achieving a sufficiently high ranking in both events provisionally to qualify him for two AQPs. In accordance with Article D.3.2.2 (i) of the Olympic Qualification Rules, Mr Dostal was awarded one AQP in the event with the largest boat class, being K2 1000m. The Dostal AQP arising from the K1 1000m therefore fell to be reallocated.

76. Following Article D.3.2.2 (ii) of the Olympic Qualification Rules, the remaining AQPs in each of the Male and Female Kayak pools will be reallocated to the highest ranked NOCs not yet qualified in the relevant K4 event at the 2019 IFC Canoe Sprint World Championships, to enable those NOCs to fill the K4 boats.

77. At this point, the Appellants argue that according to Article D.3.2.2 (ii) of the Olympic Qualification Rules, the Dostal AQP had to be reallocated to the CNOSF, as it was at that

time *'the highest ranked NOCs not yet qualified in the relevant K4 event at the 2019 IFC Canoe Sprint World Championships'*, which is not disputed by the ICF.

78. The question, however, is whether or not the CNOSF would be able to fill a K4 boat if it were awarded the Dostal AQP.
79. At the time, the CNOSF had already been allocated three AQPs in the Men's Kayak Events as a consequence of the results at the 2019 IFC Canoe Sprint World Championships:
 - One AQP due to the fourth place of Mr Maxime Beaumont in the K1 200m;
 - Two AQPs due to the third place of Mr Cyrille Carre and Mr Etienne Hubert in the K2 1000m.
80. According to the Appellants, therefore, the CNOSF would have been able to fill a K4 boat with the Dostal AQP being its fourth AQP, and consequently, in accordance with Article D.3.2.2. (ii) of the Olympic Qualification Rules, the Dostal AQP should have been reallocated to the CNOSF.
81. However, the ICF, supported by the Second and Third Respondents, argues that according to their interpretation of the Olympic Qualification Rules, it is necessary for an athlete to have participated in an event in order for their AQP to count towards "filling a boat" for the purposes of reallocation under Article D.3.2.2 of the Olympic Qualification Rules. Accordingly, only Mr Beaumont (who was the only one of the three French athletes with AQPs to have participated in the Men's K4 500m race at the 2019 World Championships) could count towards the "filling" of a French K4 boat. As a result, the CNOSF were not able to completely "fill" a K4 boat with the single Dostal AQP, nor was it possible for any of the other NOCs not yet qualified in that event to fill a K4 boat. It was also not possible for a NOC to completely fill a K2 boat with the Dostal AQP. In accordance with Article D.3.2.2 (iii) of the Olympic Qualification Rules, the ICF has therefore reallocated the Dostal AQP to the next highest-ranking NOC not yet qualified in the K1 1000m event, which was Argentina, i.e. the COARG or the Second Respondent.
82. The Sole Arbitrator notes that the answer to the question of whether or not the ICF reallocated the Dostal AQP correctly will depend on the correct interpretation of Article D.3.2.2 of the Olympic Qualification Rules, which the Appellants and the Respondents interpret differently.
83. The interpretation of the statutes and of the rules of a sport association generally has to be rather objective and always begin with the wording of the rule, which is the object of the interpretation. The deciding body will have to verify the grammatical meaning of the rule, looking at the ordinary meaning of the language used and at the syntax of the norm. Of course, the deciding body can take into account historical elements by identifying, if possible, the intentions of the association when establishing the rule being interpreted. Based on a systematic analysis, a CAS panel shall determine that the interpretation given to the rules does

fit into the context of the whole regulation (*CAS 2008/A/1673*, para 33; *CAS 2009/A/1810* & *1811*, para 45; *CAS 2015/A/4222*, para 131).

