Topics to be adressed:

Standards of Proof
- Not harmonised

Sanctions
- Not harmonised

Conclusions
- Is a universal harmonization a core anti-match fixing and anti-corruption element?
- Are uniformity and comity possible to achieve?

CAS Case Law:

- CAS 2008/A/1583 Lisabon v UEFA mfl
- CAS 2009/A/1920 Pobeda v. UEFA
- CAS 2010/A/2172 Oleg Oriekov v UEFA
- CAS 2011/A/2625 Hamman v FIFA
- CAS 2011/A/2490 Köllerer v ATP
- CAS 2011/A/2621 Savic v ATP
- CAS 2011/A/2426 Adamu v FIFA
- CAS 2011/A/2364 Butt v ICC
- CAS 2011/A/2362 Asif v ICC
CAS 2011/A/2490 Köllнер v ATP (No. 86):

"There is no universal (minimum) standard of proof for match-fixing offences [...] While the Panel acknowledges that consistency across different associations may be desirable, in the absence of any overarching regulation (such as the WADA Code for doping cases), each association can decide for itself which standard of proof to apply, subject to national/or international rules of public policy. The CAS has neither the function nor the authority to harmonize regulations by imposing a uniform standard of proof [...]

Burden of Proof Standards in Sport

"Beyond any reasonable doubt", Criminal Law is not used by CAS.

"Comfortable satisfaction (mere end +50%).
1) Doping
2) Matchfixing ect.
The Sportorganization’s balance of probability (+50%).

Main Rule: All sports cases
Exception: Doping and matchfixing: The sport organizations have their own burden of proof standards.
Sanctions

The problem

- CAS 2008/A/1583 Lisabon v UEFA mfl: AQUITED (football)
- CAS 2009/A/1920 Pobeda v. UEFA: LIFE (football)
- CAS 2010/A/2172 Oleg Oriekov v UEFA: LIFE (football)
- CAS 2011/A/2625 Hamman v FIFA: AQUITED (football)
- CAS 2011/A/2490 Köllerer v ATP: LIFE (Tennis)
- CAS 2011/A/2621 Savic v ATP: LIFE (Tennis)
- CAS 2011/A/2426 Adamu v FIFA: 3 years + penalty (10.000 euro) (football)
- CAS 2011/A/2364 Butt v ICC: 10 years (5 years suspended sentence) (cricket)
- CAS 2011/A/2362 Asif v ICC: 7 year (2 years suspended sentence) (cricket)
Conclusions

Solutions?

- Is a universal harmonization a core anti-match fixing and anti-corruption element?
  - Is CAS trying to harmonize the different standards of proof?
    - CAS has adopted the ‘comfortable satisfaction’-standard from the WADA Code. It is not a minimum standard of proof, but serve as a subsidiary standard of proof.
  - Is ‘match-fixing’/’corruption’ where doping was in 1999?
    - Should athletes be treated equal worldwide and across different sports or is it enough that athletes are treated equal by their own member association?

- Are uniformity and comity possible to achieve?
  - Is it possible with an overarching regulation such as the WADA Code for doping cases?
  - World Anti-Corruption Agency (WACA)?