



Tribunal Arbitral du Sport
Court of Arbitration for Sport

By fax

Alexander, Levy, Kahn
Lawyers
For the attention of Maître B. **Alexandre**
30, Place Kléber
BP 50020
FR-67080 **Strasbourg Cédex**
Fax: (33 3) 88 23 21 66

Maître Jean-Marc **Reymond**
Lawyer
Etude Carrard, Paschoud Heim & Associés
6, rue de la Grotte
Case Postale 5559
CH-1002 Lausanne
Fax: (41 21) 341 9050

Lausanne, 22 May 2007/OK/mb

Dear Sirs,

Re: CAS 2006/A/1163 Mr. Jean-Paul Touzé v/ World Chess Federation

Please find attached a copy of the arbitral award delivered by the Court of Arbitration for Sport in the case mentioned above.

You will receive an original copy within a few days.

I am at your disposal for any questions that may arise from this correspondence.

Yours faithfully,

Ousmane KANE
First Counsel to the CAS

Encl.: mentioned

Cc: Panel

[signature]



Tribunal Arbitral du Sport
Court of Arbitration for Sport

CAS 2006/A/1163 Mr Jean-Paul Touzé v/ FIDE

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

President: Mr Jacques **Baumgartner**, lawyer, Lausanne, Switzerland

Arbitrators: Mr Jean-Pierre **Karaquillo**, professor, Limoges, France
Mr Michele **Bernasconi**, lawyer, Zurich, Switzerland

Ad hoc Clerk: Mr Patrick **Grandjean**, lawyer, Lausanne, Switzerland

in the arbitration between

Mr Jean-Paul Touzé, Valdoie, France

Represented by Mr Bernard Alexandre, lawyer, Strasbourg, France

Appellant

and

World Chess Federation (FIDE), Athens, Greece

Represented by Mr Jean-Marc Reymond, lawyer, Lausanne, Switzerland

Respondent

* * * * *

I. **THE PARTIES**

1. Mr Jean-Paul Touzé was born on 19 June 1950 and lives in France. He is a competitive chess player and member of the French Chess Federation, which is affiliated to the World Chess Federation. He is registered with the latter as an international arbiter.
2. The World Chess Federation (hereinafter the "Respondent" or "FIDE") has the national chess federations as its members. FIDE is responsible, in particular, for the organisation of chess, world championships and any other event placed under its authority. It is based in Lausanne.

II. **THE FACTS**

3. In 2001, FIDE appointed Mr Jean-Paul Touzé to organise the 2005 Youth World Championship (hereinafter the "Championship") which took place from 18 to 29 July 2005, in Belfort, France.
4. The organisation and running of the Championship was strongly criticised by FIDE, by participants, by their representatives and by delegates of the national federations.
5. In August 2005, the FIDE Executive Board (hereinafter the "Executive Board") met in Dresden, Germany, to look into the inadequacies connected with the organisation of the Championship in general and into the role of Mr Jean-Paul Touzé in particular. Neither he nor the French Chess Federation were present at that meeting. The deliberations and decisions of the Executive Board were recorded in a communiqué which FIDE published on its website in August 2005. In substance, it was stated that:
 - twelve national chess federations complained about the conditions under which the Championship took place;
 - FIDE was unable to communicate with Mr Jean-Paul Touzé in the six months prior to the Championship;
 - the quality of the organisation failed to reach the level expected for a world championship or even the level generally expected from any event;
 - the image of FIDE and of the world of chess was harmed by these numerous inadequacies;
 - the Executive Board decided the following:
"1. The Organizer of this event in Belfort, Mr Jean-Paul Touzé will not have the right to organize any FIDE event for a period of 5 years with effect from 23rd August, 2005.
2. All the complaints received by the FIDE Secretariat will be handed over to the FIDE Ethics Commission for further examination. The Organizer may present his views in the examination. The Ethics Commission can recommend additional measures to the Executive Board.

3. The Executive Board recommends to the European Chess Union to consider issuing a similar resolution regarding the organizer's participation in European chess matters."

6. It is not disputed that FIDE never formally notified Mr Jean-Paul Touzé of the Executive Board's decision.
7. On 3 February 2006, Mr Jean-Paul Touzé appealed against the Executive Board's decision of August 2005 before the FIDE Ethics Commission and made the following submissions:

"Declare the appeal admissible and well-founded.

Cancel or set aside the decision banning Mr TOUZÉ from organising any FIDE event for a period of 5 years with effect from 23rd August, 2005.

