



TAS / CAS

TRIBUNAL ARBITRAL DU SPORT
COURT OF ARBITRATION FOR SPORT
TRIBUNAL ARBITRAL DEL DEPORTE

CAS 2024/A/10573 Yangzi Liu v. International Table Tennis Federation (ITTF)

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

Sole Arbitrator: Prof. Dr Martin Schimke, Attorney-at-Law, Düsseldorf, Germany

in the arbitration between

Yangzi Liu, Australia

Represented by Mr Darren Kane, Attorney-at-Law, Sydney, Australia

Appellant

and

International Table Tennis Federation (ITTF), Switzerland

Represented by Mr Jorge Ibarrola, ITTF Tribunal Chair, Lausanne, Switzerland

Respondent

I. PARTIES

1. Ms Yangzi Liu (the “Appellant” or “Athlete”) is an international-level table tennis player born on 6 June 2002 in Hernan, China, with Australian nationality.
2. The International Table Tennis Federation (the “Respondent” or “ITTF”) is the international non-governmental, non-profit organisation for table tennis based in Lausanne, Switzerland.
3. The Appellant and the Respondent are jointly referred to as the “Parties”.

II. FACTUAL BACKGROUND

A. Background Facts

4. Below is a summary of the main relevant facts, as established on the basis of the written submissions of the Parties and the evidence examined in the course of the proceedings. This background information is given for the sole purpose of providing a synopsis of the matter in dispute. Additional facts may be set out, where relevant, in connection with the legal discussion. While the Sole Arbitrator has considered all the facts, legal arguments, and evidence submitted by the Parties in the present proceedings, he refers in his award only to the submissions and evidence he considers necessary to explain his reasoning and conclusions.
5. This case concerns a dispute between the Appellant and the Respondent relating to an eligibility issue in the context of a change of the Appellant’s sporting nationality.
6. The Appellant was registered with the Portuguese table tennis federation before 23 April 2019.
7. From 23 April 2019 onwards, the Appellant commenced living in Australia. Initially, she held a student visa which entitled her to study in Australia.
8. On 3 February 2020, Table Tennis Australia (“TTA”), the national federation for the sport of table tennis in Australia and a member association of the Respondent, sent an enquiry to the Respondent regarding the requirements to register the Appellant as an Australian player.
9. On the same date, the Respondent asked for the Appellant’s player ID and the first and last name in order to check her eligibility to represent Australia.
10. On 4 February 2020, TTA sent the Appellant’s details to the Respondent, including a copy of her passport and her student visa.
11. On 10 February 2020, the Respondent informed TTA that the matter of the Appellant’s eligibility to represent Australia had been “*taken up by the Players Eligibility team. The*

case is now under consideration to check her eligibility for participation in events and will get back to you once there is a decision”.

12. On 3 March 2020, the Respondent issued an email stating:

“LIU Yangzi is eligible to participate in Singles and Doubles events for International Open tournaments based on the documents which you have provided and also the current profile which is reflecting in our system. For this case, Singles and/or Doubles events for World Tour, Challenge or World Junior Circuit.

If you would like her to participate in World Title events (World Junior Championships, Continental Championships, etc.), Team events and Olympic Games, there is a need to prove her nationality. Please provide documents to prove that her nationality will be changed (e.g. Australian passport)

Otherwise, she is good to go!”

13. On 28 September 2021, the Australian Government granted the Appellant a distinguished talent visa.
14. On 28 January 2022, TTA asked the ITTF why the Appellant did not appear on the ITTF Eligibility Registration list.
15. On 15 March 2022, the Appellant was conferred with Australian citizenship and supplied with an Australian Passport on 6 June 2022.
16. On 6 June 2022, TTA requested the Respondent to make an update to the ITTF system as the Appellant was now an Australian citizen. The Appellant’s passport was attached for this purpose.
17. On 4 March 2023, in response to TTA’s requests, the Respondent’s Eligibility Working Group (“EWG”) issued a decision regarding the registration date of the Appellant. In its decision, the Respondent *inter alia* stated that:

“Ms Liu’s registration date does not commence on 4 February 2020 but rather, the earlier of 28 January 2022 or the date on which she was granted her Australian nationality”.

18. The EWG gave the following reasons for its decision:

“The applicable rule is Article 4.1.3.2 of the ITTF Statutes (as well as Articles 4.3.6.1, 4.4.6.1 and 4.5.1.3.3 which apply analogously):

4.1.3.2 In addition to provisions of 3.8, players who have acquired a new nationality and wish to represent the association corresponding to the new nationality shall register with ITTF through this new Association. A player is considered as registered either from the date of ITTF player registration confirmation or from the date the player is granted his or her new nationality, whichever is earlier. Having reviewed the correspondence between TTA’s Mr John Murphy (Mr Murphy) and ITTF’s former employee, Mr Barry

Goh (Mr Goh), the Eligibility WG considers that there has been no confirmation of Ms Liu's registration, as required under Article 4.1.3.2 of the ITTF Statutes.

Mr Goh's email on 3 March 2020 clearly explained that Ms Liu was only eligible to participate in International Open tournaments at that time and if TTA would like her to participate in World Title events, documents must be submitted to prove that her nationality will be changed. There was no reply from TTA until Mr Murphy's email on 28 January 2022, and therefore, no effective registration confirmation.

Even with a generous interpretation of Article 4.1.3.2, the Eligibility WG considers that the earliest date Ms Liu's registration confirmation would be implied as 28 January 2022. Therefore, pursuant to Article 4.1.3.2, the effective date of Ms Liu's registration would be 28 January 2022 or the date on which she was granted her Australian nationality, whichever is earlier."

19. On 10 March 2023, TTA filed an appeal against the EWG's decision with the ITTF Eligibility Commission. In its appeal, TTA requested the registration date to be set to 4 February 2020.
20. On 22 March 2023, TTA was informed that this appeal was dismissed by the ITTF Executive Board on 17 March 2023, along with the confirmation that the Appellant's registration date for eligibility purposes was 28 January 2022.
21. On 2 May 2023, TTA requested to commence proceedings in this matter before the ITTF Tribunal against this Executive Board decision issued on 17 March 2023.
22. This request, however, was rejected by the ITTF Tribunal Chair, since the deadline to appeal (the decision dated 17 March 2023) expired on 12 April 2023.
23. On 22 September 2023 and 19 December 2023, the Appellant in her own name submitted a request to the EWG of the Respondent applying for unrestricted eligibility in international competitions to compete for Australia.
24. On 15 January 2024, the EWG denied the Appellant's request. It considered that there were no new and material facts that differed from what was submitted by TTA in its original appeal request.

B. Proceedings before the ITTF Tribunal

25. On 2 February 2024, the Appellant filed an appeal with the ITTF Tribunal against the decision of the EWG dated 15 January 2024.
26. On 11 March 2024, the Respondent filed an Answer before the ITTF Tribunal, asking in its conclusion for the ITTF Tribunal to decline the Appellant's request for an appeal to be heard, *inter alia*, because of the lack of standing of the Appellant.
27. On 26 March 2024, the ITTF Tribunal Sole Arbitrator provided the Respondent with a deadline of 7 days to take a position on the Appellant's request of production of all

records, database and documents in the ITTF's possession or control, relating to any application for a change of sporting nationality.

