

**To the national associations
of FIFA**

Circular no. 827

Zurich, 10 December 2002
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Arbitration Tribunal for Football (TAF) – Court of Arbitration for Sport (CAS)

Dear General Secretary,

As you will recall, the Extraordinary FIFA Congress held in Buenos Aires, Argentina, on 7 July 2001, decided the creation of an arbitration tribunal for football and, following this decision, the FIFA administration initially opted to establish an entirely independent arbitration tribunal with its own infrastructure and administration.

However it soon became apparent to FIFA that the finances made available to found the International Chamber for Football Arbitration (CIAF) were far from sufficient to fulfil its objectives of establishing and maintaining an independent arbitration chamber for football. Furthermore, it was acknowledged that the measures required to set up such an independent project have proved to be too time-consuming in view of the time constraints imposed by the necessity of implementing the new juridical system in accordance with the FIFA Statutes.

At its last meeting held in Zurich, Switzerland, on 23/24 September 2002, the FIFA Executive Committee acknowledged that the project to set up a totally independent arbitration tribunal as originally foreseen was not possible. In view of the above, the Executive Committee instructed the FIFA President to evaluate alternatives that could guarantee the same results. In particular, the possibility for FIFA to recognise the jurisdiction of the Court of Arbitration for Sport (CAS) was considered. Moreover, the Executive Committee mandated the President to carry out all actions he would deem necessary in order to achieve the aforementioned purpose.

After intense and very constructive discussions carried out between FIFA and the International Council of Arbitration for Sport (ICAS), the foundation that runs the CAS, the latter has agreed to the creation of a specific list of arbitrators for football related matters, in accordance with the FIFA Statutes; on the other hand, FIFA has agreed to recognise the jurisdiction of the CAS. Moreover, on the occasion of its meeting held in Osaka, Japan, on 11 November 2002 the ICAS formally confirmed the integration of the newly created list of specialised arbitrators dealing with football-related matters at the CAS.

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Therefore, we are extremely pleased to inform you that the CAS is ready to deal with decisions that have been passed after 11 November 2002, as a body of appeal, in accordance with the FIFA Statutes and subject to the specific provisions of the individual FIFA Regulations. This also applies to the disputes that the CAS may deal with as the sole deciding body.

The existing procedural rules of the CAS will apply. The administration will be run by the current CAS general secretariat that will appoint further staff for the proper management of the football related cases. In this respect, we would also like to point out that the CAS has confirmed that the laws of the game will be excluded from the arbitration proceedings.

Please take note that ICAS, which is the competent body for the official nominations of the arbitrators for the CAS, accepted the list of arbitrators previously nominated for the TAF by the confederations, FIFPro and FIFA. FIFA advises the litigating parties to appoint arbitrators of the mentioned list.

These arbitrators have been appointed until 31 December 2003 and in the course of the next year FIFA together with the ICAS will elaborate a suitable procedure for the nomination of the arbitrators as of 1 January 2004 for the period of 4 years, just like all other arbitrators of the CAS.

We are convinced that the recognition of the jurisdiction of the CAS by the football family will create the basis required to ensure and preserve a clear and comprehensible legal and factual security in the world of football and that it will guarantee continuity and development in the spirit of FIFA.

Please do not hesitate to contact our services should you require further information on this issue. Thank you for your kind attention to the above.

Yours faithfully,
FEDERATION INTERNATIONALE
DE FOOTBALL ASSOCIATION

Urs Linsi
Acting General Secretary

cc: - Executive Committee
 - Players' Status Committee
 - Dispute Resolution Chamber
 - Confederations
 - FIFPro
 - CAS