

THE ROLE OF THE DISPUTE RESOLUTION CHAMBER IN RESOLVING DISPUTES BETWEEN PLAYERS AND CLUBS

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- **WHAT IS THE DISPUTE RESOLUTION CHAMBER (DRC) ?**
 - **AN INDEPENDENT ARBITRATION TRIBUNAL SET UP BY FIFA (PRIVATE LEGAL PERSON) TO SETTLE PRIVATE LEGAL DISPUTES WITH STATUTORY AUTHORISATION**

- **STATUTORY PROVISIONS FOR THE DRC:**
 - **ART. 49 PAR. 2 OF THE FIFA STATUTES, REFERRING TO**
 1. **THE REGULATIONS ON THE STATUS AND TRANSFER OF PLAYERS , AND**
 2. **THE RULES GOVERNING THE PROCEDURES OF THE PLAYERS' STATUS COMMITTEE AND THE DISPUTE RESOLUTION CHAMBER**
(PROCEDURAL RULES)

JURISDICTION OF FIFA'S DISPUTE RESOLUTION CHAMBER

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- **EMPLOYMENT-RELATED DISPUTES (MAINTENANCE OF CONTRACTUAL STABILITY) BETWEEN A CLUB AND A PLAYER WITH AN INTERNATIONAL DIMENSION**
 - ART. 24 AND ART. 22 LIT. B) OF THE REGULATIONS ON THE STATUS AND TRANSFER OF PLAYERS
 - UNLESS AN INDEPENDENT ARBITRATION TRIBUNAL GUARANTEEING FAIR PROCEEDINGS AND RESPECTING THE PRINCIPLE OF EQUAL REPRESENTATION OF PLAYERS AND CLUBS HAS BEEN ESTABLISHED AT NATIONAL LEVEL WITHIN THE FRAMEWORK OF THE ASSOCIATION AND/OR A COLLECTIVE BARGAINING AGREEMENT

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- **DISPUTES BETWEEN CLUBS AND PLAYERS IN RELATION TO THE MAINTENANCE OF CONTRACTUAL STABILITY WHERE THERE HAS BEEN A REQUEST FOR AN INTERNATIONAL TRANSFER CERTIFICATE (ITC)**
 - ART. 24 AND ART. 22 LIT. A) OF THE REGULATIONS ON THE STATUS AND TRANSFER OF PLAYERS
 - INTERNATIONAL TRANSFER AT THE BASIS OF THE DISPUTE GIVES THE MATTER THE NEEDED INTERNATIONAL DIMENSION

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ADVANTAGES OF THE DRC OVER ORDINARY COURTS:

- **FASTER PROCEEDINGS**
 - DRC REACTS AND RULES MORE QUICKLY AND WITH GREATER FLEXIBILITY THAN ORDINARY COURTS OF LAW
- **LESS EXPENSIVE**
 - DRC PROCEEDINGS RELATING TO LABOUR DISPUTES ARE FREE OF CHARGE
- **BEHIND CLOSED DOORS**
 - THE GENERAL PUBLIC AND THE MEDIA ARE, IN GENERAL, EXCLUDED
- **MORE EFFICIENT PROCEEDINGS**
 - DRC IS MORE FAMILIAR WITH THE SUBJECT MATTER THAN ORDINARY COURTS OF LAW, TAKES INTO ACCOUNT THE SPECIAL NATURE OF FOOTBALL (LITIGATIONS JUDGED BY SPECIALISTS - THE FOOTBALL FAMILY)

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ADVANTAGES OF THE DRC OVER ORDINARY COURTS:

- **CONSTITUTIONAL PRINCIPLES**
 - DRC APPLIES GENERAL AND CONSTITUTION PRINCIPLES RECOGNISED ALL OVER THE WORLD (PARTICULAR IMPORTANCE IN INTERNATIONAL ARBITRATION)
- **SECURITY OF THE LAW**
 - DRC TO GUARANTEE FAIR PROCEEDINGS AND ESTABLISH A SPECIALISED FIRM JURISPRUDENCE
- **ENFORCEABILITY**
 - DECISIONS THAT ARE NOT RESPECTED MAY BE ENFORCED BY INITIATING DISCIPLINARY PROCEEDINGS

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SPECIFICITIES OF THE DRC:

- **24 MEMBERS**
 - 12 PLAYER AND 12 CLUB REPRESENTATIVES - EQUAL REPRESENTATION
 - APPOINTED BY THE FIFA EXECUTIVE COMMITTEE
 - FORMATION TO REGARD THE TERRITORY OF ALL SIX CONFEDERATIONS