28. On 2 April 2024, the Respondent submitted a statement which included again a defence on the lack of standing of the Appellant.
29. On 4 April 2024, the ITTF Tribunal Sole Arbitrator granted the Appellant 7 days to comment on the Respondent's argument regarding the lack of standing of the Appellant raised in the Respondent's answer of 11 March 2024 and further specified in the Respondent's submission dated 2 April 2024.
30. On 10 April 2024, the Appellant commented on the lack of standing defence raised by the Respondent.
31. On 25 April 2024, the ITTF Tribunal Sole Arbitrator ruled that the request for proceedings filed on 2 February 2024 by the Appellant was dismissed due to the Appellant's lack of standing (the "Appealed Decision").
32. The operative part reads, in its relevant parts, as follows:

"1. The Request for proceedings filed on 2 February 2024 by Mrs Yangzi Liu is dismissed."
33. In essence, the ITTF Tribunal Sole Arbitrator concluded that it is only TTA's responsibility to register the change of the Appellant's sporting nationality and not the Appellant. The latter cannot override this prerogative by requesting an application and registration directly.

III. THE PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

34. On 13 May 2024, the Appellant filed her Statement of Appeal with the Court of Arbitration for Sport ("CAS") against the Respondent with respect to the Appealed Decision, pursuant to Articles R47 *et seq.* of the CAS Code of Sports-related Arbitration (the "CAS Code"). In her Statement of Appeal, the Appellant nominated Mr Robert Weber SC or in the alternative Mr Anthony Lo Surdo SC as an arbitrator.
35. On 23 May 2024, the Appellant filed her Appeal Brief in accordance with Article R51 of the CAS Code. In her Appeal Brief, the Appellant requested to refer the case to a sole arbitrator.
36. On 28 May 2024, the Respondent agreed to submit the present matter to a sole arbitrator and proposed the joint appointment of a sole arbitrator by the Parties.
37. On the same date, the CAS Court Office invited the Appellant to comment on the Respondent's proposal for a joint appointment of the sole arbitrator within three days.

38. On 4 June 2024, the CAS Court Office informed the Parties that it had not received a response from the Appellant within the granted time limit and, consequently, the sole arbitrator would be appointed by the President of the CAS Appeals Arbitration Division, or her Deputy, in accordance with Article R54 para. 1 of the CAS Code.
39. On 11 July 2024, within the extended time limit, the Respondent filed its Answer in accordance with Article R55 of the CAS Code.
40. On 19 July 2024, the CAS Court Office, on behalf of the Deputy President of the Appeals Arbitration Division, confirmed that Prof. Dr. Martin Schimke, Attorney-at-Law in Düsseldorf, Germany had been appointed as Sole Arbitrator in accordance with Article R54 of the CAS Code.
41. On 2 August 2024, the CAS Court Office informed the Parties, pursuant to Article R57 para. 2 of the CAS Code, that the Sole Arbitrator has decided to hold a hearing in this matter, which would be held by videoconference.
42. On 16 August 2024, the CAS Court Office provided the Parties with an Order of Procedure, which was duly signed and returned by the Parties on 16 August 2024 and 26 August 2024, respectively.
43. On 8 October 2024, the CAS Court Office notified the Parties that the Sole Arbitrator decided to hold a remote case management conference ("CMC").
44. On 5 November 2024 the CMC was held. At the conclusion of the CMC, the Sole Arbitrator confirmed that the objection as to the admissibility of the Respondent's evidence was not being upheld by the Appellant. Regarding the Appellant's request for the production of documents, related to any change of sporting nationality, the Respondent argued that the request was too extensive and could not be fulfilled to this extent for various reasons.
45. After the CMC, on 11 November 2024, the Respondent provided a letter with five appendices that, she argues, exemplify the ITTF's decision-making process as to player eligibility in cases such as this one.
46. On 13 November 2024, the CAS Court Office invited the Appellant to inform whether her request for production of documents had been satisfied.
47. On 14 November 2024, the Appellant informed the CAS Court Office that she was not satisfied with the documents and that the problem concerned the access to the ITTF's eligibility database (which used to be publicly available on the Respondent's website), but to which TTA and the Appellant no longer had access.
48. On 19 November 2024, the Respondent commented on the Appellant's letter and asked the Sole Arbitrator to disregard the Appellant's new submissions.
49. On 25 November 2024, a hearing was held by videoconference. Apart from the Sole Arbitrator and Dr Björn Hessert, CAS Counsel, the hearing was attended by:

For the Appellant:

- Mr Darren Kane (Counsel)
- Ms Yangzi Liu (Party)
- Ms Shelly Sun (support person)

For the Respondent:

- Mr Raul Calin (ITTF Secretary General)
- Mr Jorge Ibarolla (ITTF Tribunal Chair, Counsel)
- Mr Flavio Pirrello (ITTF Tribunal Chair, Co-Counsel)

50. At the outset of the hearing, the Parties declared that they had no objections as to the appointment of the Sole Arbitrator.
51. The Parties thereafter were given a full opportunity to present their case, submit their arguments and submissions and answer the questions posed by the Sole Arbitrator.
52. At the end of the hearing, the Parties confirmed that they were satisfied with the hearing and that their right to be heard had been fully respected.

IV. SUBMISSIONS OF THE PARTIES

53. The following outline of the Parties' request for relief and positions is illustrative only and does not necessarily comprise every contention put forward by the Parties. The Sole Arbitrator, however, confirms that he carefully heard and took into account in his decision all of the submissions, evidence, and arguments presented by the Parties, even if they have not been specifically summarised or referred to in the present arbitral award.

A. The Appellant's Position

54. The Appellant's submissions, in essence, may be summarised as follows:

Standing to Appeal

- (a) The Appellant has standing, in her own right, to appeal against the Appealed Decision. The ITTF Tribunal in its decision did not consider the merits of the Appellant's substantive appeal.
- (b) The application concerns the Appellant's personal sporting nationality. Thus, she has an obvious and stark legal interest in changing her personal sport nationality status. Therefore, she must have standing to bring the request for proceedings.

Registration Date

- (a) The Appellant's ITTF player registration confirmation was made on 3 March 2020. At this point in time, the Appellant was aged 17 years. Therefore, Articles 4.1.3.3.2, 4.3.6.2.2, 4.4.6.2.2 and 4.5.5.3.4.2 of the ITTF Statutes, which contain regulations in regard to the representation of new Associations for athletes aged 15 – 17 years, are applicable, resulting in a 5-year waiting period from the date of such registration. As a result, the Appellant would be eligible to represent TTA and the Australian Olympic Committee (the "AOC") as of 3 March 2025.
- (b) The Athlete was entitled to assume that the Respondent would take all necessary steps to change the Appellant's sporting nationality, based on the correspondence between TTA and the Respondent. This is clear from the email of 3 March 2020, in which the Respondent wrote to TTA that the Appellant is "good to go".
- (c) The "ITTF player registration confirmation" referred to in the ITTF Statutes is to be considered as the Respondent's confirmation that a player is registered in the context of a change of sporting nationality. The email of 3 March 2020 is clearly such a confirmation and cannot be understood otherwise. The Appellant cannot be "good to go" if she has not been registered.
- (d) Furthermore, because the date of player registration on 3 March 2020 is before the date on which the Appellant obtained her Australian citizenship, the five-year retention period is to be calculated from 3 March 2020. The construction of each of the registration provisions in the ITTF Statutes expressly contemplates that the ITTF player registration confirmation might be issued before the acquisition of citizenship of the new country.

Applicability of Provisions

- (e) Considering that the registration date was 3 March 2020 as set out above, the applicable ITTF Statutes are Articles 4.1.3.3.2, 4.3.6.2.2, 4.4.6.2.2 and 4.5.5.3.4.2.
- (f) The wording "ITTF player registration confirmation" is used in Articles 4.1.3.2, 4.3.6.1, 4.4.6.1 and 4.5.1.3.3.

