SR/286/2025

IN THE MATTER OF PROCEEDINGS BROUGHT BEFORE THE FIS ETHICS COMMITTEE

Before:

Michael Beloff KC (Chair)
The Rt. Hon. Lord Neuberger of Abbotsbury
Ian Hunt

BETWEEN:

The International Ski and Snowboard Federation (FIS) ***Applicant***

and

Magnus Brevig, Adrian Livelten, Thomas Lobben ***Respondents***

DECISION OF THE FIS ETHICS COMMITTEE

I. INTRODUCTION

1. The International Ski and Snowboard Federation ("**FIS**"), with its headquarters in Oberhofen, Switzerland, is the international governing body responsible for skiing and snowboarding and is recognized by the International Olympic Committee ("**IOC**"). The FIS manages the Olympic disciplines of Alpine Skiing, Cross-Country Skiing, Ski Jumping, Nordic Combined, Freestyle Skiing and Snowboarding, including setting the international competition rules. The FIS also oversees World Cup competitions and biannual World Championships.

2. The Respondents are three (3) individuals who, at the time relevant to the instant case, were associated with the Norwegian Ski Jumping Team: Mr Magnus Brevig ("**Brevig**"), then serving as Head Coach; Mr Thomas Lobben ("**Lobben**"), then serving as Assistant Coach; and Mr Adrian Livelten ("**Livelten**"), then serving as Suit Technician.

3. The FIS has brought charges against the Respondents for alleged violations of the FIS Rules on the Prevention of the Manipulation of Competitions ("**PMC**") and the FIS Universal Code of Ethics ("**UCE**") (together, the "**Regulations**"), arising from their involvement on 7 March 2025 in the manipulation of the jumping suits of two Norwegian Ski Jumpers, Mr Marius Lindvik ("**Lindvik**") and Mr Andre Forfang ("**Forfang**"), during the FIS Men's Large Hill Event HS138 at the 44th FIS Nordic World Ski Championships in Trondheim, Norway (the "**Trondheim Event**") which took place on 8 March 2025.

4. Hereafter, FIS and the Respondents are referred to collectively as the "**Parties**".

II. JURISDICTION AND APPOINTMENTS OF THE FIS ETHICS COMMITTEE

5. The instant case is brought before the FIS Ethics Committee ("**FEC**") acting under the FIS "**Procedural Rules**"[1], Edition 2023 which came into force on 25 May of that year.

6. Upon receipt of the Requests for Adjudication, the Notices of Charge, and the Final Report (Procedural Rule 14 et seq.), the Chairperson of the FEC, Michael Beloff KC, established a case "**Panel**" composed of three (3) members with himself as Chair, and on 13 August 2025, Michael Beloff KC, the Rt. Hon. Lord Neuberger of Abbotsbury, and Ian Hunt were appointed, in accordance with Rule 45 of the Procedural Rules, to handle the matter.

7. No issue arises as to the jurisdiction of the FEC (Procedural Rule 37(a)), the applicability of the Procedural Rules, or the appointment of the Panel. The Procedural Rules provide that the Panel must decide the matters before them according to the FIS Statutes, the PMC, the UCE, and subsidiarily Swiss Law (Procedural Rule 44).

[1] See in material part Appendix 1.

III. FACTUAL BACKGROUND

8. On 8 March 2025, after discovery of the manipulation, Lindvik and Forfang were disqualified and their results voided. Their cases have been separately dealt with pursuant to the Procedural Rules. The revelation of these matters in the public domain has prompted their general description as a major scandal in the sport of Ski-Jumping.

9. On 10 March 2025, the Norwegian Ski Association suspended Brevig, Livelten and Lobben from their responsibilities. On 19 May 2025 their employment agreements with the Norwegian Ski Association were mutually terminated.

10. On 12 March 2025 the FIS provisionally suspended Brevig, Livelten and Lobben from participation in any FIS Events and Events organised by a National Ski Association pending investigation and adjudication of any charges brought against them.

11. On 16 July 2025, the FIS Independent Ethics and Compliance Officer ("**IECO**") submitted its Final Report, also referred to as the Investigation Report – Project Pine, prepared by Quest Global Ltd (the "**Investigation Report**"). The Investigation Report concluded that Brevig, Livelten and Lobben had conspired to manipulate the ski suits worn by Lindvik and Forfang. It further found that the Respondents knowingly had inserted non-elastic thread into the crotch area of the suits to enhance performance, in breach of the Regulations. The Respondents admitted their respective roles and were determined to have contravened the Regulations.

12. On 1 August 2025, the FIS Council accepted the Investigation Report and concurred with the conclusions of the IECO.

13. On 11 August 2025, Notices of Charge were brought to the attention of the IECO and the Chairperson of the FIS Ethics Committee concerning alleged violations of the Regulations. On the same date, invoking Rule 15 of the Procedural Rules, Dr. Stephan Netzle, representing FIS, submitted a request to the FIS Ethics Committee to accept the Notices of Charge against the Respondents, together with the Investigation Report, and to adjudicate the charges in accordance with the Procedural Rules.

14. The charges brought against Brevig, as set out in the Notice of Charge of 11 August 2025, are as follows:

(i) Violations of Rules 3.2.1, 3.7.1, and 3.7.2 PMC; and
(ii) Violation of Article 3.2.1(b) of the UCE.

15. The charges brought against Livelten, as set out in the Notice of Charge of 11 August 2025, are as follows:

(i) Violations of the Rules 3.2.1 and 3.7.2 PMC; and
(ii) Violations of Article 3.2.1(b) of the UCE.

16. The charges brought against Lobben, as set out in the Notice of Charge of 11 August 2025, are as follows:

(i) Violations of Rules 3.2.1, 3.7.1, and 3.7.2 PMC; and
(ii) Violation of Article 3.2.1(b) of the UCE.