84. In this regard, when interpreting rules established by international sporting bodies, the intent of the sporting body when drafting the rules (i.e. the sporting objectives that the rules reach for), inasmuch as it can be adequately ascertained, is a factor of important weight. When the evidence-at-hand helps determine the organization’s intent at the time of drafting the rules, and this intent does not blatantly contradict the text of the norm, this should be taken into consideration. This, of course, does not mean that any *ex post* ascertainment of purpose by the international body can be considered to be an “authentic interpretation” of the rules, particularly when it is made once a dispute has arisen (*CAS 2015/A/4222*, para 135).
85. Taking into account the above principles, the Sole Arbitrator looks at the relevant clauses of Article D.3.2.2 of the Olympic Qualification Rules, which read as follows:
- “i) On completion of the 2019 IFC Canoe Sprint World Championships all remaining athlete quota places which have been released as a result of the athletes qualifying for more than one athlete quota place in different boat classes, will be grouped together in four separate pools as follows:
 - a. *Men Kayak events; [...]*
 - ii) The remaining athlete quota places in each of the Male and Female Kayak pools will be reallocated to the highest ranked NOCs not yet qualified in the relevant K4 event at the 2019 IFC Canoe Sprint World Championships, to enable those NOCs to fill the K4 boats.
 - iii) When a K4 boat cannot be completely filled with the remaining athlete quota places, then the remaining athlete quota places from the Male and Female Kayak pools will be reallocated to the highest ranked NOCs not yet qualified in the relevant K2 events at the 2019 IFC Canoe Sprint World Championships, to enable those NOCs to fill the K2 boats. [...]” (emphasis added).
86. The Sole Arbitrator observes that Article D.3.2.2 (i) of the Olympic Qualification Rules refers to all remaining AQPs which have been released due to the fact that some athletes qualified for more than one AQP in different boat classes (i.e. K1, K2 or K4). These AQPs will then be grouped together, inter alia, in a ‘Men’s Kayak Events’ (i.e. K1 200m, K1 1000m, K2 1000m and K4 500m) pool.
87. The Sole Arbitrator further observes that, pursuant to Article D.3.2.2. (ii) of the Olympic Qualification Rules, the remaining AQPs in this Male Kayak pool will be reallocated to the highest ranked NOCs not yet qualified in the relevant K4 event at the 2019 World Championships, to enable those NOCs to fill the K4 boats, and, further to Article D.3.2.2 (iii) of the Olympic Qualification Rules, when a K4 boat cannot be completely filled with the remaining AQPs, then the remaining AQPs from the Male Kayak pool will be reallocated to the highest ranked NOCs not yet qualified in the relevant K2 event at the 2019 ICF Canoe Sprint World Championships, to enable those NOCs to fill the K2 boats.

88. It is not disputed between the Parties that there was only one AQP (the Dostal AQP) that remained to be reallocated in accordance with the aforementioned procedure, and that the highest ranked NOC not yet qualified in the relevant K4 event at the 2019 World Championships was the CNOSF. It is, however, disputed between the Parties whether the CNOSF was able to fill the K4 boat with this remaining AQP.
89. Therefore, the Sole Arbitrator needs to determine what needs to be understood under the Olympic Qualification Rules concerning the ‘filling of boat’, and whether only athletes who have participated in the event (in *casu* the K4 500m event) during these 2019 World Championships for their AQP to count towards the purpose of filling a boat.
90. In this regard, the Sole Arbitrator notes that, when observing the wording of the rules, the rules do not expressly state that athletes have to have participated in the K4 500m event during these 2019 World Championships for their AQP to count towards the purpose of filling a boat for the K4 500m Olympic event.
91. Consequently, the Sole Arbitrator will look at the rationale of the rules and the real intentions of the drafter of the rules, i.e. the ICF.
92. According to the ICF, there is a clear justification in the Olympic Qualification Rules for the ICF’s position that AQPs are linked to the events in which they were earned. It is not the case that the Olympic Qualification Rules do not include a requirement for paddlers to participate in an event in order to obtain an AQP in it and that such a requirement is “nonsensical”. The Olympic Qualification Rules consistently make it clear that, when determining which places have been earned by a NOC, AQPs are tied to the event in which the athlete earned it for their NOC. In particular:
 - Rule D.2.2 of the Olympic Qualification Rules states that “*the athlete may only acquire one (1) athlete quota place at the Olympic Qualification Competition for its NOC*”. It is the athlete who obtains the AQP for its NOC, not the NOC directly. For the purposes of qualification, it matters which athlete is in the boat.
 - Rule B.4.2 of the Olympic Qualification Rules states that “*the NOC must participate in the event(s) which the NOC has originally obtained the athlete quota place*”. It is clear from this clause that AQPs are originally obtained by athletes for their NOCs in particular events, and that there is a continuing link to those particular events (in that the NOC must compete in them at the Olympic Games). If it were the case that AQPs are not tied to any particular event and can be treated as qualifying the NOC in multiple events, Rule B.4.2 of the Olympic Qualification Rules would be rendered meaningless.
 - Rules D.3.1.3 to D.3.1.6 of the Olympic Qualification Rules explain expressly that athletes earn AQPs for their NOCs according to their performance in the qualifying competitions:
 - o D.3.1.3(i) of the Olympic Qualification Rules: states that for the purposes of the K4 event it is “*The 10 highest ranked NOCs*” from the 2019 ICF Canoe Sprint World