55. In her Appeal Brief, the Appellant sought for the following request of relief:

"The Appellant's prayers for relief, as set out in the Statement of Appeal, are claims for the following relief to be granted by this Court:

- a) That the Appellant's appeal to the Court of Arbitration for Sport is admissible.*
- b) That the CAS has jurisdiction to hear the Appellant's Appeal.*
- c) That the Decision Appealed Against is set aside.*
- d) A declaration that the Appellant has standing, in her own right, to appeal against the Respondent's decision made on 15 January 2024, concerning the Appellant's application to change her sport nationality, by reason of the Appellant having a*

sufficient stake in the Respondent's decisions made in relation to her application to change her sport nationality to Australian sport nationality under the ITTF Statutes 2023 and ITTF Statutes 2024.

- e) A declaration that the date of the Athlete's 'ITTF player registration confirmation', for the purpose of **clause 4.1.3.2, 4.3.6.1, 4.4.6.1 and 4.5.1.3.3** of the ITTF Statutes 2023 and ITTF Statutes 2024, and for all purposes under all applicable sections of the ITTF Statutes 2023 identified in the Appellant's Application for Registration dated and made on 22 September 2023, is 3 March 2020.*
- f) A declaration that the provisions of **clauses 4.1.3.3.2, 4.3.6.2.2, 4.4.6.2.2 and 4.5.1.3.4.2** of the ITTF Statutes 2023 and ITTF Statutes 2024 are the correct provisions that apply in relation to the Athlete's eligibility to participate in, and represent Australia in the table tennis competitions, tournaments, matches and events referred to in each of those provisions.*
- g) That the Respondent make an appropriate contribution to the Appellant's legal costs and expenses incurred in connection with these proceedings.*
- h) That the Respondent be ordered to bear the costs of the arbitration.*
- i) Any further or other relief as to this Court seems fit."*

B. The Respondent's Position

56. The submissions of the Respondent may be summarised as follows:

Inadmissibility of the Appellant's request for declaratory reliefs

- (a) In her Appeal Brief, the Appellant seeks declaratory reliefs in relation to her standing to appeal, the date of her international registration and the provision of the ITTF Statutes that should apply.*
- (b) Under Swiss law, the possibility for an Appellant to obtain a declaratory relief is subject to strict conditions, which have been confirmed by CAS jurisprudence. To meet these conditions, the Appellant must prove a special legal interest which requires the following three requisites:*
 - Existence of legal uncertainty*
 - Unacceptability of the legal uncertainty*
 - No other options to resolve the uncertainty*

But there is no declaratory relief for abstract legal questions or to determine factual circumstances.

- (c) The Appellant has no special legal interest. All the three conditions are lacking. The Appellant could have sought condemnatory prayers for relief by requesting the CAS*

to rule that her registration date is 3 March 2020. In addition, the Appellant tends to establish factual circumstances, when she requests the CAS to declare that the date of her “ITTF player registration” is 3 March 2020.

Lack of Standing to initiate Proceedings before ITTF

- (d) The Appellant had no standing to initiate proceedings before the EWG and the ITTF Tribunal and in consequence she does not have standing to appeal to CAS either. From the wording of the provisions in Articles 4.1.3.2, 4.3.6.1, 4.4.6.1, 4.5.1.3.3 of the ITTF Statutes, an athlete may only register with the ITTF for the Olympic title competitions and World Title events through his/her association. Athletes are not entitled to request their own registration. During major games, athletes do not compete in their own names but represent their national associations, so the Appellant cannot claim to register directly with the ITTF. The Appellant thus cannot validly invoke the rights which she puts forward.

Alternatively: Referral to the ITTF

- (e) If the claim does not fail due to a lack of legal standing, the case should be referred back to the ITTF Tribunal Sole Arbitrator to decide on the issue of the Appellant’s registration, because the ITTF Tribunal Sole Arbitrator did not decide on the merits of the case regarding the Appellant’s eligibility, especially regarding the issue of the registration of the Appellant for international competitions.

Alternatively: Registration date was the 28 January 2022

- (f) The Appellant may not be registered under TTA before 28 January 2022. The Respondent confirmed on 3 March 2020 that TTA had the right to enter the Appellant into any international competition, except World Title events, Team events and Olympic Games, for which there was a need to prove her nationality.
- (g) In order for a player to be eligible to represent a new member association, the latter must submit a proper and complete application to register the player under their new nationality.
- (h) The email of 3 March 2020 is very clear and no player registration confirmation can be drawn from the statement “*Otherwise, she is good to go*”. The email clearly explains that TTA must prove the nationality of the Appellant in order for her to be allowed to compete in World Titles, Team events and the Olympic Games. The statement “*Otherwise, she is good to go*” must be understood in this way. This phrase only referred to the first part of the email, according to which the Appellant can compete for TTA in International Open tournaments and she is therefore good to go if TTA does not want the Appellant to compete in World Title events, Team events and Olympic Games. After this email, TTA did not get in touch and did not submit any further documents to complete the registration.
- (i) In a final decision dated 22 March 2023, the ITTF Executive Board ruled that TTA had not submitted a sufficient registration for the Appellant. Therefore, the

registration date would be 28 January 2022, unless the Appellant had been granted her Australian citizenship earlier. The Appellant is now trying to circumvent the ITTF Executive Board's final decision by applying for registration herself. TTA therefore never submitted a sufficient registration, and the Appellant was never entitled to apply for one.

57. In its Answer, ITTF sought the following request for relief:

“The International Table Tennis Federation applies for the Court of Arbitration for Sport to rule as follows:

I. The appeal filed by Ms Yangzi Liu against the decision of the International Table Tennis Federation ITTF Tribunal of 25 April 2024 is dismissed.

II. Ms Yangzi Liu shall bear all the arbitration costs.

III. Ms Yangzi Liu shall be ordered to pay to the International Table Tennis Federation a contribution towards its legal and other costs incurred within the framework of these proceedings, in an amount to be determined at the full discretion of the Sole Arbitrator.”

V. JURISDICTION

58. Article R47 of the CAS Code provides, *inter alia*, that:

“An appeal against the decision of a federation, association or sports-related body may be filed with CAS if the statutes or regulations of the said body so provide or if the parties have concluded a specific arbitration agreement and if the Appellant has exhausted the legal remedies available to it prior to the appeal, in accordance with the statutes or regulations of that body.”

59. Article 8.37.1 of the ITTF Statutes (2024 edition) states that:

“Subject to R8.37.2, the ITTF Tribunal's decision may be appealed to the Court of Arbitration for Sports ('CAS') by a party to the proceedings.”

60. The Appealed Decision was rendered by the ITTF Tribunal and the Appellant was a party to this proceeding.

61. The jurisdiction of CAS is not contested by the Parties and is further confirmed by the Order of Procedure, duly signed and returned by both Parties.

62. Considering the foregoing, the Sole Arbitrator is satisfied that the CAS has jurisdiction to decide the present Appeal.

VI. ADMISSIBILITY

63. Article R49 of the CAS Code provides as follows:

“In the absence of a time limit set in the statutes or regulations of the federation, association or sports-related body concerned, or of a previous agreement, the time limit for appeal shall be twenty-one days from the receipt of the decision appealed against. After having consulted the parties, the Division President may refuse to entertain an appeal if it is manifestly late.”

64. Article 8.37.3.1 of the ITTF Tribunal Regulations stipulates the following:

“Appeals made pursuant to R. 8.37.1 shall be filed no later than 21 days from the date of receiving the full decision by the appealing party.”

65. In accordance with these articles, the time limit for filing the appeal is 21 days from the date of the Appealed Decision. The Appealed Decision was issued and notified to the Appellant on 25 April 2024. The Appellant filed her Statement of Appeal with the CAS on 13 May 2024. Therefore, the present Appeal was submitted within the 21-day time limit.
66. The Sole Arbitrator further notes that the admissibility of the appeal is not contested by the Respondent.
67. Consequently, the Sole Arbitrator finds that the present Appeal is admissible.