17. After consideration of the Parties' submissions, the Panel decided not to hold a hearing in the case pursuant to Procedural Rule 51(c) and 52(a), and on 25 September 2025 gave directions for the sequential exchange of pleadings, together with any written statements and documents relied on in accordance with Procedural Rule 52(b). The Panel are grateful to the parties' legal teams for their co-operation with the directions and for their helpful submissions.

18. The FEC ordered that the Respondents' Response to the Notice of Charge, together with any written witness statements and supporting documents, be served by 10 October 2025 (the "**Response**"); that the Reply of FIS together with any written witness statements and further supporting documents, be served by 31 October 2025 (the "**FIS Reply**"); and that the Rejoinder of the Respondents be served by 21 November 2025 (the "**Respondents' Rejoinder**").

IV. DISCUSSION

19. On the basis of (i) the Respondents' admissions of the facts relied on by the FIS to establish the alleged violations as reflected in paragraph 3 of the introduction section of the Response, which acknowledges the factual background set out in paragraph 2.1.1 of the Investigation Report and (ii) the absence of any dispute as to the meaning of the relevant provisions of the PMC and the UCE underpinning the charges, the FIS, while

recognising that the decision was entirely a matter for the FEC-appointed Panel, proceeded to make submissions on sanctions which it sought against each Respondent *(i)* a minimum period of ineligibility of 18 months commencing on the day of the Panel's decision less any period of the provisional suspension already served, and *(ii)* an appropriate contribution to the costs of the proceedings including the investigation by the IECO, in an amount of no less than CHF 5,000.00 (Notices of Charge, 11 August 2025).

20. However, while none of the Respondents themselves had at any time previously denied that they were bound by the PMC or UCE, the Response prepared by their lawyers took a threshold point (paragraph 2), elaborated in the Respondents' Rejoinder (paragraph 3), that the Respondents had not adopted the Regulations (on which the proposed penalty, which the FIS referred to as a sanction, was based), or agreed to be bound by them so that the penalty sought to be imposed was unenforceable against them. The FIS, once apprised of the point, duly engaged with it in the FIS Reply (paragraph 1).

21. Since a ruling in favour of the Respondents on the threshold point would make discussion of the appropriateness of any sanction moot, the Panel will deal with it first.

22. It is common ground between the Parties that the Respondents never expressly agreed to be bound by the PMC or the UCE. It is also common ground that the Respondents are Persons and Participants covered by the relevant Regulations i.e., Rules 2.1 and 2.2 PMC (including Rule 223.2.1 of the FIS International Competition Rules, Edition May 2025 ("**ICR**")[2] and Article 2.1 of the UCE (Respondents' Rejoinder, paragraph 3.4).

23. The FIS, praying in aid consistent decisions of the Swiss Federal Tribunal ("**SFT**") and the Court of Arbitration for Sport ("**CAS**"), albeit without citing any specific decisions, contends that "*support personnel are bound by the rules and regulations of sports organizations through their registration, licensing, or participation in competitions, even in the absence of a formal written acceptance. The Respondents meet these requirements: They have been Participants in a FIS Event and they have been registered for the FIS Nordic Ski World Championships 2025 Trondheim with individual accreditations. Furthermore, the*

[2] The ICR are, insofar as relevant, set out in Appendix 2.

Respondents participated in and have been accredited to countless FIS World Cup events and FIS World Championships in the past" (FIS Reply, paragraph 1). (Footnotes omitted)

24. The Respondents for their part do not dispute that they had been Participants in a FIS Event i.e., the Trondheim Event with individual accreditations, or that they had been registered for that Event. Furthermore, there is no dispute that they participated in and have in the past been accredited to countless FIS World Cup Events and FIS World Championships. But they, by their lawyers, assert that these facts do not themselves amount to implied acceptance of the Regulations said to justify the penalties sought against them, or indeed any penalty, and pray in aid other CAS jurisprudence said to support their contention as well as asserting "[…] *specifically the Respondents cannot be deemed to have accepted the Rules unless a minimum degree of predictability and legal certainty can be established"* (Respondents Rejoinder, paragraph 3.9).

25. The Panel consider, that for the reasons set out below on the threshold point, it is the FIS whose analysis is both correct in principle and supported by the jurisprudence of the CAS - as discussed below - to whom an appeal would lie against a decision under Rule 10 PMC and Article 5.6.1 UCE and which should therefore be followed by the Panel.

26. In *Lokuhettige v ICC* CAS 2021/A/7689/*ICC v Lokuhettige v ICC* CAS 2021/A/7935 ("***Lokuhettige***"), a cricket disciplinary corruption case, the CAS accepted and adopted at paragraph 75 the:

> *"'Sullivan Analysis' that 'Even where there is no traditional offer and acceptance or where a person has not signed a document acknowledging to be bound by the rules, parties may become bound by a contract when they intended and contemplate to become bound by such a contract. This is an objective inquiry that needs to be answered idiosyncratically on the facts of each case*."

In that case a contract was implied from the conduct of the player who had participated in a competition subject to the relevant provisions of the of the ICC Anti-Corruption Code. *Mutatis mutandis*, the same analysis applies here.

