



Tribunal Arbitral do Desporto

## **Law 74/2013, of 6 September (up-to-date version) COURT OF ARBITRATION FOR SPORT**

### **SUMMARY**

**Establishes the Court of Arbitration for Sport and approves the respective law**

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Law 74/2013, of 6 September

Establishes the Court of Arbitration for Sport and approves its law

The Portuguese Parliament decrees the following, under the terms of article 161 (c) of the Constitution:

#### **Article 1**

##### **Object**

1 - This law creates the Court of Arbitration for Sport (CAS), with specific authority to administer justice in relation to disputes that fall within the sports legal system or related to the practice of sport.

2 - This law also approves the CAS law.

#### **Article 2**

##### **Approval of the law of the Court of Arbitration for Sport**

The CAS law is approved in attachment to this law, of which it is an integral part, that shall determine:

- a) The nature, authority, organisation and services of the CAS; and
- b) Rules for arbitration and mediation processes to be submitted to the CAS.

#### **Article 3**

##### **Transitory Provision**

1 - This law applies to processes initiated after its entry into force.

2 - The application of this law to disputes pending on the date of its entry into force requires the agreement of the parties.

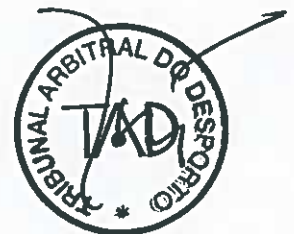
3 - Arbitration commissions to which exclusive or prior authority has been assigned under the terms and for the purposes of article 30 of Law 28/98, of 26 June, amended by Law no. 114/99, of 3 August, shall remain in force until 31 July, 2016, after which date the respective authority to conduct arbitration is assigned to the CAS.

#### **Article 4**

##### **Repeals**

The following are hereby repealed:

- a) Article 30 of Law 28/98, of 26 June, amended by Law 114/99, of 3 August;
- b) Article 18 of Law 5/2007, of 16 January;
- c) Article 12 of Decree-Law 248-B/2008, of 31 December;
- d) Article 31(2) and (3) of Decree-Law 273/2009, of 1 October.





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**Article 5**  
**Entry into force**

This law enters into force 90 days after the installation of the CAS.

Approved on 29 July, 2013.

The President of the Portuguese Parliament, Maria da Assunção A. Esteves.

Enacted on August 27, 2013.

Let it be published.

The President of the Republic, Aníbal Cavaco Silva.

Countersigned on August 29, 2013.

The Prime Minister, Pedro Passos Coelho.

**ANNEX**  
(to which article 2 refers)

**Law of the Court of Arbitration for Sport**

**TITLE I**  
**Nature, authority, organisation and services**  
**CHAPTER I**

**Nature and competence**

**Article 1**

**Nature and regime**

1 - The Court of Arbitration for Sport (CAS) is an independent jurisdictional entity, among others, from the public sports administration bodies and the institutions that comprise the sports system and is endowed with administrative and financial autonomy.

2 - The CAS has specific authority to administer justice in relation to disputes involving the sports legal system or related to the practice of sport.

3 - The CAS's revenues are the procedural costs charged in the corresponding processes and others that are generated by virtue of its activity, in particular the revenue obtained from the services of consultation and mediation provided for in this law.

4 - The Portuguese Olympic Committee is responsible for promoting the installation and operation of the CAS.

**Article 2**  
**Jurisdiction and head office**

The CAS exercises its jurisdiction throughout Portuguese territory and its head office is at the Portuguese Olympic Committee.



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### **Article 3**

#### **Scope of jurisdiction**

In the judgment of appeals and oppositions referred to in the preceding articles, the CAS has full jurisdiction in fact and in law.

### **Article 4**

#### **Mandatory arbitration**

1 - The CAS is responsible for hearing disputes arising from the acts and omissions of sports federations, professional leagues and other sports entities, within the scope of their respective of regulatory, organisational, directive and disciplinary powers.

2 - Unless otherwise established and without prejudice to that set forth in the following paragraph, the authority defined in the preceding paragraph encompasses the guaranteed right to resort to the courts set forth in the Administrative Court Procedure Code that are applicable.

3 - Access to the CAS is only admissible by appealing:

a) Decisions of the disciplinary body or decisions of the jurisdictional body of sports federations, in the latter case when rendered following an appeal regarding the decisions of a federative body other than the disciplinary body;

b) Final decisions of professional league bodies and other sports entities.

4 - Except for the disciplinary proceedings referred to in article 59 of Law 38/2012, of 28 August, the CAS is also responsible for hearing the disputes referred to in paragraph 1 whenever the decision of the disciplinary or jurisdictional body of the sports federations or the final decision of a professional league or other sporting entity is not handed down within 45 days or, on the grounds of the complexity of the case, within 75 days, counted from the initiation of the respective process.

5 - In the cases referred to in the preceding paragraph, the deadline for submission, by the interested party, of the application requesting the intervention of the CAS is 10 days, counted from the end of the period referred to in the preceding paragraph, whereby this application must comply with the method established for the initial application.

6 - The resolution of issues arising from the application of technical and disciplinary provisions directly related to the practice of competitive sports themselves is excluded from the jurisdiction of the CAS, whereby the appeal referred to in paragraph 3, among others, is unapplicable.

### **Article 5**

#### **Mandatory arbitration on anti-doping issues**

The CAS is responsible for hearing appeals against decisions taken by disciplinary bodies of sports federations or by the Portuguese Anti-Doping Authority, concerning the infringement of anti-doping rules, under the terms of Law 38/2012, of 28 August, which approves the anti-doping law for sport.

### **Article 6**

#### **Voluntary arbitration**

1 - Any disputes that are not encompassed by articles 4 and 5 but are directly or indirectly related to the practice of sport, which are susceptible to arbitration



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according to the voluntary arbitration law (VAL), can be submitted to arbitration by the CAS.

2 - The submission to the CAS of the disputes referred to in the preceding paragraph can take place by virtue of an arbitration agreement or, for disputes arising from the corresponding membership of an association, by virtue of the statutory clause of a federation or another sports institution.

#### **Article 7**

##### **Voluntary arbitration in employment issues**

1 - In particular, the provisions of the preceding article are applicable to any disputes arising from sports employment contracts entered into by athletes or coaches and agents or sports institutions, whereby the appropriacy and lawfulness of dismissals can be assessed.

