# Swiss Supreme Court considers internal FIFA proceedings mandatory pre-tier to CAS arbitration in employment contract

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In decision *4A_492/2016*, the Swiss Supreme Court considered a request to set aside an award issued by the Court of Arbitration for Sport (CAS) based on the petitioner's argument that the FIFA Dispute Resolution Chamber, which had decided as the preceding body, lacked jurisdiction.

In a decision dated 7 February 2017, and published on 8 March 2017, the Swiss Supreme Court rejected a request to set aside a Court of Arbitration for Sport (CAS) award. The Supreme Court held that the employment contracts entered into between the parties provided for disputes to be submitted to the FIFA Dispute Resolution Chamber (FIFA Chamber) before commencing arbitration proceedings at CAS.

The petitioner, football club A, had entered into two employment contracts with football player B, whereby the second contract was signed by A as well as company C. The CAS Panel acknowledged the jurisdiction of the FIFA Chamber, which had partially granted B's claim against A for outstanding salary payments and damages under the contracts.

Before the Supreme Court, A argued that the CAS had rendered its decision in violation of the provisions on jurisdiction as per Article 190(2)(b) of the Swiss Private International Law Act (PILA) by deciding the dispute as an appeals authority following the FIFA Chamber, rather than as the first and sole judicial body.

The Supreme Court confirmed the CAS Panel's conclusion that the FIFA Chamber has the competence to decide on the dispute as per Article 22(b) of the FIFA Regulation for the Status and Transfer of Players. Based on a good faith interpretation of the contracts as well as in consideration of the circumstances of the case, the CAS tribunal had correctly concluded that the parties had not intended to exclude the authority of the FIFA Chamber and that B correctly submitted his claim to the FIFA Chamber rather than directly to the CAS.

Case: *Decision 4A_492/2016* (Swiss Supreme Court).

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