Championships who receive four AQPs each. (This is then subject to the application of the Continental Rule.)

- D.3.1.4 of the Olympic Qualification Rules: provides that “*The eight (8) highest ranked NOCs*” from the 2019 World Championships will each receive two AQPs for each of the Men’s and Women’s C2 events.
 - D.3.1.5 of the Olympic Qualification Rules: provides that “*The six (6) highest ranked NOCs*” from the 2019 World Championships will each receive two AQPs for each of the Men’s and Women’s K2 events.
 - D.3.1.6 of the Olympic Qualification Rules: states that “*The five (5) highest ranked NOCs*” from the 2019 World Championships and “*the highest ranked*” NOC in the Global Qualification 2020 ICF Canoe Sprint World Cup 2 will each receive a single AQP for each of the Men’s and Women’s K1 200m, K1 1000m and C1 200m events.
- Without exception, in order to receive an AQP under these provisions, the Olympic Qualification Rules require the NOC to be one of the “*highest ranked*” in that event. It is only possible to be ranked in that event if the NOC’s athletes have participated in it. Read in conjunction with the rest of the Olympic Qualification Rules, it is clear that athletes in the “*highest ranked*” boats are allocated an AQP for their NOC in that event.

93. Further according to the ICF, the following points are relevant to the interpretation of Rule D.3.2.2 of the Olympic Qualification Rules:

- The clear implication of the phrases “*where an athlete qualifies for more than one event*” and “*events in which the athlete qualified a quota*” is that athletes qualify “*for*” or “*in*” specific events.
- This gives rise to the question of which event the athlete has qualified “*for*” or “*in*”. This is determined by the athlete's performance in the qualifying competitions for that event, in accordance with Rules D.3.1.3 to D.3.1.6 of the Olympic Qualification Rules. Furthermore, and in any event, it is obvious and/or necessary for the efficacy of the Olympic Qualification Rules that this must be an event in which they have participated.
- By contrast there is no logic or sporting justification to the Appellants’ position that, by participating in one event, athletes earn a place for their NOC in all other events, regardless of whether or not they have participated in them. If athletes were able to gain places for their NOC in events in which they had not participated, it would lead to the dilution of quality of the events at the Olympic Games. Difference in distance and boat category can have a major impact on athletes’ performance, and it is not the case that the same athlete will necessarily be of Olympic quality across all events. This is evidenced by the Appellants’ own approach in selecting athletes for the 2019 World Championships. Neither Messrs Carre nor Hubert were selected by the FFCK to represent France in the K4 500m at the 2019 World Championships; in fact, they finished second in the French K4 500m qualification races, behind the boat that subsequently participated in the 2019 World

Championships. It would be illogical and contrary to the interests of the sport if, having failed to qualify at a national level to participate in K4 500m at the 2019 World Championships, Messrs Carre and Hubert could then count towards filling a K4 500m on reallocation of AQPs following the 2019 World Championships.

