



Conseil International de l'Arbitrage
en matière de Sport

International Council of Arbitration
for Sport

**REPORT OF THE INTERNATIONAL COUNCIL OF ARBITRATION FOR SPORT
TO THE ASSOCIATION OF NATIONAL OLYMPIC COMMITTEES (ANOC)
GENERAL ASSEMBLY**

29-30 October 2015, Washington USA

1. Appointments of ICAS Members – Period 2015-2018

The procedure for appointment of ICAS members for a new 4-year cycle commencing 1 January 2015 was completed at the end of 2014. The ICAS is now composed as follows:

Appointed by IOC:

- Judge Yvonne Mokgoro (NEW, South Africa)
- Mr Richard Pound (Canada)
- Judge Wilhelmina Thomassen (NEW, the Netherlands)
- Judge Xue Hanqin (NEW, China)

Appointed by ASOIF:

- Mr Patrick Baumann (FIBA/Switzerland)
- Mr Miguel Cardenal Carrò (NEW, FIFA/UEFA/Spain); State Secretary for education, culture and sport in Spain
- Mr Goran Petersson (ISAF/Sweden)

Appointed by AIOWF:

- Ms Corinne Schmidhauser (Switzerland)

Appointed by ANOC:

- **Mr Abdullah Al-Hayyan** (NEW, Kuwait); Professor of Law, Kuwait University; Member of the FINA Ethics Committee
- **Mr Scott Blackmun** (NEW, USA); CEO USOC
- **Ms Alexandra Brilliantova** (NEW, Russia); Head of the legal department of the ROC
- **Mr John Coates** (Australia)

On 12 November 2014, these 12 ICAS members appointed 4 additional ICAS members representing the athletes:

- Ms Tjasa Andréa-Prosenec (Figure skating/Slovenia)
- Ms Moya Dodd (Football/Australia)
- Mr Michael Lenard (Handball/USA)
- Ms Tricia Smith (Rowing/Canada)

These 16 ICAS members appointed the remaining 4 ICAS members, who are not connected to the Olympic Movement. They are:

- Mr Nabil Elaraby (Egypt)
- Judge Ivo Eusebio (Switzerland)
- Ms Carole Malinvaud (NEW, France), Attorney-at-law, President of the French Arbitration Association
- Judge Ellen Gracie Northfleet (Brazil)

There are currently 10 women and 10 men sitting at ICAS.

The election of the ICAS President, Vice-presidents and Division Presidents took place on 21 May 2015, with the following result:

President: Mr John Coates

Vice-Presidents: Mr Michael Lenard and Ms Tjasa André-Prosenč

President of the Ordinary Arbitration Division: Mr Nabil Elaraby; deputy President: Ms Tricia Smith

President of the Appeals Arbitration Division: Ms Corinne Schmidhauser; deputy President: Mr Goran Petersson.

2. CAS Activities

Between 1 January and 30 September 2015, 352 procedures were registered with the CAS. These are broken down as follows:

- 61 ordinary procedures
- 289 appeal procedures
- 2 mediation procedures (2 of them being successful)

The record number of cases registered in one year established in 2014 with 433 cases is likely to be broken again in 2015 (theoretical yearly average of 470 cases corresponding to an increase of 8%).

3. Swiss Federal Tribunal

Since 1 January 2015, 5 appeals against CAS awards have been dismissed by the Swiss Federal Tribunal (SFT) and one has been partially upheld (violation of the right to be heard: the award did not address all relevant issues raised by the Appellants).

4. Legal Aid

Since 1 January 2015 there have been 24 applications for Legal Aid and for which some form of assistance has been awarded in 21 cases.

We formed a panel of approximately 60 pro bono lawyers from the various continents who are available to athletes who are awarded Legal Aid.

5. Challenges to Arbitrators

Since 1 January 2015 there have been 8 petitions for challenge against arbitrators. None were successful.

