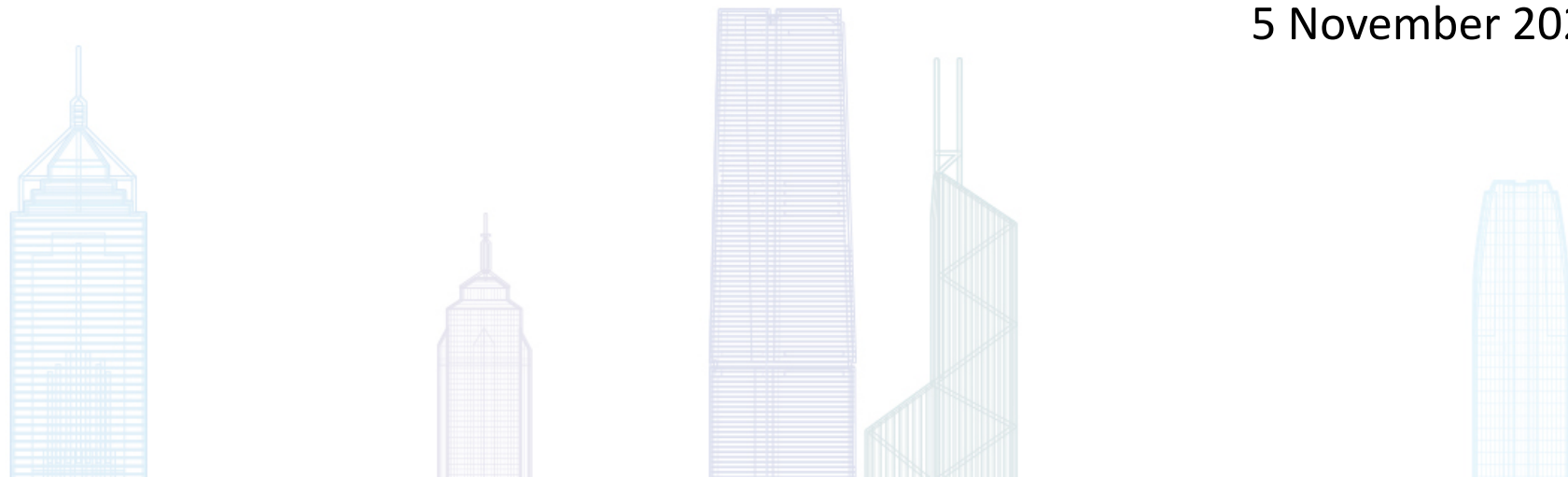


Chinese Football Association's Arbitration -- Practices and Reforms

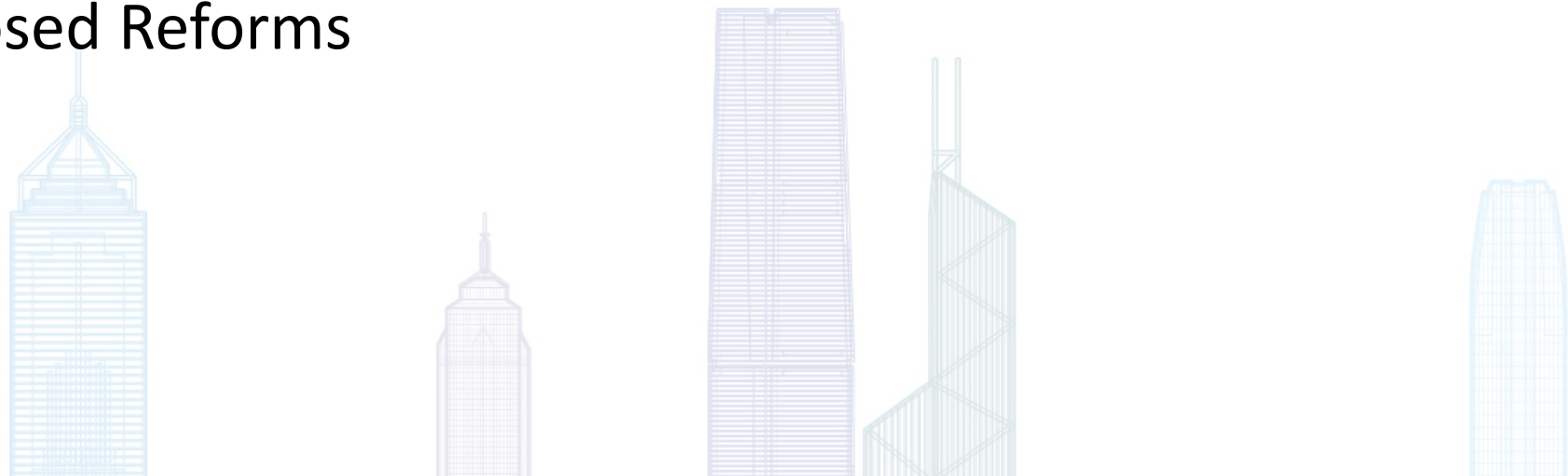
Dr. Mingchao Fan

5 November 2020, Hong Kong



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1. History of Chinese Football Association (CFA) Arbitration
2. Changes and Challenges of CFA Arbitration
3. Proposed Reforms



History of CFA Arbitration

- Before 2000 CFA Litigation Commission
CFA Litigation Rules (for Trial Implementation)
- 2000 – 2009 CFA Litigation Commission (restructured)
CFA Litigation Rules
- 2009 – present CFA Arbitration Commission
CFA Arbitration Rules

History of CFA Arbitration (continued)

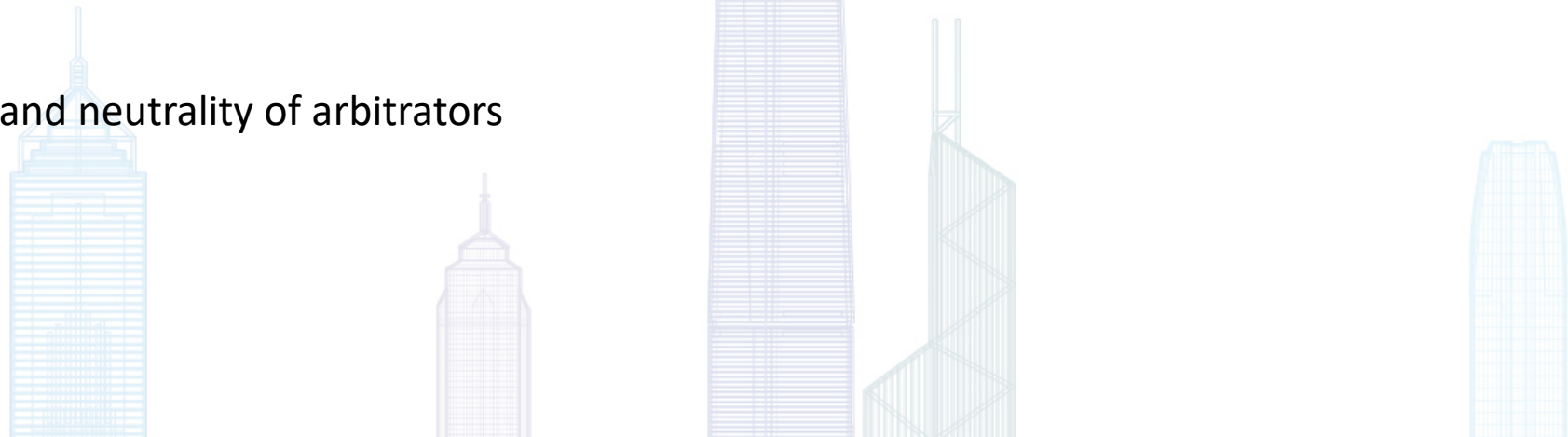
Criticisms on CFA Litigation Commission

- Why “litigation”?
- The lack of nomination rules of adjudicators
- The lack of detailed procedural rules such as challenge of adjudicators, document production, etc.
- CFA officials serving as adjudicators in practice

Changes and Challenges of CFA Arbitration

Highlighted Changes in the 2009 Arbitration Rules

- CFA Litigation Commission → CFA Arbitration Commission
- Independence of CFA Arbitration Commission from CFA Executive Board and Secretariat
- *Amicus Curiae*
- Impartiality and neutrality of arbitrators
- Mediation



Changes and Challenges of CFA Arbitration (continued)

Highlighted Challenges in the 2009 Arbitration Rules

- Scope of applicable laws and rules
- Constitution of arbitral tribunal
- *Amicus Curiae* vs. confidentiality
- The lack of evidence rules
- Interaction with the judiciary



Proposed Reforms

- Collaboration with arbitral institutions for secretariat work
- Nomination of arbitrators, constitution of arbitral tribunals & rules of conflict of interest
- Reference to evidence rules applied in domestic litigation
- Application of FIFA and CAS jurisprudence
- Document only & virtual hearings
- Scrutiny
- Mediation



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