2 - According to that set forth in the preceding paragraph, the CAS is granted the authority to arbitrate in parity arbitration commissions, established in Law 28/98, of 26 June.

#### **Article 8**

##### **Appealing arbitration decisions**

1 - The decisions of arbitration panels can be appealed to the Central Administrative Court, unless the parties agree to appeal to the Chamber of Appeal, expressly waiving any right to appeal the decision that is handed down.

2 - That set forth in the Administrative Court Procedure Code with regard to urgent proceedings apply to the appeal lodged with the Central Administrative Court referred to in the preceding paragraph, which shall not suspend the decision's effect and must be decided within 45 days.

3 - In the case of voluntary arbitration, the submission of the dispute to the CAS implies waiving the right to the appeals referred to in the preceding paragraphs.

4 - In all cases, the possibility of appealing to the Constitutional Court and opposing the decision handed down is safeguarded on the basis and under the terms set forth in the VAL.

5 - The Central Administrative Court of the South, with regard to decisions issued in the performance of mandatory arbitration, or the Judicial Court of Appeal of the domicile of the party the decision will be enforced against, with regard to decisions rendered in the performance of voluntary arbitration, shall have jurisdiction to hear the appeals and oppositions under the terms of this law.

6 - The opposition of an arbitration decision by any means set forth in paragraphs 1 and 4 shall not affect the sporting effects determined by that decision and executed by the appropriate bodies of sports federations, professional leagues and any other sports entities.

7 - The decision of the Chamber of Appeal referred to in paragraph 1 can be appealed to the Supreme Administrative Court if it conflicts, regarding the same fundamental question of law, in the field of the same legislation or regulation, with a judgment handed down by the Central Administrative Court or by the Supreme Administrative Court.

8 - The appeal referred to in the preceding paragraph shall be subject to the appeal regime for the standardization of jurisprudence regulated in the



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Administrative Court Procedure Code, adjusted accordingly, whereby the period for lodging the appeal is counted from the date of notification of the arbitration decision and shall be accompanied by a copy of the arbitration process.

**CHAPTER II**  
**Organization and operation**  
**SECTION I**  
**Composition and internal organization**  
**Article 9**  
**Composition**

The president, the vice-president, the arbitrators, the governing board, the secretariat, the Chamber of Appeal and the arbitrators are integral members of the of the organisation and operation of the CAS.

**Article 10**  
**Sports Arbitration Council**

1 - The Sports Arbitration Council is composed by 11 members, 10 of which designated in the following manner:

- a) Two, by the Portuguese Olympic Committee, which shall choose respectable jurists of recognized merit, with experience in the field of sport;
- b) Two, by the Portuguese Sports Confederation, which shall choose respectable jurists of recognized merit, with experience in the field of sport;
- c) One, by the National Sports Council, which shall choose a respectable jurist of recognized merit, with experience in the field of sport;
- d) One, by the Superior Council of the Judiciary, which shall choose a former or current magistrate;
- e) One, by the Superior Council of the Administrative and Tax Courts, which shall choose a former or current magistrate;
- f) One, by the Superior Council of the Prosecution Service, which shall choose a former or current magistrate;
- g) One, by the Council of Portuguese University Rectors, which shall choose a lecturer from a School of Law, following their recommendation;
- h) One, by the Portuguese Bar Association, which shall choose a respectable lawyer of recognized merit, with experience in the field of sport.

2 - The president of CAS shall also join the Sports Arbitration Council.

3 - The members of the Council elect, from among their number, the president and vice-president of the Sports Arbitration Council, by majority vote.

4 - The members of the Council are appointed to three-year terms in office, which can be renewed for two further identical terms.

5 - If there is a vacancy on the Council, it is filled in accordance with paragraph 1, with the respective term completed by the new member.

6 - The members of the Council cannot act as arbitrators in disputes submitted to the arbitration of the CAS, nor as attorneys or representatives of any of the litigating parties.

7 - By virtue of the performance of their duties, the members of the Council are entitled only to compensation for the expenses that their duties entail and the





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payment of an attendance fee for each day they attend meetings, whose value is fixed by the president of the CAS.

#### **Article 11**

##### **Duties of the Sports Arbitration Council**

In particular, the Sports Arbitration Council shall:

- a) Draw up the roll of CAS arbitrators and appoint the arbitrators that shall belong to it, in accordance with that established in article 21, as well as appointing the arbitrators who shall belong to the chamber of appeal;
- b) Monitor the activity and operation of the CAS, in order to preserve its independence and guarantee its efficiency, whereby, for that purpose, it shall make recommendations regarding legislative and regulatory changes that it considers appropriate;
- c) Approve procedural rules and procedural costs within the scope of voluntary arbitration, as well as mediation and consultation services;
- d) Approve the roll of CAS mediators and consultants and the respective changes;
- e) Approve the fees table for CAS staff;
- f) Approve its regulation, in compliance with that set forth in this law;
- g) Promote the study and disclosure of sports arbitration and the specific training of arbitrators, in particular by establishing ties with other national arbitration institutions or with similar foreign or international institutions;
- h) Adopt all appropriate measures to ensure the protection of the rights of the parties and the independence of arbitrators.

#### **Article 12**

##### **Meetings and resolutions**

1 - The Sports Arbitration Council meets ordinarily every semester and whenever convened by its president, on their own initiative or at the request of at least half of its members.

2 - The decisions of the Sports Arbitration Council are taken by majority vote, with at least half of its members present and the president shall have the casting vote.

3 - The resolutions with regard to the duties set forth in paragraphs a), c) and f) of the preceding article require the approval of two-thirds of the members in office.

4 - Each member of the Sports Arbitration Council is barred from participating in meetings or in decision-making when:

- a) The meeting or resolution concerns arbitration in which one of the parties is an entity that the member in question is affiliated or associated to, or is a director or representative;
- b) The meeting or resolution concerns arbitration with a lawyer that belongs to the same office or law firm as the member in question, who acted as arbitrator, advisor or representative of one of the parties;
- c) In general terms, the meeting or resolution concerns arbitration in which one of the parties has a relationship with the member that would be cause for withdrawal or suspicion if they were to intervene as an arbitrator in the arbitration process, which will be examined and decided on by the Sports Arbitration Council itself.



