

Amendments to the Code of Sports-related Arbitration (in force as from 1 January 2019)

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Statutes of the Bodies Working for the Settlement of Sports-Related Disputes (*full text*)

A Joint Dispositions

S1 In order to resolve sports-related disputes through arbitration and mediation, two bodies are hereby created:

- **the International Council of Arbitration for Sport (ICAS)**
- **the Court of Arbitration for Sport (CAS).**

The disputes to which a federation, association or other sports-related body is a party are a matter for arbitration pursuant to this Code, only insofar as the statutes or regulations of the bodies or a specific agreement so provide.

The seat of both ICAS and CAS is Lausanne, Switzerland.

S2 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. It is also responsible for the administration and financing of CAS.

S3 CAS maintains one or more list(s) of arbitrators and provides for the arbitral resolution of sports-related disputes through arbitration conducted by Panels composed of one or three arbitrators.

CAS comprises of an Ordinary Arbitration Division, an Anti-doping Division and an Appeals Arbitration Division.

CAS maintains a list of mediators and provides for the resolution of sports-related disputes through mediation. The mediation procedure is governed by the CAS Mediation Rules.

B The International Council of Arbitration for Sport (ICAS)

1 Composition

S4 ICAS is composed of twenty members, experienced jurists appointed in the following manner:

- a. four members are appointed by the International Sports Federations (IFs), *viz.* three by the Association of Summer Olympic IFs (ASOIF) and one by the Association of Winter Olympic IFs (AIOWF), chosen from within or outside their membership;
- b. four members are appointed by the Association of the National Olympic Committees (ANOC), chosen from within or outside its membership;
- c. four members are appointed by the International Olympic Committee (IOC), chosen from within or outside its membership;
- d. four members are appointed by the twelve members of ICAS listed above, after appropriate consultation with a view to safeguarding the interests of the athletes;
- e. four members are appointed by the sixteen members of ICAS listed above, chosen from among personalities independent of the bodies designating the other members of the ICAS.

S5 The members of ICAS are appointed for one or several renewable period(s) of four years. Such nominations shall take place during the last year of each four-year cycle.

Upon their appointment, the members of ICAS sign a declaration undertaking to exercise their function personally, with total objectivity and independence, in conformity with this Code. They are, in particular, bound by the confidentiality obligation provided in Article R43.

Members of the ICAS may not appear on the list of CAS arbitrators or mediators nor act as counsel to any party in proceedings before the CAS.

If a member of the ICAS resigns, dies or is prevented from carrying out her/his functions for any other reason, she/he is replaced, for the remaining period of her/his mandate, in conformity with the terms applicable to her/his appointment.

ICAS may grant the title of Honorary Member to any former ICAS member who has made an exceptional contribution to the development of ICAS or CAS. The title of Honorary Member may be granted posthumously.

2 Attributions

S6 ICAS exercises the following functions:

1. It adopts and amends this Code;
2. It elects from among its members for one or several renewable period(s) of four years:
 - the President,
 - two Vice-Presidents who shall replace the President if necessary, by order of seniority in age; if the office of President becomes vacant, the senior Vice-President shall exercise the functions and responsibilities of the President until the election of a new President,
 - the President of the Ordinary Arbitration Division, the President of the Anti-doping Division and the President of the Appeals Arbitration Division of the CAS,
 - the deputies of the ~~two~~three Division Presidents who can replace them in the event they are prevented from carrying out their functions;

The election of the President and of the Vice-Presidents shall take place after consultation with the IOC, the ASOIF, the AIOWF and the ANOC.

The election of the President, Vice-Presidents, Division Presidents and their deputies shall take place at the ICAS meeting following the appointment of the ICAS members for the forthcoming period of four years;
3. It appoints the permanent commissions listed under Article S7 a. b. and c.;
4. 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~~ It can also remove them from those lists;
45. It resolves challenges to and ~~the removals~~ of arbitrators through its Challenge Commission, and performs any other functions identified in the Procedural Rules;
566. It is responsible for the financing of and financial reporting by CAS. For such purpose, *inter alia*:
 - 56.1 it receives and manages the funds allocated to its operations;
 - 56.2 it approves the ICAS budget prepared by the CAS Court Office and the CAS Anti-Doping Division Office;
 - 56.3 it approves the annual report and financial statements~~accounts~~ of ICAS prepared in accordance with the requirements of Swiss Law;
67. It appoints the CAS Secretary General and may terminate her/his duties upon proposal of the President;
78. It supervises the activities of the CAS Court Office and the CAS Anti-Doping Division Office;
89. It provides for regional or local, permanent or *ad hoc* arbitration, including at alternative hearing centres;
910. It ~~may create~~s a legal aid fund to facilitate access to CAS arbitration for individuals without sufficient financial means and ~~may create~~ CAS legal aid guidelines for the operation of the funds, including a Legal Aid Commission to decide on requests for legal aid;
1011. 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.