27. *Lokuhettige* was not an isolated or idiosyncratic decision. Other CAS jurisprudence is to precisely the same effect, see *Dominguez v Fédération Internationale de l'Automobile (FIA) CAS 2016/A/4772* at paragraph 88:

> "*The Panel agrees with the FIA that the CAS jurisprudence is clear that all those participating in organised sport are deemed to know that, in order to ensure a level playing-field for all, there are strict anti-doping rules that must be complied with, and they are deemed to be bound by those rules whether or not they have ever explicitly signed up to them or even read them*" […].

and *Dorofeyeva v. International Tennis Federation (ITF) CAS 2016/A/4697* at paragraph 2:

> *"[…] The execution of a contract requires two concurrent declarations of intent, i.e. an offer by one party and an acceptance by the other party. Absent any specific provision to the contrary, the declaration of intent may either be expressly or tacitly […]*."

and at paragraph 86:

> "*[…] a tacit declaration of will may be deduced from a conduct of a party. […]*

28. Furthermore, the concept of an implied (as distinct from express) contract would appear to enjoy a significant degree of universality and, for example, is discussed in the judgments of Lord Justice Latham (Latham LJ) and Lord Justice Mance (Mance LJ) (as he then was) in an analogous sporting context in the leading case of *Modahl v British Athletic Federation Ltd* [2001] EWCA Civ 1447 per Latham LJ at paragraphs 49-52 and Mance LJ at paragraphs 100-105 and 107-108. See to like effect *Korda v ITF Ltd (t/a The International Tennis Federation)* [1999] EWCA Civ 1098 where Mr Justice Lightman described the argument that the player was not, in circumstances analogous to those in the instant case, impliedly bound by ITF rules as "*totally unreal"*.

29. As noted, while none of the decisions referred to above were cited to the Panel by the FIS, they confirm the clear conclusion the Panel had already reached. The Panel further observes that any departure from the above line of cases, requiring the express acceptance by Participants and Athlete Support Personnel covered by the sport's governing bodies of disciplinary rules on their face applicable, would pose considerable difficulties to such bodies in seeking to maintain the integrity of their sport.

30. Finally, as the FIS observe (FIS Reply, paragraph 1, penultimate sub-paragraph) the Respondents themselves have never at any material point in time disavowed being bound by the Regulations; indeed, objectively they have accepted them.

31. The single case relied upon by the Respondents in this context does not appear to support their argument. They contend that in the decision of *Al Jazira FSC v. Federation Internationale de Football Association (FIFA)* CAS 2018/A/5900 ("***Al Jazira***"), the panel confirmed that merely participating in a sporting body's activities does not automatically lead to binding disciplinary obligations unless the relevant rules are made accessible, adopted, and reflected in the legal framework governing the relationship (Respondents' Rejoinder, paragraph 3.10).

32. Even if that were the correct analysis of *Al Jazira* (as to which, see paragraph 34 below) there is no question that the relevant Regulations, here the PMC and the UCE, were validly adopted by the FIS nor that they were accessible, nor that they were, accordingly, reflected in the legal framework governing the relationship (Respondent's Rejoinder, paragraph 3.10).

33. In *USA Shooting & Quigley v. Union Internationale de Tir (UIT)* CAS 94/129 (a disciplinary doping case), the panel said in paragraph 2:

> *"Regulations that may affect the careers of dedicated athletes must be predictable. They must emanate from duly authorised bodies. They must be adopted in constitutionally proper ways. They should not be the product of an obscure process of accretion. Athletes and officials should not be confronted with a thicket of mutually qualifying or even contradictory rules that can be understood only on the basis of de facto practice over the course of many years of a small group of insiders."*

None of these defects vitiate the provisions of the PMC and the UCE being the Regulations relied on to support the charges against the Respondents.

34. In any event *Al Jazira*, far from supporting the Respondents' argument, clearly contradicts it. At paragraph 93 the panel said:

> "*As a starting point, the Panel wishes to stress that Article 64 FDC provides FIFA with a clear legal basis to sanction a club that failed to pay another club a sum of money*

following an instruction to do so by the PSC. The Panel finds that Article 64 para. 1 FDC clearly sets out the legal framework applicable in the event of a club's failure to comply with payment obligations set by a body of FIFA. It therefore enables the Club to foresee the potential consequences of failing to comply with a decision passed by the PSC. It is clear that under Article 64 FDC, a club that is obliged to comply with a FIFA decision may be subject to a number of measures, such as fines, point deductions, transfer bans, etc., in the event it disregards a decision ordering it to pay an amount of money to another club: In other words, the FIFA statutes clearly indicate not only the existence of a violation, but also the kinds of sanctions (see for example, CAS 2018/A/5663)."

That is precisely the position in the instant case. The Regulations unambiguously indicate the existence of a violation and the sanctions applicable thereto.

35. Insofar as the Respondents submit that the FIS has not demonstrated that the Respondents were in fact aware of the Regulations, in general or specifically, the sanction regime therein and specifically the possibility of sanctions against them in the case of equipment manipulation, this submission is fatally undermined by their own pleading, viz. "*It is of course not disputed that the Respondents were indeed aware of the rules against equipment manipulation, and that violations such as the Rule Violation would entail certain consequences from* [the] *FIS*" (Respondents' Rejoinder, paragraph 3.12). These consequences, the Panel observes, would include, on a plain reading of the unambiguous Regulations, the periods of ineligibility here sought by the FIS (in cases of violations adjudged to be of particular gravity periods amounting to a lifetime ban can be imposed).

36. The Respondents' point, when properly analysed is indeed directed not against the validity or meaning of the relevant Regulations, but rather upon the way they have (or have not) been hitherto applied in circumstances allegedly similar to those in the instant case as explained in the Respondents' Rejoinder:

"3.13 However, as the factual background shows, the Respondents were not aware that the Rule Violation could lead to sanctions against support staff such as themselves, and much less career-threatening periods of ineligibility, being imposed on them.

*3.14 The history of equipment manipulation within the sport of ski jumping shows **no** examples of either (i) sanctions being imposed on individuals involved in breaches of the PMC rules, or (ii) the support staff of a National Association receiving any kinds of punishments following an instance of equipment manipulations*."

