Action for revision (*recours en révision / revisionsklage*) under Swiss law. Is it available against FIFA decisions?

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Resumen: *La acción de revisión* (recours en révision / Revisionsklage) *en Derecho suizo, como en tantos otros ordenamientos jurídicos que la prevén, es un mecanismo procesal extraordinario que permite, en circunstancias excepcionales, que procedimientos judiciales o arbitrales concluidos mediante resoluciones devenidas firmes sean reabiertos, para su revisión material. Este artículo, en primer lugar, examina de forma sistemática los fundamentos normativos y jurisprudenciales que regulan dicha acción, tanto en el ámbito del proceso civil y del arbitraje nacional como en el marco del arbitraje internacional, conforme al Código de Procedimiento Civil suizo (CPC) y a la Ley Federal sobre Derecho Internacional Privado (PILA), respectivamente. En particular, se analizan los supuestos habilitantes para su interposición –descubrimiento de hechos o pruebas decisivas posteriores, influencia delictiva en la decisión o vicios sobrevenidos que afectan a la imparcialidad del tribunal– así como los requisitos de procedencia, plazos de caducidad y efectos jurídicos. Para, a continuación, tratar el derecho de las partes de los procedimientos de resolución de disputas no disciplinarias de FIFA a solicitar una revisión de este tipo cuando se producen circunstancias extraordinarias similares a las que abren la vía de la acción de revisión frente a resoluciones judiciales y laudos nacionales e internacionales en Suiza. En favor de suplir la ausencia de tal mecanismo en la normativa de FIFA que regula su sistema interno de resolución de disputas no disciplinarias es posible referirse: a la aplicación del derecho suizo subsidiariamente a la normativa de FIFA, siendo que no sólo se reconoce la acción de revisión en derecho suizo frente a resoluciones judiciales y laudos arbitrales, sino que, por lo que se refiere a esos últimos, antes de que el PILA previera expresamente esta acción, el Tribunal Federal suizo acordó que la normativa que permitía la acción de revisión frente a laudos nacionales debía aplicarse también a los laudos internacionales, extendiendo de forma analógica las reglas adoptadas por el legislador para, en principio, únicamente los laudos nacionales; y a la existencia de una acción de revisión tanto en los procedimientos de resolución de disputas de FIFA en el ámbito disciplinario como en la normativa de otras federaciones internacionales. Y, finalmente, se concluye que la acción de revisión constituye una garantía esencial de justicia material y de legitimidad institucional en el sistema de resolución de controversias deportivas internacionales, que, a la luz de los argumentos que se exponen en este artículo, no puede hurtarse a las partes de los procedimientos de resolución de disputas no disciplinarias de FIFA, en particular cuando ambas partes provienen de jurisdicciones en las que habrían dispuesto del recurso o acción de revisión.*

I. Introduction

The reopening of a case responds to the need to prevent the risk that, in strict adherence to procedural formalities, the demands of truth and material justice may be sacrificed. For this reason, most jurisdictions provide for extraordinary legal remedies enabling the challenge of final judicial decisions in exceptional circumstances. Unlike ordinary appeals, these extraordinary remedies can therefore be used to challenge judicial decisions that have attained *res judicata* and would otherwise be immune to review.

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Given their exceptional nature, revision proceedings are subject to stringent conditions, typically requiring the discovery of new, decisive facts or evidence that could not have been relied upon in the original proceedings, or the rectification of serious errors of law or manifest injustice. Such mechanisms exist both in civil and in criminal procedural systems, ensuring that the finality of decisions does not come at the expense of fundamental fairness.

Normally, a final decision will be able to be subject to revision where new relevant facts or evidence come to light after a decision has become final, where those facts or evidence could not have been used before and, more importantly, where they have a major impact on the outcome of the proceedings that have resulted in the decision. Strict time limits are imposed from both the date of discovery of the new facts and the moment the original decision became final. A revision procedure is typically made up of two stages, namely: an initial determination on admissibility, followed, if granted, by a substantive reassessment of the case in light of the newly discovered elements.

In the context of dispute resolution of a non-disciplinary nature in football, revision, already at the disposal of the parties to arbitration proceedings administered by the Court of Arbitration for Sport ("CAS") under Swiss law and to proceedings under the FIFA Disciplinary Code, is equally relevant to decisions rendered by FIFA adjudicating bodies. Therefore, decisions by FIFA deciding bodies that have become final and binding should exceptionally be subject to revision. This is in line with Swiss law, which is generally applied subsidiarily in CAS proceedings –and on which, naturally so, fall back the FIFA dispute resolution system–, and with the rules governing FIFA disciplinary proceedings. The action for revision thus serves as a critical safeguard against procedural errors or unforeseen developments capable of influencing the outcome of the relevant proceedings; in the absence of which, the fairness of the decisions by the FIFA dispute resolution is undermined.

A request for revision allows for the reopening of a case only when a decision has definitively resolved a claim, whether through a court ruling, an arbitral award or a decision by a dispute resolution body within an international federation or sport governing body. As to arbitral awards, remedies must ensure a delicate equilibrium between two opposing principles: on the one hand, the finality of the arbitral award or a decision issued by an international sports federation, such as FIFA; and, on the other hand, the need to guarantee the fairness and quality of the award (and of the arbitration or dispute resolution process). Every rule maker must weigh these competing interests to establish a procedural framework that ensures a proper balance between the autonomy of the arbitrators or adjudicatory bodies and the necessary (extraordinary) oversight on revision.

Like the action to set aside, limited to only the most serious of problems potentially affecting the validity of the award, expressly prescribed by law, the grounds on which a party can make a request for revision of an award or final decision by a federation dispute resolution body are exceptional. Such a regime for the challenge of an award is often conceived as a prerequisite to an environment in which arbitration can prosper; however, the long-term autonomy of arbitration equally depends on the existence of a genuine, albeit limited, mechanism for setting aside awards or reopening proceedings in exceptional cases. The rationale is simple: it is undisputable that aberrant decisions undermine public confidence in the arbitral process as a dispute resolution system that presents itself as an alternative to state courts. In the context of FIFA, where adjudicating sporting disputes plays a central role, the possibility of revision, however restricted, ensures that erroneous or fundamentally flawed decisions do not erode confidence in the system. The reconciliation of finality and fairness through a carefully circumscribed action for revision is thus a cornerstone of the legitimacy and continued viability of international dispute resolution in sports, as many international sport

federations and governing bodies have proven by including a procedural remedy akin to the action for revision; including FIFA, which provides for the revision of decisions by its disciplinary bodies once they have become final.

