

CONSEIL INTERNATIONAL DE L'ARBITRAGE EN MATIÈRE DE SPORT
INTERNATIONAL COUNCIL OF ARBITRATION FOR SPORT
CONSEJO INTERNACIONAL DE ARBITRAJE DEL DEPORTE

**INTERNATIONAL COUNCIL OF
ARBITRATION FOR SPORT (ICAS)**

2022 Annual Report and Financial Statements



July 2023

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Message from the ICAS President

I am particularly proud to have been at the helm of ICAS during 2022 which was arguably the most transformative year in the history of ICAS and CAS.

It was a great pleasure to see the building and renovation work at the Palais de Beaulieu conclude in the first quarter of 2022, as well as to see both the staff and the users of CAS enjoying the modern and state of the art premises. For the first time in its history, CAS has a dedicated, purpose-built, home that is adapted to its needs. ICAS had the pleasure of hosting the inauguration in June 2022 in the presence of officials from the sports and arbitration world, as well as from the authorities of Switzerland, the Canton de Vaud and the City of Lausanne. I repeat again here my thanks to the Canton and to the City of Lausanne for their full support from the very beginning to the end of this major step in the history of CAS.

Elsewhere, I oversaw amendments to the composition of ICAS which recognised the consistently high proportion of the CAS case load related to football disputes. ICAS voted to amend the wording of Article S4 of the Code of Sports-related Arbitration to increase its membership from 20 to 22. For the new four-year ICAS term 2023-2026, ASOIF, the umbrella body for summer international sports federations, has appointed three ICAS members to represent football's governing body, FIFA, the leagues and the clubs, and a further ICAS member has been appointed to safeguard the interests of football's players.

Another important transformation in 2022 was the evolution of the ICAS Legal Aid Commission into the ICAS Athletes' Commission. This body is now composed solely of the ICAS members appointed to safeguard the interests of athletes and will have a broader mandate while at the same time managing the legal aid applications filed with the two legal aid funds, one dedicated to football cases and one to all other cases.

As usual, I was in regular contact with the ICAS members and the CAS Director General throughout the year. The ICAS Board met twice and the full ICAS also met twice. At its last meeting in December 2022, the composition of ICAS for the next four-year term 2023-2026 was established. I was humbled to be reappointed to ICAS by ANOC and honoured to be re-elected recently to serve as ICAS/CAS President for another term. I very much look forward to working with the members of ICAS, new and existing, over the next four years.



John Coates AC
President
International Council of
Arbitration for Sport
(ICAS)

Message from the CAS Director General

Reflecting on 2022, the first accomplishment that I must note is the completion of the works at the new CAS headquarters at the Palais de Beaulieu in Lausanne and the move to the new premises that took place in the Spring of 2022. I was deeply involved in the project and am proud of the result. Writing this message almost a year later, it has been a great satisfaction to see the staff take up their new quarters, to welcome CAS members and parties to arbitrations and mediations, as well as students and wider members of the sports and legal communities to educational events, in this superb CAS House.

Thanks to the governance of ICAS, the new headquarters and its improved facilities, and the recruitment of additional staff members, CAS continues to evolve and to offer enhanced services to its users. After difficult times due to the pandemic, the scene is set for faster turnaround times, more frequent communications, the increased publication of awards and jurisprudence, and the holding of more educational events.

A matter which influenced the CAS caseload in 2022 was the conflict in Ukraine and its consequences for Ukrainian, Russian and Belorussian athletes, clubs and teams. Over 20 procedures were initiated. The Court Office once again handled proportionally more proceedings related to football than to any other sport. The importance of football to the CAS case load was recognised by ICAS in 2022 and I welcome the actions undertaken by it to enhance its engagement with the football world.

Between 1 January and 31 December 2022, 830 procedures were registered with the CAS: 151 ordinary procedures, 644 appeal procedures, 15 Anti-Doping Division (ADD)

procedures and 8 mediation procedures, as well as 12 ad hoc arbitrations.

