
Amendments in Paris convention

Bring a fresh player to ICAS team

Ali Malihzadeh

Attorney at law-Master in Private law

Main question:

- Is there any reasonable doubt in neutrality of CAS?

Evidence that will be used:

- Code of CAS
- Paris convention
- Pechstein Awards

Significant in sport law:

- Due to irreplaceable rule of CAS in constitution of sport law through its awards, related structure shall be overviewed.

Exploring the Pechstein story.

Revision of Code of CAS and Paris convention.

Suggestion and conclusion.

Pechstein story

1st chapter:

She was banned by ISU from international competition due to doping violation.

Challenging

CAS

Unsuccessful

SFT

Unsuccessful

EHC

Unsuccessful

2nd chapter



In German Courts

Arguments of the Local court of Munich

- Arbitration agreement is void since forced upon her.
- Unfair bias in favor of federation.
- Plaintiff bound by judgment.

In German court

Arguments of the Higher Regional Court

- Requiring athletes to sign arbitration clause lawful.
- Violation of German Anti-Trust and Competition Law
- Structure and composition of ICAS affect neutrality

In German court

Arguments of German Federal Court

- No abuse of market position.
- Arbitration agreement is not invalid since existing fair proceeding.
- Code of CAS safeguarding interests of athletes

Revision of Code of CAS

Article S4

4 IOC

4 IFS

4 ANO

4 are appointed by 12 listed above after appropriate consultation with a view of safeguarding the interest of athletes.

Article s1

Federation, association or other sports-related body is a party:

only if

the statutes or regulation of the bodies provides;

Or specific agreement so provide.

Article S5

Renewal appointing periods of 4 years leads to more predominance of sport organization.

Article s6.2

Election of president and vice president

Take place after consultation with IOC/IFS/ANOC

ICAS exercises its function through board

Quorum of board: 3 of 5

Article 11: no specific rule for challenging.

Article 40

Ordinary Division president

Determines the number in
some circumstances.40.1

Confirmation of arbitrators.40.3

Article50

Appeal division president:

Decide to submit the
appeal to a sole
arbitrator.

Appointing the
sole arbitrator.

Appointing the
president of
panel.

Confirmation
of arbitrators.

Amendment in ICAS and Paris convention



Establishing Athletes commission:

Consists of active athletes
shall be independent:

Structural elected by athletes

Financial budget allocated by athletes

Problem:

Paris Convention

Purpose: Restrict the predominance of IOC

Result: strengthen sports organization

Financial matters

4/12 IOC

4/12 ANOC

4/12 IFS

Solutions:

Purpose: get athletes involved as a opposing party

Result: Real safeguarding the interests of athletes


financial matters:

4/16 IOC

4/16 ANOC

4/16 IFS

4/16 AAC



References

- Code of CAS
- Paris convention
- www.TAS/CAS.com