VII. APPLICABLE LAW

68. Article R58 of the CAS Code provides as follows:

“The Panel shall decide the dispute according to the applicable regulations and, subsidiarily, to the rules of law chosen by the parties or, in 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 that the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision.”

69. Article 8.37.3.3 of the ITTF Statutes states that:

“Appeals made pursuant to R8.37.1 shall apply CAS’ Code of Sports-related Arbitration (as published, modified and supplemented by CAS) and be governed by Swiss law.”

70. As specifically addressed by the Sole Arbitrator to the Parties at the hearing, the ITTF has published several versions of the ITTF Statutes in the years covering the present dispute. In particular, the Sole Arbitrator has indicated, with reference to the decision CAS 2014/A/3776, that in addition to the versions of the ITTF Statutes from 2023 and 2024 referred to by the Parties in their written submissions, the ITTF Statutes that were in force at the time the TTA initiated the registration procedure in February 2020 could also apply. In this context, however, the Parties have consensually declared that, as far as the subject matter and the provisions in dispute are concerned, there are no relevant differences in the various Statutes, which the Sole Arbitrator can also confirm after his

own examination. Therefore, where reference in this Award is made to the ITTF Statutes, it is to be construed as the 2024 version of the ITTF Statutes (in force at the time of the Appealed Decision), unless stated otherwise.

71. As for the document entitled “*Eligibility Registration*” (the “*Eligibility Registration Guidelines*”), which are stated on the cover as having been last updated on 4 December 2023, and which were subsequently submitted by the Respondent on 11 November 2024, insofar as the content of this is to be decisive at all, there is also no dispute between the Parties regarding the question of which version should apply. The Respondent states that an “*equivalent*” of these guidelines was provided to all national associations also in April 2019. In her written submission of 14 November 2024, the Appellant does not dispute this.
72. Accordingly, the applicable regulations in the present case are the ITTF Statutes (including said Eligibility Registration Guidelines), subsidiarily, Swiss law. The Sole Arbitrator notes that the Parties agree that these are the applicable regulations.

VIII. PROCEDURAL MATTERS/PRAYERS FOR RELIEF

A. Request for Production of Documents

73. The Sole Arbitrator observes that the Appellant in her Appeal Brief requested the CAS Court Office pursuant to Article R44.3 of the CAS Code

“to order that the Respondent produce, at the time that the Respondent files its Answer, all records, databases and documents in the Respondent’s possession or control, relating to any application for a change of sport nationality, made by any athlete in the sport of table tennis or approved by the Respondent and its committees including the Eligibility Working Group, at any time between 1 January 2009 and 31 December 2023 (both dates inclusive).”

74. The Respondent submitted examples of previous registration applications after discussing the request for production of evidence in the CMC.
75. The Sole Arbitrator notes that the Appellant was not satisfied by the submission of the Respondent. However, the Sole Arbitrator denies ordering Respondent to produce further documents according to the Appellant's request above in addition to the submitted registration examples, because he does not consider them relevant for his decision-making, as is shown by the following grounds for the decision.

B. Prayers for Relief

76. The Sole Arbitrator notes that, in addition to the Appellant’s request for relief to set aside the Appealed Decision (and other requests as to admissibility, jurisdiction and costs), she also makes several specific requests for declaratory relief in this case. The Sole Arbitrator will first deal with these requests for declaratory relief (i.e. requests d), e) and f) of the Appellant’s Statement of Appeal). In the absence of a specific regulatory regime for

processing declaratory requests for relief in the ITTF Statutes or CAS Code, the Sole Arbitrator shall, in line with CAS jurisprudence, apply Swiss law subsidiarily in order to resolve these requests.

a. The Appellant's Standing

77. In request for relief d) that she has standing in her own right to appeal against the Appealed Decision. The Respondent submits that this request is inadmissible and shall thus be dismissed. The Sole Arbitrator finds that based on Swiss law and the CAS jurisprudence, a declaratory relief may only be granted under specific conditions: first, the party requesting such declaratory relief must show a legal interest and such declaratory judgment must be necessary to resolve a legal uncertainty threatening the requesting party (see CAS 2020/A/7590 & 7591, CAS 2011/A/2612, CAS 2009/A/1870, CAS 2011/O/2574 and CAS 2013/A/3272); second, the legal uncertainty must relate to the existence or non-existence of a claim or a defined legal relationship between the parties to the dispute (see CAS 2020/A/7590 & 7591, CAS 2011/A/2612, CAS 2009/A/1870 and STF 137 II 199).
78. According to constant Swiss jurisprudence a legal interest is missing if a declaratory judgment is insufficient or falls short of protecting the claimant's interests (ATF 116 II 196; 96 II 131). The latter is the case – *inter alia* – if a party must file a further claim or request in order to obtain the judicial relief sought or if there are better or easier ways to pursue and protect the claimant's legal interests (ATF 123 III 429; 99 II 174).
79. Likewise, the Swiss Federal Tribunal requires that there is a legal interest by the claimant to obtain declaratory relief, specifying that such legal interest does not merely pertain to abstract, theoretical legal issues but to concrete right and duties (ATF 137 II 199 consid. 6.5).
80. In the Appealed Decision, the ITTF Tribunal dismissed the Appellant's request for proceedings solely based on the lack of standing. Further requests as to the registration of the Appellant were not considered in the ruling. Therefore, the issue of the Appellant's standing is at the heart of the case between the Parties, and the Appellant has a special legal interest to clarify her rights in this regard.
81. In conclusion, the Sole Arbitrator deems the request admissible.

b. Declaration of the Registration Date

82. In request for relief e) the Appellant further requested a declaration as to the correct date of her player registration confirmation for the purposes of the ITTF Statutes.
83. Applying the Swiss law test for the granting of declaratory relief referred to above, the Appellant's legal and personal interest in the determination of the date on which she received her registration is indisputably given, as examined in detail in the 'Merits' section of this Award below.

84. Insofar as the Respondent states that the Appellant “*does not allege that the three conditions for establishing a special legal interest have been met, and for a good reason: all three conditions are lacking. This is particularly true with regard to the third condition, namely that there must be no other way of resolving the legal uncertainty (if any), given that the Appellant could have sought condemnatory prayers for relief by requesting the Court of Arbitration for Sport to rule that her registration date was 3 March 2020*”, the Sole Arbitrator is unable to follow this argumentation. In her request for relief e) the Appellant is pursuing exactly this relief – the resolution of a legal uncertainty between the Parties which is at the heart of the Appealed Decision and the present dispute.
85. The date of the Appellant’s registration confirmation for the purposes of the ITTF Statutes is personal to the Appellant, and is a legally important matter as it relates to her sporting nationality. The Appellant’s sporting nationality is important for the Appellant as it something which could ultimately (subject to the various relevant selection processes, the rights and considerations of her national federation and others involved, and the fulfilment of all other relevant eligibility criteria, all of which are beyond the scope of this Appeal), affect the Appellant’s eligibility for participation in future competitions pursuant to the terms of those statutes. The determination of the date of the registration confirmation is also to be seen as compulsory in relation to her legal position and as a prerequisite for its determination and has therefore legal consequences for the Appellant. Therefore, the requested declaration of the registration date is not simply a fact but is necessary to resolve a legal uncertainty threatening the Appellant within the context of a legal relationship between the Parties.
86. Having exhausted any internal legal remedies within the ITTF structure, the Appellant appears to have no other available legal remedy than to seek an appeal to CAS, which the ITTF identifies in its statutes as the arbitral tribunal with jurisdiction over appeals against decisions of the ITTF Tribunals. No other mechanism is available to protect the Appellant’s legal interests in this respect.
87. For that reason, the Sole Arbitrator considers the request admissible.