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**Article 13**  
**CAS presidency**

- 1 - The president and vice-president of the CAS are elected by the plenary of the arbitrators, from among their number.
- 2 - The president and the vice-president of the CAS are elected to three-year terms in office, which can be renewed for two further identical terms.

**Article 14**  
**Duties of the President of the CAS**

- 1 - The president of the CAS shall:
  - a) Represent the Court in its external relations;
  - b) Coordinate the activity of the Court;
  - c) Convene and preside over the meetings of the Governing Board

**Article 15**  
**Governing board**

- 1 - The CAS has a governing board composed by the president and vice-president of the CAS, by two regular members and the secretary-general.
- 2 - One of the regular members is elected by the plenary of CAS arbitrators, from among their number, the other being selected by the National Sports Council and are appointed to three-year terms, which can be renewed for two further identical terms.
- 3 - The secretary-general is appointed by the president of the CAS, after hearing the vice-president and the members of the governing board and shall be law graduates or Masters in law, with qualifications and experience appropriate to the performance of their duties, or on request to the Ministry of Justice, under terms of to be defined, in the legal framework, by the holder of the respective portfolio, and shall be court holding the category of judicial secretary.
- 4 - By virtue of the performance of their duties, the president of the CAS is entitled to a permanent fee and the vice-president and the members of the governing board are entitled to the payment of an attendance fee for each day they attend meetings, whose value is fixed by the Sports Arbitration Council.

**Article 16**  
**Duties of the governing board**

- 1 - The governing board supervises the management and administration of the CAS.
- 2 - The governing board is also specifically responsible for:
  - a) Development and submission of the procedural rules for approval by the Sports Arbitration Council, in particular that established in article 60, in addition to costs regulations applicable within the scope of voluntary arbitration, mediation and consultancy, which shall include fees tables for arbitrators, jurists appointed to issue opinions, mediators and consultants, and the regulation of the mediation service;
  - b) Approve the CAS secretariat regulation and the internal regulations necessary for the Court's operations;
  - c) Approve the budget and annual reports of the CAS.



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#### **Article 17**

##### **Meetings and resolutions**

- 1 - The governing board meets ordinarily once a month and whenever convened by the president of the CAS.
- 2 - The resolutions of the board of directors are adopted by majority of votes with at least half of its members present and with the president having a casting vote.

#### **Article 18**

##### **CAS secretariat**

- 1 - The CAS secretariat includes the judicial and administrative services necessary and appropriate for the operation of the Court.
- 2 - The CAS secretariat is headed by the secretary-general and has the organisation and composition determined in the respective regulation.

#### **Article 19**

##### **Chamber of Appeal**

- 1 -, In addition to the president or, acting as substitute, the vice-president of the CAS, the appeal chamber is constituted by eight arbitrators appointed by the Sports Arbitration Council, out of those on the Court list.
- 2 - Every two years, half of the eight arbitrators assigned to the chamber of appeal are substituted, with the arbitrators to be substituted in the first renewal selected by lot.
- 3 - The appointment of arbitrators to the chamber of appeal is subject to their acceptance, which implies their commitment to be available to participate in any appeal that is lodged with the chamber, except in the event of impediment or withdrawal or due to another specific reason that renders such participation impossible, acknowledged by the president of the CAS.

### **SECTION II**

#### **Arbitrator statute**

##### **Article 20**

##### **Roll of arbitrators and requirements**

- 1 - The CAS is composed of a maximum of 40 arbitrators, included in a roll drawn up under the terms of the following article.
- 2 - Reputable jurists of recognised merit and reputable individuals with recognised merit and with proven scientific, professional or technical qualifications in the field of sport, , can be enrolled into the roll of arbitrators referred to in the preceding paragraph, which is approved by the Sports Arbitration Council.
- 3 - The arbitrators must be individuals with full legal capacity.
- 4 - No one can be overlooked when the arbitrators are selected on account of their nationality, without prejudice to the parties' freedom of choice.
- 5 - Arbitrators must be independent and impartial.
- 6 - Arbitrators cannot be held liable for losses arising from the decision they hand down, except under the same circumstances in which judicial magistrates can be held liable.





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## **Article 21**

### **Establishment of the roll of arbitrators**

1 - In order to draw up the roll referred to in the preceding article, proposals for arbitrators are submitted to the Sports Arbitration Council which shall include:

- a) Five arbitrators designated by sports federations of Olympic sports within whose scope professional sports competitions are not organised;
- b) Five arbitrators designated by sports federations that are not of Olympic sports;
- c) Five arbitrators designated by the Portuguese Sports Confederation;
- d) Two arbitrators designated by sports federations within whose scope professional sports competitions are organised;
- e) Two arbitrators designated by the leagues that organise the professional sports competitions referred to in the preceding subparagraph;
- f) One arbitrator designated by each of the socio-professional organisations of practitioners, coaches, referees and judges of competitive sports referred to in subparagraph d), recognised by the respective federations;
- g) Two arbitrators designated by the Olympic Athletes Commission;
- h) Two arbitrators designated by the Portuguese Confederation of Coaching Associations;
- i) Two arbitrators designated by associations representing other participants in sports; recognised by the respective federations;
- j) One arbitrator designated by the Portuguese Association of Sports Law;
- k) Five arbitrators selected by the Executive Commission of the Portuguese Olympic Committee, from among persons independent of the entities referred to in the preceding paragraphs.

2 - The proposals referred to in the preceding paragraph shall contain the names of twice as many persons as are required to be appointed arbitrators who will be included in the corresponding roll.

3 - The remaining members of the roll of arbitrators, up to the limit provided for in the previous article, are freely appointed by the Sports Arbitration Council.

4 - The Sports Arbitration Council can, with reasoned justification, refuse to include any of the persons listed in paragraph 1 in the roll of arbitrators, in which case a new proposal will be submitted, under the same terms referred to therein.

5 - At least half of the appointed arbitrators shall be Law graduates.

## **Article 22**

### **Duration of term in office**

1 - The arbitrators are appointed for a four-year renewable term, without prejudice to that established in the following paragraph.

2 - The Sports Arbitration Board may, at any time, by resolution adopted by a two-thirds majority of the respective members, exclude any arbitrator from the roll established according to the preceding article, when there are justified reasons for doing so, in particular, the refusal to perform their duties or a permanent incapacity to do so.