- **INDEPENDENT CHAIRMAN (MR. SLIM ALOULOU)**
 - CHOSEN BY THE FIFA EXECUTIVE COMMITTEE
 - ON PROPOSAL OF PLAYERS' REPRESENTATIVES AND LEAGUES

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SPECIFICITIES OF THE DRC:

- **MEMBERS SITTING FOLLOWING A ROTATION SYSTEM**
 - DRC ADJUDICATES IN THE PRESENCE OF AT LEAST THREE MEMBERS (INCLUDING THE CHAIRMAN) (ART. 24 PAR. 2 OF THE REGULATIONS ON THE STATUS AND TRANSFER OF PLAYERS)
 - NORMALLY, FORMATION OF 5 MEMBERS (INCLUDING THE CHAIRMAN)
 - ALL MEMBERS HAVE ONE VOTE
 - IN CASE OF A TIE: THE CHAIRMAN HAS CASTING VOTE (ART. 14 PAR. 1 OF THE PROCEDURAL RULES)

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CENTRAL PROCEDURAL ASPECTS:

- **THE DRC EXAMINES EX-OFFICIO WHETHER IT HAS JURISDICTION**
- **APPLICABLE MATERIAL LAW (ART. 2 OF THE PROCEDURAL RULES)**
 - **FIFA REGULATIONS**
 - **WHILST TAKING INTO ACCOUNT ALL RELEVANT ARRANGEMENTS, LAWS AND/OR COLLECTIVE BARGAINING AGREEMENTS THAT EXIST AT NATIONAL LEVEL, AS WELL AS THE SPECIFICITY OF SPORT**
- **GENERAL RULE: PROCEEDINGS TO BE CONDUCTED IN WRITING ONLY**

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CENTRAL PROCEDURAL ASPECTS:

- **PETITIONS SHALL BE SUBMITTED IN ACCORDANCE WITH ART. 9 PAR. 1 OF THE PROCEDURAL RULES**
 - **INCOMPLETE PETITIONS: DEADLINE TO THE PARTY TO AMEND THEM ACCORDINGLY, OTHERWISE PETITION WILL NOT BE CONSIDERED**
 - **RESPONSIBILITY OF THE PARTIES TO PROVIDE THE DRC WITH THE EVIDENCE THEY DEEM APPROPRIATE TO SUPPORT THEIR POSITION**
 - **ALL DOCUMENTATION TO BE SUBMITTED IN ONE OF FOUR OFFICIAL FIFA LANGUAGES**
 - **NORMALLY, ONE EXCHANGE OF CORRESPONDENCE AND THEN SUBMISSION TO DECIDING BODY**
 - **MISSING POSITION FROM THE RESPONDENT PARTY: DECISION TO BE TAKEN ON THE BASIS OF THE DOCUMENTS ON FILE**

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CENTRAL PROCEDURAL ASPECTS:

- **ORC AT LIBERTY TO ALSO CONSIDER EVIDENCE NOT PRESENTED BY PARTIES**
- **EVIDENCE CONSIDERED WITH FREE DISCRETION BY THE ORC**
- **DECISIONS ARE COMMUNICATED IN WRITING**
- **DECISIONS WITHOUT GROUNDS (ART. 15 OF THE PROCEDURAL RULES)**
 - THE ORC MAY DECIDE TO COMMUNICATE FINDINGS OF A DECISION ONLY
 - NOT APPLICABLE TO DECISIONS THAT LEAD TO SPORTING SANCTIONS
 - THE PARTIES HAVE 10 DAYS TO REQUEST THE GROUNDS OF THE DECISION
 - IF MOTIVATED DECISION REQUESTED: TIME LIMIT TO LODGE AN APPEAL BEGINS UPON RECEIPT OF THE MOTIVATED DECISION
 - IF NO MOTIVATED DECISION REQUESTED OR REQUEST MADE LATE: DECISION WILL COME INTO FORCE

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COURT OF ARBITRATION FOR SPORT (CAS):

- **ANY DECISION PASSED BY THE ORC IS SUBJECT TO AN APPEAL AT CAS (ART. 63 OF THE FIFA STATUTES)**
- **APPEALS WITH CAS TO BE LODGED WITHIN 21 DAYS OF NOTIFICATION OF THE DECISION**
 - **REMINDER:** IF MOTIVATED DECISION REQUESTED, THE TIME LIMIT TO LODGE AN APPEAL BEGINS UPON RECEIPT OF THE MOTIVATED DECISION

FINAL REMARKS



**THE DISPUTE RESOLUTION CHAMBER INSIDE THE FOOTBALL
STRUCTURE HAS ACHIEVED A HIGH GRADE OF RECOGNITION,
CREDIBILITY AND ACCEPTANCE.**

THE DISPUTE RESOLUTION CHAMBER



THANK YOU FOR YOUR ATTENTION