



# 1. Außerordentlicher FIL-Kongress

Großgmain / AUT  
08. April 2022

# 1<sup>st</sup> Extraordinary Congress of the FIL

Großgmain / AUT  
April 8, 2022

**Protokoll / Minutes**

Erstellt und übersetzt durch das FIL-Büro in Berchtesgaden, Deutschland.  
*Prepared and translated by the FIL Office in Berchtesgaden, Germany.*

**Friday, April 8. 2022****2:00 pm****1. Opening and greeting**

**FIL President Einars Fogelis warmly welcomes** the participants of the Congress and **officially opens the 1st Extraordinary FIL Congress 2022**. He informs that the **FIL Executive Board** and the Chairman of the FIL Legal Committee, **Dr. Christian Krähe**, will personally attend this Congress on site in Großgmain (near Salzburg). Unfortunately, VP P. Knauseder, Executive Board member N. Gart and Athletes' Representative Ch. Mazdzer cannot be present in person.

**President E. Fogelis** emphasizes that this is the first Extraordinary Congress in the history of the FIL. It had to be called because according to the FIL Statutes 10% of the Member Federations can demand an Extraordinary Congress. In this case, the following member federations requested a congress: AUS, CAN, GBR, IRL, NZL, USA.

The reason why this Congress was requested is a very sad one. It was initiated because of the war of aggression of Russia against our member nation Ukraine.

**President E. Fogelis** asks for discipline during the congress and to switch off the microphones in the Zoom Meeting as long as no request to speak is given. The translations German-English and English-German are available in the Zoom Meeting.

He addresses special greetings to **FIL Honorary President Josef Fendt**, to the **representatives of the National Federations from 37 registered countries** and to all other Congress participants.

All registered voters have already received the access data for the electronic voting / election system.

**President E. Fogelis** declares that the invitations and the agenda have been sent to the NFs in due time and, as there are no requests to speak on this matter, establishes the proper convening of the 1st Extraordinary FIL Congress.

**“I hereby establish the proper convening of the extraordinary FIL Congress.”**

**President E. Fogelis** points out that a maximum of 2 hours is planned for the online congress, after which the studio hall is occupied again. According to the statutes, only the 2 submitted motions with the exact wording as stated in the congress invitation may be dealt with. The 2 votes will be conducted online anonymously and secretly by means of the electronic voting system LUMI. The delegates have already received the corresponding instructions in advance.

The company **LUMI** presents the team to the congress and explains the voting system again, as well as all technical procedures during the congress. A test vote is conducted.

## **2. Determining attendance and voting rights**

The **Secretary General D. Bell** welcomes the Congress participants and checks the attendance.

The following 37 member federations are registered for the Congress:  
 ARG, AUS, AUT, BEL, BIH, CAN, CHN, CRO, CZE, EST, FIN, FRA, GBR, GEO,  
 GER, IND, IRL, ITA, JPN, KOR, LAT, LIE, MDA, NED, NOR, NZL, POL, POR, PUR,  
 ROU, RUS, SLO, SUI, SVK, SWE, UKR, USA

At the time of the opening of the Congress, **32 member federations** are registered, this is confirmed by the company LUMI.

**The following are participating in the 1<sup>st</sup> Extraordinary FIL Congress:**

<b>32</b>	<b>National Federation <u>with seat and right to vote</u></b>
<b>0</b>	<b><u>provisional members</u></b>
<b>Current simple majority =</b>	<b>17</b>
<b>Current 2/3 majority =</b>	<b>22</b>

In order to be consistent with the FIL Statutes, **General Secretary D. Bell** explains the following again to the Congress for clarification:

Abstentions and votes not cast will not be counted. Only the votes cast in favor or against will be used to determine the simple majority and the 2/3 majority.

**President E. Fogelis** addresses some introductory words to the Congress regarding the situation in Ukraine.

He informs the Congress that the FIL, at the beginning of March, as a reaction to this war of aggression and along with other international federations at the recommendation of the IOC, had already decided on measures against Russia until revocation, such as:

- Exclusion of athletes and officials from RUS from FIL events or
- No FIL events in Russia
- Suspension of Russian members in commissions and working groups appointed by the FIL Executive Board

In addition, the FIL will initiate investigations of certain and disturbing social media posts by some Russian athletes supporting this war.

The Russian Luge Federation has appealed these FIL Executive Board resolutions to the FIL Court of Arbitration. The Court of Arbitration sent its decision yesterday, President E. Fogelis gives the floor to Dr. Ch. Krähe.

**The Chairman of the Legal Committee, Dr. Ch. Krähe, reports to the Congress:**

The FIL Court of Arbitration has reached a decision on the motion to revoke the resolution of the FIL Executive Board of March 02, 2022.