3 - In the case referred to in the preceding number, a new arbitrator will be included in the roll of arbitrators, appointed under the terms of the preceding article, for the current four-year term.



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### **Article 23**

#### **Acceptance of duties**

1 - No one can be compelled to act as an arbitrator; but if they have accepted this duty, withdrawal is only legitimate if based on a supervening cause that renders it impossible for the designated person to perform such duties.

2 - Within three days of the notice of their appointment, each appointed arbitrator shall inform the entity that designated them as to their acceptance of the appointment in writing; if they do not do so within that timeframe nor in another manner demonstrate their intention to act as an arbitrator, this shall be construed to mean they do not accept their appointment.

3 - The arbitrator who, having accepted the assignment, unjustifiably withdraws from the performance of their duties shall be liable for the losses caused.

### **Article 24**

#### **Incompatibility with the practice of law**

Inclusion in the roll of arbitrators of the CAS implies incompatibility with practicing law in the same court.

### **Article 25**

#### **Grounds for recusal**

1 - No arbitrator can perform their duties if they have any interest, whether direct or indirect, whether personal or economic, in the outcome of the dispute, whereby the of judge impediments and suspicions regime shall apply, adjusted accordingly.

2 - The following are specific grounds for recusal of CAS arbitrators:

a) Have intervened, in any capacity, in the matter under dispute;

b) Having a professional or other relationship with any of the parties to the dispute.

3 - Anyone appointed to perform the duties of arbitrator shall disclose all circumstances that may give rise to justifiable doubts about their independence and impartiality.

4 - During the entire arbitration process, the arbitrator shall immediately disclose, to the parties and to the other arbitrators, any circumstances referred to in the preceding paragraph that are supervening or that they only became aware of after accepting the assignment.

5 - An arbitrator can only be recused if there are circumstances that may give rise to reasonable doubts as to their impartiality or independence, and a party can only recuse an arbitrator who they appointed or in whose appointment they participated on grounds they only became aware of after that appointment.

### **Article 26**

#### **Recusal process**

1 - The party that intends to recuse an arbitrator must explain the reasons for the recusal to the president of the CAS in writing, within three days of the date on which they became aware of the panel's formation or the date on which they became aware of the circumstances referred to in the preceding article.

2 - If the recused arbitrator does not withdraw from the duties assigned to them and the party that appointed them insists that they should remain, the president of the CAS, within a maximum period of five days, after pondering the evidence



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submitted, though the arbitrator is always entitled to be heard when the cause of the incident was not invoked at their initiative, and after hearing the opposing party when the recusal was submitted by one of the parties, will decide on the recusal.

3 - The decision of the president of the CAS established in the preceding paragraph cannot be appealed.

#### **Article 27**

##### **Incapacity or inaction of an arbitrator**

1 - The duties of an arbitrator who becomes incapable of performing them, in law or in fact, shall cease, if they withdraw from such duties or the parties, by mutual agreement, terminate them on that basis.

2 - If an arbitrator, for any other reason, does not withdraw from the duties assigned to them within a reasonable time, the parties may, by mutual agreement, terminate their duties, without prejudice to the eventual liability of the arbitrator in question.

3 - In the event that the parties do not reach an agreement regarding the withdrawal of the arbitrator affected by one of the situations referred to in the preceding paragraphs, either party can request that the president of the CAS remove them, on the basis of the situation in question. This decision cannot be appealed.

4 - If, under the terms of the preceding paragraphs or of paragraph 1 of the preceding article, an arbitrator withdraws from their duties or the parties agree that the duties of an arbitrator who is allegedly under one of the situations established therein should cease, this shall not imply a finding that there was effective cause for the removal referred to in the above provisions.

### **SECTION III**

#### **Appointment of arbitrators**

##### **Article 28**

##### **Appointment of arbitrators within the scope of mandatory arbitration**

1 - Without prejudice to that set forth in paragraph 8, the jurisdiction of the CAS, within the scope of its mandatory arbitration duties, is performed by a panel of three arbitrators selected from among those on the Court's roll.

2 - Each party appoints an arbitrator and the arbitrators so appointed shall choose another, who shall preside over the arbitration panel.

3 - If a party does not appoint an arbitrator or if the arbitrators appointed by the parties do not agree on who to select as the presiding arbitrator, the required arbitrator shall be designated, on request by either party, by the president of the Central Administrative Court of the South.

4 - If there are several applicants or respondents, the former shall jointly designate one arbitrator and the latter shall jointly designate another.

5 - If the plaintiffs or defendants are unable to agree on the arbitrator they are entitled to appoint, the president of the Central Administrative Court of the South shall, on request of any party, designate the required arbitrator.

6 - Under the circumstances established in the preceding paragraph, the president of the Central Administrative Court of the South, if it is demonstrated that the parties that were unable to jointly appoint an arbitrator have conflicting interests in relation



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to the substance of the action, shall designate all the arbitrators and who among them shall preside, in which case the appointment of the arbitrator that one of the parties had made in the meantime is cancelled.

7 - Decisions issued by the president of the Central Administrative Court of the South under the terms of the preceding paragraphs cannot be appealed.

8 - In the event that third parties in interest are indicated, they jointly designate an arbitrator, applying the provisions of paragraph 5 of this article, adjusted accordingly.

#### **Article 29**

##### **Appointment of arbitrators within the scope of voluntary arbitration**

1 - Within the scope of its voluntary arbitration duties, the jurisdiction of the CAS is performed by a sole arbitrator or by a panel of three arbitrators selected from among those on the Court's roll.

2 - Unless otherwise determined by the arbitration clause or agreement, a panel of three arbitrators shall operate

3 - The sole arbitrator is appointed by agreement of the parties or, if no agreement is reached, depending on the nature of the dispute, designated by the president of the Central Administrative Court of the South or by the president of the Lisbon Court of Appeal.

4 - When a panel of three arbitrators is formed, each party appoints an arbitrator and the arbitrators so appointed shall choose another, who shall preside over the arbitration panel.

5 - If a party does not appoint an arbitrator or if the arbitrators appointed by the parties do not agree on who to select as the presiding arbitrator, the required arbitrator shall be designated, on request by either party, by the president of the Central Administrative Court of the South or by the President of the Lisbon Court of Appeal.

6 - In there are several applicants or respondents, the former shall jointly designate one arbitrator and the latter shall jointly designate another.