94. In relation to the interpretation of the ‘filling a boat’ principle, and in particular, the question of how a NOC “*completely fills*” a K4 boat using reallocated places, the ICF further argues that:
- The ICF drafted the rules relating to the allocation of Canoe Sprint Kayak places for Tokyo 2020 in a way that was designed best to advance the interests of the sport. The ICF, in its discretion in adopting those rules, determined that the interests of the sport were best served by AQPs that became available for reallocation through “doubling up”, being placed in the K4 category where possible. Based on its experience and expertise, the ICF determined that qualifying as many K4 boats as possible was in the best interests of the sport, because then more NOCs would be able to compete not only in K4 events, but also in K2 and K1 events, increasing participation and competitiveness, and so public interest in the sport, and creating an appropriate balance between the various events.
 - It is not possible for part of a K4 boat to qualify, such that some but not all of the athletes who participated in that event receive an AQP. Accordingly, a NOC will either receive: (i) four AQPs for the K4 event, having ranked in the first 10 boats in the K4 event at the 2019 World Championships (or having been awarded four AQPs for their K4 boat as a result of the operation of the Continental Rule); or (ii) no AQPs for the K4 event.
 - The ICF, exercising its discretion on the basis of what is in the best interests of the sport and in particular to maximize the number of K4 boats qualifying for the Olympics, has consistently interpreted Rule D.3.2.2 (ii) and (iii) of the Olympic Qualification Rules as meaning that an athlete who has (a) obtained an AQP in another event and (b) participated in the K4 race, will count towards the potential filling of a K4 boat through the reallocation of spare places. This interpretation is consistent with the purpose of Rule D.3.2.2 of the Olympic Qualification Rules (which clearly anticipates the prioritization of the filling of K4 boats ahead of the other boat classes). It is also consistent with the ICF’s fundamental purposive principle, and the express rules of the Olympic Qualification Rules, which make it clear that athletes earn AQPs for their NOCs only in the events in which they participate.
 - The existence of a sport-wide understanding of this approach can also be seen from the contemporaneous reaction of the First Appellant to the results of the 2019 World Championships. Despite presenting its understanding differently in this Appeal, it is clear that the First Appellant understood that the AQPs earned in the K2 1000m by Messrs Cyrille Carre and Etienne Hubert did not “count” towards the K4 boat, whereas Mr Beaumont did count towards the K4 boat because he had obtained an AQP in another event (the K1 200m) and had participated in the French K4 team at the 2019 World Championships.
 - Furthermore, following the 2015 ICF Canoe Sprint World Championships (which was one of the qualifying events for the Rio 2016 Olympic Games), the French Women's K4

500m was reallocated four AQPs. This was despite the fact the French already had an AQP in K1 200m, but the athlete concerned did not compete in the K4 500m. That athlete (Ms Sarah Guyot) did not count towards filling the K4 500m boat on reallocation and there was no suggestion from the FFCK or CNOSF at the time that she did. Indeed, the FFCK and CNOSF were Respondents in the 2016 decision, supporting the ICF's arguments and benefitting from the CAS panel's ruling (*CAS 2015/A/4222*). In addition to this, the same principle was applied in the Women's Kayak events, where three AQPs were reallocated to the Danish K4 boat, with one of the athletes who participated having obtained an AQP in K1 200m. No objection has been raised in respect of this reallocation of AQPs.