The Court of Arbitration finds that the FIL Executive Board resolution of March 2, 2022 is annulled in the following respects:

1. Russia is not authorized to host events sanctioned by the FIL.
2. All Russian athletes, coaches, and officials will be excluded from all FIL sanctioned events.

3. Russian representatives appointed by the FIL Executive Board to various commissions and working groups are suspended from their office.

This means that the resolutions of the FIL Executive Board are no longer upheld. Therefore, there are no restrictions or sanctions against the Russian Luge Federation nor against the Russian athletes or officials.

### **3. Handling the motions**

**President E. Fogelis** informs the Congress that 6 member federations (AUS, GBR, IRL, CAN, NZL, USA) have submitted 2 motions to the Congress.

According to the FIL Statutes, only the present wording of the two motions can be voted on.

- a) ***That with immediate effect, the Russian Luge Federation is expelled from the FIL indefinitely.***

**E. Warren/USA and G. Balme/NZL** explain and justify their motion as follows:

*Based on the question "Can athletes from Ukraine train and compete with the same protection afforded to any athlete in the sport of luge?", they read and interpreted the FIL Statutes and FIL Code of Ethics and came to the conclusion that this is not possible and that the Russian Federation is directly impeding their ability to compete. The justification includes the following violations of the FIL Ethics Code and FIL Statutes:*

#### **FIL Ethics Code**

- **2.1** *Equal opportunities for athletes in training and competitions (sporting events) must be maintained.*
- **2.4** *The personal dignity and honor, mutual respect, and appreciation of personal rights must be guaranteed.*
- **2.7 / 2.7.4** *The integrity of the sporting competitions must be guaranteed in every respect, in particular: The guarantee of the neutrality and rule compliance of all official parties at a sporting competition, including the Jury and judges.*
- **2.9** *The right of all member federations (NFs) to equal treatment within sporting competitions is observed.*
- **2.11** *The leadership of federations and all administrative bodies is neutral in respect of religious, racial, and sexual aspects and carried out without any discrimination.*

#### **FIL Statutes:**

- **1.5** *The purpose of the FIL is to represent the sport of luge within the international Olympic sports movement.*
- **1.6.2** *The FIL will not tolerate political, racist, religious, or any other discrimination towards its members.*
- **2.1.1** *Each NF with the aim of promoting the sport of luge may become an ordinary member.*

- **2.3.4** *The ordinary members have the right: To register its athletes for all FIL competitions, in agreement with the nomination regulations for these competitions.*
- **2.4.2** *The expulsion of an ordinary member may be dictated by a two-thirds vote of the Congress upon motion by a national federation or by the FIL Executive Board if a serious violation of the FIL Statutes by the implicated national federation is established. Within two weeks after the Congress Resolution the expelled member can appeal to the FIL Court of Arbitration.*

*From the applicants' point of view, due to the violations of the FIL Ethics Code and FIL Statutes, it is clear that the Ukrainian athletes do not have equal rights, the Russian actions violate the Olympic Movement, the Ukrainian Federation is not able to act as a normal member in view of the current situation in Ukraine, and the Ukrainian athletes no longer feel safe and thus cannot participate in competitions on equal terms.*

**A. Gough/CAN and M. Grzyb/IRL** confirm and support these reasons.

Statement from **N. Gart/RUS**:

- *The expulsion of the Russian Luge Federation from the FIL without any violations, only because it includes people from Russia, is an example of clear discrimination based on nationality, which can have no place in the FIL.*
- *The same applies to the further proposal to sanction Russians from all functions in the FIL. According to the FIL Statutes, this is only possible in case of gross violations of official duties. There is no evidence that the Russian Luge Federation has committed any violation of the FIL Statutes, let alone any other violation.*
- *The RLF appeals to the Congress to send a signal to the world that*
  - *Sport is apolitical,*
  - *Sport means peace and unites people of all nations,*
  - *The FIL is against discrimination in any form,*
  - *The FIL is politically neutral.*

**Dr. Ch. Krähe** informs the Congress for the time being about the legal situation, first exclusively in reference to motion 1 concerning the expulsion of the Russian Luge Federation from the FIL with immediate effect for an indefinite period of time.

**(enclosure 1 / part 1)**

**G. Glessner/ARG** speaks out against Russia's war of aggression against Ukraine, but also finds that this is a discrimination of the Russian member federation by the FIL. Russia is a state without democracy, the people there have no influence on the government. A solution must be found together. Sport is there to build bridges between nations.

**G. Balme/NZL** inquires about the result of the investigations into the derogatory social media posts by Russian athletes directed against Ukraine. He would like to remind the member countries once again that the FIL Congress is the highest body of the FIL and is therefore above the FIL Executive Board and the FIL Court of Arbitration.

**J. Leahy/USA** reinforces the motion, by the fact that the media's attention is on us and we as the FIL should not keep quiet any longer. He recommends that the Congress vote yes on both motions.