II. The action for revision under Swiss law[1]

Under Swiss law, the action for revision (*action en révision / Revisionsklage*) provides a crucial mechanism for reopening judicial or arbitral proceedings in exceptional circumstances. The grounds for revision primarily encompass two scenarios: the discovery of significant new facts or evidence; and unlawful influence on the decision. In the case of newly discovered facts or evidence, these must be material to the case outcome and not have been available during the original proceedings despite due diligence of the party requesting revision. The second ground for revision concerns cases where the decision was unlawfully influenced by conduct tantamount to fraud, including instances of procedural misconduct, such as perjury committed by a party or an expert witness, or reliance on falsified or erroneously translated crucial documents.

It is important to stress that revision is in no case a routine appeal, but an extraordinary remedy. The Swiss legal framework imposes strict time limitations for filing a revision request, and the burden of proof rests squarely on the party seeking revision to demonstrate the grounds for reopening the case. Swiss courts exercise careful discretion in evaluating revision requests, striving to balance the principles of finality and justice.

By providing a pathway to address significant procedural irregularities or fundamental new information that could substantially impact the outcome of a case, the Swiss action for revision exemplifies the legal system's adaptability and commitment to fair adjudication.

A. Revision of a court decision

The Swiss Civil Procedure Code (SCPC), specifically Articles 328-333[2], establishes a mechanism for the revision of final court decisions –including decisions rendered by the Supreme Court–, known as "*recours en révision*" or simply "*révision*" within Swiss legal practice. This extraordinary legal remedy empowers parties to challenge a final court decision under tightly controlled circumstances, even after standard appeals processes have been exhausted. It is thus designed as a safeguard to address significant miscarriages of justice rather than as a routine avenue for appeal.

Article 328 SCPC sets forth four primary grounds that can justify revision. First, the subsequent discovery of significant facts or decisive evidence that was not available during the original proceedings, despite the exercise of due diligence by the requesting party (Article 328(1)(a) SCPC). However, this ground explicitly excludes facts and evidence that arose only after the decision was rendered.

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1 This section relies on, and further develops, the analytical framework set out brilliantly by Catherine A. Kunz in '*Revision of Arbitral Awards in Switzerland: An Extraordinary Tool or Simply a Popular Chimera? A Review of Decisions Rendered by the Swiss Supreme Court on Revision Requests Over the Period 2009–2019*', ASA Bulletin 1/2020. While Kunz provides a detailed account of the jurisprudence up to 2019, this article builds upon her findings by offering a complementary analysis that integrates subsequent case law and, more specifically to the subject matter of this article, considerations on the application of a revision-type remedy to decisions by sports dispute resolution bodies within international sports federations, in particular FIFA.

2 Available at: https://www.fedlex.admin.ch/eli/cc/2010/262/en#art_328.

A second ground arises if the original judgment was influenced by criminal acts, such as perjury, forgery, or bribery, thereby tainting the integrity of the judicial process (Article 328(1)(b) SCPC). Notably, a criminal conviction is not a prerequisite for revision, as proof of the offence may be established by other means if criminal proceedings are not possible.

Additionally, revision may be sought where the acceptance, withdrawal, or settlement of the claim is later found to be invalid due to formal or substantive deficiencies (Article 328(1)(c) SCPC). Moreover, if a party discovers a valid reason for the challenge of a judge only after the proceedings have concluded and no other legal remedy is available, revision may also be pursued on that basis (Article 328(1)(d) SCPC).

Finally, Article 328(2) SCPC provides for revision where the European Court of Human Rights (ECtHR) has determined, in a final judgment or a friendly settlement, that the original proceedings violated the European Convention on Human Rights (ECHR) (Article 328(2)(a) SCPC). However, in this case, for revision to be granted, compensation must not be deemed an adequate remedy for the violation (Article 328(2)(b) SCPC), and the review must be necessary to effectively redress the infringement (Article 328(2)(c) SCPC).

Article 329 SCPC stipulates precise temporal and formal requirements for applications for revision. A request must be submitted in writing, setting out the grounds relied upon, within 90 days of the discovery of the facts or circumstances justifying the revision. Additionally, an absolute limitation period of ten years applies from the date the contested decision became final, preventing indefinite challenges and upholding legal certainty. There is, however, an exception to this time limitation for the action for revision: when revision is sought under Article 328(1)(b) SCPC, on the basis that the decision was influenced by a criminal offence, this 10-year limitation does not apply, ensuring that judicial decisions tainted by serious misconduct remain subject to correction regardless of the time lapsed. These time limits are carefully calibrated to pursue the aforementioned balance between the need for legal certainty and the principle of *res judicata*, with the fundamental imperative of correcting significant errors or addressing newly discovered information that could substantially alter the outcome of a case.

Once the request for revision is filed, Article 330 SCPC requires that the opposing party be notified and granted the opportunity to respond, unless the application is clearly inadmissible or manifestly unfounded. This provision ensures that revision proceedings adhere to the principle of adversarial process and that no decision is modified or annulled without considering the position of all parties involved. By allowing the court to summarily reject baseless requests, this mechanism also prevents revision from being misused as a delaying tactic.

Article 331 SCPC confirms that the filing of a request for revision does not, in itself, suspend the legal effect or enforceability of the contested decision. This principle protects the finality of judgments, preventing revision from being exploited to delay compliance. This is in contrast to the standard appellate procedure where a higher court reviews the lower court's judgment. This distinctive feature underscores the exceptional character of the revision and its role as a targeted intervention to correct specific errors rather than a comprehensive re-evaluation of the case. However, the court may order the suspension of enforcement where justified, as well as impose protective measures or require security. The possibility of obtaining interim relief ensures that, in cases where revision is ultimately granted, enforcement of a flawed decision does not cause irreparable harm.

