

Kluwer Arbitration Blog

Countdown To RIDW24: Developments In Sports Arbitration In The Kingdom Of Saudi Arabia And Europe

Mohamed Abdel Raouf (Abdel Raouf Law Firm) · Tuesday, February 13th, 2024

The first [Riyadh International Disputes Week](#) (“RIDW”) presents an excellent occasion for international, regional, and local experts and practitioners to meet and exchange their views regarding salient developments in the various areas of dispute resolution.

The upcoming Saudi Center for Commercial Arbitration Third International Conference and Arbitration (“SCCA24”) on 6 March 2024, which is scheduled as the event highlight of RIDW, will feature a panel discussion on “Sports, Entertainment and Technologies: New frontiers in ADR”. Among the topics to be discussed at SCCA24 is the settlement of sports-related disputes by arbitration. The choice of the topic is timely given the recent developments in this respect both in Europe and the Kingdom of Saudi Arabia (“KSA”).

In Europe, the debate continues regarding the nature of the submission to arbitration under the auspices of the Court of Arbitration for Sport (“CAS”) after the landmark ruling by the German Federal Constitutional Court in 2022 in the case concerning the German ice-skating champion, Ms. Claudia Pechstein.

The German Federal Constitutional found that the mandatory arbitration clause of the CAS violated the athlete’s constitutional right of access to justice pursuant to Art. 2(1) in conjunction with Art. 20(3) of the German federal constitution (see previous blog post [here](#)). As the relevant CAS arbitration rules did not provide for the right to have a public hearing, the German Constitutional Court overturned the decision of the German Federal Court of Justice on the basis that it had not attributed sufficient weight to Ms. Pechstein’s fundamental right of access to justice. The Constitutional Court further held that the German Federal Supreme Court’s ruling fell short of complying with the procedural guarantees required by Art. 6 of the [European Convention on Human Rights](#). Accordingly, the arbitration clause was held to be null and void.

In the KSA, over the past few years, the country is becoming a major player in the global sports economy. Indeed, the KSA’s investments in sports have not gone unnoticed on the international stage. Collaborations with established sporting bodies, the hosting of major tournaments have produced valuable opportunities to showcase the KSA’s culture, tradition, and progress on a global platform. This has also highlighted the significance of Alternative Dispute Resolution, and in particular, arbitration, in the settlement of sports-related disputes.

In addition to consistently referring such disputes to arbitration instead of national courts, recent

years have also witnessed major developments in enforcing widely recognized principles of the *lex sportiva* in the KSA, thanks, *inter alia*, to the issuance of arbitral awards imposing sporting sanctions (suspension and fines for instance) on football players and clubs based on the FIFA Regulations on the Status and Transfer of Players, which are reflected in the Saudi Arabian Football Federation (“SAFF”) Regulations.

While FIFA has, on 30 December 2023, temporarily suspended its new FIFA Football Agent Regulations worldwide until the European Court of Justice issues its decision following injunctions in Germany and Spain against implementing some of the new rules, the SAFF has deemed it fit to release, on 12 January 2024, its new Football Agents Regulations, which is expected to generate potential disputes.

Within this context, the above panel discussion promises to be extremely interesting.



We look forward to attending the SCCA24 Conference!

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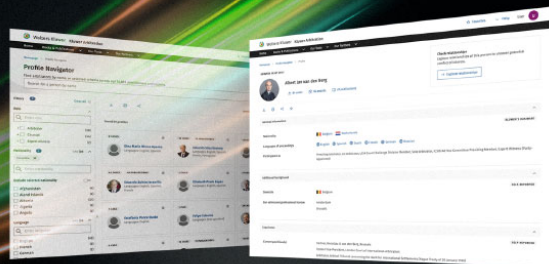
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