37. In the Panel's view this point is more aptly considered under the rubric of a disproportionate penalty rather than of a lack of adoption and it will therefore now turn to the issue of the appropriateness of the sanction for the admitted violations.[3]

38. The Panel's starting point is that cheating of any kind is inherently antithetical to sport and its values. As Advocate General Tamara Ćapeta stated in her opinion of 16 January 2025 in *Football Club Seraing v Fédération internationale de football association (FIFA) and Others* (Case C-600/23) EU:C:2025:24, at paragraph 1:

> "*For good or bad, few passions are as widely and as profoundly shared around the globe as the passion for sport. Its symbolism is often awesome. It brings out the noblest human qualities (good sportsmanship, the quest for excellence, a sense of community), and **the basest (chicanery** and mob violence*)". [Panel's emphasis].

39. In his book *Good Sport,* the ethicist Dr. Thomas Murray, wrote compellingly:

> *"Doping undermines what gives sport its value and meaning [..]. Performance enhancing drugs distort the connection between natural talents, the dedication to perfect those talents, and success in sport."*

The approach applicable to doping applies equally to equipment manipulation (sometimes colloquially described as equipment doping) since both have the same distorting effect and both undermine the trust of those who follow in any way, as well as those honest athletes who participate in, sport.

40. In addition to this general important background, the instant case in particular has the following features:

[3] The Panel records that a further argument relied on by the Respondents in their Response i.e., that there was no legal basis for ban or fine (sic) was abandoned in the Respondents' Rejoinder, so the Panel will say no more about it.

(i) The violations took place during the FIS Nordic World Ski Championships, second only to the Olympic Winter Games in significance in the hierarchy of international competitions.

(ii) They were the product of collusion between three (3) senior and experienced Athlete Support Personnel.

(iii) They involved not merely an ad hoc shaking, bending or stretching a little to get the suit to hang as desired for the best gliding characteristics, so as to bypass control - a form of violation described by a former world champion Mr Anders Jacobson whose comments were, inter alia, relied on by the Respondents in mitigation. They involved considered and skilled interference with the very composition of the jumping suits.

(iv) Inevitably, once disclosed, they had an adverse impact upon the reputation of the sport of Ski Jumping itself, not only in Norway, but more widely, as well as upon that of the FIS as its governing body.

41. Under Rule 65 of the Procedural Rules (see Appendix 1), the Panel must determine "*the relative seriousness of the violation*". The matters summarised in paragraph 40 above by themselves, in the Panel's view, evidence a high degree of seriousness. The Respondents accept in principle that "*equipment manipulation is a violation of the core principles of sport*" (Respondents' Rejoinder, paragraph 4.15) albeit they add the caveat "*However, given the culture of operating on and beyond the limits of equipment adjustments within the sport of ski jumping, and the fact that this has been accepted by FIS, this argument does not have the same strength as implied by FIS."*

42. The Panel must also, pursuant to the same Procedural Rule 65, take into account in determining the relevant seriousness of the offence, those factors which aggravate, and those which mitigate its nature.

43. In the former category the Panel notes that:

(i) the violations substantially damaged (or had the potential to substantially damage) the commercial value and/or public interest in the relevant International Competition and/or the sport of Skiing or Snowboarding;

(ii) the violations affected (or had the potential to affect) the result of the relevant Competition or Event, and

(iii) the violations involved more than one person or entity.

(Although the Notice of Charge also asserted that the violations involved the endangerment of the welfare of the Ski Jumpers, and such would, if established, be an aggravating factor (Rule 65(e) of the Procedural Rules), the Respondents rejected that assertion and the FIS did not pursue it or offer evidence to support it. The Panel will therefore disregard it).

44. In the latter category, the Panel notes

(i) the timely admissions by the Respondents of the violations (though it can give little weight to this given that they were caught red-handed and could not realistically have done other than make such admissions);

(ii) the Respondents' clean disciplinary record;

(iii) the Respondents' cooperation with FIS, in particular with its investigations into the violations and requests for information, and

(iv) the Respondents' display of remorse (Response, paragraph 4.2).

45. The factors noted in paragraphs 43 and 44, which largely cancel each other out, do not themselves alter the Panel's opinion that the violations were of a high degree of seriousness. The thrust of the Respondents' case on proportionality does not in fact fit neatly into the specific mitigating factors listed in Rule 65 of the Procedural Rules, but as those factors are described as non-exclusive examples (see the key phrase "*without limitation"*), the Panel is not disabled from considering it, which it now does.

46. The Panel is persuaded, on the evidence before it, that there have been occasions in the past where deliberate violations of the ICR of different gravity, and none precisely on all fours with the instant case, have occurred without disciplinary redress. It could hardly ignore the candid confessions publicly made to the media by some of the recent stars of the sport, even if prompted by sympathy for the Respondents, their fellow Norwegians. They

include a former World and Olympic Champion Mr Daniel Andrew Tande, and former Olympic medallists Mr Johan Ramen Evensen and Mr Anders Jacobson. The most decorated Ski Jumper in World Championship history, Finnish Ski Jumper Mr Janne Ahonen has also admitted to cheating with illegal ski suits (the noun, ski suits mis-transcribed in the translation as "*lawsuits*") (Exhibit 4 to the Respondents' Rejoinder).

47. The Panel is also persuaded that the violators of those rules were not limited to Scandinavians. A former FIS official admitted in the Investigation Report (partially redacted) that several countries manipulated Ski Jumping equipment during the 2023/4 season.

48. The question for the Panel is how far this supports the Respondents' plea of inequality of treatment. Though Mr Johan Evensen believes that the FIS deliberately manipulated the situation by, presumably, turning a blind eye to breaches of the equipment rules so as to achieve the results it wanted, the others whose now published views are deployed by the Respondents do not go so far complaining rather of mismanagement than of manipulation by the FIS.

49. The Respondents are equally cautious. While asserting that the FIS have allowed a culture of equipment manipulation/optimisation within the sport of Ski Jumping (Respondents' Rejoinder, paragraph 2.3), they expressly eschew any accusation that the FIS consciously allowed their own rules to be broken (Respondents' Rejoinder, paragraph 2.11).