Once the court has examined the application, it will either grant or reject the request for revision. Article 332 SCPC provides that an objection may be filed against this

decision, ensuring that errors in the assessment of admissibility or the merits of the revision request can be corrected. If the court upholds the revision request, Article 333 SCPC mandates that the original decision be annulled and replaced with a new ruling on the merits. Furthermore, the court must also determine the costs of both the original and revision proceedings, ensuring that financial liability is allocated appropriately. The parties must be notified of the decision with a written statement of reasons, reinforcing transparency in the revision process.

B. Revision of an arbitral award: in domestic as well as international arbitration

The finality of arbitral awards is a cornerstone principle in arbitration, distinguishing it from traditional court proceedings. However, the Swiss legal system, recognizing the need for a balance between finality and justice, provides two exceptional remedies: the annulment of awards on limited statutory grounds, and the revision of awards. While the former is more frequently resorted to, the latter has gained increasing prominence in recent decades.

Revision is an extraordinary means of recourse that aims at correcting arbitral awards that have attained *res judicata* status. Given that reopening awards that have already entered into force could severely undermine the principle of legal certainty, this remedy is available only in exceptional circumstances where considerations of justice and equity necessitate a revision due to a fundamental defect in the factual premise upon which the award is based. The Swiss legal framework carefully delineates the scope and application of this remedy to preserve legal certainty while addressing egregious errors.

The SCPC and the Swiss Private International Law Act (PILA) explicitly provide for the revision of arbitral awards in domestic and international arbitrations, respectively. Articles 396 to 399 SCPC[3] govern the revision of domestic arbitral awards, while Article 190a of Chapter 12 PILA[4] addresses the action for revision of international arbitrations seated in Switzerland. Notably, the provision for revision of international arbitral awards was not initially explicit in the PILA. This lacuna was addressed by the Swiss Federal Tribunal (SFT) in a landmark decision in 1992[5], extending the revision remedy to international arbitral awards by applying *per analogiam* the principles applicable to domestic arbitrations and state court decisions[6].

The 1992 landmark decision of the SFT held that the absence of provisions governing revision of awards in international arbitration (PILA, Chapter 12) is to be construed, not as an implicit lawmaker's rejection of revision, but merely as gap in the law that the SFT was to fill in. And so began to do the SFT from that ruling on: it admitted, before itself, revision of awards in international arbitration by extending to it, expressly by analogy, the existing principles on revision of awards rendered in domestic arbitrations (Article 396 ff SCPC).

Indeed, the amendment of the PILA that followed years later was intended to merely clarify the existing legal situation. As a result, the case law that the Supreme Court had developed, prior to the codification of its practice, in relation to the revision of international arbitral awards remained largely relevant after the entry into force of the

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3 Available at: https://www.fedlex.admin.ch/eli/cc/2010/262/en#art_396.

4 Available at: https://www.fedlex.admin.ch/eli/cc/1988/1776_1776_1776/en#art_190_a.

5 BGE 118 II 199, 11 March 1992.

6 Carducci, G. (2020) The New Swiss International and Domestic Arbitration Law, Sport and CAS Arbitration, CAS Bulletin 2020/02. Available at: https://www.tas-cas.org/fileadmin/user_upload/CAS_Bulletin_2020_2.pdf.

amended Chapter 12 PILA, on 1 January 2021. Article 190a PILA now explicitly provides for the revision of international arbitral awards, aligning the statutory framework with the settled case law in this respect. As a matter of fact, this legislative update served to clarify and reinforce the existing legal position rather than introduce novel concepts.

Under Swiss law, the grounds for revision of international arbitral awards are strictly limited to ensure that the exceptional nature of this remedy. These grounds primarily include the subsequent discovery of significant facts or decisive evidence that was not available during the original proceedings despite due diligence, the influence of criminal acts on the decision, and violations of the ECHR as determined by the ECtHR.

Regarding decisions subject to revision, all partial, final, preliminary, and interim awards may be revised, provided they bind the arbitral tribunal, who cannot change them. By contrast, revision cannot be sought against procedural orders or orders for interim relief that the arbitral tribunal can reverse or modify. The decisions of the SFT on requests to set aside an arbitral award are similarly capable of revision.

It is important to note that revision proceedings are subsidiary to the procedure for setting aside arbitral awards. If a ground for revision is discovered within the 30-day period for seeking annulment of the award, it must be invoked in the setting-aside proceedings rather than through a separate request for revision[7].

The formal conditions for admissibility of applications for revision of international arbitral awards are set out in Article 190a PILA. Pursuant to Article 190a(2), the request for revision must be filed within 90 days of the grounds for revision coming to light. A revision may not be requested more than ten years after the award becomes legally binding, except in the case of awards tainted by criminal conduct.

III. Grounds for revision of international arbitral awards under Swiss law

The grounds for revision of international arbitral awards under Swiss law are set out in Article 190a(1) PILA.

Revision is admitted in three sets of circumstances, provided that the relevant elements appear after the closing of the arbitral proceedings and could not be raised before, in spite of the requesting party having acted with the required diligence, namely: (a) a party has subsequently become aware of significant facts or uncovered decisive evidence which it could not have produced in the earlier proceedings despite exercising due diligence –this ground is not available wherethe facts or evidence have come into existence after the award was issued; (b) criminal proceedings have established that the arbitral award was influenced to the detriment of the requesting party by a felony or misdemeanour, even if no one is convicted by a criminal court –if criminal proceedings are not possible, proof may be provided in some other manner–; or (c) a ground for a challenge under Article 180(1)(c) PILA only came to light after conclusion of the arbitration proceedings despite exercising due diligence and no other legal remedy is available.

A. New circumstances

Pursuant to Article 190a(1)(a) PILA, a party may apply for revision provided that it has uncovered relevant facts or dispositive evidence upon which it was unable to rely in the original proceedings, to the exclusion of facts and evidence that arose after

7 SFT 4A_310/2016, 6 October 2016; SFT 4A_458/2009, 10 June 2010; ASA Bulletin 1/2020.

the award was rendered. Among the grounds for revision, this is the most frequently invoked in practice.