S7 ICAS exercises its functions itself, or through:

1. ~~its Board, consisting composed~~ of the President, the two Vice-Presidents of the ICAS, the President of the Ordinary Arbitration Division and the President of the ~~CAS~~ Appeals Arbitration Division; and,
- ~~1.~~2. the following permanent commissions:

- a. The **CAS Membership Commission**, composed of two ICAS Members appointed pursuant to Article S4 d. or e. of the Code, one of them being appointed as commission chair, and by the three Division Presidents. The CAS Membership Commission is responsible to propose the nomination of new CAS arbitrators and mediators to the ICAS. It may also suggest the removal of arbitrators and mediators from the CAS lists.
- b. The **Legal Aid Commission**, composed of the ICAS President as commission chair and by the four ICAS Members appointed pursuant to Article S4 d. of the Code. The Legal Aid Commission shall exercise its functions pursuant to the Guidelines on Legal Aid.
- c. The **Challenge Commission**, composed of an ICAS Member to be appointed from outside the IOC, IFs and ANOC selection and membership and who shall act as commission chair, and by the 3 Division Presidents, less the President of the Division concerned by the specific procedure for challenge, who is automatically disqualified. The Challenge Commission shall exercise its functions pursuant to Articles R34 and R35 of the Code.

The ICAS may not delegate to the Board the functions listed under Article S6, paragraphs 1, 2, 6.2 and 6.3.

3 Operation

S8 1. ICAS meets whenever the activity of CAS so requires, but at least once a year.

A quorum at meetings of the ICAS consists of at least half its members. . Decisions are taken during meetings or by correspondence by a majority of the votes cast. Abstentions and blank or spoiled votes are not taken into consideration in the calculation of the required majority. Voting by proxy is not allowed. Voting is held by secret ballot if the President so decides or upon the request of at least a quarter of the members present. The President has a casting vote in the event of a tie.

2. Any modification of this Code requires a majority of two-thirds of the ICAS members. Furthermore, the provisions of Article S8.1 apply.
3. Any ICAS member is eligible to be a candidate for the ICAS Presidency. Registration as a candidate shall be made in writing and filed with the Secretary General no later than four months prior to the election meeting.

The election of the ICAS President shall take place at the ICAS meeting following the appointment of the ICAS members for a period of four years. The quorum for such election is three-quarters of the ICAS members. The President is elected by an absolute majority of the members present. If there is more than one candidate for the position of President, successive rounds of voting shall be organized. If no absolute majority is attained, the candidate having the least number of votes in each round shall be eliminated. In the case of a tie among two or more candidates, a vote between those candidates shall be organized and the candidate having the least number of votes shall be eliminated. If following this subsequent vote, there is still a tie, the candidate(s) senior in age is(are) selected.

If a quorum is not present or if the last candidate in the voting rounds, or the only candidate, does not obtain an absolute majority in the last round of voting, the current president shall remain in her/his position until a new election can be held. The new election shall be held within four months of the unsuccessful election and in accordance with the above rules, with the exception that the President is elected by a simple majority when two candidates or less remain in competition.

The election is held by secret ballot. An election by correspondence is not permitted.

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

S9 The President of ICAS is also President of CAS. She/he is responsible for the ordinary administrative tasks pertaining to the ICAS.

S10 The Board of ICAS meets at the invitation of the ICAS President.

The CAS Secretary General takes part in the decision-making with a consultative voice and acts as Secretary to the Board.

A quorum of the Board consists of three of its members. Decisions are taken during meetings or by correspondence by a simple majority of those voting; the President has a casting vote in the event of a tie.

S11 A member of ICAS or the Board may be challenged when circumstances allow legitimate doubt to be cast on her/his independence *vis-à-vis* a party to an arbitration which must be the subject of a decision by ICAS or the Board pursuant to Article S6, paragraph 4. She/he shall pre-emptively disqualify herself/himself when the subject of a decision is an arbitration procedure in which a sports-related body to which she/he belongs appears as a party or in which a member of the law firm to which she/he belongs is an arbitrator or counsel.

ICAS, with the exception of the challenged member, shall determine the process with respect to the procedure for challenge.

The disqualified member shall not take part in any deliberations concerning the arbitration in question and shall not receive any information on the activities of ICAS and the Board concerning such arbitration.

C The Court of Arbitration for Sport (CAS)

1 Mission

S12 CAS constitutes Panels which have the responsibility of resolving disputes arising in the context of sport by arbitration and/or mediation pursuant to the Procedural Rules (Articles R27 et seq.).

For such purpose, CAS provides the necessary infrastructure, effects the constitution of Panels and oversees the efficient conduct of the proceedings.