50. The FIS for its part disavows any such shortcomings or responsibility for the Respondents' plight. In March 2025 Mr Michel Vion, the FIS Secretary General was quoted on the FIS website as saying that "[b]*y its nature, Ski Jumping is a discipline grounded in precision, in which equipment plays an important role. This is why, year after year, we have a strong focus on reviewing equipment regulations and controls: to ensure that competitors are on a level playing field. The only thing that matters to FIS is to leave this process 100% convinced that the sport is free from any form of manipulation. We will leave no stone unturned to ensure that respect and fairness prevail – in this specific case and across our entire ecosystem. This means keeping reviewing the entire process and, if the conclusion is that there should be drastic changes to the equipment regulations, this is what we will do*."

51. Furthermore, in response to TV 2's later citation of sundry statements from a number of ski jumpers that equipment violations have in the past gone unpunished, the FIS stated: "*[w]hat the FIS knows is that we have robust mechanisms to prevent cheating and manipulation in ski jumping. One of the cornerstones of these mechanisms is the willingness to continually review and improve processes. That has been the case year after year, including now ahead of the 2025-2026 season*''. (Whatever may or may not have happened in the past, the Panel have no doubt that a commitment to recurrent review is a desirable strategy for the future.)

52. The Panel is an adjudicative, not an inquisitorial, body but, standing back from the corpus of evidence alluded to above, it is prepared to assume that an unquantified and unquantifiable number of Ski-Jumpers have in the past escaped punishment for equipment violations of differing degrees of gravity, either because those violations avoided the eyes of controllers, or because the controllers, though aware of the violations, were content for whatever reason to overlook them or to sanction them only by reprimand or warning. However, it does not accept the Respondents bold assertion in a late submission of 18 December 2025, admittedly filed after the close of pleadings directed by the Panel, (the "**Outside of Directions submission**") that because the documentation exhibited to the Respondents' Rejoinder has not been commented upon or refuted by the FIS it must be considered to be *"proven facts"* in so far as this is meant to include as proven an acceptance by the FIS that, as a matter of policy or practice, it either endorsed or tolerated equipment manipulation. Putting any available pleading point to one side, that assertion would be in clear contradiction to the FIS statements quoted above in paragraph 50 which came from the Respondents' own exhibits. Moreover, were the FIS not truly intent on adhering to the potential penalties for equipment violation prescribed in the latest iteration of the ICR preceding the Trondheim event dated June 2024, that document would have been nothing other than a charade - which the Panel is not prepared to accept.

53. The Outside of Directions submission, which the Panel has considered de bene esse, also asserted that "*It has recently come to the Respondents attention that it was recently discovered by FIS that the Austrian team illegally manipulated their shoes without the athletes nor the staff being sanctioned''.* This assertion lacks any indication when and how this alleged fact came to the Respondents' attention or the event to which the alleged manipulation related or indeed the precise point being made with reference to it.

54. The concept of equal treatment, the treating of like cases alike and unlike cases differently can be applied to the imposition of disciplinary (as well as penal) sanctions but only where the facts of the case under consideration and the comparator case are identical or all but so. This criterion is manifestly not satisfied here when juxtaposing the instant case and that of the Austrian team. The Panel will assume that the Austrian case is rather referred to as part of the Respondents claim that in imposing penalties, albeit provided for in the ICR, the FIS is acting unfairly when in the past equipment violations have not been so sanctioned.

55. In that context the Outside of Directions submission contains an application to the Panel to exercise powers - presumably under Procedural Rule 52(c) - to order the FIS to provide "*an overview of sanctions given as a consequence of illegal equipment manipulation and a description of the respective case handling by FIS".* This, in the vernacular of common law courts, would be described as a fishing expedition and, in the Panel's view whatever such an order brought to light could not support the Respondents' claim to inequality of treatment, for the reason that even if there have been occasions on which violations of the Regulations have gone unpunished, that does not mean that future violations should go unpenalized. Only if it was generally known that there were persistent and obvious violations which always went unpunished might there be a case for saying that it was unfair for the FIS to perform a volte-face without warning and seek to penalise such a violation but that is far from the situation as found by the Panel, especially having regard to the point made by the FIS as set out in paragraph 58 below.

56. The FIS response dated 22 December 2025 to the Out of Directions submission succinctly denies both its admissibility and its relevance. Even were it admissible it does not, as the Panel has explained, improve the Respondents' defence to which the Panel will now revert.

57. The argument that the Respondents were not aware that a violation could lead to sanctions against Athlete Support Personnel such as themselves and much less career-threatening periods of ineligibility being imposed upon them (Respondents' Rejoinder, paragraph 3.13) simply because that had never happened before, involves ignoring the clear meaning of the relevant Regulations as to potential sanctions, and comes perilously close to saying, in the Panel's view unattractively, that the Respondents were prepared to take the risk to

achieve the best result for the Norwegian team because, even if detected, the sanction would be minimal.

58. The Panel sees some force in the FIS's observations that "*there is no right to equal treatment in injustice*" (FIS Reply, pages 4 and 5) and that the examples of other Norwegian Ski Jumpers involved in illegal equipment manipulation cited by the Respondents:

> "[…] *rather show that the Respondents have been aware of manipulations and were willing to cross the limits set by the technical rules already before. It is particularly noteworthy that the Norwegian team was warned for violations of the equipment rules already three years ago. It should come as no surprise that tougher measures are now being proposed after prior warnings had been ignored*." [Footnote omitted]

59. In his interview Brevig raised further arguments in mitigation, namely the commercial pressure on the Norwegian team to perform well, and his suspicion - it could be no more than that - that other teams had been experimenting with ways to gain better performance from ski suits and underwear. The Panel accepts FIS's counter that such arguments "*may explain the motive but do not justify the rule violation*" (Notice of Charge paragraph 3.8).