The Olympic Winter Games Beijing 2022 again took place against a backdrop of covid-19 counter-measures and restrictions. The delegation of CAS arbitrators and staff that travelled to Beijing to operate the CAS Ad hoc Division lived and worked within the “Closed Loop” to operate the CAS Ad hoc Division for the Games, which functioned well logistically and delivered a number of important decisions. Other Ad hoc Divisions were held on a remote basis for the Commonwealth Games, for the FIBA Women’s Basketball World Cup, and for the FIFA World Cup.

A major administrative operation for the CAS in 2022 was the renewal of the CAS membership. At the conclusion of the four-year term 2019-2022, the ICAS Commission for CAS Membership reviewed the lists of CAS arbitrators and mediators and established new lists for the new four-year term 2023-2026.

I hope you enjoy reading this latest report.



Matthieu Reeb
Director General
Court of Arbitration for
Sport (CAS)

Organizational Overview

The International Council of Arbitration for Sport (ICAS) is the governing body of the Court of Arbitration for Sport (CAS). It is a Swiss foundation of private law and of public interest. The ICAS is composed of 22 members.

The Court of Arbitration for Sport (CAS) operates under the aegis of ICAS and resolves sports-related legal disputes through arbitration and mediation. It is organised into three areas of activity: the CAS appeal and ordinary arbitration procedures, the Anti-Doping Division, which issues first-instance decisions in procedures related to doping matters, and mediation. Ad hoc structures for the Olympic Games and other major sports events are established by ICAS when required.

The International Council of Arbitration for Sport (ICAS)

- I. Overview
- II. Structure
- III. Composition 2019-2022
- IV. Division Presidents:
 - a. President Appeals Arbitration Division
 - b. President Ordinary Arbitration Division
 - c. President Anti-Doping Arbitration Division
- V. Commissions
 - a. Challenge Commission
 - b. Legal Aid Commission
 - c. Membership Commission

I. Overview

The International Council of Arbitration for Sport (ICAS) is the governing body of the Court of Arbitration for Sport (CAS). The purpose of ICAS is to facilitate the resolution of sports-related disputes through arbitration or mediation and to safeguard the independence of CAS and the rights of the parties. ICAS exercises the following functions:

- It adopts and amends the Code of Sports-related Arbitration;
- It elects from among its members for one or several renewable period(s) of four years:
 - the President;
 - three Vice-Presidents;
 - the President and Deputy President of the CAS Appeals Arbitration Division of the CAS;
 - the President and Deputy President of the CAS Ordinary Arbitration Division;
 - the President and Deputy President of the CAS Anti-Doping Division.
- It appoints the permanent commissions;
- It appoints the arbitrators who constitute the list of CAS arbitrators and the mediators who constitute the list of CAS mediators on the proposal of the CAS Membership Commission. It can also remove them from those lists;
- It resolves challenges to and the removal of arbitrators through its Challenge Commission, and performs any other functions identified in the Procedural Rules;
- It is responsible for the financing of and financial reporting by CAS. For such purpose, inter alia;
 - it receives and manages the funds allocated to its operations;
 - it approves the ICAS budget prepared by the CAS Court Office and the CAS Anti-Doping Division Office;
 - it approves the annual report and financial statements of ICAS prepared in accordance with the requirements of Swiss Law;

- It appoints the CAS Director General and may terminate her/his duties upon proposal of the President;
- It provides for regional or local, permanent or ad hoc arbitration, including at alternative hearing centres;
- It creates a legal aid fund to facilitate access to CAS arbitration for individuals without sufficient financial means and CAS legal aid guidelines for the operation of the funds, including a Legal Aid Commission to decide on requests for legal aid;
- It may take any other action which it deems necessary to protect the rights of the parties and to promote the settlement of sports-related disputes through arbitration and mediation.

The ICAS Statutes can be consulted [here](#).

II. Structure

ICAS is composed of twenty-two members; six of which are elected to the Board.