7 - If the plaintiffs or defendants are unable to agree on the arbitrator they are entitled to appoint, the president of the Central Administrative Court of the South or the president of the Lisbon Court of Appeal, depending on the nature of the dispute, on request of any party, shall designate the required arbitrator.

8 - Under the circumstances established in the preceding paragraph, if it is demonstrated that the parties that were unable to jointly appoint an arbitrator have conflicting interests in relation to the substance of the action, the president of the CAS, the president of the Central Administrative Court of the South or the president of the of the Lisbon Court of Appeal, depending on the nature of the dispute, shall designate all the arbitrators and who among them shall preside, in which case the appointment of the arbitrator that one of the parties had made in the meantime is cancelled.

9 - Decisions issued by the president of the Central Administrative Court of the South or by the President of the Lisbon Court of Appeal under the terms of the preceding paragraphs cannot be appealed.



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#### **Article 30**

##### **Appointment of arbitrators within the scope of the Chamber of Appeal**

That established in article 28, adjusted accordingly, shall apply to the appointment of arbitrators within the scope of the Chamber of Appeal. Anyone who was a member of the arbitration panel in first instance cannot participate in this chamber.

#### **Article 31**

##### **Appointment of a substitute arbitrator**

1 - In all cases when, irrespective of the reason, the duties of an arbitrator cease, a substitute arbitrator is appointed, in accordance with the rules applicable to the designation of the substituted arbitrator.

2 - When an arbitrator is substituted, depending on the nature of the dispute, the president of the Central Administrative Court of the South or the president of the Lisbon Court of Appeal decides, after hearing the parties and the arbitrators, if and to what extent the procedural acts already carried out can be used, as well as any others that may take place while the substitution is pending, for reasons of procedural urgency.

### **CHAPTER III**

#### **Services**

##### **Article 32**

##### **Mediation services**

A mediation service operates with the CAS.

##### **Article 33**

##### **Consultation services**

1 - The CAS offers a consultation service, which is responsible for issuing non-binding opinions regarding legal issues relating to sport, at the request of public sports administration bodies, the Portuguese Olympic Committee, the Portuguese Paralympics Committee, sports federations granted public sport utility status, professional leagues and the Portuguese Anti-Doping Authority, on payment of the consultation fee set out in the costs regulation.

2 - When an opinion is requested under the terms of the preceding paragraph, the president of the CAS decides whether the matter should be the subject of an opinion and, if so, designates a sole arbitrator or a panel of three arbitrators from the roll of arbitrators established under the terms of article 21, appointing the presiding arbitrator and formulates the questions that are to be answered.

3 - Before issuing the legal opinion, additional information may be requested from the applicant by the sole arbitrator or the presiding arbitrator.

4 - The CAS publishes the legal opinion issued or a summary thereof on its website unless the entity that requested it opposes this in writing and in a substantiated manner, and the president of the CAS shall decide whether it is to be published.





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**TITLE II**  
**Arbitration process**  
**CHAPTER I**  
**General provisions**  
**Article 34**

**Fundamental principles**

The following are fundamental principles of the CAS process:

- a) The parties are treated equally;
- b) The defendant is served with process in order to file a defence;
- c) During all stages of the process, the adversarial principle is strictly observed;
- d) The parties are entitled to be heard, orally or in writing, before a final decision is handed down;
- e) The parties act in good faith and comply with the appropriate duties of cooperation;
- f) Decisions are publicised, under the terms set forth in this law.

**Article 35**

**Language to be used in the arbitration process**

- 1 - Without prejudice to that set forth in the following paragraph the Portuguese language shall be used in all processes pending in the CAS.
- 2 - The arbitrators may, after hearing the parties, accept statements and documents in a foreign language, whereby they shall decide whether the respective translation is necessary or not.

**Article 36**

**The formation of the arbitration panel**

The arbitration panel is considered formed with the acceptance of the duties by all the arbitrators who compose it.

**Article 37**

**Representation of the parties**

Parties must be represented by a lawyer at the CAS.

**Article 38**

**Service of process and notifications**

- 1 - Service of process and notifications are performed by the CAS secretariat at the address provided in the initial application or defence.
- 2 - Service of process and notifications are performed by any means that allows proof of receipt, preferably by registered letter or personal delivery.

**Article 39**

**Counting deadlines**

- 1 - All deadlines established in this law run continuously and are not suspended on Saturdays, Sundays, bank holidays or court holidays.
- 2 - Days are counted starting on the business day following the date on which service of process or a notification is considered received, by any of the means established in the preceding article.



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3 - In the absence of a specific provision or decision by the CAS, the deadline for the performance of any act is five days.

4 - When the deadline for the performance of the procedural act ends on a day in which the court is closed, that deadline is transferred to the next business day the court is open.

#### **Article 40**

##### **Reduction of process deadlines**

1 - The parties may agree to reduce the deadlines set forth in this law.

2 - If this agreement takes place after the formation of the arbitration panel, it shall only become effective with the arbitrators' consent.

3 - Under special and duly substantiated circumstances, the president of the CAS can shorten the deadlines and procedures established in this law, after hearing the parties and the arbitration panel, if in the meantime it has been constituted.

#### **Article 41**

##### **Interlocutory relief**

1 - The CAS may issue interlocutory injunctions in order to guarantee the effectiveness of the right threatened, when there is a justified fear of serious harm that is difficult to repair, whereby the respective interlocutory procedure is subject to the regime established in this article.

2 - Within the scope of mandatory arbitration, the authority to issue interlocutory injunctions referred to in the preceding paragraph belongs exclusively to CAS.

3 - Within the scope of voluntary arbitration, resorting to the CAS precludes the parties from obtaining injunctions for the same purpose in another jurisdiction.

4 - The injunctions are requested together with the initial application for arbitration or together with the defence.

5 - The requested party is granted a period of five days to submit their position to the court unless the hearing puts the purpose or effectiveness of the intended injunction seriously at risk.

6 - The injunction procedure is urgent and must be decided within a maximum period of five days following receipt of the application, or after submission of the defence or after the hearing, if either of these occur.

7 - Depending on the nature of the dispute, the president of the Central Administrative Court of the South or the President of the Lisbon Court of Appeal shall decide whether to order provisional or protective injunctions, if the process has not yet been assigned or if the arbitration panel has not yet been formed.

