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**DISCIPLINARY PROCEEDINGS BEFORE THE COURT OF ARBITRATION  
FOR SPORT  
OF THE POLISH OLYMPIC COMMITTEE.  
SYSTEMIC AND PROCEDURAL ISSUES.**

**(POSTĘPOWANIE DYSCYPLINARNE  
PRZED TRYBUNAŁEM ARBITRAŻOWYM DO SPRAW SPORTU  
PRZY POLSKIM KOMITECIE OLIMPIJSKIM.  
ZAGADNIENIA USTROJOWE I PROCEDURALNE.)**

**(Abstract of doctoral dissertation)**

**The doctoral dissertation developed in the discipline of legal sciences  
at the Department of Criminal Procedure and Forensic Science  
of the Faculty of Law and Administration of the University of Łódź  
under the supervision of Dariusz Świecki, PhD habil., Assoc. Prof. (UŁ).**

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**Abstract of doctoral dissertation**  
**entitled “Disciplinary Proceedings before the Court of Arbitration for Sport**  
**of the Polish Olympic Committee.**  
**Systemic and Procedural Issues.”**  
**prepared under the supervision of Dariusz Świecki, PhD habil., Assoc. Prof. at UL**

The doctoral dissertation entitled “Disciplinary Proceedings before the Court of Arbitration for Sport of the Polish Olympic Committee. Systemic and Procedural Issues” was developed in the discipline of legal sciences at the Department of Criminal Procedure and Forensic Science of the Faculty of Law and Administration of the University of Lodz under the supervision of Dariusz Świecki, PhD habil., Assoc. Prof. (UŁ).

The doctoral dissertation addresses the issue of sports disciplinary proceedings before the statutory adjudicating institution – the Court of Arbitration for Sport of the Polish Olympic Committee, hereinafter referred to as “the Court”. The doctoral dissertation presents systemic and procedural issues with particular emphasis on the legal issues of the appropriate application of the provisions of the Criminal Procedure Act to sports disciplinary proceedings before the Court.

Under Art. 45a sec. 8 of the Act on Sport of June 25, 2010 (i.e. Dz. U. 2024, item 1488) the organization and procedure to be followed before the Court are determined by the Statute of the Court. The Statute of the Court, in turn, provides that in matters not regulated in the Statute, in Court proceedings in disciplinary cases concerning sports disciplinary liability exercised within a Polish sports association, the provisions of the Code of Criminal Procedure shall apply accordingly.

Therefore, the Code of Criminal Procedure is a statutory regulation whose procedural provisions, pursuant to the provisions of the current Statute of the Court, shall apply as appropriate to sports disciplinary cases heard by the Court.

The doctoral dissertation presents and discusses in detail the mode of proceedings in disciplinary cases before the Court, the procedural rules applicable to sports disciplinary proceedings, and also explains the evolution of the shaping of sports disciplinary proceedings before the Court in Poland and presents the history of the development of the Court from its inception in the first half of the 1990s.

The legal analyses conducted in the doctoral dissertation are based on the results of research on the history, systemic and organizational structure of the Court, procedural rules in force in the proceedings in sports disciplinary cases, internal regulations of the Court relating to disciplinary cases heard before the Court. The analyses include the previous judicial decisions of the Court in sports disciplinary cases.

The doctoral dissertation presents in detail the course of examination proceedings before the Court in disciplinary cases, including the organization, scheduling and course of the hearing in a sports disciplinary case.

The aim of the paper is to legally verify the real need for the functioning of the Court as a special constitutional adjudicating body, equipped by the legislator with competences to decide on appeals (complaints) against final disciplinary decisions of Polish sports associations.

The main hypothesis of the doctoral dissertation is that the Court is a statutorily regulated appellate sports disciplinary court which, when considering sports disciplinary cases pursuant to the provisions of its own Statute, applies not only the provisions of the Code of Criminal Procedure, but also respects the procedural principles arising from this code procedural regulation in order to ensure high standards of legal protection for the parties to sports disciplinary proceedings.