- To the extent that the Olympic Qualification Rules do not “*specifically cover*” this question (which is denied), the 2019 ICF Statutes provide that the determination of that issue is a matter to be decided by the ICF Executive Committee, subject to ratification by the ICF Board of Directors. The ICF Executive Committee, as ratified by the ICF Board of Directors, has determined that the interests of the sport are best served by the implementation of the approach above. It is not open to the Appellants, nor with respect CAS, to second guess or interfere with the exercise of that discretion.
95. On the basis of the arguments brought forward by all the Parties, the Sole Arbitrator finds that it cannot be read in the exact wording of the regulations, how a NOC can completely fill a K4 boat using reallocated AQPs. This gap in the Olympic Qualification Regulations drafted by the ICF is the result of imprecise drafting, as the impact of such gaps can have huge consequences, such as in the present case, as the members of the ICF cannot be guaranteed legal certainty. The Sole Arbitrator therefore encourages the ICF to review its Regulations in this regard.
96. Nevertheless, the Sole Arbitrator finds that the ICF’s application of its Olympic Qualification Rules is a choice to be made by the ICF in what it understands is the best interests of the sport, a decision that unless taken against specific duties or norms is not under the power of review of the Sole Arbitrator. The Sole Arbitrator has full power to review the ICF’s correct application of its rules, but he cannot mandate a specific interpretation on the sole basis of what he considers to be more adequate to sporting logic.
97. The Sole Arbitrator finds support for his decision, *inter alia*, in:
- Article 31, (d) and (g) of the ICF Statutes, which read as follows: “(...) *the key duties of an Executive Committee member are at least: (...) d) To ensure the observation of the Statutes, Competition Rules and Regulations of the ICF and whenever necessary to interpret these Statutes, Competition Rules and Regulations; (...) g) To take any decisions appropriate to the circumstances in the interest of the sport of canoeing*”;
 - The ICF’s consistent interpretation, exercising its discretion on the basis of what is in the best interests of the sport and in particular to maximize the number of K4 boats qualifying for the Olympics, of Rule D.3.2.2 (ii) and (iii) of the Olympic Qualification Rules as meaning that an athlete who has (a) obtained an AQP in another event and (b) participated

in the K4 race, will count towards the potential filling of a K4 boat through the reallocation of spare places. This interpretation seems consistent with the purpose of Rule D.3.2.2 of the Olympic Qualification Rules (which clearly anticipates the prioritization of the filling of K4 boats ahead of the other boat classes). It also seems consistent with the ICF's fundamental purposive principle, and the express rules of the Olympic Qualification Rules, which make it clear that athletes earn AQPs for their NOCs only in the events in which they participate; and

- Application of the rules by the ICF in the same manner in the past, without objections being raised, including by France (cfr. *CAS 2015/A/4222*, paras 104-105).

98. Therefore, the ICF correctly allocated the additional athlete quota places to the COARG.

ii. If the ICF did not correctly allocate the AQPs, did at least one of the additional AQPs have to be allocated to the CNOSF so that the French K4 team would qualify for the 2020 Tokyo Olympic Men's Kayak Events?

99. In light of the reasoning set out above, this question no longer needs to be addressed.

C. Conclusion

100. The Sole Arbitrator decides to reject the appeal filed by the Appellants against the Appealed Decision rendered by the ICF, and finds that the ICF correctly reallocated the AQPs after the 2019 ICF Canoe Sprint World Championships, with the result that none of the additional AQPs had to be allocated to the CNOSF so that the French K4 team would qualify for the 2020 Tokyo Olympic Men's Kayak Events.

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The appeal filed by La Fédération Française de Canoë Kayak et Sports de Pagaie (FFCK) and Le Comité National Olympique et Sportif Français (CNOSF) against the decisions of 4 November 2019 and 11 December 2019 rendered by the International Canoe Federation (ICF) on 30 December 2019 are dismissed.

2. The decisions rendered by the International Canoe Federation (ICF) on 4 November 2019 and 11 December 2019 are confirmed.
3. (...).
4. (...).
5. All other and further motions or prayers for relief are dismissed.