Rule, consequently, that there are no grounds for sanction.

Order that Mr TOUZÉ be repaid the sum of 250 dollars paid in accordance with Article 16.7.4 of the Statutes."

8. On 21 March 2006, Mr Jean-Paul Touzé's counsel wrote to the FIDE Ethics Commission asking it to confirm that his appeal had been received and in what timeframe the appeal would be examined.
9. On 23 March 2006, and without any further details, FIDE sent the Appellant an undated document, which the Ethics Commission appeared to have issued in March 2006, entitled *"Decision of the FIDE Ethics Commission on the Youth World Chess Championship 2005 in Belfort (2005)"*. This document gives a brief summary of the discussions that took place within the Executive Board during its meeting in Dresden in August 2005, of the communiqué published on FIDE's website and of the various preparatory inquiries of the Ethics Commission. However, no reference is made to the appeal lodged by Mr Jean-Paul Touzé on 3 February 2006. According to this document, the FIDE Ethics Commission *"has reached the following conclusions"*:
 - *The Ethics Commission suggests that FIDE formulates conditions that should be met when organising events of this magnitude and importance. These conditions must be verifiable, in any stage of the organisation it must be possible to check them;*
 - *It is recommended once matters have been referred to the Ethics Commission, no decision should be made by any other FIDE entity unless requested by the Ethics Commission;*
 - *No additional measures against the organisers are suggested. The Commission does not comment on the measures taken by the Executive Board."*

10. In a fax dated 24 March 2006, Mr Jean-Paul Touzé's counsel expressed his astonishment that the FIDE Ethics Commission had made no comment, in its undated document, about the measures taken by the Executive Board. He concluded that "*This action does not appear [to him] to constitute a decision following the appeal submissions of Mr TOUZÉ in [his] appeal of 3 February 2006*". He therefore asked the Commission to make an express ruling on his appeal.
11. In a fax dated 28 March 2006, FIDE acknowledged receipt of the aforementioned correspondence of 24 March 2006 and promised that a response would be given "*as soon as possible*".
12. In a fax and email dated 2 April 2006, FIDE's legal advisor, Mr Morten Sand, explained to the appellant the general principles governing the respondent's internal organisation and the legal remedies open depending on whether a decision is delivered by the Executive Board or by the Ethics Commission.
13. Mr Jean-Paul Touzé has always denied receiving the letter of 2 April 2006 and FIDE has been unable to provide any evidence of notification.
14. On 18 April 2006, Mr Jean-Paul Touzé's counsel wrote to the FIDE Ethics Commission stating that he was still waiting for a decision on his appeal of 3 February 2006 and on his letter of 24 March 2006.
15. The FIDE Ethics Commission never responded to this letter of 18 April 2006.

III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

III.1 The appeal

16. In a notice of appeal dated 29 September 2006, Mr Jean-Paul Touzé brought his case before the Court of Arbitration for Sport (hereinafter "CAS"). In his statement of appeal, he made the following submissions:

"On these grounds, the Court of Arbitration for Sport is asked to:

"Declare the appeal admissible and well-founded.

Cancel or set aside the decision of the Ethics Commission of "March 2006" and the decision of the FIDE Executive Board banning Mr TOUZÉ from organising any FIDE event for a period of 5 years with effect from 23rd August, 2005.

Rule, consequently, that there are no grounds for sanction.

Order FIDE to pay all costs of the arbitration proceedings and to repay Mr TOUZÉ the sum of 250 US Dollars in respect of advance fees for the appeal before the Ethics Commission.

Request that Mr TOUZÉ furnish evidence of his loss not only through the exhibits produced in court but also by hearing the testimony of the world chess champion, Mr Anatoli KARPOV.

Order the World Chess Federation to pay Mr TOUZÉ the sum of €100,000 in damages.

Order the decision to be published on FIDE's website for a period of one month, at FIDE's expense.