The doctoral dissertation was prepared based on the following research methods. First, the historical method was used to present the genesis and evolution of the system of shaping disciplinary proceedings before the Court in sports disciplinary cases.

In some parts of the prepared research paper, a statistical method was also used, which, based on statistical data relating to the actual filing of disciplinary cases, obtained directly from the Court, enabled their study and the presentation of *de lege lata* conclusions and *de lege ferenda* postulates.

Most of the doctoral dissertation was prepared based on the application of the dogmatic-legal method.

The adopted dogmatic-legal method uses the derivational theory of legal interpretation (the authors of the derivational theory of legal interpretation are Z. Ziemiński and M. Zieliński), which is based on the rejection of the *clara non sunt interpretanda* principle, introducing *omnia sunt interpretanda* as the principle.

The comparative method was not utilized in the dissertation, as the comparative legal analyses of the studied model of the Court's consideration of appeals against final disciplinary decisions in relation to the legal regulations in force in other countries were abandoned.

The legal analysis presented in the doctoral dissertation was additionally supported by my own, over twelve years of experience in adjudicating in sports disciplinary cases before the Court. In these circumstances, the empirical method was also used in this research, which, in addition to the methods indicated above (the historical method, the statistical method and the dogmatic-legal method), allowed the achievement of the objectives of the paper.

In the doctoral dissertation particular attention was paid to practical problems. An empirical analysis of the application of the Statute provisions and the scope of appropriate application of the provisions of the Criminal Procedure Act to sports disciplinary proceedings before the Court was carried out.

The current case law of the Court was subjected to legal analysis, i.e. selected judgements of the Court in disciplinary cases, delivered between 2012 and 2024.

The doctoral dissertation is divided into two independent parts preceded by an Introduction.

The first part of the doctoral dissertation covers the history of the Court, its current position in the hierarchy and structure of sports disciplinary bodies. It presents the institution of an appeal to the Court and the system of the Court, including the description of relations between the individual bodies. The first part of the dissertation is divided into three editorial units – chapters.

Chapter I presents a historical outline of the development of disciplinary proceedings before the Court of Arbitration for Sport of the Polish Olympic Committee. Access has been gained to the archive of historical documents of the Court, covering the period preceding the establishment of the Court in Poland in 1994.

Chapter II of the doctoral dissertation addresses the appealability of final disciplinary rulings to the Court and includes two parts, i.e. Part A and Part B. Part A of Chapter II of this dissertation describes the current position of the Court of Arbitration for Sport of the Polish Olympic Committee in the hierarchy of sports disciplinary bodies. Part B presents the institution of an appeal to the Court and discusses the legal problems accompanying the appeal.

Chapter III of the doctoral dissertation presents the system of the Court. Chapter III is divided into five main editorial units, in which the structural bodies of the Court are presented. Selected legal and systemic issues relating to arbitrators, the Assembly of Arbitrators, the Council of the Court, the President and Secretary of the Court, as well as the Secretariat of the Court are discussed.

The second part of the doctoral dissertation includes an analysis of the examination proceedings before the Court. It is divided into five editorial units – chapters. This part of the dissertation presents the types of cases examined by the Court, the procedural rules applicable to the proceedings before the Court in the disciplinary mode. The principles of appointing Adjudicating Panels are subject to legal analysis, the parties to the proceedings and participants in disciplinary proceedings are identified, and the requirements for procedural documents are analyzed. In addition, the examination proceedings conducted before the Court in disciplinary cases and the principles of evidentiary proceedings are discussed, and the issue of the resumption of sports disciplinary proceedings is outlined.

Chapter IV of the doctoral dissertation (the first chapter in Part II) deals with the types of cases examined by the Court, with particular emphasis on the types of disciplinary cases. Chapter IV of the scientific paper presents the concept and essence of sports disciplinary liability. In addition, based on a case examined by the Court in 2016, the differences between a disciplinary case and a regulation case are explained.