In other words, the newly discovered facts must have already existed at the time of the first proceeding and thus should have formed part of the factual circumstances underlying the award. Said (newly discovered) relevant facts, having occurred before the award was rendered, fall within the category of so-called improper *nova*. The same principle applies to newly discovered evidence, which must have been in existence but remained unknown to the petitioner until after the relevant procedural stage at which factual allegations or evidence could still be introduced.

What is considered "new" is not the facts or evidence themselves, but their discovery by the petitioner after the award, or, more precisely, after the procedural point at which no further factual allegations or evidence could be submitted. Accordingly, the requirement is that the newly discovered facts or evidence could not have been raised in the prior proceedings despite the party's exercise of due diligence[8].

The rationale behind this limitation is that these facts and evidence would –and should– have been presented in the arbitration had they been known, and available, to the party requesting revision at the time. To succeed in a revision request, the requesting party must demonstrate that, although it acted with all due diligence, it was, for reasons beyond its control, unable to present those facts and evidence during the arbitration itself.

The SFT exercises "*restraint before accepting that it was impossible for a party to rely on a fact in earlier proceedings as* [revision] *based on newly uncovered facts is not a remedy designed to allow a party to make up for failures in the conduct of the earlier proceedings*"[9]. That said, similar to the action to set aside an award based on the subsequent discovery of grounds for challenge of an arbitrator, the SFT would be prepared to lower the due diligence standard required for parties in disciplinary disputes or in other disputes where athletes (or clubs) face 'their' sports governing body. Indeed, in the mentioned case, the SFT specifically stressed the fact that they were CAS arbitration "*proceedings involv*[ing] *parties on equal footing*".[10]

For a party to rely on the ground for revision under Article 190a(1)(a) PILA, the newly discovered facts must be relevant and the newly uncovered evidence conclusive. Relevant facts, within the meaning of Article 190a(1)(a) PILA, are those that would alter the factual basis of the decision in such a way that their proper consideration would lead to a different outcome. As for evidence, it is deemed conclusive only if it "*contributes not just to the evaluation of the facts, but to their determination*"[11]. Moreover, the newly discovered facts or evidence should be "*such as to result in the decision being amended in a sense favourable to the petitioner*"[12].

The applicant must satisfy several cumulative conditions[13]. First, it must invoke one or more specific facts or pieces of evidence that were unknown at the time of the

8 SFT 4A_406/2024, 30 September 2024; SFT 4A_184/2022, 8 March 2023; SFT 4A_69/2022, 23 September 2022; SFT 4A_606/2021, 28 April 2022; SFT 4A_464/2021, 31 January 2022.

9 SFT 4A_528/2007, 4 April 2008; ASA Bulletin 3/2008.

10 Rigozzi A. (2010) Challenging Awards of the Court of Arbitration for Sport, Journal of International Dispute Settlement, Volume 1, Issue 1, Page 262. Available at: https://academic.oup.com/jids/article/1/1/217/879395.

11 SFT 4P_102/2006, 29 August 2006; ASA Bulletin 3/2007.

12 ATF 118 II 199, SFT 4P_102/2006, 29 August 2006; ASA Bulletin 3/2007.

13 SFT 4A_406/2024, 30 September 2024; SFT 4A_69/2022, 23 September 2022; SFT 4A_606/2021, 28 April 2022; SFT 4A_464/2021, 31 January 2022.

original proceedings. Mere assertions of their existence are insufficient; the applicant bears the burden of demonstrating how and when these elements were uncovered. Second, the newly discovered facts or evidence must be significant enough to alter the factual basis upon which the arbitral tribunal rendered its award. A revision request will only succeed if the new information, properly assessed in law, is capable of leading to a different outcome in favour of the applicant. Third, the facts or evidence must have pre-existed the award, meaning they must have occurred within the timeframe in which factual allegations and supporting evidence were still admissible in the original arbitral proceedings. This requirement excludes subsequent developments and ensures that revision remains confined to *to pseudo nova* facts, or evidence that existed but were undiscoverable at the time of arbitration.

Fourth, the applicant must establish that the new facts or evidence were discovered only after the arbitral award was rendered. The SFT requires a precise demonstration of the moment of discovery, rejecting mere speculation or unsupported claims. Lastly, the applicant must prove that, despite exercising all due diligence, it was impossible to present the facts or evidence in the original proceedings. This condition represents the most stringent hurdle, as Swiss jurisprudence consistently holds that revision is not intended to rectify a party's failure to conduct adequate research or present all relevant arguments during the arbitration[14]. A lack of diligence will be presumed when the discovery of new elements results from investigative efforts that could and should have been undertaken earlier. However, in certain cases, particularly in disciplinary disputes or situations where athletes or clubs face powerful governing bodies, a more lenient standard of diligence may apply due to the potential asymmetry between the parties, as previously stated.

The conditions governing the revision of an award based on the discovery of conclusive evidence mirror those applicable to newly discovered facts. The evidence must pertain to prior facts, meaning it must relate to events that predated the arbitral award and occurred within the procedural window when evidentiary submissions were still admissible. Moreover, the evidence must be conclusive, in the sense that it is not merely relevant but also determinative, capable of establishing factual elements in a manner that would likely alter the tribunal's decision. Additionally, the evidence must have already existed at the time of the arbitral award, must have been discovered only subsequently, and must have been impossible for the applicant to invoke in the arbitration for reasons beyond its control. The SFT has clarified that this impossibility must be objective and demonstrable, rather than stemming from inadvertence or tactical choices in litigation[15].

From a procedural standpoint, a request for revision must be submitted to the SFT within the above-mentioned 90-day period from the discovery of the new facts or evidence. This time limit is applied strictly, and the applicant must substantiate the precise date on which the grounds for revision became known. When multiple grounds for revision are invoked, the time limit is calculated separately for each[16]. In cases involving allegations of corruption or criminal misconduct, the 90-day period begins to run not from the moment the offense was committed but from the point at which the applicant became aware of a final conviction or concrete evidence substantiating the wrongful act[17]. The burden of proof in all respects rests with the applicant, who

14 SFT 4A_464/2021, 31 January 2022; SFT 4A_422/2021, 14 October 2021; SFT 4A_71/2021, 13 July 2021; SFT 4F_7/2020, 22 February 2021; SFT 4A_36/2020, 27 August 2020.