- Six members are appointed by the International Federations (IFs). Five of these members are appointed by the Association of Summer Olympic IFs (ASOIF), from within or outside its membership; and one member is appointed by the Association of the Winter Olympic IFs (AIOWF), from within or outside its membership;
- Four members are appointed by the Association of the National Olympic Committees (ANOC), from within or outside its membership;
- Four members are appointed by the International Olympic Committee (IOC), from within or outside its membership;
- Four members are appointed by the fourteen members of ICAS listed above, after appropriate consultation, with a view to safeguarding the interests of the athletes;
- Four members are appointed by the eighteen members of ICAS listed above and are independent of the bodies designating the other members of the ICAS.

The CAS Director General takes part in ICAS decision-making and discussions with a consultative voice and acts as Secretary to ICAS.

III. ICAS Composition 2019-2022 (status as at 31 December 2022)



CORINNE SCHMIDHAUSER

President – Appeals Division
SUI (AIOWF)



ELISABETH STEINER

Vice President & Dep.
President – Appeals Division
AUT (IOC)



JOHN COATES AC

President
AUS (ANOC)



MICHAEL LENARD OLY

Vice President
USA (Athlete)



CAROLE MALINVAUD

President – Ordinary Division
FRA (Independent)

ICAS BOARD



ABDULLAH AL-HAYYAN

ICAS Member
KUW (ANOC)



ANTONIO F. ARIMANY

ICAS Member
ESP (ASOIF)



MOYA DODD

ICAS Member
AUS (Athlete)



IVO EUSEBIO
President – Anti-Doping
Division
SUI (Independent)



EMILIO GARCÍA SILVERO
ICAS Member
ESP (ASOIF)



**ELLEN GRACIE-
NORTHFLEET**
ICAS Member
BRA (Independent)



MONIQUE JAMETTI

ICAS Member
SUI (Independent)



SILJA KANERVA

ICAS Member
FIN (Athlete)



YVONNE MOKGORO

ICAS Member
RSA (IOC)



GIULIO NAPOLITANO
Dep. President – Ordinary
Division
ITA (ANOC)

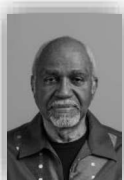


MIKAEL RENTSCH

ICAS Member
SWE-SUI (ASOIF)



DAVID W. RIVKIN
Dep. President – Anti-
Doping Division
USA (ANOC)



PATRICK ROBINSON

ICAS Member
JAM (IOC)



TRICIA SMITH

ICAS Member
CAN (Athlete)



HANQIN XUE

ICAS Member
CHN (IOC)

IV. Division Presidents

a. President/Deputy President Appeals Arbitration Division

The President of the Appeals Arbitration Division presides over the Appeals Arbitration Division of the CAS. The role primarily involves issuing orders on procedural matters and appointing CAS arbitrators as Panel Presidents and Sole Arbitrators, or as arbitrators where a party has failed to nominate an arbitrator.

For the period 2019-2022:

President of the Appeals Arbitration Division: Ms Corinne Schmidhauser

Deputy President of the Appeals Arbitration Division: Dr Elisabeth Steiner

b. President/Deputy President Ordinary Arbitration Division

The President of the Ordinary Arbitration Division presides over the Ordinary Arbitration Division of the CAS. The role primarily involves issuing orders on procedural matters and appointing CAS arbitrators as Panel Presidents and Sole Arbitrators, in accordance with the arbitration rules set out in the Code of Sports-related Arbitration.

For the period 2019-2022:

President of the Ordinary Arbitration Division: Ms Carole Malinvaud

Deputy President of the Ordinary Arbitration Division: Prof. Giulio Napolitano

c. President/Deputy President Anti-Doping Division

The President of the Anti-Doping Division presides over the Anti-Doping Division of the CAS. The role primarily involves appointing CAS arbitrators as Panel Presidents and Sole Arbitrators, in accordance with the arbitration rules applicable to the CAS Anti-Doping Division.

For the period 2019-2022:

President of the Anti-Doping Division: Mr Ivo Eusebio

Deputy President of the Anti-Doping Division: Mr David W. Rivkin

V. Commissions

a. Challenge Commission

The ICAS Challenge Commission resolves any petitions for challenge raised against CAS arbitrators. It is chaired by an independently-appointed member and composed of the three division presidents and the three deputy division presidents.

