

## DIPLOMA THESIS

Denisa Budilová : *Institutional framework of alternative dispute resolution in sport*

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### ABSTRACT

The aim of this thesis is description and analysis of institutional framework, through which sport disputes are solved outside the State courts' jurisdiction. The thesis also delimits mutual relation between jurisdiction of sport organisations' bodies on one hand and State courts' jurisdiction on the other hand. The text is divided into seven chapters. A brief introduction is followed by second chapter, in which I focus on sport in general, its relations to law, I am exploring relations that may arise within the sport, and outlining on several examples what disputes may arise from those relations. Separate subsections are devoted to normative regulation of sport's relations and question of *sports law*.

Third chapter is focused on Czech legislation on alternative dispute resolution in sport. I particularly deal with possibilities of alternative dispute resolution according to the Czech Arbitration Act (1994). The following section deals with dispute resolution based on sport associations' autonomy; I focus on current legislation and related case-law, as well as on proposed legislation to be enacted with respect to ongoing recodification of Czech private law. Fourth chapter provides an analysis of existing framework of alternative dispute resolution in sport on example of football. I analyse football hierarchic structure and available dispute resolution mechanisms systematically from national football associations level through the European Football Confederation (UEFA) up to the International Football Federation (FIFA). The end of this chapter is devoted to highly contested question of a possibility of judicial review of decisions arisen from sport alternative dispute resolution mechanism on supra-national level.

In fifth chapter I comprehensively deal with the Court of Arbitration for Sport (CAS), which may be considered as the most important institution of alternative sport dispute resolution. On one hand, it may stand as a first instance body for disputes related to specific environment of sport which are not, however, solved in the framework of sport organisations. On the other hand, the CAS is an arbitration institution of the last instance for sport disputes towards which may the subjects of such disputes appeal. Apart from analysis of particular ways of proceedings in front of the CAS, I am focusing on some of actual questions concerning of its operation. Chapter six provides summary and conclusion of my research and the following and final seventh chapter provides list of references.

**KEY WORDS:** sport, alternative dispute resolution, FACR, UEFA, FIFA, CAS