c. Declaration of the applicable Rules

88. As to the final request for declaratory relief f) by the Appellant, namely whether the provisions of Articles 4.1.3.3.2, 4.3.6.2.2, 4.4.6.2.2 and 4.5.1.3.4.2 of the ITTF Statutes 2024 are the correct provisions that apply in relation to the Athlete’s eligibility to participate in, and represent Australia in the competitions referred to in each of those provisions, the Sole Arbitrator also applies the test under Swiss law for the granting of declaratory relief set out above.
89. In this instance, it is not clear to the Sole Arbitrator that the declaratory judgment of this question is necessary to resolve the legal uncertainty at the heart of this Appeal. It does not appear that this was a matter considered in the Appealed Decision, which relates to the date of the Appellant’s player registration confirmation for the purposes of the ITTF Statutes covered by request for relief (e), and the Appellant’s standing to appeal against

that decision covered by request for relief (d). Whether or not the Appellant was duly registered and/or should be declared eligible for nomination by TTA for any particular competitions (or levels of competition) falls outside the scope of the Appealed Decision, and this Appeal.

90. Further, in practical terms, it appears to the Sole Arbitrator that the question of which provisions of the ITTF Statutes apply in this respect are a simple practical question, the answer to which flows directly from the outcome of the Appellant's request for relief (e) referred to above. As such, this motion merely requests the clarification of an abstract legal question, namely the confirmation that certain provisions are to be applied, in view of the answer to a separate legal question.
91. Therefore, the Sole Arbitrator finds the request under f) to be inadmissible.

IX. MERITS

92. Having dealt with the admissibility of the various requests for relief of the Appellant, the Sole Arbitrator now turns to his analysis the merits of the dispute. In essence, the following two questions need to be addressed in this case:

- Does the athlete have standing to appeal?
- In the affirmative, is her request to declare that Athlete's player registration confirmation by TTA is 3 March 2020 for the purposes of the ITTF Statutes justified?

A. STANDING TO APPEAL

93. As described above, the Appellant's standing to appeal is contested. The plea relating to the lack of standing to sue (as well as standing to be sued) is - according to settled jurisprudence of the CAS (see e.g., CAS 2021/A/7768, CAS 2015/A/3140; CAS 2015/A/3959; CAS 2015/A/4131, CAS 2009/A/1869), - a question related to the merits of the case.
94. As far as the relevant requirements for standing to sue (or to appeal) are concerned, the Sole Arbitrator takes comfort in the guidance set down by the CAS panel in CAS 2015/A/4282 where the CAS panel provided the following summary of the CAS case law and Swiss Federal Tribunal.

“Regarding CAS jurisprudence, in order to have standing to sue, the appellant must have an interest worthy of protection (CAS 2013/A/3140 para. 8.3) or a legitimate interest (CAS 2015/A/3880 para. 46 with further references). This is found to exist if (i) the appellant is sufficiently affected by the appealed decision, and if (ii) a tangible interest of a financial or sporting nature is at stake (CAS 2015/A/3880 para. 46 with further references; see also to that effect CAS 2013/A/3140 para. 8.3; CAS 2014/A/3665, 3666 & 3667 para. 47; CAS 2015/A/3959 par. 143 et seqq.). According to CAS 2009/A/1880 & 2009/A/1881 para. 29, only an aggrieved party who has something at stake and thus a

concrete interest in challenging a decision adopted by a sports body may appeal against that decision to CAS and the Swiss Federal Tribunal

The Appellants also rely on the application of the Swiss rules of administrative procedure. (...)

*In this respect, the Panel notes that both academics and the jurisprudence hold that a non-addressee of a decision only has a right to appeal in very restricted cases (ATF 131 II 649 consid. 3.1 and references). As a general rule, the appellant's interest must be concrete, legitimate, and personal (Yves Donzallaz, *Loi sur le Tribunal Fédéral*, p. 909, para. 2366 and 2369, Berne 2008 and quoted cases). A purely theoretical/indirect interest is not sufficient (ATF 133 II 353). In addition, the decision being challenged must affect the appellant directly, concretely, and with more intensity than others (ATF 131 II 649; consid. 3.1; see also CAS 2009/A/1880, 1881 par. 29). (...)*

Hence, the Swiss Federal Tribunal held that appellants who wanted to buy a piece of land adjacent to their own property for personal convenience had no standing to appeal against the decision approving the sale of this land to a foreigner. In this case, the Supreme Court found that they had not demonstrated a sufficiently direct interest in having their appeal admitted. Along the same vein, the Swiss Federal Tribunal ruled that a shareholder who held nearly half of a company's capital had no legitimate interest in appealing a decision denying authorization for the company to acquire a building because the shareholder was not affected directly enough by the decision; it would likely not be otherwise for a sole shareholder (ATF 131 II 649, consid. 3.4(...))."

95. These principles and requirements have been confirmed time and again by CAS panels (see, for example, CAS OG 22/007 and CAS 2023/A/9611).
96. The matter in dispute here is the question of whether and when the Athlete correctly changed her sporting nationality under the applicable rules. This question is, by its very nature, also related to the question of an athlete's legal nationality status (as the present case also shows).
97. The question of one's own legal and/or sporting legal status is undeniably a very personal right. The interest in a measure or decision *vis-à-vis* an athlete that affects this status could therefore be more direct and legitimate for this athlete in the sense of the above-cited case law.
98. The Respondent does not appear to want to explicitly dispute the Appellant's direct concern and immediate interest in a decision regarding her sporting nationality. Rather, in its denial of the Appellant's right to bring an appeal, the Respondent primarily relies on the fact that it follows from the wording of the relevant rules that an athlete may only register with the ITTF for the Olympic title competitions and World Title Events through their association, in this case TTA.
99. In this regard, the Respondent refers to the Appealed Decision, which also argues in this context that it is up to each national association to decide which athlete will represent the association and the country in which it has authority with the result that athletes are not

entitled to request directly their own registration. In view of this, the Respondent continues, only TTA was entitled to request the Appellant's registration with ITTF.

100. The Parties' submissions and the arguments in the Appealed Decision initially give cause to clearly and strictly distinguish between two processes (and thus between two possible subject matters of a dispute). These are in general and so too in the present case: (i) the *registration* after obtaining a new (legal) nationality on the one hand and (ii) the *nomination* (i.e. selection) for competitions on the other.
101. The nomination for competitions such as World Title events and the Olympic Games is not at issue here. Such nominations are generally made by the national association (here: TTA) on the basis of fixed performance criteria and after comparison with other eligible athletes. With regard to admission to the Olympic Games, the national sports federation usually only has a right to propose candidates, while the corresponding nomination for the Olympic Games is made by the National Olympic Committee, which also still has discretion (see Rule 44 Olympic Charter ("OC")).
102. As far as this process is concerned, the Sole Arbitrator agrees with the Respondent that the nomination based on certain performance criteria, if refused, can in fact only be legally enforced by the governing national sport federation, subject to extreme arbitrary or other exceptional cases. For example, athletes were granted a direct claim against the IOC for admission to the Olympic Games if the nominating National Olympic Committee had clearly misapplied its own nomination principles and there was no time for other legal remedies immediately before the start of the Olympic Games (CAS 2000/A/260, CAS 96/153, CAS 2000/A/278).
103. Therefore, the case law cited in the Appealed Decision in paras. 22-25 is not helpful for the present case. These cases all concern the classic nomination procedure, particularly the admission to the Olympic Games. However, as stated above, the present case does not concern such a nomination for a specific competition (let alone an exceptional case, as mentioned above).
104. Rather, the issue at hand is whether and when the athlete correctly changed her nationality for sporting purposes (i.e. a matter of registration as opposed to nomination). According to the ITTF Statutes, there are two conditions for this. Firstly, it is necessary that the athlete has acquired a new legal nationality at state level with a corresponding passport. In addition, a corresponding registration is required, which may entail further conditions such as a waiting period. The two conditions mentioned above are also mentioned in the ITTF Statutes (see the wording "... *acquired a new nationality... and... register with the ITTF through this new association...*" in Articles 4.1.3.2, 4.3.6.1, 4.4.4.6.1 and 4.5.1.3.3 of the ITTF Statutes).
105. It is true that, according to the ITTF Statutes, registration must be done by the national association (here TTA). However, this initial registration process must be distinguished from the separate, secondary step of a selection decision of the national sports federation as to whether the person concerned should be nominated for a particular international competition and represent the colours of the association's country.