60. The Panel also rejects the Respondents' contention that the FIS brought these charges and sought sanctions against them merely because a video of the manipulation went viral (Respondent's Rejoinder, paragraph 3.16). To the extent that this argument suggests that the adverse consequences for the Respondents resulted from the publicity surrounding the video rather than from the video's evidentiary value in proving the violations, the Panel does not accept it. There is no basis for such a hypothesis. In the Panel's view, it is the fact of the violations, the admission of which was compelled by the video evidence, that justifies the imposition of sanctions. In any event, even if this contention had been right, the Panel is unconvinced that it would by itself justify mitigating the sanction which would otherwise be imposed.

61. Were the Panel to accede to the Respondents' plea - in effect for no sanction at all (Respondents' Rejoinder, paragraph 2.18) - it would not in any way reflect the seriousness of the matter, and, in the Panel's view, would be acting against rather than in the interests of the sport of Ski Jumping. It should not and will not measure the penalty to be imposed

on the Respondents simply because of equipment violations by others in the past. However, it should not and cannot ignore the importance of the need to deter in the future by any Athlete Support Personnel, the kind of violations admitted by the Respondents, a consideration that is specifically recognized in Article 5.4.1(b)(v) UCE, namely "*the need to deter future breaches*".

62. The Panel has considered but rejected the option of imposing a low or even minimal sanction on the Respondents now but coupled with a warning that any similar violations in the future would be met by a more onerous sanction. It has rejected such an option not only because it would hope, if optimistically, that there will be no such future violations but also because in its view now is indeed the appropriate time to put down a clear marker as to what is not acceptable in the international winter sport of Ski-Jumping.

63. It is uncontroversial that the Panel has power to impose the sanction, as long as it is within the Regulations, which it deems appropriate, irrespective of the views of the FIS - Rule 64 of the Procedural Rules. Whether and when it should exercise such power raises a different issue. In *Valcke v Fédération Internationale de Football Association (FIFA)* CAS 2017/A/5003, the Panel said, at paragraph 274:

> *"There is well recognized CAS jurisprudence to the effect that whenever an association uses its discretion to impose a sanction, CAS will have regard to that association's expertise but, if having done so, the CAS panel considers nonetheless that the sanction is disproportionate, it must, given its de novo powers of review, be free to say so and apply the appropriate sanction […]".*

64. Since in the present case, there is a similar balance of power between FIS and the Panel, it would be open to the Panel to increase or decrease the period of ineligibility proposed by the FIS; not least because this case in its particular features which it has already emphasised lacks precedent. As alluded to in the FIS Reply, the World Anti-Doping Code 2021 (the "**Code**") stipulates a prima facie period of Ineligibility of four (4) years for an intentional Use of a Prohibited Substance for the purposes of enhancing performance. This was approved as proportionate by Judge Costa, a former President of the European Court of Human Rights, instructed to consider the compatibility of the Code with principles of human rights in advance of its formal adoption.

65. Equipment doping has clear analogies in terms of its vice with doping by drugs; (the Panel does not accept as a factor differentiating the two scenarios the fact that there is no evidence that the equipment manipulation had performance-enhancing effects (Respondents' Rejoinder, paragraph 4.19) when it is simultaneously admitted that the Respondents intended to achieve that very result). While relying on such reasoning, the Panel might otherwise have proposed a longer period of ineligibility, it declines in the present case to do so having regard to FIS's expertise, but it emphasises that in any future cases of violations of a similar kind to those in play in the present case a Panel might well impose a more stringent sanction.

V. ORDER

66. In summary and having independently considered all relevant factors in accordance with Rule 8 of the PMC and Article 5.4.1 of the UCE, the Panel agrees with, and endorses, the appropriateness of the sanctions sought by the FIS. Accordingly, the Panel imposes on each Respondent:

    (i) A minimum period of ineligibility of 18 months, commencing on the date of this decision, less the period of provisional suspension already served since 12 March 2025; and

    (ii) An appropriate contribution to the costs of the proceedings, including the investigation conducted by the IECO, in the amount of CHF 5,000

67. In accordance with Article 5.4.2 of the UCE this decision shall be published on the FIS website.

VI. RIGHT OF APPEAL

68. In accordance with Rule 10.1 of the PMC and Article 5.6.1 of the UCE, this decision may be appealed exclusively to the CAS, located at Palais de Beaulieu, Av. des Bergières 10, CH-1004 Lausanne, Switzerland (procedures@tas-cas.org).

69. In accordance with Rule 10.2 of the PMC and Article 5.6.2 of the UCE, the time for filing an appeal with the CAS is twenty-one (21) days from the date of receipt of this decision.

Michael Beloff KC (Chair)

The Rt. Hon. Lord Neuberger of Abbotsbury

Ian Hunt

FIS Ethics Committee
London, UK
08 January 2026

Appendix 1

FIS Procedural Rules
FIS Independent Ethics and Compliance Officer
Fis Ethics Committee

Edition 2023 – 25th May 2023

3.8.10 Consequences, Sanctions and Costs

64. In any case in which the Panel finds a violation of the Code of Ethics or the Rules on the Prevention of the Manipulation of Competitions, it may issue such sanction(s) it deems appropriate and proportionate including, without limitation, any or more of those set out in Article 16.9 of the Statutes, Article 5.4 of the Code of Ethics and Article 8 of the Rules on the Prevention of the Manipulation of Competitions.