The President and Deputy President of the division in which a petition for challenge has been raised do not participate in its resolution.

Composition 2019-2022:

Chair: Justice Ellen Gracie Northfleet

Members:

President of the Appeals Arbitration Division: Ms Corinne Schmidhauser

President of the Ordinary Arbitration Division: Ms Carole Malinvaud

President of the Anti-Doping Division: Mr Ivo Eusebio

Deputy-President of the Appeals Arbitration Division: Dr Elisabeth Steiner

Deputy-President of the Ordinary Arbitration Division: Prof. Giulio Napolitano

President of the Anti-Doping Division: Mr David W. Rivkin

b. Legal Aid Commission

The ICAS Legal Aid Commission considers all requests for legal aid filed in accordance with the CAS Legal Aid Guidelines. It is chaired by the ICAS President and composed of the four ICAS members nominated as athletes' representatives.

Composition 2019-2022:

Chair: Mr John Coates AC

Members:

Athlete representative: Ms Tjasa Andréa-Prosenč

Athlete representative: Ms Moya Dodd

Athlete representative: Mr Michael Lenard

Athlete representative: Ms Tricia Smith

In December 2022, ICAS voted to evolve the Legal Aid Commission into the ICAS Athletes' Commission and to create a second legal aid fund for football matters called the Football Legal Aid Fund (FLAF).

c. Membership Commission

The ICAS Membership Commission reviews the lists of CAS arbitrators and mediators as well as the applications of potential new CAS members. It is chaired by an independently-appointed member and composed of the three division presidents, the three deputy division presidents and an athlete representative.

Composition 2019-2022:

Chair: Judge Monique Jametti

Members:

President of the Appeals Arbitration Division: Ms Corinne Schmidhauser

President of the Ordinary Arbitration Division: Ms Carole Malinvaud

President of the Anti-Doping Division: Mr Ivo Eusebio

Athlete representative: Ms Tricia Smith

The Court of Arbitration for Sport (CAS)

- I. Introduction
 - II. Premises
 - III. Areas of operation:
 - a.) Director General
 - b.) Finance & administration
 - c.) Court Office – Arbitration Services
 - d.) Court Office – Mediation Services
 - e.) Court Office – Scientific Department
-

I. Introduction

Created in 1984, the Court of Arbitration for Sport, commonly referred to by its acronym “CAS”, provides dispute resolution services to the sports world. Since its creation, it has settled disputes involving athletes, coaches, federations, sponsors, agents, clubs, leagues and organizers of sports events from almost every country in the world through arbitration and mediation procedures.

All Olympic sports federations and many other international, continental and national federations confer jurisdiction to CAS to resolve their disputes.

II. Premises

The CAS was based at the Château de Béthusy in Lausanne, Switzerland, from 2005 until 2022. A second office in Avenue de Rhodanie, Lausanne, Switzerland housed the Anti-Doping Division from 2019-2022. In 2022, CAS moved to new purpose-built premises at the Palais de Beaulieu in Lausanne, Switzerland.

III. Areas of operation

a). Director General

The CAS Director General is the link between ICAS, the Court Office and the Finance and Administration team. The Director General manages the day to day operations at the CAS Court Office and is responsible for public relations and communications.

b). Finance & Administration

The CAS Finance and Administration Director is responsible for finance, HR and facilities management.

c). Court Office – Arbitration Services

The Head of CAS Arbitration Services and a team of legal counsels, clerks and secretaries work on the appeal and ordinary arbitration procedures.

d). Court Office – Mediation Services

CAS mediation procedures are overseen by the Head of CAS Mediation Services.

e). Court Office – Scientific Department

The Head of the Scientific Department manages a team of legal counsels who maintain the CAS jurisprudence database, conduct legal research and share knowledge at seminars and events.