17. In support of his submissions, Mr Jean-Paul Touzé raised the arguments that are, in substance, as follows:
 - The decision of the Executive Board was taken in violation of FIDE's Statutes:
 - In accordance with the applicable provisions, the Executive Board did not have the power to prevent Mr Jean-Paul Touzé from organising FIDE events. Such a sanction can only be determined by the Ethics Commission. For this reason, the disputed decision of the Executive Board should be cancelled.
 - According to the Respondent's Statutes, the ban on organising FIDE events cannot be longer than 3 years. However, the decision of the Executive Board refers to a period of 5 years.
 - Mr Jean-Paul Touzé never received notification of the decision made by the Executive Board. He was therefore unable to exercise his right to be heard, either in writing or orally. The FIDE's approach therefore violates Article 16.7.3 of its Statutes as well as general principles governing the right of defence.
 - The FIDE Ethics Commission also violated Mr Jean-Paul Touzé's most fundamental rights by preventing him from defending himself before the commission. Furthermore, the commission failed to take a stance on his appeal of 3 February 2006 and refused to comment on the measures taken against him by the Executive Board. "*This is a clear miscarriage of justice, which also justifies the appeal*".
 - Mr Jean-Paul Touzé's experience in organising chess tournaments earned him an excellent reputation on an international scale. He steadfastly rejects the criticisms made of him in relation to the 2005 Youth World Championship. The sanctions unfairly imposed on him by FIDE have caused him a financial loss in the region of EUR 100,000.

III.2 The reply

18. On 6 December 2006, FIDE sent the CAS its reply, which contains the following submissions:

"Based on the foregoing, the Respondent, World Chess Federation, asks the Court of Arbitration for Sport to rule as follows:

Primarily

I. - The appeal is too late

Subsidiarily

II. - The appeal is inadmissible

Subsidiarily in addition

III. - All the submissions of the appeal are rejected"

19. The arguments raised by FIDE can be summarised as follows:

- To the extent that the appeal before the CAS is directed against the decision given in August 2005, the 21-day period specified in FIDE's Statutes was not observed. Although it is true that the decision appealed against was not notified to Mr Jean-Paul Touzé, the principle of good faith does not allow him to appeal against this decision whenever it takes his fancy, i.e. more than one year after he learned of such.
- The appeal before the CAS against the decision made by the FIDE Ethics Commission is also too late because it was made 6 months after it was notified. Furthermore, this decision has no adverse effect on the appellant, who therefore has no legitimate interest enabling him to appeal against such decision.
- As regards the decision made by the Executive Board, the internal legal remedies were not exhausted or observed. In the case in question, the decision should have been brought before the 2006 or 2008 General Assembly. The appellant chose the wrong authority when it appealed before the Ethics Commission, which is not competent to review a decision taken by the Executive Board during a year when the General Assembly of FIDE is not held.
- FIDE is free to decide to whom it grants the right to organise an event falling under its authority.

III.3 The hearing of 13 March 2007

20. On 13 March 2007, a hearing took place in Lausanne, at the seat of CAS.
21. At the opening of the hearing, the parties expressly confirmed that they had no objection to the composition of the Arbitration Panel.
22. The following persons were present at the hearing;

- Mr Jean-Paul Touzé, accompanied by his lawyer, Mr Bernard Alexandre, assisted by Mr Jean-Claude Moingt, President of the French Chess Federation, and Mr Laurent Verat, Director General of the French Chess Federation.
 - FIDE, represented by its legal advisor, Mr Morten Sand, accompanied by Mr Jean-Marc Reymond, lawyer, and assisted by Mr Johnson Belangenyi, interpreter.
23. The Arbitration Panel heard the testimony of Mr Ignatius Leong, FIDE General Secretary and of Mr William Kelleher, FIDE Vice President and former President of the Ethics Commission. Before their hearing, each witness was warned of the possible consequence of false testimony.

IV. IN LAW

IV.1 Competence of the CAS

24. The competence of the CAS is derived from Article R47 of the Code of Sports-related Arbitration (hereinafter called "the Code") which stipulates the following:

"An appeal against the decision of a federation, association or sports-related body may be filed with the CAS insofar as the statutes or regulations of the said body so provide or as the parties have concluded a special arbitration agreement and insofar as the Appellant has exhausted the legal remedies available to him prior to the appeal, in accordance with the statutes or regulations of the said sports-related body."

25. The competence of the CAS is envisaged in Article 17.1 of FIDE's Statutes and was expressly accepted by the parties in their documents and by the signature of the procedural order.

IV.2 Law applicable

26. Article R58 of the Code stipulates that the Panel shall decide the dispute according to the applicable regulations and the rules of law chosen by the parties or, if the absence of such a choice, according to the law of the country in which the federation, association or sports-related body which has issued the challenged decision is domiciled, or according to the rules of law, the application of which the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision.
27. In the case in point, the parties did not expressly choose any rules of law. Therefore FIDE's Statutes and rules will be applied in the first place. Subsidiarily, Swiss law is applicable.