106. This is demonstrated by the (hypothetical) consideration that even an athlete who, for whatever reason, would indisputably never meet the criterion of being nominated for one of these international competitions, should at least be entitled to have their nationality for sporting purposes clarified, not least from the point of view of equal treatment and anti-discrimination. Therefore, it is of fundamental and elementary importance for every athlete to know which nationality he or she has in the sporting field (after the change of the legal nationality), independently of the question of nomination for a particular (national or international) competition based on specific selection criteria. This is a matter of confirming the recognition of a player's nationality at a sporting level.
107. At this point, the Sole Arbitrator emphasises again that, in his opinion, this case is not about selection procedures and nomination for certain competitions, such as world championships or the Olympic Games. It is about the Appellant's registration status with respect to her sporting nationality (her new sporting passport so to say).
108. If the ITTF has doubts as to this registration status there must be a way for the Athlete herself to have this clarified by the competent adjudicatory bodies.
109. Only after such clarification of the Athlete's registration status for general eligibility is positively determined is the next step the nomination for the Olympic Games or World Championships, which, if refused, can in fact only be obtained – as the Respondent rightly points out – through the national association.
110. The Sole Arbitrator cannot find any special provision in the ITTF Statutes, according to which the Athlete can have her nationality change issue clarified. But then she must have her own right to clarification. If the ITTF denies her this right or makes the wrong decision about it, the Athlete must be granted a right of her own to have it clarified, if necessary, before the CAS.
111. Finally, there is also no rule stating that actions of TTA (in general and/or in the context of registration with the ITTF) are attributable to the Athlete or that TTA is to be regarded as the Athlete's agent, with the possible consequence that the Athlete must ultimately accept that missed deadlines or other uncorrectable errors on the part of TTA are attributable to her, and that she can no longer assert claims against the ITTF but only secondary claims such as compensation against TTA.
112. In this context, the Sole Arbitrator took note of the submitted correspondence dated 15 January 2024. In its letter to the Appellant, ITTF states that the EWG sees no basis for a new decision regarding the registration based solely on the absence of a separate notification to the Appellant. Instead, the Respondent argues that it is TTA's duty to ensure that decisions of ITTF's official bodies are binding on their athletes. This is laid down in Art. 1.12.1 of the ITTF Statutes which read as follows:

“In accordance with Article 1.11.1.3., each Association's statutes must comply with the principles of good governance and shall contain at least provisions relating to the following matters: (...)

1.12.1.4 to ensure all relevant stakeholders recognise and exclusively submit to the jurisdiction and authority of the ITTF Tribunal and such other judicial powers recognised by the ITTF.”

113. It is not apparent, nor is it clearly expressed in this regulation, that the general obligation of the national federation to ensure the binding effect of ITTF decisions always excludes an athlete’s standing to sue/appeal for every conceivable individual case in respect of such a decision. As explained, the question in this case is whether a decision in the relationship between TTA and the ITTF, which concerns a highly personal matter (here the nationality of the Athlete), may also be taken up by the Athlete directly against the ITTF based on specific factual circumstances.
114. With her actions, the Athlete does therefore not challenge the responsibility and authority of the ITTF in the familiar pyramid-shaped structure of organised sport (from the club to the regional association over the national governing body up to the world/international umbrella association). On the contrary, by requesting a decision from the ITTF, the Athlete emphasises her willingness to submit to the jurisdiction and competence of the ITTF.
115. Apart from the Respondent’s argument, the Sole Arbitrator also does not overlook Article 8.20.4 of the ITTF Statutes which covers regulations in regard to the ITTF Tribunal and states that:
- “Notices or other communication to a person who is a member of a member association of ITTF or of an associated organisation of ITTF may be accomplished by delivering such notice or other communication to that member association of ITTF or that associated organisation of ITTF, respectively.”*
116. Apart from the unresolved question of whether, when and how it can be assumed that the decisions issued to date have been notified/communicated to the Athlete, the Appellant has not been involved in the previous legal proceedings between ITTF and TTA as an official party to the dispute. If at all, it is therefore in any case in the present case not possible to construe any exclusion of the Athlete’s standing to sue/appeal from the above-mentioned provision.
117. Based on the forgoing, the Sole Arbitrator rules that the Appellant has standing to appeal against the Respondent’s decision rendered on 15 January 2024 and, consequently, in the present case.

B. The Athlete’s Player Registration Confirmation

118. As far as the determination of the registration date is concerned, the following undisputed facts should be noted in advance:
- The decisive subject matter of the dispute is the *“ITTF player registration confirmation”*. Although this term is regularly used in the ITTF rules, there is no clear explanation or definition of the meaning of this term.

- The existence of different categories or types of registrations and/or multiple registration dates for the various levels of competition is not provided for in the ITTF Statutes.
 - It is clear from wording of ITTF Statutes that it is possible for players to be registered with a new national federation *before* they have acquired the nationality of the country in which that federation is domiciled.
119. According to the correspondence between the Respondent and TTA, it is indisputable that the Appellant was already registered (as a representative of Portugal) at the time of TTA's request to the Respondent by email dated 3 February 2020. It is the date of this subsequent registration by TTA of the Athlete for Australia for the purposes of the ITTF Statutes which is at the heart of the dispute in the present case. This is of practical relevance for the Athlete because this determines both the starting point and the duration of the waiting period which she (as an athlete switching sporting nationalities) must observe before becoming eligible to be nominated by TTA to represent Australia in the aforementioned highest levels of competition in the sport.
120. In this context, the Sole Arbitrator notes that while the waiting periods referred to in the ITTF Statutes for athletes switching nationalities only apply to certain levels of competition, it is also clear that there is no further separate (second or third etc.) classic registration act for either the Athlete or TTA to complete in respect of those various levels of competition. As mentioned above, the rules do not provide for this. Moreover, this is confirmed by the ITTF's statements when, after confirming that registration (for Portugal) has already taken place, they write in the ITTF email of 3 February 2020 (from Barry Goh Yu Chang) “...*this is a question about her eligibility to represent Table Tennis Australia ...*” and the latter again says in the email of 10 February 2020 “...*this matter has been taken up by Players Eligibility Team. The case is now under consideration to check her ability for participation in events....*”
121. The Parties also make reference to the Eligibility Registration Guidelines, which appear to provide guidance and/or instructions for national federations in respect of the ITTF player registration process.
122. The Eligibility Registration Guidelines contain (i.a.) the following wording:
- “To complete the registration Player must already have ITTF ID corresponding to the new Association (if player is currently registered with another Association, first proceed with Association change procedure).*
- For Eligibility registration you have to fill all the necessary fields in the form (not all fields are required if not applicable at the moment of registration), uploading also:*
- *An official letter on the letterhead of the ITTF Member Association signed by the President or Secretary General of the Association (or equivalent) requesting the eligibility registration of the player.*

- *A scanned copy of the current passport and/or citizenship certificate and/or proof of original date of residence in the new country.*
- *The new passport and citizenship certificate must be uploaded once the player acquires it.*

[...]

