

ABSTRACT

The present study is dedicated to the analysis of the proceedings taking place before the Court of Arbitration for Sport (TAS) seated in Lausanne and to the role of this institution in the composite scenery of the sporting international arbitration.

In the first chapter, moving from a preliminary confutation of the thesis that affirms the existence of an only sporting international order, we define the relationships between federations and international sports clubs in accordance with a pluralist approach. The analysis is instrumental to the following reconstruction of the sporting international justice: first of all, it's analysed the government justice on sport, underlining the limits and showing the reasons of preference for the arbitration; subsequently, we face the principal arbitration experiences in sporting, inside subject or less to the Olympic movement, and it is introduced the TAS.

The second chapter of the work is dedicated to the definition, in accordance with the Swiss law, of the TAS of Lausanne like "truth" arbitration court. The deepening of the arbitration distinctive characters precedes the analysis of the jurisprudence of the Federal Swiss Court, that has strongly conditioned the TAS development, often suggesting solutions that have contributed to define the actual TAS structure and functioning.

The last paragraphs of the chapter are dedicated to the sport disputes *arbitrability*, that will assume different edge according to the inside or international character of the arbitration. The investigation underlines as much the Federal Court as the widely held doctrine sets the accent on the patrimonial nature of the action and on the personal character of laws across its protected. This reconstruction stretches to result instrumental to the will of enlarge the TAS skill and particularly sustain its competence to resolve disputes concerning the disciplinary decisions held by federations.

The third chapter is dedicated to an analysis of TAS proceedings, following the rules sets by the Code of Sports related arbitration. The attention has been concentrated on the aspects more significant of the trials and the existing

differences among the diverse proceedings: the ordinary procedure, the procedure of appeal and the procedure followed by the *ad hoc* Division.

The quarter chapter, moving from a reflection that has worried to emphasize the international and transnational character of the sporting phenomenon, analyses the rising and the consolidation of a *Lex sportiva* and the role creditable to the TAS in this process. The idea of the transnational law centres the attention on the Olympic movement that, like place of convergence of the international community of the sportsmen, it allows to attribute an immediate globalization to the *lex sportiva*.

Lex sportiva sources are individualized in the federal regulations and above all in the recourse to the general principles of the law operated by arbiters of the TAS. Wide space is dedicated to the analysis of the law cases, in order to detect sporting principles, analyze their integrative and interpretative function and specify if the Panel shall decide the disputes according to them.