**M. Armstrong/GBR** explains to the Congress that it is not possible to separate politics and sports. Russia used state-sponsored doping in their own 2014 Olympics, which is why they were not allowed to compete under the Russian flag in the current Olympics. It is a nation that has used politics and sports to try to push its ideology on other nations. The FIL should be a family that sticks together, but sometimes individual members of the family just go too far, which is what happened in this case.

**President E. Fogelis** informs the Congress that a 2/3 majority must be reached for the following motion.

**LUMI:** Currently 35 member federations with the right to vote are online.

**Congress resolution 01/22**

**Do you approve the motion from the member federations of Australia, Great Britain, Ireland, Canada, New Zealand and USA that:**

- With immediate effect, the Russian Luge Federation is expelled from the FIL indefinitely?

in favor:15  
against:12  
abstentions:4  
**TOTAL: 31 votes**

**The 2/3 majority for this motion has not been reached.**  
**The 1st motion was not adopted by the FIL Congress.**

***b) That with immediate effect, Natalia Gart, Albert Demchenko, Dr. Alexander Shaknazarov, and Gennadii Rodionov be removed from their current positions within the FIL indefinitely.***

**G. Balme/NZL** asks for information about the investigations against the Russian athletes concerning the social media posts against Ukraine. Furthermore, he is of the opinion that now would be a good opportunity for the colleagues of the Russian Luge Federation to denounce the actions of the Russian Federation and President Putin.

**Secretary General D. Bell** informs the Congress that the investigation into the Russian athletes is ongoing, and therefore also not yet closed.

**President E. Fogelis** adds that these social media posts have been collected. It is known which athletes published the posts and which social media. This material will be passed on to the FIL Ethics Committee.

**Dr. Ch. Krähe** explains to the Congress the legal considerations for Motion 2, concerning the removal of N. Gart, A. Demchenko, Dr. A. Shaknazarov and G. Rodionov from their current functions within the FIL indefinitely.

**(enclosure 1 / part 2)**

**A. Shaknazarov/RUS** explains to the Congress that the Russian Luge Federation has not violated the FIL Statutes and that he is not aware of any evidence in this regard. Furthermore, he cannot understand why the representatives/officials from Russia should be excluded from the International Luge Federation. The Statutes were adopted by everyone a long time ago and he hopes that the FIL will continue to adhere to its Statutes as it has done so far.

**G. Balme/NZL** is of the opinion that the FIL Court of Arbitration could not review a decision of the Congress because the Congress is higher than the FIL Court of Arbitration.

**Dr. Ch. Krähe** informs the Congress that the FIL Court of Arbitration can review and also overturn any decision of the Congress in case of an appeal.

**G. Glessner/ARG** again states his argument that the 4 delegates from Russia cannot speak against the Russian government and asks the National Federations to remember that we have to build bridges and should not destroy them.

#### **Congress Resolution 02/22**

**Do you agree with the motion of the member federations of Australia, Great Britain, Ireland, Canada, New Zealand and USA that:**

**With immediate effect Natalia Gart, Albert Demchenko, Dr. Alexander Shaknazarov, and Gennadii Rodionov be removed from their current positions within the FIL indefinitely?**

**in favor: 16  
against: 13  
abstentions: 3  
total: 32 votes**

**A simple majority was reached on this motion.**

**The 2nd motion was approved by the FIL Congress.**

#### **4. Closing statements**

**President E. Fogelis** thanks the delegates for their participation.

A big thank you also goes to the company VTG here in Großgmain and to the company LUMI, who made it possible to hold this extraordinary FIL Congress on such short notice.

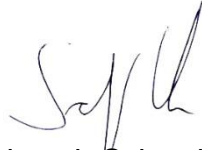
He also thanks the interpreters for their excellent work, the staff at the FIL Office for organizing this extraordinary Congress on short notice, the FIL Executive Board, the Chairman of the Legal Commission Dr. Ch. Krähe, and the FIL Court of Arbitration.

He appeals to Russia to immediately stop this war against Ukraine and to put an end to the unspeakable human suffering.

**President E. Fogelis officially closes the 1st Extraordinary Congress and looks forward to seeing you in person at the 70th FIL Congress in Riga!**

Recording of the minutes: Diana Springl / FIL Office

For the content of the minutes:



Christoph Schweiger  
Executive Director of the FIL

The President



Einars Fogelis

**1 enclosure**





# Kanzlei am Münster

Rechtsanwalt

Dr. Christian Krähe

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## FIL Extraordinary Congress In Großmain on April 8, 2022

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Konstanz, den 04.05.2022

**Our reference:** Kr  
**RE:** Justification for the motions

### **1. the Russian Luge Federation is expelled with immediate effect.**

A vote on the expulsion of a member federation has not taken place at the FIL for more than 25 years, so that there is no guideline decision on this matter.