IMPORTANT NOTE

Registration can be made without having yet acquired the new citizenship, and, in this case, the registration period will count from the moment you present the requested information/documentation, provided that the player does not compete again with the association of origin. The new passport and/or citizenship certificate should be provided as soon as the player gets it. Players cannot represent the new association at listed events until they obtain it. In that case, the waiting period will be extended until obtaining such citizenship.”

123. The Eligibility Registration Guidelines therefore again make clear that it is possible for a player to be registered with a national federation before having acquired citizenship of that federation’s country. Similarly, it is envisaged that the waiting periods associated with a player transferring nationalities may start from a date of registration preceding acquisition of that new nationality. Indeed, a procedure is specifically provided for a scenario where a player reaches the end of the relevant post-registration waiting period without having yet acquired their new passport and/or citizenship certificate.
124. If the ITTF wished to provide that registration is only possible from the date on which a player acquires the nationality of the respective federation (whether in reference to potential selection at all levels of competition or only some) it was open to it to do so. Neither in the ITTF Statutes nor the Eligibility Registration Guidelines does the ITTF appear to take this position. Even if the wording in the ITTF Statutes and Eligibility Registration Guidelines on this point is found to be ambiguous, such ambiguity must be resolved against the ITTF and in favour of the Appellant in this case, in accordance with the principle of *contra preferentem*.
125. Therefore, having considered the wording of the ITTF Statutes and the Eligibility Registration Guidelines, the Sole Arbitrator considers that after a (first) registration (for any country) and a later application by a national association for another country, the key consideration for the player in question is:
- what is the (sole) date of player registration with the new association for the purposes of the ITTF Statutes?
126. It is the answer to this question which, in turn, determines other relevant matters under the ITTF Statutes such as:
- depending on the age of the player at the time of this new registration, which of the waiting periods in the ITTF Statutes apply before they can represent their

new federation at certain levels of competition (subject to them providing proof of associated nationality in due course); and

- the date on which the clock starts running on the relevant waiting periods (this being the above date of registration).

127. The relevant question as to the Athlete's registration in this case (which in turn determines the waiting periods which apply to the Athlete pursuant to the terms of the ITTF Statutes) is therefore the date on which the ITTF's player registration confirmation to represent Australia was achieved by TTA within the meaning of those ITTF Statutes. The Sole Arbitrator therefore turns his attention to the submissions of the Parties on the date of registration of the Player by TTA in this case.

128. In this respect, the position of the Parties is clear:

- The Appellant argues that the date of registration is 3 March 2020, being the date on which the ITTF sent an email which the Appellant argues it took to confirm the confirmation of her registration with TTA.
- The Respondent, in turn, argues that the date of registration was 28 January 2022 or whenever the Appellant was granted Australian nationality (whichever is earlier)

129. The Sole Arbitrator turns his attention to the ITTF's email of 3 March 2020 to TTA, which is at the centre of the dispute, set out at paragraph 12 above and repeated again here for reference:

"Liu Yangzi is eligible to participate in Singles and Doubles events for International Open tournaments based on the documents which you have provided and also the current profile which is reflecting in our system. For this case, Singles and/or Doubles events for World Tour, Challenge or World Junior Circuit.

If you would like her to participate in World Title events (World Junior Championships, Continental Championships, etc.), Team events and Olympic Games, there is a need to prove her nationality. Please provide documents to prove that her nationality will be changed (e.g. Australian passport)

Otherwise, she is good to go!"

130. This email contains three separate paragraphs. The first two paragraphs deal with the question of which events the Appellant may be eligible to compete in, when and under what conditions. The third paragraph then contains the separate statement *"Otherwise she is good to go!"*.

131. Contrary to the Respondent's opinion, the statement *"Otherwise she is good to go"* refers anything but clearly to the first and/or second paragraph, with the consequence that it should only be expressed that as long as the Appellant's Australian passport cannot be presented, she is not eligible for World Titles Events and Olympic Games. If this was

(exclusively) the purpose of the third paragraph, then it would only be a completely unnecessary repetition of what was previously said, as the first and second paragraphs are so clearly and unambiguously formulated that no further explanation would have been necessary.

132. From the point of view of a reasonable recipient, who must be taken into account when interpreting declarations, it is therefore reasonable to assume that the third paragraph should have a separate/independent meaning. This corresponds to recognised principles of interpretation according to which, in case of doubt, it must be assumed that a sentence or a passage is intended to have a specific meaning of its own. Further, and again in application of the principle of *contra preferentem*, any remaining ambiguity in the wording of this email may be resolved against the party who drafted it (in this case, ITTF).
133. In view of this, TTA could reasonably assume in good faith that the third paragraph in the ITTF email of 3 March 2020 quoted above in fact represented ITTF's confirmation of the Athlete's player registration with TTA, especially in consideration of the following circumstances:
 - By email dated 4 February 2020, TTA had - as requested - sent a copy of the Appellant's Australian student visa with the express request "*Please let me now (sic) should you require any further information.*"
 - The important meaning that the term and date of the "registration confirmation" has (namely the reference point for the duration of a waiting period for the athlete depending on his/her age).
 - The parameters mentioned above, namely: (i) no definition of the meaning of the term "registration confirmation"; (ii) no apparent different categories or types of registration and/or multiple registration dates for the various levels of competition (iii) that registration may take place prior to the receipt of legal nationality.
 - The apparent lack of any certificate of registration provided by ITTF to its national federations when a player is deemed registered with that federation.
134. Against this background, TTA (and the Appellant) could trust all the more that the Respondent wanted to confirm with the sentence "*Otherwise she is good to go*" that - apart from the proof of Australian citizenship - all formalities of whatever kind had been fulfilled by TTA and that everything necessary had been set in motion correctly. In particular, it would have been necessary, reasonable and appropriate, within the context of the principle of legitimate expectation, for the ITTF to have made an additional clear remark/warning/reference to the fact that the email was not a confirmation of the Athlete's player registration within the meaning of the ITTF Statutes, if that was the ITTF's standpoint.
135. This corresponds to Swiss law, according to which once the addressee of a declaration does not understand the statement contained in the declaration in the sense wished by its sender, one has to rely on an interpretation based on the principle of trust ('*principe de la confiance*'; '*Vertrauensprinzip*') which stems from Article 2 para. 1 of the Swiss Civil

Code. According to this principle, a declaration has to be interpreted in the sense that the addressee could and should have given to it, taking in account all circumstances of the case and the rules of good faith (see CAS 2005/A/811, CAS 2000/A/262; 2019/A/6468 & 2019/A/6478; 2020/A/6914; 2020/A/7529).