8 - The issue of an injunction order may be subject to the applicant providing a guarantee of sufficient value to prevent harm or to fully repair it.

9 - The legal provisions related to the standard interlocutory procedure contained in the Code of Civil Procedure apply to the interlocutory procedure set forth in this article, adjusted accordingly.

#### **Article 42**

##### **Form of submission of pleadings and procedural documents**

1 - The pleadings and procedural documents are, as a rule, submitted electronically, via the CAS online webpage.



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2 - If they cannot be submitted electronically nor digitally, all pleadings and procedural documents, as well as accompanying documents, are presented by means of a hard copy, whereby the original to be filed with the court shall be handed in together with as many copies as there are intervening counterparts in the process, in addition to a further copy for each one of the arbitrators.

#### **Article 43 Evidence**

1 - Any evidence admitted by law can be submitted to the CAS, whereby their submission or presentation, including witness and expert testimony are the responsibility of each party.

2 - The pleadings shall be accompanied by all documents providing evidence of the alleged facts as well as indicating any further evidence that the parties propose to present.

3 - Witnesses are presented at trial by the parties, although the arbitration panel can determine that they be heard at a different date and place.

4 - Following duly substantiated request from either party, the arbitration panel can determine a period of up to five days for the parties to complete the declaration of the evidence they propose to present.

5 - The arbitration panel, on its own initiative or on request by one or both parties, may:

- a) Hear the personal testimony of the parties;
- b) Hear third parties;
- c) Promote the submission of documents held by the parties or any third parties;
- d) Carry out direct examinations or verifications.

6 - The arbitration panel proceeds to instruct the proceedings in the shortest possible timeframe and may refuse actions requested by the parties if they consider them irrelevant to the decision or to be manifestly dilatory.

7 - When requested by either party, the arbitration panel can provide a list of experts, composed of reputable people of recognised merit in matters within their field of knowledge, whose designation and payment the interested party shall be exclusively responsible for.

#### **Article 44 Decision of the arbitration panel**

1 - The arbitration decision is taken by majority vote, in a decision in which all arbitrators must participate.

2 - In the event that a majority is not formed, the presiding arbitrator shall have the casting vote.

#### **Article 45 Liability of Arbitrators**

Arbitrators who prevent the decision from being handed down within the period established in paragraph 1 of article 58. are liable for the losses caused.



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#### **Article 46**

##### **Arbitration decision**

The final decision of the arbitration panel is reduced to writing and includes:

- a) Identification of the parties and, if any, of the third parties in interest;
- b) Reference to the jurisdiction of the CAS;
- c) Identification of the arbitrators, indicating how they were appointed;
- d) Mention of the object of the dispute;
- e) The factual and legal grounds;
- f) The place where arbitration took place, the place and the date on which the decision is issued;
- g) The signature of the presiding arbitrator or sole arbitrator;
- h) The determination of the total final costs of the arbitration process and their eventual apportionment between the parties.

#### **Article 47**

##### **Interpretation and rectification of the decision**

1 - Either party may apply to the arbitration panel, within three days after the respective notification, requesting:

- a) The rectification of material errors contained in the decision;
- b) The nullity of the decision due to omitting some of the elements referred to in the preceding article or due to conflict between the grounds and the decision;
- c) Clarification of any obscurity or ambiguity in the decision or its grounds.

2 - Once the application has been submitted, the presiding arbitrator or the sole arbitrator shall order the counterparty to be heard and, if applicable, the third parties in interest, to submit a response within three days, after which the arbitration panel shall issue its decision within five days.

#### **Article 48**

##### **Appeal of the arbitration decision**

The action to oppose the arbitration decision, in accordance with that set forth in paragraph 4 of article 8 shall be filed within a period of 15 days from the notification of that decision or that handed down under the terms of the preceding article.

#### **Article 49**

##### **Decision with force of *res judicata* and enforcement**

1 - The arbitration decision, notified to the parties, is considered to have become final as soon as it is no longer subject to appeal or opposition.

2 - The arbitration decision, according to the law, has the same enforceability as the judgment of a court of law.

#### **Article 50**

##### **Deposit of the decision, archive and publicity**

1 - The original copy of the arbitration decision is deposited at the secretariat of the CAS, without any further deposit thereof.

2 - The secretariat organizes and maintains an archive of the processes filed with the CAS.



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3 - The CAS publishes arbitration decision, a summary thereof and/or a press release describing the outcome of the process on its website, unless either party opposes this.

#### **Article 51**

##### **Communication of the decision**

1 - Whenever the application of a legal provision contained in an international convention, legislative act or regulatory decree is refused, due to being unconstitutional or unlawful, the CAS secretariat communicates the decision to the Public Prosecution Service, for the purposes set forth in paragraph 1 of the article 70 of Law 28/82, of 15 November.

2 - That set forth in the preceding paragraph is also applicable when a legal provision is applied that has already been declared unconstitutional or illegal by the Constitutional Court itself, when is legal provision is applied that was previously ruled unconstitutional by the Constitutional Commission, under the precise terms in which its assessment is requested to the Constitutional Court, or when the application of a legal provision contained in a legislative act is refused on the basis of it conflicting with an international convention, or that it is applied in a manner that contravenes that previously decided regarding that question by the Constitutional Court.

### **CHAPTER II**

#### **Mandatory Arbitration Procedure**

##### **Article 52**

##### **Standing**

1 - The holder of a direct interest in bringing a claim or defending against such claim has standing to intervene as a party in a mandatory arbitration process at the CAS.

2 - When the arbitration action is brought on appeal, under the terms set forth in subparagraphs a) or b) of paragraph 3 of article 4, the federative body, professional league body or other sports entity that lost shall also have standing.

##### **Article 53**

##### **Effect of the action**

1 - When the arbitration is initiated as an appeal, under the terms set out in subparagraphs a) or b) of paragraph 3 of article 4, this shall not cause the appealed decision to be suspended, without prejudice to that set forth in article 41.

2 - In the case referred to in article 5, the initiation of the corresponding action of opposition shall cause the suspension of the opposed punitive decision.

##### **Article 54**

##### **Commencement of proceedings**

1 - The instance is formed with the filing of the initial application, which is considered submitted on receipt by the CAS secretariat or when the process is remitted, when this is established in civil procedural law.