15 SFT 4A_606/2021, 28 April 2022; SFT 4A_464/2021, 31 January 2022; SFT 4F_7/2020, 22 February 2021.

16 SFT 4A_69/2022, 23 September 2022; SFT 4A_666/2012, 3 June 2013; ASA Bulletin 1/2020.

17 SFT 4A_69/2022, 23 September 2022.

must establish, to the satisfaction of the SFT, that the newly discovered facts or evidence meet all the required conditions.

The SFT has developed a consistent yet nuanced approach to revision requests based on newly discovered facts and evidence. Its jurisprudence reveals several recurring patterns. In most cases, revision is denied because the newly invoked facts or evidence could and should have been introduced in the arbitration but were not[18]. Some other cases involve facts discovered after the award was rendered but before its formal notification, raising complex questions as to their admissibility[19]. The SFT has also dismissed revision requests on the grounds that the newly discovered facts, while novel, were not material in the sense of being outcome-determinative[20]. Additionally, cases have arisen in which the authenticity of the newly invoked evidence was disputed, requiring a separate assessment before any substantive revision could be considered. Finally, the SFT has addressed scenarios in which new evidence was obtained through subsequent criminal proceedings, particularly in instances involving allegations of corruption or misconduct affecting the integrity of the arbitration[21].

B. Award tainted by criminal conduct

A second ground for revision is when a criminal offence or misdemeanour has affected the outcome of the arbitration, pursuant to Article 190a(1)(b) PILA. To date, there is only one decision in which the SFT accepted to revise an arbitral award on this ground: Decision 4A_596/2008, which relates to the infamous "French Frigates" affaire. It remains a landmark case for the revision of arbitral awards based on criminal influence. Notably, it marked the first time the SFT revised an international arbitral award under the criminal offence prong since the enactment of the Federal Statute on the Swiss Federal Tribunal, in 2007[22].

The witness had indeed committed procedural fraud, as he was found to have given a patently false testimony in the arbitration. It is on the basis of those findings that Thales brought its revision request. The SFT granted the request as it found that procedural fraud was a criminal offence under Swiss law and had directly influenced the outcome of the arbitration. The Court therefore annulled the award and remanded the matter to an arbitral tribunal to be newly constituted, as one of the arbitrators of the original tribunal had in the meantime passed away.

C. **Challenge of a member of the arbitral tribunal**

Article 190a(1)(c) PILA provides a statutory basis for the revision of arbitral awards when challenges to an arbitrator's independence or impartiality come to light only after the conclusion of the arbitration proceedings. This provision reinforces the procedural safeguard that ensures the integrity of arbitral tribunals by allowing a party to request a revision of an arbitral award if a ground for challenge under Article

18 SFT 4A_406/2024, 30 September 2024; SFT 4A_69/2022, 23 September 2022; SFT 4A_606/2021, 28 April 2022; SFT 4A_464/2021, 31 January 2022.

19 SFT 4A_247/2014, 23 September 2014; ASA Bulletin 1/2020.

20 SFT 4A_645/2014, 20 February 2015; SFT 4A_750/2011, 21 August 2012; SFT 4A_570/2011, 23 July 2012; SFT 4A_212/2010, 10 February 2011; SFT 4A_237/2010, 6 October 2010; SFT 4A_144/2010, 28 September 2010; SFT 4A_284/2009, 24 November 2009; ASA Bulletin 1/2020 and ASA Bulletin 1/2011.

21 SFT 4A_412/2016, 21 November 2016; ASA Bulletin 1/2020.

22 Segesser, G. von and Menz, J. (2019) Federal Tribunal Revises Award influenced by fraud, Kluwer Arbitration Blog. Available at: https://arbitrationblog.kluwerarbitration.com/2009/10/23/piercing-the-corporate-veil-effect-on-the-arbitration-clause-and-jurisdiction.

180(1)(c) PILA is discovered post-proceedings, provided that the party exercised due diligence in detecting such circumstances during the arbitration.

Article 180(1)(c) PILA specifically refers to situations that give rise to legitimate doubts concerning an arbitrator's independence or impartiality. As affirmed in the SFT's jurisprudence, the party seeking to challenge an arbitrator must invoke the reason for challenge as soon as it becomes aware of it, in accordance with the principle of good faith[23]. This obligation extends to the grounds that the party knew about and those it could have identified through reasonable diligence[24]. The jurisprudence further establishes that a party's failure to investigate potential conflicts of interest may amount to abusive behaviour, akin to waiting to file a motion to dismiss as a litigation strategy[25].

The obligation to exercise due diligence is underscored by the requirement for parties to conduct reasonable inquiries –particularly through publicly available sources such as the Internet– to identify any indicia of dependence or bias in arbitrators[26]. The extent of this investigative obligation is case-specific, determined by the circumstances at hand and the standard of care expected of a reasonably prudent party. Should a reason for challenge emerge after the conclusion of the arbitration, the requesting party must demonstrate that it could not have been discovered earlier despite investigating with due diligence[27].

Swiss jurisprudence establishes that an arbitrator must offer guarantees of independence and impartiality equivalent to those required of a state judge. This principle is drawn from constitutional protections under Article 6(1) ECHR and Article 30(1) of the Swiss Federal Constitution[28]. The SFT has consistently held that the appearance of partiality is sufficient to warrant recusal, even in the absence of proven actual bias, provided that objectively verifiable circumstances exist to justify reasonable doubts about an arbitrator's neutrality[29].

Further guidance on arbitrator conflicts is provided by the International Bar Association (IBA) Guidelines on Conflicts of Interest in International Arbitration[30]. While these guidelines do not possess binding legal force, they are recognised as persuasive authority in the assessment of an arbitrator's independence and of conflict-of-interest issues[31]. The IBA Guidelines classify potential conflicts into three categories: the Red List (serious conflicts warranting disqualification); the Orange List (potential conflicts requiring disclosure but not necessarily constituting grounds for challenge); and the Green List (circumstances that do not give rise to an objective conflict of interest). According to these principles, an arbitrator must resign or refuse appointment if

23 SFT 4A_572/2023, 11 June 2024; SFT 4A_13/2023, 11 September 2023; SFT 4A_100/2022, 24 August 2022; SFT 4A_166/2021, 22 September 2021; SFT 4A_234/2010, 29 October 2010.