65. In order to determine the appropriate sanction(s) to be imposed in each case, the Panel must first determine the relative seriousness of the violation, including identifying all relevant factors that it deems to:

    aggravate the nature of the violation, including (without limitation):

    a) a lack of remorse on the part of the Accused Person;

    b) whether the Accused Person has previously been found guilty of any similar violation under the Code of Ethics or the Rules on the Prevention of the Manipulation of Competitions or any predecessor FIS code;

    c) where the violation substantially damaged (or had the potential to substantially

damage) the commercial value and/or public interest in the relevant International Competition and/or the sport of Skiing or Snowboarding;

d) where the violation affected (or had the potential to affect) the result of the relevant competition or event;

e) where the welfare of a person has been endangered as a result of the violation;

f) where the violation involved more than one person or entity; an

g) where the Accused Person failed to cooperate with any investigation or requests for information from IECO or the Mandated Investigator.

Mitigate the nature of the violation, including (without limitation):

a) a timely admission of a violation by the Accused Person;

b) the Accused Person's clean disciplinary record;

c) the youth and/or inexperience of the Accused Person;

d) where the violation did not substantially damage (or have the potential to substantially damage) the commercial value and/or public interest in the relevant international competition and/or the sport of Skiing or Snowboarding;

e) where the violation did not affect (or have the potential to affect) the course or result of the relevant competition or event;

f) where the Accused Person has cooperated with FIS and any investigation or requests for information;

g) where the person or entity has provided substantial assistance to FIS, a criminal authority or a professional disciplinary body that results in FIS discovering or bringing forward a violation of the Code of Ethics or the Rules on the Prevention of the Manipulation of Competitions by another person or entity, or that results in a criminal authority or a professional disciplinary body discovering or bringing forward a criminal offence or the breach of professional rules by another person or entity;

h) where the Accused Person has displayed remorse; and

i) where the Accused Person has already suffered penalties under other laws and/or regulations for the same offence.

66. Any period of ineligibility will commence on the date the decision of the FEC is published and will end on the date stated in the decision. The Panel may at its sole discretion reduce the period of ineligibility imposed by any period of provisional suspension already served prior to the decision being reached. Any Accused Person subject to a period of ineligibility will remain subject to the Code of Ethics and the Rules on the Prevention of the Manipulation of Competitions and all other rules and regulations of FIS during that period. If such Accused Person commits a violation of any rule or regulation of FIS during a period of ineligibility, that will be treated as a separate violation under the respective rules and regulations of FIS.

67. The FEC will have discretion to order any party subject to the FEC Proceedings to pay some or all of the costs of the proceedings, including

a) the costs of holding the hearing(s);

b) the legal/travel/accommodation costs and/or fees or charges of the members of the Panel; and/or

c) the legal/travel/accommodation costs of any party subject to, or witness involved in, the Proceedings.

68. The FEC will also have discretion to order some or all of the costs of the proceedings to be paid by some other person(s) or entity/ies involved in the proceedings that is considered to have acted frivolously and/or in bad faith in the matter, provided that such other person(s) or entity/ies will first be given an opportunity to make submissions (which may be limited to written submissions) as to why such an order should not be made.

Appendix 2

FIS RULES ON THE PREVENTION OF THE MANIPULATION OF COMPETITIONS

EDITION July 2016

1. Introduction

1.1. The integrity of sport depends on the outcome of sporting events and competitions being based entirely on the competing merits of the participants involved. Any form of corruption that might undermine public confidence in the integrity of a sporting contest is fundamentally contrary to the spirit of sport and must be eradicated at all costs.

1.2. The International Ski Federation (“FIS”) has adopted these rules ("Rules") as a means of safeguarding the integrity of the sport of skiing and snowboarding, by

1.2.1. Prohibiting any conduct that may impact improperly on the outcome of its events and competitions and

1.2.2. Establishing a mechanism of enforcement and sanction for those who, through their corrupt conduct, place the integrity of the sport at risk.

[…]

2. Application and Scope

2.1 These Rules shall apply to all Participants according to the provisions of ICR 223.2.1 and each Participant shall be automatically bound by, and be required to comply with, these Rules by virtue of such participation.

2.2 It shall be the personal responsibility of every Participant to make him/herself aware of these Rules including, without limitation, what conduct constitutes a Violation of the Rules and to comply with those requirements. Participants should also be aware that conduct prohibited under these Rules may also constitute a criminal offence and/or a

breach of other applicable laws and regulations. Participants must comply with all applicable laws and regulations at all times.

2.3 Each Participant submits to the exclusive jurisdiction of any Hearing Panel convened under Rule n° 7.3 to hear and determine charges brought by the FIS and to the exclusive jurisdiction of CAS to determine any appeal from a Hearing Panel decision.

2.4 Each Participant shall be bound by these Rules until a date 6 months following his last participation or assistance in a Competition. Each Participant shall continue to be bound by these Rules in respect of his participation or assistance in Competitions taking place prior to that date.

2.5 National Associations are obliged to put in place similar rules and regulations to safeguard the integrity of competitions held under their respective jurisdictions.

2.6 Notice under these Rules to a Participant who is under the jurisdiction of a National Association may be accomplished by delivery of the notice to the National Association concerned. The National Association shall be responsible for making immediate contact with the Participant to whom the notice is applicable.

3. Rule Violations

[…]

3.2 Manipulation of results

3.2.1 Fixing or contriving in any way or otherwise improperly influencing, or being a party to fix or contrive in any way or otherwise improperly influence, the result, progress, outcome, conduct or any other aspect of an Event or Competition.

[…]

3.7 Other violations

3.7.1 Inducing, instructing, facilitating or encouraging a Participant to commit a Violation set out in these Rules.

3.7.2 Knowingly assisting, covering up or otherwise being complicit in any acts or omissions of the type described in these Rules committed by a Participant.

3.8 Application of Articles 3.1 – 3.7

3.8.1 The following are not relevant to the determination of a Violation of these Rules:

3.8.1.1 Whether or not the Participant is or was participating in the Event or Competition concerned;

[…]

3.8.1.7 Whether or not the acts or omissions in question included a violation of a technical rule of the FIS.

[…]

Appendix 1 Definitions

[…]

"Athlete Support Personnel" means any coach, trainer, manager, athlete representative, agent, team staff member, official, medical or para-medical personnel, family member or any other person employed by or working with an Athlete or the Athlete's National Federation participating in a Competition.

