

L'INDIPENDENZA E L'IMPARZIALITÀ NELLA RISOLUZIONE DELLE CONTROVERSIE SPORTIVE

di Nicolò Juglair*

ABSTRACT: Independence and impartiality are two fundamental principles of due process of law, protected by the Italian Constitution and the European Convention on Human Rights and Fundamental Freedoms.

In this short essay, Nicolò Juglair first analyses these principles at the level of ordinary courts and then focuses on their application in arbitration proceedings.

In this context he will focus on the examination of the IBA Guidelines, introduced in 2004 by the International Bar Association with the aim of laying out those general principles shared in the international arbitration practice, avoiding misunderstandings both on the procedures to be followed and on the behaviour of arbitrators.

Finally, ample space will be given to sports arbitration and, in particular, to the Lausanne Court of Arbitration for Sport, as universally recognized by the International sports governing bodies as well as by the stakeholder of the field as a pillar for the resolution of sports disputes. On this point, the author will examine the aspects concerning the autonomy of the parties, the transparency of the appointment of arbitrators and the publication of awards.

Keywords: *Independence – Impartiality – Arbitration – IBA Guidelines – Court of Arbitration for Sport – Challenge – Sport – Sports Law.
Indipendenza – Imparzialità – Arbitrato – Linee guida dell'IBA – Tribunale Arbitrale dello Sport – Ricusazione – Sport – Diritto sportivo.*

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