24 SFT 4A_100/2022, 24 August 2022; SFT 4A_234/2010, 29 October 2010; SFT 4P_267/2002, 27 May 2003.

25 SFT 4A_100/2022, 24 August 2024; SFT 4A_572/2023, 11 June 2024; SFT 4A_13/2023, 11 September 2023; SFT 4A_318/2020, 22 December 2020; SFT 4A_110/2012, 9 October 2012; SFT 4A_234/2010, 29 October 2010; SFT 4A_506/2007, 20 March 2008.

26 SFT 4A_318/2020, 22 December 2010.

27 SFT 4A_100/2022, 24 August 2024.

28 SFT 4A_166/2021, 22 September 2021; SFT 4A_318/2020, 22 December 2020; SFT 4A_234/2010, 29 October 2010.

29 SFT 4A_318/2020, 22 December 2020; SFT 4A_386/2015, 7 September 2016; SFT 4A_62/2014, 20 May 2014.

30 SFT 4A_572/2023, 11 June 2024; SFT 4A_288/2023, 11 June 2024.

31 SFT 4A_386/2015, 7 September 2016; SFT 294/2013, 11 December 2013; SFT 5A_163/2009, 31 March 2010.

facts or circumstances exist that, in the view of a reasonable third party, would create legitimate doubts regarding their impartiality (IBA Guidelines, General Standard 2(b)).

The interpretation of Article 190a(1)(c) PILA necessitates a methodological approach encompassing literal, historical, teleological, and systematic considerations. The SFT adopts a pragmatic stance in legal interpretation, ensuring alignment with legislative intent and broader legal principles[32]. Finally, it is worth noting that the phrase "*after the conclusion of the arbitral proceedings*", under Article 190a(1)(c) PILA, must be construed in light of these interpretative methods, ensuring that the provision effectively balances finality in arbitration with the fundamental need to rectify procedural defects that compromise arbitral integrity.

IV. Other aspects related to the revision of international arbitral awards

A. Effect of a successful request for revision

Where the SFT grants a request for revision, it will not decide on the matter itself. Instead, it refers the case back to the arbitral tribunal that had originally decided on the matter or, if this is not possible, to a newly constituted arbitral tribunal.

The successful revision of an arbitral award results in its annulment. In this respect, the mechanism of revision operates in a manner akin to annulment proceedings under Swiss arbitration law, whether the arbitral proceedings are international or domestic, and exists alongside the conventional *recours en annulation*. There is no alternative outcome to annulment if revision is granted, as otherwise an arbitral award remains valid and possesses the authority of *res judicata*, thereby precluding any subsequent litigation concerning the same dispute. Legal finality applies irrespective of whether the award has been granted exequatur or its enforceability has been recognized in any other way, as the principle of *res judicata* bars any further adjudication on matters already determined.

According to Guido Carducci (The New Swiss International and Domestic Arbitration Law, Sport and CAS Arbitration; in CAS Bulletin 2020/02)[33], it is important to distinguish that while "*revision by the SFT or Swiss superior courts is tantamount to "review" of their own decisions, revision as it is applied to arbitral awards implies no "review" of the award: the SFT neither reopens the merits (fact and law) of the dispute, nor decides the dispute in view of the elements that were not presented during the arbitration. The decision as to the merits of the dispute remains in the hands of the arbitral tribunal for a new decision if the revision is granted*".

B. Applicable time limits

The time limits for requesting revision of arbitral awards under Swiss law are codified in Article 190a(2) PILA. This provision preserves the time limits previously established under the Swiss SFT Act.

The primary time limits for revision requests are as follows: first, a party must file a revision request within 90 days from the discovery of the ground for revision. Second, there is a 10-year absolute time limit, within which a revision request can be made, starting from the date the award became final and binding. Importantly, the 10-year

32 SFT 4A_531/2021, 18 July 2022; SFT 4A_65/2015, 28 September 2015.

33 Ibid.

absolute time limit does not apply when the revision is based on the ground that the award was influenced by criminal conduct.

It must be emphasised that these time limits apply to revision requests filed after 1 January 2021, even when the award being challenged was issued before that date. The strict nature of these time limits highlights the exceptional nature of revision as a remedy and underscores the importance of finality in arbitration. Parties must exercise due diligence in identifying and invoking grounds for revision, as failure to meet these deadlines will result in the revision request being deemed inadmissible.

C. Waiver to a request for revision

The 2020 reform of the PILA introduced a significant exception to the parties' ability to waive their right to challenge an arbitral award, which is contained in Article 192(1) PILA. This exception specifically concerns the right to a review of awards influenced by criminal conduct.

Before the 2020 reform, parties had the ability to fully waive their right to request the review of an arbitral award, including on the grounds of criminal influence. However, the revised Article 192(1) PILA now stipulates that even if parties "*wholly or partly exclude all appeals against arbitral awards*", they retain the ability to seek revision of an award under Article 190a(1)(b) PILA when the award has been influenced by criminal conduct.

This exception acts as a safeguard against extreme cases of procedural injustice, ensuring that parties cannot contractually renounce their right to challenge an award tainted by criminal activity. The SFT has clarified that this new provision applies retroactively to arbitration agreements concluded prior to 1 January 2021, the date when the revised PILA came into force.

In a recent decision, the SFT further elaborated on the scope of waivers under Article 192(1) PILA[34]. The SFT stated that a broad waiver can be interpreted as excluding the extraordinary remedy of revision under Article 190a PILA, even if the waiver does not contain any explicit reference to Article 190a PILA or was drafted before the revised PILA entered into force on 1 January 2021.

While this exception permits revision based on criminal influence, it is important to note that the burden of proof remains substantial. The party seeking revision must demonstrate a causal link between the criminal act and the terms of the award, proving that the criminal conduct directly influenced the outcome of the arbitration to their detriment.

