



World Triathlon Tribunal
Avenue de Rhodanie 54
1007 Lausanne, Switzerland

ITU-BTF/BTA-2020: Decision of Potential Suspension of the Bulgarian Triathlon Federation

DECISION

Delivered by the

WORLD TRIATHLON TRIBUNAL

sitting in the following composition:

Genevieve Pellerin, President of the Panel
Timo Pennanen, Member of the Panel
Kevin Sullivan, Member of the Panel

1. BACKGROUND FACTS BEFORE THE WORLD TRIATHLON TRIBUNAL

- In April 2020, World Triathlon received a letter from the Bulgaria Triathlon Association (hereinafter referred to as “**BTA**”) advising that it was the new licensed national entity to represent the sport of triathlon in Bulgaria.
- BTA asked to replace the Bulgarian Triathlon Federation (hereinafter referred to as “**BTF**”) as a member of World Triathlon. The BTF argued to World Triathlon that it should remain the recognised entity for the sport of triathlon in Bulgaria and that its membership remains in good standing within World Triathlon.
- On July 1st, 2020, with the intent to protect the athletes during this domestic conflict within the triathlon Bulgarian community, the World Triathlon Executive Board asked the Tribunal to provisionally suspend BTF as a member of World Triathlon, as established in Article 13.1.4 of the World Triathlon Constitution (hereinafter referred to as “**the Constitution**”).
- The Tribunal constituted a Panel which reviewed and analysed all facts and exchanges introduced by the BTF and BTA.

2. JURISDICTION

- As set out in Article 13.1 of the World Triathlon Constitution, the World Triathlon Tribunal (hereinafter referred to as “**the Tribunal**”) can provisionally suspend a Member. In that regard, the Tribunal had been asked by the World Triathlon Executive Board to decide whether or not to suspend the **BTF**.



3. LEGAL ANALYSIS

- The Panel analysed whether or not the BTF and BTA meet the eligibility criteria as set out in Article 7 and the obligations of Article 10.1 of the Constitution, which in relevant part states:

Article 7:

7.1 Be a national governing body for the sport of Triathlon, Paratriathlon and its Related Multisports in any territory with a recognised National Olympic Committee.

7.2 There shall only be one (1) Member National Federation from any one country under Art 7.1.

7.3 An application by a national governing body seeking Membership shall be made in accordance with the admission procedures set out in Art 7.

7.4 To be considered for Membership, an applicant seeking admission as a Member shall demonstrate to the Executive Board's satisfaction that:

- a. it is recognised as the national governing body for the sport of Triathlon, Paratriathlon and its Related Multisports in its territory under Art 7.1;*
- b. it is a separate legal registered body and/or can satisfy World Triathlon that it has the legal and administrative ability to administer the sport to an acceptable standard in good governance;*
- c. it is financially solvent;*
- d. it recognises the Court of Arbitration for Sport, as specified in this Constitution;*
- e. its application for Membership is supported by the Continental Confederation in which the applicant is situated; and,*
- f. such other requirements as set out in this Constitution.*

Article 10.1:

10.1 In accordance with this Constitution, the Rules and the Regulations, each Member shall:

- a. govern, promote and develop Triathlon, Paratriathlon and their Related Multisports, in the Member's Country in accordance with the Mission under Art 10 and Objects under Art 2 of the Constitution;*
- b. comply with this Constitution and all Rules, Regulations, Codes and in particular shall:
 - (1) supply information to World Triathlon as specified in the Constitution, Rules, Regulations and Codes or as otherwise requested in writing;*
 - (2) continue to meet all the requirements for admission to Membership set out in Art 7;*
 - (3) adopt a constitution, rules and regulations which comply with, and are consistent with, this Constitution and the Rules, Regulations and Codes;*
 - (4) submit a report and financial statements annually to World Triathlon and its respective Continental Confederation in accordance with this Constitution;**



(5) be a member of its Continental Confederation and co-operate with it, in accordance with the Continental Confederation's constitution, rules and regulations; and

(6) pay any Membership Fee, by the due date.

- Based on the evidence presented, the Panel finds that the BTF still meets the eligibility criteria and still complies with its obligations under these two provisions.
- A World Triathlon member may lose its good standing if it is in breach of Article 13.1 of the World Triathlon Constitution:

Article 13:

13.1 Provisional Suspension by the World Triathlon Tribunal:

a. The World Triathlon Tribunal may provisionally suspend a Member for a period specified in article b if, in the opinion of the World Triathlon Tribunal, the Member:

(1) is in breach of any one or more of its obligations under Art10 (Obligations of Members) including its failure to pay the Membership Fee or any other fees or payments due and owing as provided by Art 11;

(2) is otherwise in breach of any other article in this Constitution or any Rule, Regulation, Code or a decision of Congress;

(3) acts in a manner which is contrary to any of the Purposes of World Triathlon, or the government of the territory that the Member represents;

(4) ceases to meet one or more of the admission requirements set out in Art 7;

- The evidence presented to the Panel does not demonstrate any breaches of Article 13.1 by BTF. Furthermore, the Panel received no proof that the BTF membership was revoked from the Bulgarian Olympic Committee at its last Assembly. At the time of this decision, the minutes of this Assembly had not been published or provided to the Panel to confirm or disprove this statement. The Panel determines therefore that the BTF remains in good standing with the Bulgarian Olympic Committee pursuant to Article 7.1.
- According to the World Triathlon Constitution and the facts received by World Triathlon Tribunal, the Panel decides the following:

2. DECISION

- For the above reasons and considering there are no applicable grounds for suspension pursuant to the Constitution, the Panel must decline to suspend the BTF.
- The conflict between the BTF and the BTA must first be resolved at the national and continental levels.



- The World Triathlon Executive Board may resubmit a request for suspension to the Tribunal if it receives new evidence addressing any of the elements of Articles 7, 10.1 and 13.1 of the Constitution.
- This decision may be appealed to the Court of Arbitration for sport as per Article 51.3 of the Constitution.

Signed by & Date

Geneviève Pellerin
August 23, 2020

Timo Pennanen
August

Kevin Sullivan
August

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Signed by & Date

A handwritten signature in black ink, appearing to read "G. Pellerin".

Geneviève Pellerin
August 23, 2020

Timo Pennanen
August

A handwritten signature in black ink, appearing to read "Kevin A. Sullivan".

Kevin Sullivan
August 24, 2020



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