



TAS / CAS

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

CAS 2021/O/8455 Danish Modern Pentathlon Association v. Union Internationale de Pentathlon Moderne (UIPM)

TERMINATION ORDER

pronounced by

The President of the Ordinary Arbitration Division of

COURT OF ARBITRATION FOR SPORT

in the arbitration between

Danish Modern Pentathlon Association, Denmark

Claimant

and

Union Internationale de Pentathlon Moderne (UIPM), Monaco

Respondent

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WHEREAS, on 16 November 2021, Danish Modern Pentathlon Association (the “Claimant”) filed a Request for Arbitration with the Court of Arbitration for Sport (the “CAS”) against Union Internationale de Pentathlon Moderne (UIPM) (the “Respondent”);

WHEREAS, the Claimant paid the Court Office fee of CHF 1,000 pursuant to Article R38 and Article R64.1 of the Code of Sports-related Arbitration (2021 edition) (the “Code”);

WHEREAS, on 18 November 2021, the CAS Court Office initiated an ordinary arbitration procedure under the reference *CAS 2021/O/8455 Danish Modern Pentathlon Association v. Union Internationale de Pentathlon Moderne (UIPM)*;

WHEREAS, on 22 November 2021, the Respondent objected to the jurisdiction of the CAS;

WHEREAS, on 23 November 2021, the Claimant requested that the present procedure be suspended;

WHEREAS, on 24 November 2021, the Respondent agreed with the Claimant’s request to suspend the present procedure;

WHEREAS, on the same day, the CAS Court Office confirmed that, in view of the Respondent’s agreement and pursuant to Article R32(3) of the Code, the present procedure was suspended until further notice;

WHEREAS, on 13 February 2022, the Claimant filed an appeal with the CAS against the Respondent with respect to an Award rendered by the UIPM Court of Arbitration on 1 February 2022 (*CAS 2022/A/8656*);

WHEREAS, on 1 March 2022, in view of the appeal filed in the procedure *CAS 2022/A/8656*, the CAS Court Office invited the Claimant to indicate whether it intended to maintain its request for arbitration in the present matter or whether such request shall be deemed withdrawn;

WHEREAS, on 7 March 2022, the Claimant requested that the present procedure remained suspended “*pending final resolution of the [CAS 2022/A/8656] proceedings*”;

WHEREAS, on the same day, the CAS Court Office confirmed that the present procedure remained suspended;

WHEREAS, on 17 April 2023, the CAS rendered a reasoned Arbitral Award in the procedure *CAS 2022/A/8656*;

WHEREAS, on 15 August 2023, the CAS Court Office invited the Parties to indicate whether the present procedure was to remain suspended, resume or be withdrawn;

WHEREAS, on 18 August 2023, the Respondent stated that it would not object to a withdrawal of the present procedure;

WHEREAS, on 21 August 2023, the Claimant requested that the present procedure “*remain suspended indefinitely*”;

WHEREAS, on 29 August 2023, the Claimant further elaborated (a) that the appeal in the case *CAS 2022/A/8656* had “*finally [resolved] all issues in both sets of proceedings*”; (b) that it was “*hard to see CAS 2021/O/8455 as an ongoing arbitration*”; (c) that the present procedure could not resume

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“since it has been finally resolved”; (d) that the appeal could *“hardly be withdrawn”*; (e) that it was *“impossible to make a further order about suspension when there is no application by either party”*; and suggested that *“nothing [be] done”*;

WHEREAS, on 30 August 2023, the CAS Court Office noted that the present procedure could not remain open indefinitely and had to be terminated, either with an Award on the merits or a Termination Order; accordingly, it invited the Claimant to indicate whether the request for arbitration was withdrawn or whether it intended to proceed with the arbitration, in which case the CAS Finance Director would request the Parties to pay an advance of costs;

WHEREAS, on 4 September 2023, the Respondent reiterated that it had *“no objection whatsoever to the Claimant’s withdrawal of case CAS 2022/O/8455”*;

WHEREAS, on the same day, the Claimant agreed to withdraw its request for arbitration, *“fully reserving [its] original position”*;

WHEREAS, on 5 September 2023, in light of the Claimant’s withdrawal of its request for arbitration, the CAS Court Office informed the Parties that the President of the CAS Ordinary Arbitration Division, or her Deputy, would render a Termination Order in due course;

WHEREAS, no Answer to the request for arbitration has been filed;

WHEREAS, no Panel has been constituted;

CONSIDERING that, in view of the above, the withdrawal of the ordinary arbitration initiated by the Claimant shall be recorded and the procedure *CAS 2021/O/8455 Danish Modern Pentathlon Association v. Union Internationale de Pentathlon Moderne (UIPM)* shall be terminated and removed from the CAS roll;

CONSIDERING that this Order is rendered without costs, except for the Court Office fee of CHF 1,000 that was paid by the Claimant, and which is retained by the CAS.

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ON THESE GROUNDS

The President of the Ordinary Arbitration Division of the Court of Arbitration for Sport, ruling *in camera*, pronounces:

1. The procedure *CAS 2021/O/8455 Danish Modern Pentathlon Association v. Union Internationale de Pentathlon Moderne (UIPM)* is terminated and removed from the CAS roll.
2. This Order is rendered without costs, except for the Court Office fee of CHF 1,000 paid by Danish Modern Pentathlon Association which is retained by the Court of Arbitration for Sport.

Lausanne, 6 September 2023

THE COURT OF ARBITRATION FOR SPORT



Carole Malinvaud

President of the CAS Ordinary Arbitration Division