Lastly, it is worth noting that, both before and after legislative reforms, the ability of parties to validly waive annulment proceedings remains unequivocally excluded in the context of sports arbitration, particularly in disputes brought before CAS involving entities –primarily major international sports federations– with a statutory seat in Switzerland. This territorial connection inherently prevents the possibility of a valid waiver, as Swiss law explicitly prohibits the waiver of the right to seek annulment in such cases[35].

34 SFT 4A_69/2022, 23 September 2022.

35 SFT 4P_172/2006, 22 March 2007; Carducci, G. (2020) The New Swiss International and Domestic Arbitration Law, Sport and CAS Arbitration, CAS Bulletin 2020/02. Available at: https://www.tas-cas.org/fileadmin/user_upload/CAS_Bulletin_2020_2.pdf.

V. Revision-type remedies against decisions by dispute resolution bodies of international federations

In the authors' opinion, the principles governing the action for revision under Swiss law warrant a revision-type remedy at the first instance level of dispute resolution systems of international sports federations ("ISF") based in Switzerland. Like awards issued by CAS, decisions rendered by ISF's deciding bodies, where they are final and binding, are not –or, at least, are not supposed to be– entirely immune to review. As previously discussed, the action for revision provides a critical, albeit exceptional, safeguard against potential injustices or errors that may arise in these specialized dispute resolution systems.

Indeed, some ISFs have introduced provisions in their rules and regulations setting forth revision-type remedies enabling affected parties to seek the reopening of proceedings after a decision of internal dispute resolution bodies of ISFs has become final and binding.

A. Revision of first-instance decisions within international sports federations

The International Tennis Federation's ("ITF") procedural rules governing proceedings before the Internal Adjudication Panel convened under ITF rules ("IAP Procedural Rules"[36]) and Independent Tribunals convened under ITF rules ("IT Procedural Rules"[37]) establish a framework for supervisory review that aligns with the principles underlying revisionary remedies. Under Paragraph 4.1.4 of the IAP Procedural Rules, the Panel exercises supervisory jurisdiction to assess whether a decision is: irrational, arbitrary, or capricious; based on an error of law; or procedurally unfair.

Specifically, the Panel will uphold a challenge only if the party bringing the challenge satisfies it that: (i) the decision is irrational (i.e., it falls outside the range of what a reasonable adjudicator might decide), arbitrary, or capricious; (ii) the decision is based on an error of law (i.e., it is contrary to the ITF Rules properly construed, or to applicable law); or (iii) the procedure that was followed in reaching the decision was unfair. Similarly, Article 2.8.3 of the IT Procedural Rules limits the Independent Tribunal's review to these same grounds, ensuring that challenges are not re-litigated on the merits but are instead evaluated for compliance with fundamental standards of fairness and legality. These provisions reflect a deliberate effort to balance finality with the need to correct manifestly unjust or erroneous decisions, consistent with the objectives of revision under Article 190a(1) PILA.

The Badminton World Federation ("BWF") Judicial Procedures rules ("BWF Judicial Procedures")[38], while not explicitly framed as a revisionary remedy, incorporate principles analogous to those governing revision. Article 36.3 BWF Judicial Procedures permits the admission of new evidence on "appeal by review" –not an "ordinary appeal", as per Articles 36.1 and 36.2 BWF Judicial Procedures– only if it is relevant, probative, and capable of affecting the original decision, and if it could not have been obtained with reasonable diligence prior to the initial hearing. Specifically, Article 36.3.1 BWF Judicial Procedures requires that the evidence be relevant, probative, and capable of affecting the decision against which revision is sought; while Article 36.3.2 mandates

36 IAP Procedural Rules. Available at: https://www.itftennis.com/media/13722/2025-procedural-rules-itf-iap.pdf.

37 IT Procedural Rules. Available at: https://www.itftennis.com/media/13723/2025-procedural-rules-independent-tribunal.pdf.

38 BWF Judicial Procedures. Available at: https://extranet.bwf.sport/docs/document-system/81/1466/1469/Judicial%20Procedures%20-%20V2.4%20-%20202411.pdf.

that the evidence could not, with reasonable diligence, have been obtained and put before the hearing panel that delivered the decision. This standard also mirrors the requirement under Article 190a(1) PILA that revision be based on new and relevant facts or evidence that were unavailable during the original proceedings. At the same time, these rules strike the right balance between finality and fairness by imposing strict admissibility criteria, so that it can ensure that its appellate process remains focused on correcting material errors without undermining the finality of decisions.

World Taekwondo ("WT")'s Disciplinary Actions and Appeals Code[39] provides for the reinstatement of previously closed cases based on new information or changed circumstances. Articles 5.7(C) and (D) WT Disciplinary Actions and Appeals Code empower the Juridical Committee to review "requests for reinstatements" and to determine whether the new information justifies reopening the case. Specifically, Article 5.7(C) WT Disciplinary Actions and Appeals Code allows parties to request the reinstatement of a case that was previously closed, either administratively or otherwise, based on new information or changed circumstances. Article 5.7(D) WT Disciplinary Actions and Appeals Code requires the Juridical Committee to review reinstatement requests and determine whether to reopen the case based on the relevance of the new information or changes. This mechanism serves a function similar to revision, allowing for the reconsideration of final and binding decisions in light of developments that could not have been foreseen or presented at the time of the original ruling.

The Fédération Internationale de l'Automobile ("FIA") International Sporting Code ("FIA ISC")[40] explicitly provides for a right of review under Article 14 FIA ISC, which permits the re-examination of final and binding decisions upon the discovery of a significant and relevant new element that was unavailable at the time of the original ruling. Article 14.1.1 FIA ISC requires that such elements be presented in a petition for review, which must be filed within a strict timeframe and accompanied by a deposit. Specifically, Article 14.1.1 FIA ISC states that a significant and relevant new element must be discovered, which was unavailable to the parties seeking the review at the time of the decision concerned. The stewards must meet to hear any relevant explanations and to judge in the light of the facts and elements brought before them.