136. Further, the Sole Arbitrator must consider why the ITTF Statutes explicitly provide that the date of registration of a player to represent a country may be before the player has acquired legal nationality of that country, if not for a situation such as this one. The ITTF has not provided a satisfactory answer to this question.
137. In this context, the Sole Arbitrator is not persuaded by the Respondent's argument that the formalities of the player's registration were only completed by TTA/the Athlete on (i) 28 January 2022, or alternatively (ii) when the Athlete acquired Australian nationality.
138. In respect of (i) there is no evidence that the Appellant or TTA performed any additional positive action or step towards registration between 3 March 2020 and 28 January 2022. If the ITTF allows registration on 28 January 2022, even though no further documents or a changed registration or similar were submitted prior to that date by the Appellant or TTA, the question arises: why not also recognise 3 March 2020, since at that time exactly the same "registration" was first submitted. Based on the wording of the Eligibility Registration Guidelines, the only formality which appears to have been lacking at the time of the email of 3 March 2020 was the "*official letter on the letterhead of the ITTF Member Association signed by the President or Secretary General of the Association (or equivalent) requesting the eligibility registration of the player*". However there is no evidence that such "official letter" was ever requested by ITTF or provided by TTA in the period between 3 March 2020 and 28 January 2022. In the absence of such, it may be construed that the ITTF was satisfied that the email request to register the Player made via email by TTA in the email chain prior to 3 March 2020 may have been taken by ITTF as an "equivalent" request for the "*eligibility registration*" of the Player. In this respect, the only document explicitly mentioned by the Respondent in the email of 3 March 2020 was the Player's passport.
139. In respect of (ii), as already analysed in detail above, it is apparent from the ITTF Statutes and Eligibility Registration Guidelines that it is specifically foreseen and permitted for a player to be registered by a national federation prior to their acquisition of the legal nationality of that federation.
140. Finally, no overriding interests of the Respondent worthy of protection are apparent that could possibly justify a different view. In particular considering the fact that the Athlete did not represent another national federation in the intervening 2-year period between 2020 and 2022, the Sole Arbitrator must ask himself what the difference in practice is for the ITTF in this scenario. What detriment has the ITTF or any other team/national federation/player suffered if it is determined that a 5-year waiting period applies (from 2020), as opposed to a 7-year waiting period (from 2022)? Nor is there any evidence that such a decision would be contrary to any consistent application of key principles to be found in the ITTF Statutes as regards the timing or form of player registration.

141. In any case, nothing has been submitted about this by the Respondent beyond the small number of letters in other cases of national federations seeking to register their players in a similar manner to TTA in this case. In practice these letters suggest that the wording and approach used by national federations to (apparently successfully) register players who had acquired nationality with that federation's country required little, if anything by the way of formality, and in many cases are a simple letter of one or two sentences.
142. The ITTF has not submitted anything which speaks persuasively as to why the email exchange between the Parties on and preceding 3 March 2020 should not be taken to satisfy all the requirements of player registration referred or alluded to in the ITTF Statutes.
143. In these circumstances, the Sole Arbitrator finds that the ITTF's attempts to subsequently argue that the date of registration of the Athlete was a later date (being one which would lead to a longer waiting period applying to the Athlete before she could become eligible for nomination by TTA to represent Australia at certain competitions) are directly at odds with the reasonable, good faith belief of the Appellant and TTA that the ITTF had, in fact, already confirmed that she been registered on 3 March 2020 in accordance with the provisions of the ITTF Statutes.
144. The Sole Arbitrator finds it appropriate, and in accordance with long-standing CAS jurisprudence (see e.g. CAS 98/200, paras. 84 *et seq.*) to apply the principle of legitimate expectation to the facts of this matter. The Sole Arbitrator finds that, on the balance of probabilities, the Appellant and TTA relied in good faith on the assumption that the Appellant would be registered based on the "good to go" statement email received from ITTF. The Appellant and TTA had a legitimate expectation that this email represented the ITTF's confirmation of the Athlete's player registration, and that all that was required to fulfil the formalities under the ITTF Statutes in this respect was for TTA to present the ITTF with a copy of the Athlete's proof of Australian nationality (i.e. an Australian passport) once received. As such, in accordance with the principle of legitimate expectation, the ITTF's email of 3 March 2020 shall be considered as the date of her registration confirmation for the purposes of the ITTF Statutes.
145. In consideration of the above and all the specific circumstances of the case, the Sole Arbitrator concludes in respect of the Appellant's request for relief e) that the ITTF email dated 3 March 2020 constitutes the ITTF player registration confirmation according to the provisions of the ITTF Statutes.
146. The decision as to this point is also not suitable for referral back to the ITTF. Firstly, the Appealed Decision is not a classic partial judgement. Rather, the Appellant's request was rejected on substantive grounds (i.e. the Appellant's lack of standing). Moreover, the clarification of the date of the disputed player registration is in every respect ripe for a (final) decision. A further postponement of this decision as to this specific point does not seem appropriate due to the time that has now elapsed and the unnecessary continued uncertainty that this would cause for the Appellant.

147. The Sole Arbitrator notes that any further consequences of the impact of this date of player registration fall outside the scope of the Appealed Decision, and therefore of this Appeal.

X. COSTS

148. Pursuant to Article R64.4 of the CAS Code, which is applicable to this proceeding:

“At the end of the proceedings, the CAS Court Office shall determine the final amount of the cost of arbitration, which shall include:

- the CAS Court Office fee,*
- the administrative costs of the CAS calculated in accordance with the CAS scale,*
- the costs and fees of the arbitrators,*
- the fees of the ad hoc clerk, if any, calculated in accordance with the CAS fee scale,*
- a contribution towards the expenses of the CAS, and*
- the costs of witnesses, experts and interpreters.*

The final account of the arbitration costs may either be included in the award or communicated separately to the parties. The advance of costs already paid by the parties are not reimbursed by the CAS with the exception of the portion which exceeds the total amount of the arbitration costs.”

149. In addition to the payment of the arbitration costs, in his award the Sole Arbitrator may also grant the prevailing party or parties a contribution towards their legal fees and other expenses incurred in connection with the proceedings. Article R64.5 of the CAS Code provides:

“In the arbitral award, the Panel shall determine which party shall bear the arbitration costs or in which proportion the parties shall share them. As a general rule and without any specific request from the parties, the Panel has discretion to grant the prevailing party a contribution towards its legal fees and other expenses incurred in connection with the proceedings and, in particular, the costs of witnesses and interpreters. When granting such contribution, the Panel shall take into account the complexity and outcome of the proceedings, as well as the conduct and the financial resources of the parties.”

150. In light of the outcome of these proceedings and all the circumstances of the case, including but not limited to the financial resources of the Parties and the fact that the Appeal was (partially) upheld and that the Respondent was successful only with regard to the inadmissibility of the Appellant’s request f), the Sole Arbitrator considers that the

costs of the arbitration, to be calculated by the CAS Court Office and communicated separately to the Parties, shall be borne in their entirety by the Respondent.

151. Considering the complexity and the outcome of the proceedings, as well as the conduct and financial resources of the Parties, the Sole Arbitrator rules that the Respondent shall bear its own legal fees and other expenses and pay to the Appellant a contribution of CHF 2,500 towards her legal fees and other expenses incurred in relation to these proceedings.

* * * * *

ON THESE GROUNDS

The Court of Arbitration of Sports rules that:

1. The Appeal filed by Yangzi Liu against the International Table Tennis Federation (ITTF) with respect to the decision issued on 25 April 2024 by the ITTF Tribunal is partially upheld.
2. The decision rendered on 25 April 2024 by the ITTF Tribunal is set aside.
3. The Appellant has standing, in her own right, to appeal against the decision rendered on 15 January 2024 by the International Table Tennis Federation (ITTF).
4. The date of the player registration confirmation for the purposes of the ITTF Statutes for Yangzi Liu by Table Tennis Australia is to be determined as 3 March 2020.
5. The costs of the arbitration, to be determined and served to the parties by the CAS Court Office, shall be borne by the International Table Tennis Federation (ITTF) in their entirety.
6. The International Table Tennis Federation (ITTF) is ordered to pay Yangzi Liu a total amount of CHF 2,500 (two thousand five hundred Swiss francs) as contribution towards her legal fees and other expenses incurred in connection with these arbitration proceedings.
7. All other and further motions or prayers for relief are dismissed.

Seat of arbitration: Lausanne, Switzerland
Date: 26 June 2025

THE COURT OF ARBITRATION FOR SPORT


Martin Schimke
Sole Arbitrator