

CHALLENGING AWARDS OF THE COURT OF ARBITRATION FOR SPORT BEFORE THE SWISS FEDERAL TRIBUNAL

by *Pierre Turrettini**

ABSTRACT: This article outlines the grounds a party may call in order to appeal an award of the Court of Arbitration for Sport before the Swiss Federal Tribunal. The grounds are limited and the chances of success rather low. The Swiss Federal Tribunal usually overrules a CAS award only when fundamental rules of justice, such as the right to be heard, are infringed.

Additionally, it will focus on key elements of the proceedings before the Swiss Federal Tribunal, including costs.

This paper aims to outreach the non-Swiss counsels who are regularly representing parties before the Court of Arbitration for Sport. This detailed analysis surely will ease their task to assess at best the rights of their clients during the arbitral proceedings and after the notification of the award of the CAS.

Keywords: Court of Arbitration for Sport – Swiss Federal Tribunal – Challenge – Irregular composition of the arbitral tribunal – Jurisdiction – Ultra petita, infra petita, extra petita – Equal treatment – Right to be heard – Public policy – Procedural rules – Costs.

SUMMARY: Introduction – 1. Grounds to challenge an arbitral award before the SFT – 1.1 Irregular composition of the arbitral tribunal – 1.2 Wrong decision on jurisdiction – 1.3 Decision beyond claims or failure to answer claims – 1.4 Violation of equal treatment or the right to be heard – 1.5 Incompatibility with public policy – 2. Organization of the proceedings – 3. Costs of the proceedings – 4. Conclusion

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