The CAS Ad Hoc Divisions

- I. Overview
 - II. Ad Hoc Divisions in 2022
-

I. Overview

Since 1996, ICAS has created a temporary division for each edition of the Olympic Games in order to provide Games participants with access to a free of charge dispute resolution service on the site of the Games that allows for the resolution of disputes within a timeframe compatible with the competition schedule. Similar structures have been created by ICAS for other sports events such as the Commonwealth Games, the UEFA European Championship, the FIFA World Cup and the Asian Games.

The procedural rules applicable to the CAS Ad Hoc Division are available on the CAS website: <https://www.tas-cas.org/en/arbitration/ad-hoc-division.html>

II. Ad Hoc Divisions in 2022

2022 Beijing Olympic Winter Games

From 25 January 2022 until 20 February 2022, the CAS Ad Hoc Division for the 2022 Beijing Olympic Winter Games operated from a temporary office in Beijing, situated inside the Closed Loop area. The CAS delegation was composed as follows:

President: Mr Michael Lenard OLY, USA
Co-President: Ms Tjasa André-Prosenč, Slovenia
Co-President: Ms Corinne Schmidhauser OLY, Switzerland

Arbitrators (in alphabetical order):

- Mr Xianyue Bai, P.R. China
- The Hon. Annabelle Bennett, Australia
- Mr Jeffrey G. Benz, USA
- Judge Vesna Bergant Rakočević, Slovenia
- Dr Maria A. Gwynn, Paraguay
- Mr Lars Hilliger, Denmark
- Mr Fabio Iudica, Italy
- Mr Jingzhou Tao, France
- Mr Alain Zahlan de Cayetti, France

11 ad hoc arbitration procedures were conducted by the delegation in Beijing, with hearings taking place by video-link, or in-person, for those within the Closed Loop, in compliance with the measures set out in the Games Playbook. The arbitral awards from the 2022 Beijing Olympic Winter Games [are published in the CAS jurisprudence database](#).

Commonwealth Games, Birmingham, UK

An ad hoc division for the 2022 Commonwealth Games operated on a remote basis from the CAS Court Office in Lausanne from 27 July 2022 until 7 August 2022. One arbitration procedure was registered.

FIBA Women's Basketball World Cup, Australia

An ad hoc division operated on a remote basis from the CAS Court Office in Lausanne from 22 September 2022 until 1 October 2022. No arbitration procedures were registered.

FIFA World Cup final round, Qatar

A remote ad hoc division operated from the CAS Court Office in Lausanne from 21 November 2022 until 18 December 2022. No arbitration procedures were registered.

The CAS Anti-Doping Division (CAS ADD)

- I. Introduction
- II. Court Office
- III. Procedures
 - a. First Instance
 - b. Ad hoc ADD arbitrations
 - c. Activity in 2022

I. Introduction

The CAS ADD simplifies anti-doping procedures for the International Federations (IFs) by providing for first-instance adjudication of doping matters by an independent authority composed of anti-doping specialists, a harmonization of decisions and principles, as well as reduced costs.

It first operated on a temporary basis at the Rio 2016 Olympic Games and the PyeongChang 2018 Olympic Winter Games, and became a permanent division of CAS in January 2019.

II. Court Office

The Anti-Doping Division is overseen on a daily basis by its Managing Counsel, assisted by the ADD secretariat.

III. CAS ADD Procedures

The CAS ADD conducts its procedures in accordance with the applicable anti-doping rules of the sports federations and/or bodies concerned and is tasked with establishing whether or not there has been a violation of the anti-doping rules, as well as deciding any sanction, if applicable, in accordance with the World Anti-Doping Agency (WADA) Code.

The arbitration rules applicable to the CAS ADD are published [here](#).

IV. Activity in 2022

The CAS ADD conducted 15 procedures in 2022.

Statistics

- I. General Statistics
 - II. Evolution of the case load in the last 5 years
 - III. Language
 - IV. Subject
 - V. Challenges
 - VI. Legal Aid
 - VII. Swiss Federal Tribunal
-

I. General statistics

Here is the table with the cases submitted to the CAS since its creation.