IV.3 The admissibility of the appeal

28. By an order handed down on 2 November 2006, the Deputy President of the Appeals Arbitration Division decided as follows:

- "1) Declares the appeal admissible in its present state
- 2) Maintains French as the language of the proceedings
- 3) Reserves costs"

29. In accordance with Article R57 of the Code, the Panel shall have full power to investigate. This power allows it to hear the parties again on all the factual circumstances and the legal arguments they wish to raise, and to issue a definitive decision on the case concerned (FCLP v. IWL, CAS 99/A/252, p. 22; Mr De Bruin v. FINA, CAS 98/211, p. 19; G. Deferr & FREG v. FIG, CAS 2004/A/549, p. 8; CAS 2004/A/674 Fernando Correa v. FIFA). In this context, the Panel can freely review the additional decision handed down by the Deputy President of the Arbitration Division.

30. It would seem sensible first of all to look at the statutory principles governing FIDE's organisation and then to apply them to the case in point.

a) Generally

General Assembly

31. The General Assembly is the highest authority of FIDE. It exercises both legislative and, in principle, executive powers. In particular, it supervises the activities of the Executive Board (Article 4.1 of FIDE's Statutes). Ordinarily, it is held every other year, i.e. every even year (Article 4.12 of the Statutes). To be included in the agenda of the General Assembly, proposals must be received by the President of FIDE three months before the date of the General Assembly. Proposals submitted within this time limit must be included in the agenda (Article 4.11 of the Statutes).

Executive Board

32. During odd years, the powers of FIDE's General Assembly are transferred to the Executive Board which, however, cannot take decisions on the election of officials within FIDE or on changes to the Statutes. The decisions thus taken by FIDE's Executive Board can be reviewed by the following General Assembly (Article 4.1 of the Statutes).

33. During even years, the powers of FIDE's Executive Board are limited (Article 5.1 of the Statutes).

Ethics Commission

34. Chapter 8 of FIDE's Statutes enables the General Assembly to set up permanent or temporary commissions if necessary (Article 8.1 of FIDE's Statutes). The Ethics Commission is a permanent commission (Article 8.2, letter (g), of the Statutes. Any

decision made by such a commission must be ratified by the General Assembly if it is to come into force ("*legally effective*") (Article 8.7 of the Statutes).

35. Chapter 15 of FIDE's Statutes sets out the guidelines to be followed by the Ethics Commission. Article 15.5.3 includes a non-exhaustive list of breaches of the Code of Ethics. Several criticisms made against Mr Jean-Paul Touzé seem to fall within the scope of this provision.
36. Article 15.7.1 of FIDE's Statutes states as follows:

"Breach of the regulations of this code by any Federation or FIDE official shall be reported to the FIDE Secretariat".

37. In accordance with Article 15.7.2 of FIDE's Statutes:

"Breach of the regulations of this code by any person shall be reported to and decided by the FIDE Ethics Committee".

38. Article 15.7.4 of FIDE's Statutes states as follows:

"Appeals against a decision taken by any FIDE official can be submitted to the FIDE Ethics Commission. The appeal must be sent by registered mail together with a deposit of Two Hundred Fifty U.S. Dollars (US\$250). The deposit will be returned should the appeal to all intents and purposes prove to be justified".

39. According to Articles 15.7.5 and 15.7.6, any decision made by the Ethics Commission may be the object of an appeal to the CAS within 21 days of its communication. The Panel understands the latter provisions as special provisions that take precedence over Article 8.7 of the Statutes.

- b) In the case in point

The inadmissible part of the appeal to the CAS

40. It is not disputed that the decision the Executive Board took at its meeting in Dresden in August 2005 was not notified to Mr Jean-Paul Touzé. However, the Panel is convinced that Mr Touzé was nevertheless aware of such by September 2005 at the latest, as is clear from the documents that he himself has produced in the present proceedings. These documents include, in particular, a press cutting dated 30 August 2005 which reports Mr Jean-Paul Touzé's statements concerning the decision appealed against.
41. In a press release published on its website in August 2005, FIDE stated that its Executive Board had decided, firstly, that Mr Jean-Paul Touzé would not have the right to organise FIDE events for 5 years and, secondly, that the file would be sent to its Ethics Commission for further examination. On that subject, it is indicated that Mr Jean-Paul Touzé was authorised to present his views and that, where applicable, the Ethics

Commission could make recommendations to the Executive Board regarding any additional measures to be taken.