"Participant" (ICR. 223.2.1) means all persons who are registered with or accredited by the FIS or the Organiser of an event published in the FIS calendar (an event) both within and outside the confines of the competition area and any location connected with the competition, and all persons who are not accredited within the confines of the competition area. Participant includes Athlete Support Personnel and Officials.

"Person" shall include natural persons, bodies corporate and unincorporated associations and partnerships (whether or not any of them have separate legal personality);

[…]

FIS UNIVERSAL CODE OF ETHICS

EDITION November 2016

1. Fundamental Principles

The FIS Universal Code of Ethics (hereinafter "the Code") sets out the principles of operation of the International Ski Federation (FIS) and defines the rules of conduct of the officials, competitors and partners of the FIS.

The fundamental principles which shall govern all FIS activities, decisions, processes and regulations are:

1. Transparency, Integrity, Democracy and political neutrality in all decision making and management procedures of the FIS;
2. Respect for the spirit of sport which requires mutual understanding with a spirit of friendship, solidarity and fair play;
3. Protection of competitions against all kinds of cheating and manipulation, including doping;
4. Respect for human dignity, non-discrimination of any kind on whatever grounds, and rejection of all forms of harassment;
5. Compliance with the applicable laws, as well as with the rules and regulations of the FIS, the IOC and the WADA

2. Application and Scope

2.1 Universal application

This Code applies to the following persons involved or dealing with FIS:

[…]

- Participants in any event under the authority of FIS;
- Persons serving as a member National Ski Association representative, official, team

support;

[…]

3. Relevant Conduct

The persons subject to this Code undertake to comply and ensure compliance with the principles and rules as set out below.

[…]

3.1 Integrity of Competitions

The persons subject to this Code must respect the provisions of the FIS Anti Doping Rules and the applicable rules under the World-Anti Doping Code and the FIS Rules on the Prevention of Manipulation of Competitions.

3.2 Good Governance and Resources

3.2.1 The persons subject to this Code shall:

[…]

(b) act in an ethical, dignified manner with complete integrity, credibility and transparency, at all times and not only in relation to activities related to FIS.

[…]

5.4 Sanctions

5.4.1 In the case of any decision that there has been an infringement of this Code, a penalty may be imposed. It may take into account all relevant factors in the case, including the offender's assistance and cooperation, the motive, the circumstances and the degree of the offender's guilt, as well as whether the breach has been repeated, or more than one breach has been committed. If the FIS Ethics Commission decides that a violation has occurred, the sanction/s imposed may include the following:

(a) a reprimand;

(b) a period of ineligibility on the violating party of a minimum of three (3) months and a maximum of life. It shall fix the period of ineligibility within that range based on its assessment of what is proportionate in all of the facts and circumstances of the case, taking into account in particular

i. the nature of the breach(es),

ii. the degree of culpability of the Party,

iii. the function of the party in the FIS,

iv. the harm that the breach(es) has/have done to the sport and/or FIS,

v. the need to deter future breaches, and

vi. any specific aggravating or mitigating factors.

(c) financial sanctions on the violating party reflecting any benefit received by the violating party, directly or indirectly, as a result of the offence.

5.4.2 The penalty shall be published on the FIS website and by any other medium deemed appropriate by the FIS Ethics Commission.

[…]

THE INTERNATIONAL

SKI AND SNOWBOARD COMPETITION RULES (ICR)

BOOK IV

JOINT REGULATIONS FOR ALPINE SKIING

[…]

Edition May 2025

223 Sanctions

223.1 General Conditions

223.1.1 *An offence for which a sanction may apply and a penalty be imposed is defined as conduct that*:

- is in violation or non-observance of competition rules, or
- constitutes non-compliance with directives of the jury or individual members of the jury in accordance with art. 224.2 or
- constitutes unsportsmanlike behaviour

223.1.2 *The following conduct shall also be considered an offence*:

- attempting to commit an offence
- causing or facilitating others to commit an offence
- counselling others to commit an offence

223.1.3 *In determining whether conduct constitutes an offence consideration should be given to*:

- whether the conduct was intentional or unintentional,
- whether the conduct arose from circumstances of an emergency

223.1.4 All FIS affiliated associations, including their members registered for accreditation, shall accept and acknowledge these rules and sanctions imposed, subject only to the right to appeal pursuant to the FIS Statutes and ICR

223.2 Applicability

223.2.1 *Persons*

These sanctions apply to:

- all persons who are registered with or accredited by the FIS or the organiser of an event published in the FIS calendar (an event) both within and without the confines of the competition area and any location connected with the competition, and

- all persons who are not accredited, within the confines of the competition area

223.3 Penalties

223.3.1 *The commission of an offence may subject a person to the following penalties*:

- Reprimand - written or verbal
- Withdrawal of accreditation
- Denial of accreditation
- Monetary fine not more than CHF 100’000.--
- A time penalty

223.3.1.1 FIS-affiliated associations are liable to the FIS for the payment of any fines and incurred administrative expenses imposed on persons whose registration or accreditation they arranged.

223.3.1.2 Persons not subject to art. 223.3.1.1 are also liable to the FIS for fines and incurred administrative expenses. If such persons do not pay these fines, they shall be subject to a withdrawal of any permission to apply for accreditation to FIS events for a period of one year.

223.3.1.3 Payment of fines is due within 8 (eight) days following their imposition.

223.3.2 *All competing competitors may be subject to the following additional penalties*:

- Disqualification

- Impairment of their starting position
- Forfeiture of prizes and benefits in favour of the organiser
- Suspension from FIS events

[…]