It is also published [on its website](#):

YEAR	Procédures ordinaires / Ordinary procedures	Procédures d'appel / Appeal Procedures	Procédures <i>ad hoc</i> / <i>Ad hoc</i> Procedures	Procédures Anti-Doping / Anti-Doping Procedures	Procédures de médiation / Mediation Procedures	Procédures consultatives / Consultation Procedures	TOTAL
1986	1					1	2
1987	5					3	8
1988	3					9	12
1989	5					4	9
1990	7					6	13
1991	13					5	18
1992	19					6	25
1993	13					14	27
1994	10					7	17
1995	2	8	0			3	13
1996	4	10	6			1	21
1997	7	11	0			2	20
1998	4	33	5			3	45
1999	8	24	0		1	1	34
2000	5	55	15		0	1	76
2001	10	32	0		2	0	44
2002	9	66	8		1	3	87
2003	61	46	0		1	2	110
2004	9	252	10		2	0	273
2005	9	185	0		3	4	201
2006	17	175	12		3	0	207
2007	22	230	0		1	0	253
2008	26	276	9		4	2	317

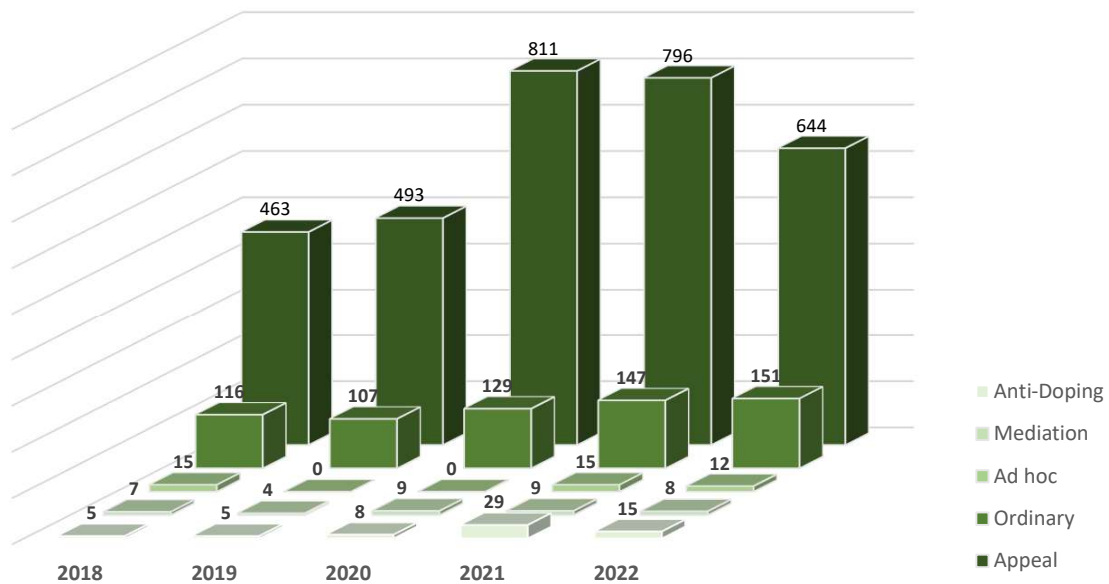
YEAR	Procédures ordinaires / Ordinary procedures	Procédures d'appel / Appeal Procedures	Procédures <i>ad hoc</i> / <i>Ad hoc</i> Procedures	Procédures Anti-Doping / Anti-Doping Procedures	Procédures de médiation / Mediation Procedures	Procédures consultatives / Consultation Procedures	TOTAL
2009	25	245	0		4	5	279
2010	49	244	5		6	0	304
2011	71	294	0		1		366
2012	62	301	11		4		378
2013	58	349	0		4		411
2014	68	349	10		6		433
2015	88	410	0		3		501
2016	100	458	28	13	10		609
2017	111	461	0	0	12		584
2018	116	463	15	5	7		606
2019	107	493	0	5	4		609
2020	129	811	0	8	9		957
2021	147	796	15	29	9		996
2022	151	644	12	15	8		830
TOTAL	1551	7721	161	75	105	82	9695

Comments:

Prior to the entry into force of the Code of Sports-related Arbitration (22 November 1994) there were only ordinary arbitration procedures and advisory opinions. The consultation procedure was discontinued on 1 January 2011. The mediation procedure was created in 1999. The CAS Anti-doping Division was created for the period of the OG 2016 (Rio de Janeiro) and 2018 (Pyeongchang). It became permanent in 2019.

