Introduction to the Court of Arbitration for Sport

&

the possibility of excluding evidence under article R57 (3) of the CAS Code

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The CAS Court Office, Lausanne
1. The Court of Arbitration for Sport

- The only international arbitral tribunal in the world that exclusively deals with sports disputes
- In 2014: > 400 procedures
Different types of procedures

• Ordinary arbitration
• Appeals arbitration (FIFA & UEFA)
• Mediation
• Ad hoc Division
<table>
<thead>
<tr>
<th>Appellant</th>
<th>Respondent</th>
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<tbody>
<tr>
<td>(Grounds of) Appealed Decision</td>
<td></td>
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<tr>
<td>Statement of Appeal</td>
<td>21 days</td>
</tr>
<tr>
<td>Appeal Brief</td>
<td>10 days</td>
</tr>
<tr>
<td>20 days</td>
<td>Answer</td>
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<tr>
<td>Award (3 months)</td>
<td></td>
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</tbody>
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Procedural points

• Language of the procedure

• Appointment arbitrators
The hearing

- Not public, unless...
- No obligation of representation
- Witnesses
- Experts
Recent developments

• State Court decisions in Germany
• Consequences for uniformity regarding resolving sport disputes
2. The *De Novo* character of the Appeals procedure

- R57(1) of the CAS Code
- Full power of review
- CAS 2009/A/1880-1881
- CAS 2012/A/2836
- SFT 4A_386/2010
R57 para. 3 of the CAS code

• The Panel has discretion to exclude evidence presented by the parties if it was available to them or could reasonably have been discovered by them before the challenged decision was rendered.
Legal authors

- Exclude evidence if:
  - Clearly abusive or otherwise unacceptable procedural conduct
  - Bad faith
Recent CAS case-law

- Relatively new provision

therefore no rich uniform case law yet
CAS 2014/A/3486

• Principle: new evidence is allowed
• Exceptions:
  – Discretion of the Panel
  – Abusive procedural behaviour (bad faith)
  – Unfair or inappropriate conduct
Conclusions

• Before FIFA: substantiate your case with all available and relevant evidence
• Before CAS: submit all evidence in your Appeal Brief or Answer and be sure additional evidence is in line with the arguments and evidence already presented in the FIFA proceedings
спасибо

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