42. In this context, the Panel considers that Mr Jean-Paul Touzé could legitimately have expected to have been notified of the Executive Board's decision. It fully believes the Appellant when he argues that it was because of the absence of notification and other communications from the Respondent that he chose to lodge an appeal against the Executive Board's decision before the Ethics Commission on 3 February 2006.
43. It is clear from Article 4.1 of FIDE's Statutes that a decision made by the Executive Board during an odd year can be reviewed only by a subsequent General Assembly. At the hearing, Messrs Ignatius Leong and Morten Sand moreover affirmed to the Panel that such a decision could be placed on the agenda of any General Assembly following the odd year in which it was taken. According to their statements, and in accordance with the time limit allowed on the subject, Mr Jean-Paul Touzé in his name alone can submit the decision made by the Executive Board in August 2005 for examination by the General Assembly in the year 2008. The Panel has taken note of that fact.
44. The Appellant relies on Article 15.7.4 of FIDE's Statutes to justify the appeal he lodged before the Ethics Commission against the Executive Board's decision. However, that provision offers the possibility of appeal only against a decision made by a natural person carrying out duties within FIDE and not against a decision made by one of the Respondent's bodies. The Executive Board's decision therefore cannot be covered by Article 15.7.4. According to the witnesses whom the Panel has heard, that would be explained in particular by the fact that, in odd years, FIDE's Statutes place the Executive Board on the same level as the General Assembly, the decisions of which cannot be reviewed by a hierarchically lower internal body.
45. Thus, by appealing to the Ethics Commission against the Executive Board's decision, Mr Jean-Paul Touzé did not approach the competent authority. He did not therefore exhaust all the previous internal legal remedies, which is a necessary condition for the admissibility of the appeal brought before the CAS, in accordance with Article R47 of the Code and Article 17.1 of FIDE's Statutes.

The admissible part of the appeal to the CAS

46. It results from the foregoing that Mr Jean-Paul Touzé's appeal to the Ethics Commission was inadmissible, a fact which FIDE never informed him of prior to the present proceedings.
47. Quite to the contrary, due to lack of transparency and because of questionable communication procedures, FIDE created a misleading impression. Thus, the Executive Board's decision in August 2005 can be interpreted to mean that the Ethics Commission was formally called upon to issue a decision on the Appellant's case. Such an eventuality is, moreover, envisaged in Article 15.7.2 of FIDE's Statutes. In fact, Mr Jean-Paul Touzé did not have in his possession all the information that would have enabled him properly to assess the mission entrusted to the Ethics Commission. In

particular, he did not have the "whereas" clauses of the Executive Board's decision. However, as is clear from the evidence finally produced in the present proceedings, the Executive Board wanted merely to consult the Ethics Commission, asking it simply for recommendations on the events surrounding the Youth World Chess Championship of 2005. The confusion was all the greater because, firstly, the document issued by the Ethics Commission is entitled "*Decision of the FIDE Ethics Commission on the Youth World Chess Championship 2005 in Belfort (2005)*" and because, secondly, that document was sent to the Appellant two days after he had approached the Ethics Commission to rule on his appeal. In those circumstances, Mr Jean-Paul Touzé could have thought that this document in fact constituted the Ethics Commission's decision on his appeal of 3 February 2006.

48. However, and as the Appellant himself has stated, the document issued by the Ethics Commission in March 2006 made no reference to his appeal of 3 February 2006 and gave no decision. Spurred on by this fact, on 24 March 2006 Mr Jean-Paul Touzé called for a clear determination by the Ethics Commission regarding the true nature of its "*decision*" and any link that it might have with his appeal. On 28 March 2006, FIDE promised the Appellant that it would inform him shortly of its stance. This promise was apparently sent to the Appellant on 2 April 2006, but the Appellant disputes ever having received it. The Respondent has not been able to demonstrate the contrary. The Panel has no reason to doubt the Appellant's statements on this subject, especially as he wrote to FIDE on 18 April 2006 expressing his surprise at not yet having received any news, despite the promise that FIDE had made to him on 28 March 2006 to inform him shortly of its stance.
49. It results from the foregoing that the appeal of 3 February 2006 lodged before the Ethics Commission was never followed up, in spite of the Appellant's reminders of 21 March and 18 April 2006, it being specified that the letter of 18 April 2006 elicited absolutely no reaction from FIDE.
50. In legal proceedings, any person is entitled to have his case judged within a reasonable time. This results from the principle of speed which is enshrined, in particular, in Article 29 of the Swiss Federal Constitution, prohibiting unjustified delay in ruling. An authority violates that guarantee when it does not issue the decision incumbent on it within a period that the nature of the case and all the other circumstances deem to be reasonable. In that respect, reasoning must be objectively based. The criteria which, among others, are especially important are the degree of complexity of the case, the importance of the dispute for the party involved and the latter's behaviour. The duration of the reasonable time is not influenced by circumstances unrelated to the problem to be resolved. Thus, defective organisation or structural overload cannot justify the excessive slowness of proceedings, as it is the federation's duty to organise itself so as to guarantee the proper administration of justice to the parties involved.
51. In the case in point, nothing justifies the delay with which the appeal lodged by Mr Jean-Paul Touzé before the FIDE Ethics Commission was handled. The case did not present any particular difficulties since, as stated above, all that was necessary was to declare that appeal inadmissible because the authority to which it had been presented was not