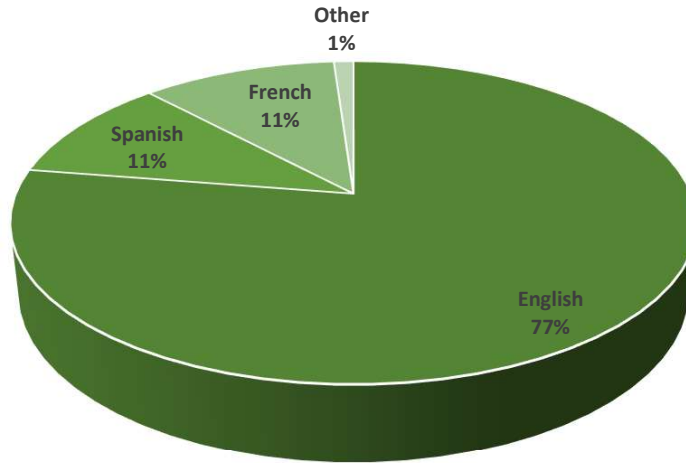
II. Evolution of the case load in the last 5 years

In 2022, a total of 830 procedures were registered. Appeal arbitration procedures form the backbone of the CAS caseload and have significantly increased in number over the last five years.



III. Language

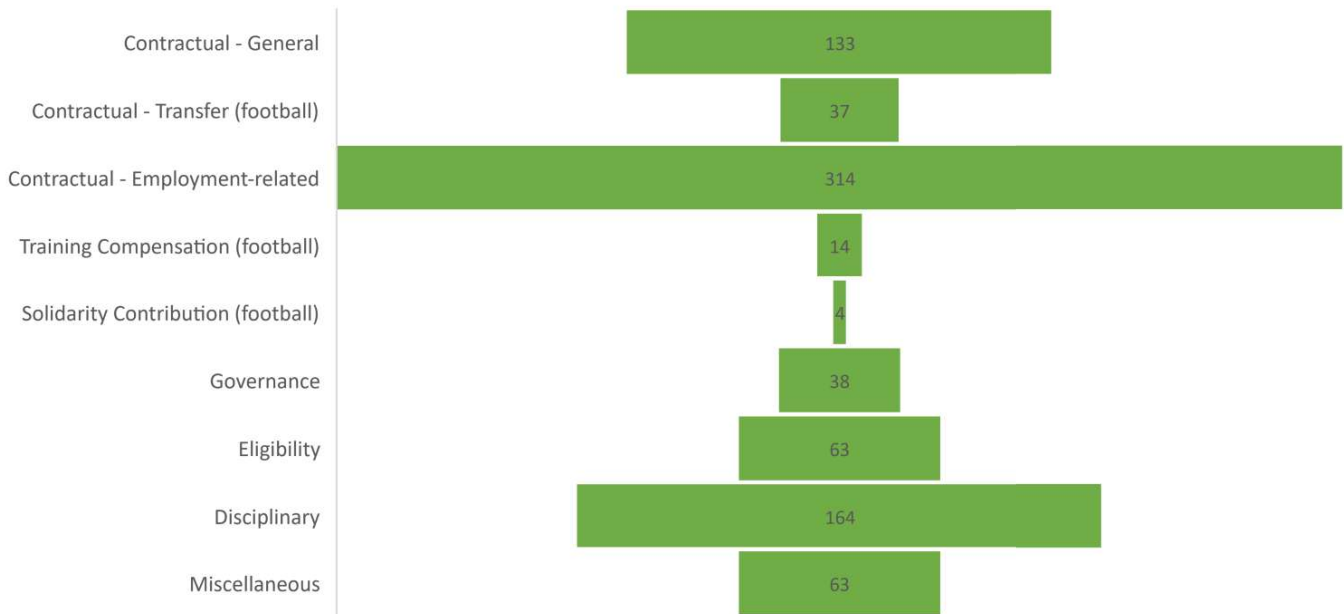
In 2020, ICAS adopted Spanish as the third official language for CAS arbitrations (the other official languages being English and French).