2 - When the purpose is to oppose an act or to appeal a resolution or decision, under the terms set forth in subparagraphs a) or b) of paragraph 3 of article 4, the





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deadline for filing the initial application to the CAS is 10 days, counted from when that act or that resolution or decision was notified to the applicant.

3 - The initial application must contain, in particular:

- a) The identification of the applicant and the defendant and any third parties in interest, as well as indicating their respective addresses;
- b) Address where the applicant is to be notified;
- c) Enunciation of the facts and legal reasons that are the basis for the claim, as well as a brief but precise presentation of what they seek;
- d) Reference to the evidence submitted or still to be presented;
- e) Indication of the jurisdictional value;
- f) Appointment of the arbitrator.

4 - The application shall be accompanied by payment of the arbitration fee, under penalty of not being admitted, unless such omission is not cured within three days.

5 - An initial application that does not contain the elements referred to in paragraph 3 will be rejected, if the applicant, after being invited to correct the omission, fails to do so within the deadline set for that purpose.

#### **Article 55**

##### **Defence**

1 - Following receipt of the application, the defendant is served with process, to submit a defence and present evidence within 10 days. Filing a counterclaim is not permitted.

2 - The defence shall contain, in particular:

- a) Full identification and the address where they are to be notified;
- b) Enunciation of the facts and legal reasons for opposing the applicant's claim;
- c) Evidence supporting the facts alleged;
- d) Indication of eventual third parties in interest;
- e) Appointment of the arbitrator.

3 - With the defence, the defendant must perform the payment of the arbitration fee, otherwise the defence shall not be considered to have been submitted.

4 - Failure to submit a defence does not have a punitive effect and the Court shall issue its decision based on the elements contained in the proceedings.

#### **Article 56**

##### **Subsequent formalities**

1 - Once the defence has been received, the applicant is served with process and may, if they wish, submit a response within 10 days, regarding the exceptions raised.

2 - Any third parties in interest are also served with process in order to appoint an arbitrator and, if they wish, to respond as they consider convenient, within 10 days, and they shall be given the initial application, the defence and the accompanying documents.

3 - With their response, the third party in interest shall pay the arbitration fee, otherwise their response shall not be admitted.

4 - Failure to submit a response does not have a punitive effect and the Court shall issue its decision based on the elements contained in the proceedings.



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#### **Article 57**

##### **Instruction, oral arguments, submission of legal opinions and close of debate**

- 1 - Once the pleadings and procedural documents have been submitted, the parties are notified to go to the CAS in order to proceed with the instruction of the process and to make their spoken allegations.
- 2 - The purpose of the instruction of the proceedings is the relevant facts for the examination and decision of the case.
- 3 - After the evidence has been produced, the parties are invited to present the oral arguments, without prejudice to that provided in the following paragraph.
- 4 - If the parties agree to submit written arguments, they are to submit them within 10 days.
- 5 - Until the arguments are submitted, the parties may submit legal opinions.
- 6 - After the acts referred to in the preceding paragraphs and any actions determined by the arbitration panel have occurred, the panel declares the debate closed.

#### **Article 58**

##### **Deadlines for the decision and its notification**

- 1 - The final decision is handed down, unless a different timeframe is agreed by the parties, within 15 days after the close of the debate, which must be joint, in fact and in law.
- 2 - The panel's presiding arbitrator has the casting vote.
- 3 - The president of the CAS, following substantiated request by the arbitral panel and after hearing the parties, may extend the timeframe referred to in paragraph 1.
- 4 - In cases where the decision is especially urgent, and after the debate has been closed, the arbitration panel may issue and communicate the operative part of its decision, whereby the grounds for the decision are communicated within the deadline established in paragraph 1 and, in this case, the decision will become effective on the date it is communicated to the parties, but the deadline for any appeal or opposition only starts to be counted from the date on which the grounds are notified.
- 5 - Once the decision has been issued, the parties are immediately notified, whereby a copy thereof is sent by the CAS secretariat.

#### **Article 59**

##### **Appeal to the Chamber of Appeal**

- 1 - The appeal to the Chamber of Appeal established in paragraph 1 of article 8 must be lodged within a period of 10 days, accompanied by the respective arguments and the express declaration, by both parties, that they waive the right to appeal the decision to be handed down.
- 2 - Once the appeal is received, it will be immediately submitted to the president of the CAS, who will respond, within three days, as to its admissibility and continuance, as well as the effect assigned to it.
- 3 - A complaint can be filed regarding the decision of the president of the CAS not to admit or not to proceed with the appeal, as well as regarding the effect assigned to it, which must be submitted within three days to a conference of three judges of



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the chamber of appeals, selected by lot, who shall decide regarding the complaint also within three days.

4 - If the appeal is admitted and is to proceed, the president of the CAS selects a reporting judge by lot within three days, who has not been part of the conference referred to in paragraph above, and order the notification of the defendant or defendants to submit their arguments within 10 days.

5 - After the arguments of the defendant or defendants have been submitted, or at the end of the period referred to in the above paragraph, the appeal shall be decided within 15 days.

**CHAPTER III**  
**Voluntary Arbitration Procedure**  
**Article 60**

**Procedural regulation**

In addition to that set forth in this law, and in conformity with its principles, as well as those of the VAL that do not conflict with these, the procedural rules applicable to voluntary arbitration proceedings in the CAS are defined in a procedural regulation approved by the Sports Arbitration Council.

**CHAPTER IV**  
**Final provisions**  
**Article 61**

**Subsidiary legal provisions**

In everything that is not provided for under this title and that does not contravene the principles of this law, the provisions established in the Administrative Court Procedure Code shall apply subsidiarily to cases of mandatory arbitration, adjusted accordingly, and the VAL shall apply subsidiarily to cases of voluntary arbitration jurisdiction, adjusted accordingly.

**Article 62**  
**Access to the law and the courts**

The regime for access to the law and the courts shall apply to mandatory arbitration procedures, adjusted accordingly.

**TITLE III**  
**Mediation process**  
**Article 63**

**Nature of mediation**

Mediation under the CAS is a voluntary and informal resolution process for disputes connected to sport, based on a mediation convention and developed under the direction of a CAS mediator.



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#### **Article 64**

##### **Mediation convention**

The mediation convention is an agreement between the parties, in which they agree to submit any sport-related dispute, whether already existing or that may arise between them in the future, to mediation, by virtue of a clause expressly included in a contract or in an independent document.