The responsibilities of Panels are, *inter alia*:

- a. to resolve the disputes referred to them through ordinary arbitration;
- b. to resolve anti-doping-related matters as a first-instance authority or as a sole instance;
- c. to resolve through the appeals arbitration procedure disputes concerning the decisions of federations, associations or other sports-related bodies, insofar as the statutes or regulations of the said sports-related bodies or a specific agreement so provide
- ed. to resolve the disputes that are referred to them through mediation.

2 Arbitrators and mediators

S13 The personalities designated by ICAS, pursuant to Article S6, paragraph 3, appear on the CAS list for one or several renewable period(s) of four years. ICAS reviews the complete list every four years; the new list enters into force on 1 January of the year following its establishment.

There shall be not less than one hundred fifty arbitrators and fifty mediators.

S14 The ICAS shall appoint personalities to the list of CAS arbitrators with appropriate legal training, recognized competence with regard to sports law and/or international arbitration, a good knowledge of sport in general and a good command of at least one CAS working language, whose names and qualifications are brought to the attention

of ICAS, including by the IOC, the IFs, the NOCs and by the athletes' commissions of the IOC, IFs and NOCs. ICAS may identify the arbitrators having a specific expertise to deal with certain types of disputes.

The ICAS shall appoint personalities to the list of CAS mediators with experience in mediation and a good knowledge of sport in general.

S15 ICAS shall publish such lists of CAS arbitrators and mediators, as well as all subsequent modifications thereof.

S16 When appointing arbitrators and mediators, the ICAS shall consider continental representation and the different juridical cultures.

S17 Subject to the provisions of the Procedural Rules (Articles R27 et seq.), if a CAS arbitrator resigns, dies or is unable to carry out her/his functions for any other reason, she/he may be replaced, for the remaining period of her/his mandate, in conformity with the terms applicable to her/his appointment.

S18 Arbitrators who appear on the CAS list may serve on Panels constituted by either of the CAS Divisions.

Upon their appointment, CAS arbitrators and mediators shall sign an official declaration undertaking to exercise their functions personally with total objectivity, independence and impartiality, and in conformity with the provisions of this Code.

CAS arbitrators and mediators may not act as counsel for a party before the CAS.

S19 CAS arbitrators and mediators are bound by the duty of confidentiality, which is provided for in the Code and in particular shall not disclose to any third party any facts or other information relating to proceedings conducted before CAS.

ICAS may remove an arbitrator or a mediator from the list of CAS members, temporarily or permanently, if she/he violates any rule of this Code or if her/his action affects the reputation of ICAS and/or CAS.

3 Organisation of the CAS

S20 The CAS is composed of ~~two~~three divisions, the Ordinary Arbitration Division, the Anti-doping Division and the Appeals Arbitration Division.

a. **The Ordinary Arbitration Division** constitutes Panels, whose responsibility is to resolve disputes submitted to the ordinary procedure, and performs,

through the intermediary of its President or her/his deputy, all other functions in relation to the efficient running of the proceedings pursuant to the Procedural Rules (Articles R27 et seq.).

b. The Anti-doping Division constitutes Panels, whose responsibility is to resolve disputes related to anti-doping matters as a first-instance authority or as a sole instance. It performs, through the intermediary of its President or her/his deputy, all other functions in relation to the quick and efficient running of the proceedings pursuant to the Procedural Rules (Articles A1 et seq.)

bc. **The Appeals Arbitration Division** constitutes Panels, whose responsibility is to resolve disputes concerning the decisions of federations, associations or other sports-related bodies insofar as the statutes or regulations of the said sports-related bodies or a specific agreement so provide. It performs, through the intermediary of its President or her/his deputy, all other functions in relation to the efficient running of the proceedings pursuant to the Procedural Rules (Articles R27 et seq.).

Arbitration proceedings submitted to CAS are assigned by the CAS Court Office to the appropriate Division. Such assignment may not be contested by the parties nor be raised by them as a cause of irregularity. In the event of a change of circumstances during the proceedings, the CAS Court Office, after consultation with the Panel, may assign the arbitration to another Division. Such re-assignment shall not affect the constitution of the Panel nor the validity of any proceedings, decisions or orders prior to such re-assignment.

The CAS mediation system operates pursuant to the CAS Mediation Rules.

S21 The President of either Division may be challenged if circumstances exist that give rise to legitimate doubts with regard to her/his independence *vis-à-vis* one of the parties to an arbitration assigned to her/his Division. She/he shall pre-emptively disqualify herself/himself if, in arbitration proceedings assigned to her/his Division, one of the parties is a sports-related body to which she/he belongs, or if a member of the law firm to which she/he belongs is acting as arbitrator or counsel.

ICAS shall determine the procedure with respect to any challenge. The challenged President shall not participate in such determination.