However, the FIL Statutes contain a special regulation in section 2.4.2 with the following wording:

*"2.4.2 The expulsion of an ordinary member may be dictated by a two-thirds vote of the Congress upon motion by a national federation or by the FIL Executive Board if a serious violation of the FIL Statutes by the implicated national federation is established. Within two weeks after the Congress Resolution the expelled member can appeal to the FIL Court of Arbitration."*

There is such a request for expulsion of the Russian Federation from 6 ordinary members. These must prove a **serious violation of the Russian Federation against the FIL Statutes.**

Such a violation would have to prove in particular to be a violation of the statutory purposes of the FIL in sections 1.5 and 1.6 of the Statutes.

Tätigkeitsschwerpunkte RA Dr. Krähe: Sportrecht, Wirtschaftsrecht, Erbrecht  
Anderkonto RA Dr. Krähe:  
Sparkasse Bodensee IBAN: DE94 6905 0001 0001 0277 05 SWIFT-BIC: SOLADES1KNZ  
Parkmöglichkeiten: Parkhaus an der Laube, St.Stephansplatz

According to section 1.5, the objectives of the FIL are essentially limited to the guarantee of an athletically fair competition in accordance with the rules as well as the management and promotion of the international sport of luge. In section 1.6 of the Statutes the neutrality of the FIL itself and the prohibition of discrimination against its members, especially for "political .... or other reasons" is ordered. The FIL's obligation to remain neutral in case of political disputes can be derived from section 1.6.2. It is not compatible with this obligation of neutrality to justify the expulsion of a member federation on the grounds that a member state has started or continues a war against another member state, at least as long as **the member federation to be excluded does not support this warfare by words or deeds**. Such necessary psychological or physical acts of support **have not been proven** by the motion applicants to date and have not otherwise come to the attention of the FIL Executive Board.

The fact that the Executive Board passed a **resolution on March 2, 2022**, according to which the Russian Federation is deprived of the right to organize any FIL event, also speaks against an expulsion. At the same time, all Russian athletes, coaches, and officials were suspended from participation in FIL events and the representatives of the Russian federation appointed by the Executive Board in the various commissions and working groups were removed from their functions.

However, this suspension resolution made by the Executive Board was overturned yesterday by the FIL Court of Arbitration. It would have been valid only temporarily and could have been revoked at any time, for example by way of a resolution during the Congress in June 2022.

In contrast, the motion applicants definitely want the complete indefinite expulsion of the Russian federation, which would have the consequence that the Russian federation, if it wanted to become a member again, would have to go through a new admission procedure according to section 2.1.4 of the Statutes. The application for membership could only be accepted by the Congress and would require a 2/3 majority.

Should such a resolution for expulsion be made, we would now have to assume, according to the latest legal status as of yesterday, that the Russian federation would challenge this resolution for expulsion very quickly, first at the FIL Court of Arbitration and then to the CAS.

For this reason, I recommend that the delegates reject the motion **to expel the Russian federation.**

**2. The functionaries Natalia Gart, Albert Demchenko, Dr. Alexander Shakhnazarov, and Gennadii Rodionov are expelled with immediate effect from their current functions within the FIL indefinitely.**

Section 2.3.5 of the FIL Statutes requires the member federations to ensure that the athletes and other affiliated federation members comply with the FIL Statutes and Regulations within the framework of FIL activities. Therefore, it can be assumed that the Russian federation has ensured within its federation structure that all athletes and other direct and indirect federation members are bound to the statutory obligations contained in the Statutes as well as in the FIL Ethics Code. This means in particular that the Russian athletes and officials have to behave in a politically neutral and non-discriminatory manner within the framework of all FIL activities.

Specifically, this obligation is formulated in Section 2.4 of the FIL Ethics Code with the following wording:

*"The personal dignity and honor, mutual respect, and appreciation of personal rights must be guaranteed."*

In this respect, ethical obligations are defined in relation to other persons, as can be seen from the use of the terms "personal dignity and honor" as well as "personal rights". Therefore, only those violations of the Russian functionaries are sanctioned which are specifically directed against other

members of the FIL and its member federations. However, this also means in reverse that the mere affiliation to a certain state is **no reason for expulsion if and as long as the respective functionary does not support the warfare of his state by words or by deeds.**

The applicants have **not yet provided any evidence** that the Russian functionaries concerned can be accused of such a reason for exclusion.

At this point in time, we would like to remind you of the resolution made by the Executive Board on March 2, 2022, which was annulled yesterday by the FIL Court of Arbitration. If this Congress were to pass a resolution for expulsion, it is certainly to be expected that the Russian federation would appeal this resolution at the FIL Court of Arbitration and/or at the CAS.

I therefore recommend the delegates to reject the motion for expulsion of the Russian officials also in this respect.

Dr. Krähe, Head of the Legal Committee