Chapter V of this scientific paper is devoted to the general principles of disciplinary proceedings and was developed based on the analysis of procedural principles applicable to

the classical criminal procedure and their transfer to disciplinary cases examined by the Court. The chapter is preceded by an introduction concerning the sources of sports law and the autonomy of sport. In Chapter V, the procedural principles that are key for the Court are discussed.

Chapter VI of the doctoral dissertation presents legal information on the bodies, parties to and participants in sports disciplinary proceedings before the Court. The principles of shaping the composition of the Adjudicating Panel, including the rules for appointing its members, are presented. The procedure for excluding an arbitrator and the institution of a substitute arbitrator are discussed. In addition, the legal status of arbitrators is presented. Chapter VI describes the parties to sports disciplinary proceedings before the Court, the rights of the parties to the proceedings. The participants in sports disciplinary proceedings are presented.

Chapter VII of the doctoral dissertation concerns the Court hearing. Chapter VII presents formal requirements for procedural documents, the rules for formal control of documents and the rules for serving procedural documents, having regard to the Court's practice in relation to service in sports disciplinary cases. Chapter VII shows the principles of conducting the evidentiary proceedings and describes the individual stages of the examination proceedings before the Court. The principles of scheduling a hearing are discussed, including a description of the organizational activities undertaken by the Chairman of the Adjudicating Panel, preceding the scheduling of the hearing. The scope of the evidentiary proceedings in disciplinary cases examined by the Court is discussed using the example of evidence presented in an appeal, the response to the appeal and further procedural documents.

Chapter VIII of the dissertation deals with the legal issues of extraordinary means of challenging a disciplinary ruling of the Court. Chapter VIII presents the grounds for resuming sports disciplinary proceedings. There are discussed legal issues of filing a petition with the Court for resuming the proceedings, taking into account the procedural rules regarding the initial review of the petition and its examination. In addition, there are presented the types of decisions of the Court in cases concerning the resumption of disciplinary proceedings.

The doctoral dissertation comprises a total of eight thematic chapters. All chapters are preceded by an appropriate introduction. Conclusions and observations are included in the Summary, which also presents *de lege lata* conclusions and *de lege ferenda* postulates.

As a result of the legal analysis conducted, it was established that the Court's examination of sports disciplinary cases, in the event of an effective appeal being filed with the Court, was based on the statutory jurisdiction of the Court, on the grounds of legal provisions in force, without the need to obtain the consent of the parties, athletes or Polish sports associations. In turn, the appropriate application of the provisions of the Criminal Procedure Act to sports disciplinary cases, in matters not regulated by the Statute of the Court, enables effective enforcement of sports disciplinary liability.

The analysis of the Court's judgments, issued in the period of 9 years after the introduction of the provisions regulating the normative functioning of the Court, conducted in the doctoral dissertation, confirmed that the Court takes into consideration and respects the standards of sports disciplinary liability, derived from the development of the doctrine and the juridical achievements of the criminal procedure law.

The entire doctoral dissertation is recapitulated in statistical tables illustrating the actual numerical data of disciplinary cases brought to the Court in the years 2016-2023 and discussion thereof. The analyzed statistical summaries illustrate the existing disproportions regarding the types of cases examined by the Court. There are significant disproportions between the actual number of sports disciplinary cases brought to the Court and the actual number of sports arbitration cases brought to the Court.

The doctoral dissertation also includes the results of surveys conducted at the Court in the years 2016–2023, the purpose of which was to examine the course of a hearing in a sports disciplinary case, assess the time-consistency of a disciplinary hearing and the implementation of the principle of concentration of proceedings.

The summary of the doctoral dissertation concludes that in the future the authority of the Court will increase and the impact of the disciplinary rulings of the Court on the disciplinary decisions of the bodies of Polish sports associations will be greater.

Keywords: Court of Arbitration for Sport of the Polish Olympic Committee, sports disciplinary liability, appropriate application of the Criminal Procedure Act to sports disciplinary proceedings, sports arbitration, disciplinary hearing, disciplinary liability of athletes.