If the President of a Division is challenged, the functions relating to the efficient running of the proceedings conferred upon her/him by the Procedural Rules (Articles R27 et seq.), shall be performed by her/his deputy or by the CAS President, if the deputy is also challenged. No disqualified person shall receive any information concerning the activities of CAS regarding the arbitration proceedings giving rise to her/his disqualification.

S22 CAS includes a Court Office composed of the Secretary General and one or more Counsel, who may represent the Secretary General when required.

The CAS Court Office performs the functions assigned to it by this Code.

D Miscellaneous Provisions

- S23 These Statutes are supplemented by the Procedural Rules and by the Arbitration Rules for the CAS Anti-doping Division adopted by ICAS.
- S24 The English text and the French text are authentic. In the event of any divergence, the French text shall prevail.
- S25 These Statutes may be amended by decision of the ICAS pursuant to Article S8.
- S26 These Statutes and Procedural Rules come into force by the decision of ICAS, taken by a two-thirds majority.

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Procedural Rules (amended provisions only)

A General Provisions

R34 Challenge

An arbitrator may be challenged if the circumstances give rise to legitimate doubts over her/his independence or over her/his impartiality. The challenge shall be brought within seven days after the ground for the challenge has become known.

Challenges shall be determined by the ~~ICAS Board~~ Challenge Commission, which has the discretion to refer a case to ICAS. The challenge of an arbitrator shall be lodged by the party raising it, in the form of a petition setting forth the facts giving rise to the challenge, which shall be sent to the CAS Court Office or the CAS Anti-Doping Division Court Office. The ~~ICAS Challenge Commission Board~~ or ICAS shall rule on the challenge after the other party (or parties), the challenged arbitrator and the other arbitrators, if any, have been invited to submit written comments. Such comments shall be communicated by the CAS Court Office or the CAS Anti-Doping Division Court Office to the parties and to the other arbitrators, if any. The ~~ICAS Challenge Commission Board~~ or ICAS shall give brief reasons for its decision and may decide to publish it.

R35 Removal

An arbitrator may be removed by the ICAS-Challenge Commission if she/he refuses to or is prevented from carrying out her/his duties or if she/he fails to fulfil her/his duties pursuant to this Code within a reasonable time. ~~ICAS may exercise such power through its Board~~ The ICAS-Challenge Commission~~Board~~ shall invite the parties, the arbitrator in question and the other arbitrators, if any, to submit written comments and shall give brief reasons for its decision. Removal of an arbitrator cannot be requested by a party.

R46 Award

[...]

[...]

The award, notified by the CAS Court Office, shall be final and binding upon the parties subject to recourse available in certain circumstances pursuant to Swiss Law within 30 days from the notification of the ~~original~~ award by mail or courier. It may not be challenged by way of an action for setting aside to the extent that the parties have no domicile, habitual residence, or business establishment in Switzerland and that they have expressly excluded all setting aside proceedings in the arbitration agreement or in a subsequent agreement, in particular at the outset of the arbitration.

R57 Scope of Panel's Review – Hearing

[...]

After consulting the parties, the Panel may, if it deems itself to be sufficiently well informed, decide not to hold a hearing. At the hearing, the proceedings take place in camera, unless the parties agree otherwise. At the request of a physical person who is party to the proceedings, a public hearing should be held if the matter is of a disciplinary nature. Such request may however be denied in the interest of morals, public order, national security, where the interests of minors or the protection of the private life of the parties so require, where publicity would prejudice the interests of justice, where the proceedings are exclusively related to questions of law or where a hearing held in first instance was already public.

[...]

R59 Award (*3rd paragraph*)

The award, notified by the CAS Court Office, shall be final and binding upon the parties subject to recourse available in certain circumstances pursuant to Swiss Law within 30 days from the notification of the ~~original~~ award by mail or courier. It may not be challenged by way of an action for setting aside to the extent that the parties

have no domicile, habitual residence, or business establishment in Switzerland and that they have expressly excluded all setting aside proceedings in the arbitration agreement or in an agreement entered into subsequently, in particular at the outset of the arbitration.

R65.1 This Article R65 applies to appeals against decisions which are exclusively of a disciplinary nature and which are rendered by an international federation or sports-body. It is not applicable to appeals against decisions related to sanctions imposed as a consequence of a dispute of an economic nature. In case of objection by any party concerning the application of ~~the present provision~~ Article R64 instead of R65, the CAS Court Office may request that the arbitration costs be paid in advance pursuant to Article R64.2 pending a decision by the Panel on the issue.

R65.4 If the circumstances so warrant, including ~~the predominant economic nature of a disciplinary case or~~ whether the federation which has rendered the challenged decision is not a signatory to the Agreement constituting ICAS, the President of the Appeals Arbitration Division may apply Article R64 to an appeals arbitration, either ex officio or upon request of the President of the Panel.