6. CAS Alternative Hearing Centres (AHC)

In 2015, three CAS hearings have taken place in the following CAS Alternative Hearing Centres:

On 16 January 2015 in Abu Dhabi: CAS 2014/A/3639 Amar Muralidharan v National Anti-Doping Agency, National Dope Testing Laboratory, Ministry of Youth Affairs & Sport;

On 16 April 2015 in Kuala Lumpur: CAS 3975 Nassir Ali Alshamrani v Asian Football Confederation (AFC);

On 16 September 2015 in Shanghai: CAS 2015/A/4039 Nashat Akram v Dalian Aerbin.

7. CAS Seminars in 2015/2016

Seminars completed:

22 June 2015: internal seminar for CAS arbitrators in Shanghai/China;

23 June 2015: public seminar “*CAS Arbitration*” in Shanghai/China, co-organised by the Shanghai Sports Federation and CAS;

26 June 2015: public seminar “*Legal Protection of Sports Commercial Rights – Global Experience with China Perspective*” including a session on CAS Arbitration in Beijing/China, organised by the law firm Dentons/Dacheng;

8 & 9 October 2015: general seminar for CAS members Evian/France

Future Seminars:

10 February 2016: internal seminar in Vancouver/Canada for CAS arbitrators based in North America, organised by CAS;

11 February 2016: public seminar in Vancouver/Canada, co-organised by the Sport Dispute Resolution Centre of Canada (SDRCC) and CAS

8. CAS Ad Hoc Division Rio 2016

The ICAS has appointed Michael Lenard President and Justice Ellen Gracie Northfleet (Brazil) Co-President of the CAS Ad Hoc Division to operate at Games time in Rio. The 12 arbitrators to cover all continents will be appointed and announced by the end of the year. The CAS Ad Hoc Division Hearing rooms and offices will be located in the Windsor Oceânico Hotel at Barra. A panel of around 15 pro bono lawyers who will be able to appear for athletes and NOCs before CAS is being assembled by the local Bar Association and an introductory seminar on CAS and its procedures will be held for them in Rio on 8 April 2016.

9. Invitations to the Chair of National Olympic Committee (NOCs) and International Federation (IFs) Athletes' Commissions to propose arbitrators and mediators

We would like to have more athletes involved in CAS as arbitrators and mediators. Accordingly, earlier this year I wrote to the Chair of each of the 96 NOC Athletes' Commissions and the Chair of those IFs with Athletes' Commissions inviting them to propose appropriately qualified and experienced arbitrators and mediators for appointment to the lists of CAS Arbitrators and Mediators.

Of those proposed, 4 have been recommended for appointment. However some, while qualified lawyers and former international athletes, were considered lacking in arbitration and general experience. In some cases they have had to postpone their entry to the legal profession because they were still training and competing.

Accordingly, at our ICAS Meeting earlier this month we established a fund to assist former international athletes who are keen to become CAS arbitrators to gain experience. We will be asking CAS Arbitrators to mentor them and funding their travel and accommodation to sit in and observe CAS Hearings. We will offer internships at CAS to others.

10. Representation Activities

While CAS Secretary General, Matthieu Reeb and I regularly represent the CAS at the IOC Session and General Assemblies such as here at ANOC, I particularly highlight that between 8-11 March 2015 ICAS Member, Dr Abdullah al Hayyan and Matthieu Reeb travelled to five countries in the Gulf, meeting with the NOC representatives of Saudi Arabia, Bahrain, Oman, UAE and Qatar. The purpose of these meetings was to strengthen the presence of CAS in the Gulf countries, to provide information with respect to the creation of national sports arbitration structures and to discuss the organisation of seminars.

I also mention that ICAS Vice President, Michael Lenard and Deputy President of the Ordinary Arbitration Division, Ms Tricia Smith, who are both among the four ICAS Members appointed to represent the interests of athletes, attended the IOC Athletes' Forum in Lausanne on 9-10 October 2015 and briefed them on the operation of CAS, its Code and procedures.

11. Publication of the "Code of the Court of Arbitration for Sport, Commentary, Cases and Materials"

After more than 2 years of research, preparation, updating and proof-reading, the Commentary of the Code of Sports-related Arbitration, edited by Matthieu Reeb and Despina Mavromati, was published by Wolters Kluwer Law and Business Editions in March 2015. This book analyses the CAS Rules article by article and includes much useful information about the CAS practice and jurisprudence.

23 October 2015

JOHN COATES AC
PRESIDENT