

2013 FAI CASI MEETING

ANNEX 4

Rationale concerning the Proposal for the revision of the proposed
FAI INTERNATIONAL APPEALS TRIBUNAL MANUAL

This proposal diverges significantly from the document presented at the Oct. 2012 CASI meeting. Keeping the same structure, detail and substance were added where it was felt necessary either to clarify or to improve the understanding. The present proposal is based on the “old” (2012) GS Chapter 9 – Appeals to the FAI, containing all the necessary “basic” provisions.

The major changes, and their reasons, are listed below.

Introduction

Preliminary paragraph added in order to explain a few basic facts necessary to understand the appeals procedures required to organise a fair and efficient process.

Chairperson.

This heading has been replaced with Tribunal Members

The proposed provision to leave the chairperson selection to the Tribunal members has been replaced with a clarification that the Tribunal members are appointed by the **CASI Bureau** upon recommendation from the CASI President, who shall also designate the Tribunal chairperson.

Tribunal organisation and administration

New heading added to clarify the responsibilities and duties of the Tribunal’s chairperson, and to propose a definition of “relevant party”.

Withdrawal of appeals

New heading introduced to clarify when and how an appeal can be withdrawn.

Hearing

Clarification of the hearing procedures

Tribunal member not available

New heading introduced to allow for the absence of not more than one tribunal member from the hearing. Absence is a possibility that needs to be covered.

Observers

New heading introduced to cover a demand from interested parties.

Witnesses

New heading introduced to clarify who may and who is responsible to call witnesses.

Production of documents at hearings

New heading introduced to define the appellants right to see any document used by the Tribunal to establish the facts, and to introduce a confidentiality condition.

Hearing adjourned

New heading introduced to define what happens when the hearing is adjourned.

Facts

New wording introduced to give the Tribunal more liberty for the presentation of the facts summary. It is now possible to present this summary immediately after the hearing during a physical meeting. The Tribunal also now asks for objection and no longer for approval.

Deliberation

It is now proposed to deliberate “in private”.

Decision

It is proposed to introduce a provision to allow a decision to be announced orally immediately after deliberation during a Tribunal meeting.

Power of the Tribunal

Added the provision that the Tribunal shall also decide on the apportionment of the costs of the appeal.

Finality of decisions

“New evidence” revision possibility added and clarified when and how the Tribunal decisions become final.

Implementation of Tribunal’s decision

New heading introduced to clarify when the Tribunal’s decision shall be put into effect.

Expenses

Left unchanged.

CASI WG members: JC Weber, chairman
Antonis Papadopoulos, member
Buzz Bennett, member