

## Communication No. 2228

# Decision of Court of Arbitration for Sport Termination Order

### History

On 4 February 2018, Mr Kei Saito, a Short Track Speed Skater from Japan, underwent an out-of-competition doping control during the Olympic Winter Games PyeongChang 2018, which result was positive.

On 20 September 2018, the Sole Arbitrator, rendered a Partial Award finding that the Athlete committed an Anti-Doping Rule Violation (ADRV) in accordance with Article 2.1 of the IOC's Anti-Doping Rules ("IOC ADR") and, thereby ended the procedure with the IOC, but continued the procedure by and between the ISU and Mr Kei Saito (CAS ADD 18-01).

On 27 September 2018, the ISU filed its preliminary prayers for relief.

On 24 October 2018, the procedure was suspended until CAS has decided an appeal of Mr Kei Saito.

On 15 November 2018, Mr Kei Saito's appeal has been terminated and the procedure with the ISU reassumed.

On 10 December 2018, Mr Kei Saito submitted his Answer to the ISU's preliminary prayers for relief.

On 15 January 2019, the ISU informed the CAS ADD that the parties concluded a settlement agreement and as a result, the ISU withdrew its claims in this procedure.

### Settlement Agreement

By the Settlement Agreement the ISU showed satisfied, based on the submissions of the Skater to CAS and the evidence offered, that the Skater bore no significant, but only a light degree of fault or negligence for the ADRV found by the CAS in its partial award of 20 September 2018 and issued a reprimand as adequate and proportionate sanction. The Skater acknowledged and accepted this reprimand.

### Decision

The CAS rendered its Termination Order on January 29, 2019. The CAS ruled:

*"The sole Arbitrator pronounces as follows:*

- 1. The procedure CAS ADD 18/01 International Skating Union (ISU) v. Kei Saito is terminated.*
- 2. The present Award is rendered without costs."*

The Termination Order of the Court of Arbitration for Sport (CAS) is published in full on the ISU website.

Tubbergen,

January 30, 2019

Lausanne,

Jan Dijkema, President

Fredi Schmid, Director General