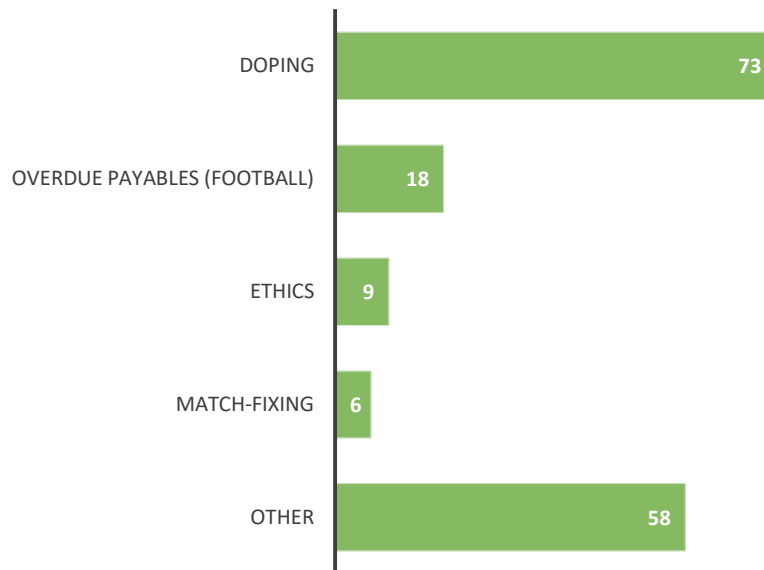
With the agreement of the parties and the Arbitral Panel, CAS arbitrations can be conducted in other languages. In 2022, a small number of arbitrations were conducted in Italian and German.

IV. Subject

Of the 830 Ordinary and Appeal arbitration procedures registered by the CAS in 2022, the majority were related to employment-related contractual disputes:



Drilling down into the 164 Ordinary and Appeal arbitration procedures related to disciplinary matters, the majority were related to doping:



V. Challenges

In the course of 2022, the ICAS Challenge Commission considered 7 petitions for challenge that had been filed by the parties to CAS arbitrations against CAS arbitrators. The ICAS Challenge Commission dismissed 5 petitions and ruled that 2 were inadmissible.

VI. Legal Aid

Of the 57 applications for legal aid assistance considered by the ICAS Legal Aid Commission in 2022, assistance was provided in over 2/3rds of cases.

Fully Granted	Partially Granted	Denied
13	22	22

VII. Swiss Federal Tribunal

In 2022, 27 appeals against CAS awards were filed at the Swiss Federal Tribunal (SFT). 22 were dismissed and 5 were withdrawn.

Main ground for appeal:

- Incorrect constitution of the arbitral tribunal: 3
- Lack of jurisdiction: 5
- Violation of the right to be heard: 14
- Violation of public policy: 1
- Other grounds: 4

ICAS Financial Statements 2022

The Foundation International Council of Arbitration for Sport (ICAS), domiciled in Lausanne, Switzerland, is a non-profit foundation which was established in Lausanne on 22 November 1994. It is governed by the rules of the Swiss Civil Code and overseen by the [*Autorité de surveillance LPP et des fondations de Suisse occidentale*](#).

As a private foundation of public interest, the ICAS is exempted from the payment of taxes.

The financial statements 2022 were prepared in accordance with the commercial accounting provisions of the Swiss Code of Obligations (Articles 957 to 963b, in force since 1 January 2013) and were audited by PricewaterhouseCoopers SA (PWC). The financial statements 2022 were approved during the ICAS Meeting of May 2023.

The presentation currency and financial currency is the Swiss franc (CHF).

The financial statements 2022 attached to this document and are published in their entirety, as prepared by PWC.