

**TERMS OF REFERENCE OF THE  
CODE OF BEST PRACTICES IN SPORTS ARBITRATION**

**1. CREATION OF THE COMMISSION**

1. On 14 April 2020 the members of the Spanish Arbitration Club<sup>1</sup> [**“Club”** or **“CEA”**] approved the creation of a commission [**“Commission”**] for the drafting of a code of best practices in sports arbitration [**“Code”**].
2. The *rationale* for creating the Commission is to pursue the work undertaken by the Club with the Code of Best Practices in Arbitration, published in 2019<sup>2</sup>. The aim of the Code is to adapt the best practices already identified for commercial arbitration to the field of sports arbitration, which has its own particularities and in which several of the Club’s members are highly specialized.

**2. COMPOSITION OF THE COMMISSION**

3. The Commission is comprised of six sub-Commissions and a Steering Committee. Each of these sub-Commissions is composed by members of the Club. Annex I to these Terms of Reference contains the details of each sub-Commission and the names of its members.

**3. SCOPE OF THE CODE**

4. The scope of the Code is to identify and define the best practices in sports arbitration. In particular, the Code will focus on the following topics:
  - The aspects that should be taken into account when drafting a sports arbitral agreement;
  - The features that should be common to all sports arbitral institutions;
  - The conduct of sports arbitral proceedings;
  - The issues to be taken into account when enforcing arbitral awards in sports arbitration;
  - The adaptation of any of the above questions to the field of e-Sports.
5. The Code will further contain an analysis of some of the best practices identified in the Code of Best Practices in Arbitration of the Club that can be applied by analogy to sports arbitration.

**4. RECOMMENDATIONS**

6. The primary aim of the Code is to issue recommendations for each of the topics identified in paragraph 4 *supra* [**“Recommendations”**].
7. The Recommendations will not be binding but will set forth the rules which, in the Club’s opinion, should be followed by all users of sports arbitration, such as, for example, arbitral institutions, arbitrators, lawyers, athletes, federations, etc. [**“Stakeholders”**].

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<sup>1</sup> More information about the Club can be found at: <https://www.clubarbitraje.com/quienes-somos/>.

<sup>2</sup> Available at: <https://www.clubarbitraje.com/wp-content/uploads/2019/01/Code-of-Best-Practices-in-Arbitration-of-the-Spanish-Arbitration-Club.pdf>.

8. In order to prepare the Recommendations, the Commission will study available materials in sports arbitration, including the rules of the principal sports arbitral institutions, guidelines on sports arbitration, case-law, doctrine, etc. The Commission will also conduct consultations and interviews with Stakeholders with experience in sports arbitration, as detailed in section 5 *infra*.
9. The Commission's research will be compiled in a "**Record of Evidence and Analysis**", which will serve as the basis for the drafting of the final Recommendations.

**5. CONSULTATION WITH STAKEHOLDERS**

10. In order to prepare Recommendations that are in line with the current market practices, the Commission wishes to consult and interview Stakeholders in sports arbitration, such as arbitral institutions, sports federations, arbitrators, lawyers, etc.
11. A first consultation will take place in September 2020. Stakeholders will receive a series of questions related to best practices in sports arbitration. Stakeholders will have the possibility of sending their feedback on or off-record.
12. A second consultation will take place in January 2021. For this second consultation, the Commission will publish the Record of Evidence and Analysis, together with the interim Recommendations in order to gather the final feedback on-record from the Stakeholders.
13. On the basis of this final feedback the Commission will issue its final Recommendations.

**6. TERM**

14. The Commission will endeavor to have the Code ready by June 2021. The Commission's term shall be completed once the Code has been published.

22 June 2020

## **ANNEX I**

### **Steering Committee**

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