

*The Role of the Court of Arbitration for Sport (CAS) in Lausanne and the Arbitration Tribunal for Sport at the Polish Olympic Committee (TAS PKOl) in Resolving Doping Disputes*

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Abstract:

The doctoral dissertation is dedicated to the analysis of the role of the Court of Arbitration for Sport in Lausanne and the Court of Arbitration for Sport at the Polish Olympic Committee in resolving doping cases. This topic falls within the stream of research on sports law, a dynamically developing branch of law that increasingly becomes the subject of academic discourse and judicial practice. The central focus is on the issue of sport arbitration as a specialized form of private judiciary, which, thanks to its flexibility, expertise, and speed, responds to the challenges of modern professional sport.

The starting point for the reflections was the analysis of the nature of sports conflicts and their roots in athletic competition, as well as indicating their distinctions from classical civil disputes. The concept of a sports case was defined, and the role of clubs and sports associations in Poland was discussed. Doping is of a special interest in the dissertation, which not only constitutes a violation of fair play principles but is also subject to national and international regulations, including the World Anti-Doping Code, the Polish Sports Act, and disciplinary regulations. Resolving doping cases, as an area of the highest severity in sports law, requires mechanisms ensuring procedural efficiency, specialized knowledge, and compliance with the principles of the right to a hearing and a fair trial.

Against the backdrop of a critical analysis of ordinary courts, which often prove insufficient for the specificity of sports disputes, sport arbitration was indicated as the most appropriate form of dispute resolution. The dissertation discusses the genesis, organizational structure, and procedure of the Court of Arbitration for Sport (CAS) – an institution recognized as the highest arbitral body in sport – and presents the process of implementing its model in Poland through the establishment of the TAS at the PKOl (Polish Olympic Committee). It provides a detailed analysis of the competencies, procedures, and practice of both institutions, taking into account the influence of constitutional law (especially Article 45 of the Polish Constitution guaranteeing the right to a fair trial), procedural law (the Civil Procedure Code regarding arbitration agreements), and public international and supranational law (IOC and WADA regulations).

In the course of the reflections, four fundamental research theses are formulated. First, the Court of Arbitration for Sport in Lausanne and the Court of Arbitration for Sport at the Polish Olympic Committee constitute the highest judicial authorities in doping cases, whose resolution requires not only legal knowledge but also familiarity with sports disciplines and rules of competition. Second, the creation of the TAS at PKOl was a conscious adaptation of the Swiss model, based on CAS, taking into account the specifics of the national legal system. Third, the competencies of both institutions have evolved, resulting in professionalization and acceleration of proceedings, but also problems related to transparency, procedural balance, and the relationship between the autonomy of sporting organizations and the principles of public law. Fourth, sport arbitration is the most efficient form of resolving doping disputes, surpassing ordinary courts in efficiency and expertise, although it requires further *de lege ferenda* modifications aimed at increasing transparency and strengthening procedural guarantees for the parties.

The research methodology is based on the dogmatic-legal method, supported by the comparative method (comparison of the Swiss and Polish models), analysis of jurisprudence (including doping cases such as Caster Semenya, Maria Sharapova, or Jan Ullrich), and the functional method (assessment of the effectiveness of arbitration mechanisms in practice).

Source material included acts of national, international, and internal law (CAS statutes and regulations, TAS at PKOl, IOC, WADA), jurisprudence of sports tribunals, national courts, and the European Court of Human Rights, as well as specialized literature.

The dissertation aims to demonstrate that sport arbitration, although remaining a form of private arbitration, in practice acts as a quasi-jurisdiction of international scope in the field of sport. Its significance goes beyond individual dispute resolution, shaping the standards of sports law, legitimizing disciplinary institutions, and ensuring a balance between the autonomy of sports organizations and the constitutional rights of the individual. The conclusions drawn from the analysis have both theoretical dimensions—contributing to the development of sports law as a discipline—and practical implications, indicating reform directions for the Polish system of resolving doping disputes in line with the best CAS practices.