



Arbitration Newsletter Switzerland

Post Scriptum to the Newsletter on HH Sheikh Hazza

O.L.O. Witt Wijnen, Rotterdam, has been kind enough to draw attention to the fact that the decision of the Supreme Court summarised in the last Newsletter of November 3, 2006 has caused the International Council of Arbitration for Sport to rule for an amendment of its internal guidelines for CAS Members. Effective immediately the following new guidelines apply:

November 10, 2006

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"1. It is the position of the International Council of Arbitration for Sport (ICAS) that a CAS member appointed as arbitrator in a CAS Panel shall not act as counsel in another CAS procedure during the same time period.

2. In the event that a CAS member is appointed as arbitrator in a CAS panel, he/she shall disclose any activity as counsel that he/she or his/her law firm has before the CAS. If, after appointment to a CAS panel, a CAS member agrees nevertheless to act as counsel in another CAS procedure, he/she must immediately disclose such information to the CAS.

3. In the appeals procedure, the president of a panel shall be appointed only from among the CAS members who do not or whose law firm does not represent a party before the CAS at the time of such appointment."

The Supreme Court did not draw any negative inference as to the independence of the arbitrator from the facts of the particular case (counsel in one case sits with one arbitrator of this case together as arbitrator in another case). But the International Council of the CAS thought it advisable to react to the decision of the Supreme Court on short notice by issuing the above new guidelines. The triggering issue may will have been the fact that there is only a selected number of CAS arbitrators available (presently approx. 200).