#### **Article 65**

##### **Scope of application**

Mediation is not applicable to the resolution of disputes subject to the authority of disciplinary sports bodies, or disputes relating to disciplinary matters, doping or violence associated to sport.

#### **Article 66**

##### **Rules**

The mediation convention may establish the procedural rules to be adopted or may refer to the CAS mediation regulation.

#### **Article 67**

##### **Application**

- 1 - The initiative of the mediation process belongs to any of the parties interested in the resolution of the dispute, through an application addressed to the president of the CAS, with a copy to the other party.
- 2 - The application for mediation must contain the identification of the parties and their representatives, a copy of the mediation convention or clause, if applicable, and a brief description of the object of the dispute.
- 3 - Simultaneously with the submission of the mediation application, the mediation fee established in the costs regulation must be paid.
- 4 - The CAS secretariat informs the other party as to the start date of the mediation process and the deadline fixed for the payment of the mediation fee.

#### **Article 68**

##### **Appointment of mediator**

- 1 - On receipt of the application for mediation, the CAS secretariat communicates the roll of mediators to both parties.
- 2 - The parties have a period of 15 days to choose the mediator by mutual agreement, who, if the parties are unable to reach an agreement, is appointed by the president of the CAS.
- 3 - The chosen or appointed mediator must declare their independence from the litigating parties and disclose any circumstances susceptible of compromising their independence, which shall be conveyed to the parties by the CAS secretariat.



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#### **Article 69**

##### **Representation**

1 - The parties may be represented by third parties with powers to decide on the object of the dispute or be assisted by advisers or experts in their meetings with the mediator.

2 - The represented party must inform the other party and the CAS secretariat in advance as to the identity of your representative.

#### **Article 70**

##### **Procedure**

1 - The mediation process takes place according to the rules defined by the parties or, in the absence of agreement, according to that decided by the mediator.

2 - The mediator sets the form and deadlines according to which each party submits a summary of the dispute to the mediator and to the other party containing the following elements:

- a) A brief description of the facts and rules of law applicable to the dispute;
- b) A summary of the questions submitted to the mediator with a view to resolving the dispute;
- c) A copy of the mediation convention or clause.

3 - Both parties are obliged to cooperate with the mediator and to assure them the indispensable conditions for the free fulfilment of their mandate.

4 - The mediator can meet with both parties, or with each separately, if they consider it necessary.

#### **Article 71**

##### **Actions of the Mediator**

1 - The mediator, with a view to regulating the dispute, shall select the questions of merit to be settled, facilitate discussion between the parties and make suggestions or present proposals for a solution.

2 - The mediator shall, in the performance of their duties, respect the rules of equity and good faith, whereby they cannot impose or coerce the parties into accepting any dispute settlement.

#### **Article 72**

##### **Confidentiality**

1 - The mediator, the parties and their representatives or advisers, or any person attending the mediation meetings are bound to the duty of confidentiality.

2 - Any information received from one party cannot be disclosed by the mediator to the other party without the consent of the former and the documents received must be returned to the party that provided them, at the end of the mediation, and no copy shall be retained.

3 - The parties undertake not to invoke any opinions, suggestions or proposals made by the mediator in eventual arbitration or judicial proceedings.

#### **Article 73**

##### **Termination**

1 - Any of the parties or the mediator may, at any time, terminate the mediation.





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2 - The mediation process ends:

- a) With the signature of a settlement agreement between the parties;
- b) By written declaration of the mediator, when they consider that mediation is unable to solve the litigation;
- c) By written declaration of one of the parties, or both, considering the mediation process over.

#### **Article 74**

##### **Settlement document**

1 - The settlement document is drawn up by the mediator and signed by the mediator and the parties, to whom authenticated copies are delivered by the CAS secretariat.

2 - In the event of non-compliance with the settlement, either party can enforce it through an arbitration or judicial instance.

#### **Article 75**

##### **Purpose of mediation**

1 - The parties may resort to arbitration if the dispute is not resolved through mediation, as long as an arbitration agreement or clause exists between them.

2 - The mediator, in the event that the mediation fails, cannot accept his appointment as arbitrator in arbitration proceedings relating to the same dispute.

### **TITLE IV**

#### **Procedural costs within the scope of mandatory arbitration**

##### **Article 76**

##### **Concept of costs**

1 - The costs of the arbitration process comprise the arbitration fee and the charges with the arbitration process.

2 - The arbitration fee corresponds to the amount owed due to the procedural action of the interested party and is determined according to the jurisdictional value of the case, by Ministerial ordinance issued by the members of the Government responsible for justice and sport.

3 - The charges of the arbitration process are all the expenses resulting from the conduction of the process, in particular arbitrator fees and the expenses incurred with producing evidence, as well as the other expenses ordered by the arbitrators.

##### **Article 77**

##### **Arbitration fee**

1 - The jurisdictional value of the case is determined according to with the Administrative Court Procedure Code.

2 - The arbitration fee is reduced to 95% of its value when the party delivers all the pleadings and procedural documents through the available electronic means.

3 - The arbitration fee is borne in full by the parties and by each of the third parties in interest, to be paid by bank transfer to the CAS bank account, together with the submission of the initial application, the defence and the response of the third parties in interest.



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4 - The determination of the amount of the final costs with the arbitration process and the eventual apportionment to the parties is made in the arbitration decision that is handed down by the CAS.

5 - The final bill is sent to the parties after notification of the decision, whereby each, if applicable, proceed to the payment of the amounts in excess of the fee paid beforehand within 10 days counted from the respective notification.

6 - The other party costs incurred are paid directly by the losing party to the successful party.

#### **Article 78**

##### **Reimbursement of the arbitration fee**

If the procedure ceases for any reason before the arbitration panel is formed, the arbitration fee paid is reimbursed to the parties, deducting a sum regarding processing charges and fees, to be determined by the president of CAS.

#### **Article 79**

##### **Fees for sporadic acts**

The determination of fees for sporadic acts is carried out by Ministerial ordinance issued by the members of the Government responsible for justice and sport.

#### **Article 80**

##### **Subsidiary law**

The following are subsidiarily applicable:

- a) The provisions on procedural costs contained in the Code of Civil Procedure;
- b) The Regulation on Procedural Costs.