



*For the Good of the Game*

To the members of FIFA  
and the confederations

### **Circular no. 1010**

Zurich, 20 December 2005

### **Art. 60, par. 3 (c) of the FIFA Statutes – independent and duly constituted arbitration tribunal**

Dear Sir or Madam,

FIFA is frequently asked by its members which criteria must be fulfilled for an arbitration tribunal to be classed as independent and duly constituted under the terms of art. 60, par. 3 (c) of the FIFA Statutes (previous version: art. 60, par. 2 (c)).

FIFA has consequently addressed these queries and determined that the terms 'independent' and 'duly constituted' in accordance with art. 60, par. 3 (c) of the FIFA Statutes require that an arbitration tribunal meet the minimum (international) procedural standard as laid down in several laws and rules of procedure for arbitration tribunals. This **minimum procedural standard** comprises the following conditions and principles:

- ***Principle of parity when constituting the arbitration tribunal***

The parties must have equal influence over the appointment of arbitrators. This means for example that every party shall have the right to appoint an arbitrator and the two appointed arbitrators appoint the chairman of the arbitration tribunal. The parties concerned may also agree to appoint jointly one single arbitrator. Where arbitrators are to be selected from a predetermined list, every interest group that is represented must be able to exercise equal influence over the compilation of the arbitrator list.

- ***Right to an independent and impartial tribunal***

To observe this right, arbitrators (or the arbitration tribunal) must be rejected if there is any legitimate doubt about their independence. The option to reject an arbitrator also requires that the ensuing rejection and replacement procedure be regulated by agreement, rules of arbitration or state rules of procedure.

- ***Principle of a fair hearing***

Each party must be granted the right to speak on all facts essential to the ruling, represent its legal points of view, file relevant motions to take evidence and participate in the proceedings. Every party has the right to be represented by a lawyer or other expert.

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- ***Right to contentious proceedings***

Each party must be entitled to examine and comment on the allegations filed by the other party and attempt to rebut and disprove them with its own allegations and evidence.

- ***Principle of equal treatment***

The arbitration tribunal must ensure that the parties are treated equally. Equal treatment requires that identical issues are always dealt with in the same way vis-à-vis the parties.

The members of FIFA and the confederations are obliged to ensure compliance with the foregoing minimum standard at all times when establishing or recognising an arbitration tribunal in accordance with art. 60, par. 3 (c) of the FIFA Statutes. Members may, of course, provide for additional requirements with a view to reinforcing the independence and due constitution of the arbitration tribunal.

In certain cases, FIFA reserves the right to examine the minimum procedural standard required for arbitration tribunals in view of art. 60, par. 3 (c) of the FIFA Statutes.

Please do not hesitate to contact FIFA if you have any further queries concerning the independent and duly constituted arbitration tribunal.

Thank you for giving your attention to the foregoing and, where necessary, carrying out appropriate adaptations.

Yours faithfully,  
FEDERATION INTERNATIONALE  
DE FOOTBALL ASSOCIATION

Urs Linsi  
General Secretary

cc:- FIFA Executive Committee