competent. No complex preparatory inquiries were required and, on his side, Mr Jean-Paul Touzé had not behaved obstructively or in a way that could have delayed or complicated the proceedings. Diligent handling of the appeal was imperative, particularly as it would have enabled Mr Jean-Paul Touzé to refer the matter to FIDE's General Assembly in 2006.

52. In those circumstances, the Panel considers that FIDE's attitude constitutes a refusal to give a ruling or an unjustified delay in doing so which must be regarded as a decision that Mr Jean-Paul Touzé can dispute by appealing to the CAS as envisaged in Article 15.7.5. of FIDE's Statutes. The Panel views the delay by the Ethics Commission in deciding on the appeal that Mr Jean-Paul Touzé lodged on 3 February 2006 as a breach of procedural guarantees. Following no response more than five and a half months after the reminder of 18 April 2006, the Appellant seems to be legally entitled to bring about a reaction by referring the case to the CAS. To that extent, the appeal that Mr Jean-Paul Touzé lodged with the CAS is admissible in form.

Conclusion

53. In view of the foregoing, the Panel considers that Mr Jean-Paul Touzé is entitled to appeal to the 2008 General Assembly against the Executive Board's decision of August 2005 banning him for a period of five years from organising any chess event and/or competition under the authority of FIDE.
54. It would be after this appeal that the Appellant would have the possibility of once again raising before the CAS a decision to refuse to go into the matter or a denial by the General Assembly, within the time limits and according to the forms specified in FIDE's Statutes. It would then be possible to tackle the question of the initial competence and disciplinary power of the Executive Board to order the five-year suspension.

V. Costs

55. In accordance with Articles R64.4 and R64.5 of the Code, the Court Office of the CAS will determine the final amount of the cost of arbitration, including the CAS Court Office fee, the administrative costs of the CAS, the costs and fees of the arbitrators and a contribution towards the expenses of the CAS. This final account may be included in the award or communicated separately to the parties. The arbitral award determines which party will bear the arbitration costs or in which proportion the parties will share them.
56. In the case in point, the Panel considers that Mr Jean-Paul Touzé cannot be accused of having referred the case to the CAS flippantly. In fact, these proceedings could have been avoided if FIDE had acted within a reasonable time and with the diligence that can be expected of an international federation, and particularly one that is accusing Mr Jean-Paul Touzé of inadequacies in event organisation.
57. It was only because of the lack of a reaction from FIDE and its Ethics Commission, preventing Mr Jean-Paul Touzé from expressing himself or defending himself before the

first or before the supposed final instance of the Respondent that Mr Touzé was resigned to presenting an appeal to the CAS.

58. In view of the foregoing and although the appeal is only partly admissible, 80% of the costs of these arbitration proceedings will be paid by FIDE and 20% by Mr Jean-Paul Touzé. The final account of the costs of these proceedings will be prepared by the Court Office of the CAS and transmitted to the parties later.
59. In accordance with Article R64.5 of the Code and for the foregoing reasons, each party will bear its own costs.

ON THESE GROUNDS

The Court of Arbitration for Sport rules:

- I) The appeal lodged by Mr Jean-Paul Touzé is partly admissible in form.
- II) The Court of Arbitration for Sport acknowledges that the FIDE Ethics Commission is not competent in the case in point.
- III) The Court of Arbitration for Sport acknowledges that the Appellant can lodge an appeal at the next General Assembly of FIDE in 2008 against the Executive Board's decision of August 2005 concerning him, within the time limits allowed for that purpose.
- IV) 80% of the costs of the case are payable by FIDE and 20% by the Appellant.
- V) Each party will pay its own lawyers' fees.
- VI) All other or more detailed submissions are rejected.

Lausanne, 22 May 2007.

THE COURT OF ARBITRATION FOR SPORT

The President of the Panel

[signed]

Jacques Baumgartner