



**COURT OF ARBITRATION FOR SPORT (CAS)
Anti-Doping Division – XXIII Olympic Winter Games in PyeongChang**

CAS ADD 18/01 International Skating Union (ISU) v. Kei Saito

TERMINATION ORDER

International Skating Union (ISU)

Represented by Dr. Béatrice Pfister, Legal Counsel of the ISU

(the “Applicant”)

and

Kei Saito

Represented by Mr. Shigeyuki Mito, Mr. Yuji Nakano, Mr. Hitoshi Fujimaki, Ms. Mizuna E. Sekine, and Mr. Daichi Sasakawa, Attorneys-at-Law with TMI Associates in Tokyo, Japan

(the “Athlete”)

1. **Whereas**, on 4 February 2018, Mr Kei Saito ("Athlete") underwent an out-of-competition doping control (urine sample no. 4161745). The results of the analysis of the Athlete's A Sample revealed the presence of Acetazolamide, a specified substance prohibited under S5 of the 2018 WADA Prohibited List (Diuretics and Masking Agents);
2. **Whereas**, on 9 February 2018, the Sole Arbitrator provisionally suspended the Athlete from the remaining period of the Olympic Winter Games PyeongChang 2018 ("Games");
3. **Whereas**, on 9 February 2018, the Sole Arbitrator granted the request of the International Skating Union ("ISU") to participate in this procedure as a Co-Applicant alongside the International Olympic Committee ("IOC");
4. **Whereas**, on 12 February 2018, the Sole Arbitrator provisionally suspended the Athlete from all competition beyond the period of the Games pending final resolution of this procedure;
5. **Whereas**, on 9 March 2018, the Sole Arbitrator bifurcated this procedure so that a decision on the Athlete's alleged anti-doping rule violation ("ADRV") would be determined as a threshold matter, following which a decision on the applicable sanction would be made, if necessary;
6. **Whereas**, on 20 September 2018, the Sole Arbitrator, following the parties' written submissions and oral presentation of their case at a hearing, rendered a Partial Award on Anti-Doping Rule Violation finding that the Athlete committed an ARDV in accordance with Article 2.1 of the IOC's Anti-Doping Rules ("IOC ADR") and dismissing the IOC from this procedure;
7. **Whereas**, also on 20 September 2018, the Sole Arbitrator in accordance with Article 20 of the Arbitration Rules applicable to the CAS Anti-doping Division for the 2018 Olympic Winter Games ("CAS ADD Rules"), established a procedural calendar with regard to deciding the consequences of the Athlete's ADRV which could be imposed on the Athlete;
8. **Whereas**, on 27 September 2018, the ISU filed its preliminary prayers for relief requesting that the Athlete be sanctioned with *inter alia* a two (2) year period of ineligibility;
9. **Whereas**, on 11 October 2018, the Athlete appealed the Partial Award on Anti-Doping Rule Violation to the CAS Appeals Arbitration Division in accordance with Article 21 of the CAS ADD rules;
10. **Whereas**, on 24 October 2018, the Sole Arbitrator suspended this procedure pending a decision on the Athlete's appeal;
11. **Whereas**, on 14 November 2018, the parties were informed that the President of the Appeals Arbitration Division deemed the Athlete's appeal inadmissible and a Termination Order followed;
12. **Whereas**, on 15 November 2018, the Sole Arbitrator, in accordance with Article 20 of the the CAS ADD Rules, lifted the suspension in this procedure and reestablished a procedural calendar with regard to deciding the consequences of the Athlete's ADRV which could be imposed on the Athlete;

13. **Whereas**, on 10 December 2018, the Athlete filed his answer to the ISU's preliminary statement seeking a determination of No Fault or Negligence and no period of ineligibility on the basis that the ADRV was a result of the Athlete's ingestion of a contaminated product;
14. **Whereas**, on 15 January 2019, the ISU informed the CAS ADD that the parties concluded a settlement and as a result, the ISU withdrew its claims in this procedure;
15. **Considering** that, in view of the above, the procedure CAS ADD 18/01 International Skating Union v. Kei Saito shall be terminated;
16. **Considering** that, in view of Article 22 of the CAS ADD Rules, the present Award is rendered without costs and no contribution is granted to any of the parties.

DECISION

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

Lausanne, 29 January 2019

THE ANTI-DOPING DIVISION OF THE COURT OF ARBITRATION FOR SPORT



Markus Manninen
Sole Arbitrator