B. The absence of an explicit revision mechanism in FIFA regulations: implications and possible interpretations

Unlike other international ISFs, FIFA does not explicitly provide for a revision-type action within its internal dispute resolution system. However, Article 71 of the FIFA Disciplinary Code ("FDC") does foresee a limited review mechanism, allowing a party to request the review of a final and binding disciplinary decision where new facts or evidence, previously undiscoverable despite due diligence, come to light. This provision establishes a deadline of ten days from the discovery of the new grounds and a maximum time limit of one year after the decision has become final. Although this remedy is confined to disciplinary decisions, its existence demonstrates that FIFA recognises, at least in principle, the need for a corrective mechanism in exceptional circumstances. That said, no equivalent review procedure is currently provided for in the procedural rules governing FIFA dispute resolution bodies (namely, within the FIFA Football Tribunal) that issue decisions of a non-disciplinary nature.

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39 WT's Disciplinary Actions and Appeals Code. Available at: https://www.worldtaekwondo.org/att_file/documents/Disciplinary%20Actions%20and%20Appeals%20Code%20(September%202024).pdf.

40 FIA International Sporting Code. Available at: https://www.fia.com/regulation/category/123.

This absence does not, in the authors' view, preclude the application of revisionary principles to decisions rendered by FIFA dispute resolution bodies. Rather, the integration of such principles into the CAS's appellate jurisdiction over said first instance decisions must follow from the SFT's approach in its 1992 landmark decision. This is necessary to the extent that the parties submitting their disputes to the resolution system of FIFA, a Swiss legal entity operating out of Switzerland, which not only disposes finally of disputes but also ensures the enforceability of the resulting decisions, expect to have resort to a remedy ensuring the fairness or correctness of its decisions in a manner similar to that of the action for revision under Swiss law. This can be made possible by recognising the CAS panel's authority to exercise revisionary powers in situations where the discovery of significant new facts or evidence necessitates the reconsideration of final and binding decisions of FIFA's deciding bodies.

In the context of FIFA's dispute resolution system, while it has its own internal regulations and disciplinary procedures, Swiss law may become applicable in certain situations. If a party seeks to enforce a FIFA decision before a Swiss court, or if a dispute related to FIFA activities is brought before CAS, Swiss law, including the provisions on revision, may come into play, pursuant to Article 49.2 of the FIFA Statutes[41]. More importantly for the subject of this article, Swiss law serves to fill the lacunae in the rules and regulations of FIFA, as per CAS jurisprudence[42].

In this regard, the integration of revisionary principles into CAS appellate proceedings would ensure that FIFA-related disputes remain subject to fundamental safeguards against manifestly flawed decisions. The fact that a revision mechanism is expressly contemplated for disciplinary matters (Article 71 FDC) but not for other areas of FIFA's adjudicatory activity suggests a structural inconsistency that may require correction either through interpretation or by analogy. In particular, decisions rendered by the FIFA Football Tribunal –such as those relating to contractual disputes, eligibility, training compensation, and solidarity contributions– may have legal and economic consequences as serious as those of disciplinary decisions, thereby justifying the availability in exceptional circumstances of a revision-type remedy for non-disciplinary decisions. The absence of an explicit internal revision process within FIFA's regulations in non-disciplinary cases reinforces the importance of CAS as an appellate body capable of addressing new and significant facts that could not have been considered during the first instance of the dispute resolution process.

As explained, the SFT extended the possibility of filing a revision remedy against international arbitral awards, even in the absence of explicit legal provisions recognising such a remedy in the PILA[43]. This judicial extension underscored the importance of making revision proceedings available to parties to dispute resolution proceedings in Switzerland, as a fundamental safeguard against decisions that are flawed due to new and relevant facts or evidence that were unavailable at the time of the original ruling. By applying this principle to international awards, the SFT has reinforced the notion that revision is an inherent component of a fair and just dispute resolution process, particularly in cases where the integrity of adjudicatory proceedings is called into question. This precedent suggests not only that revision is necessary to guarantee the fairness of the dispute resolution system, but that the absence of regulation does not

41 Article 49.2 of the FIFA Statutes (ed. 2024): "*The provisions of the CAS Code of Sports-related Arbitration shall apply to the proceedings. CAS shall primarily apply the various regulations of FIFA and, additionally, Swiss law*".

42 CAS 2008/A/1705, 18 June 2009; CAS 2005/A/983 & 984, 12 July 2006; CAS 2004/A/791, 17 July 2007.

43 SFT 4A_506/2017, 3 October 2017; ASA Bulletin 1/2020.

stand in the way of making a revision-type remedy available to parties to FIFA dispute resolution proceedings; particularly, in situations where significant new evidence emerges that was not previously available, or the decision has been influenced by criminal conduct.

In light of the SFT's extension of revisionary remedies to international awards, it is reasonable to conclude that the revisionary power attributed in the CAS Code to the panel in appeal arbitration proceedings includes the extraordinary remedy of revision with respect to decisions issued by FIFA's deciding bodies. This interpretation is further reinforced by the structural *lacuna* identified above: while disciplinary matters benefit from a statutory review remedy under the FDC, decisions rendered by the Football Tribunal –which are equally final and binding– lack an equivalent corrective mechanism. Applying the rationale of Article 71 FDC by analogy, and in line with the principles codified in Article 190a PILA, CAS panels should be empowered to consider requests for revision where newly discovered facts or decisive evidence warrant a fundamental reassessment of the case.

This conclusion is further supported by the absence of any provision in FIFA's regulations that expressly authorises the original adjudicatory body to conduct a review of its own decisions. Given this regulatory gap, the CAS panel, as the appellate body vested with supervisory jurisdiction, is uniquely positioned to exercise revisionary powers in cases where new and relevant elements emerge that could not have been presented during the original proceedings. This approach aligns with the principles articulated in Article 190a(1) PILA and would ensure that FIFA's dispute resolution system remains consistent with the broader framework of judicial and arbitral proceedings, domestic as well as international, which aims to prioritise fairness, transparency, and the correction of manifest errors.

That being said, revision proceedings remain an exceptional remedy, subject to strict scrutiny. The SFT has historically taken a highly restrictive approach to the revision of arbitral awards. Since 1992, when the Swiss Supreme Court first recognised the availability of revision in arbitration, only a small fraction of the approximately 60 requests submitted by the end of 2024 has been granted. This underscores the extraordinary nature of revision and its application only in cases where compelling new evidence or serious legal breaches are established.

Nevertheless, the recourse to a revision action can be a highly effective tool in certain circumstances, particularly when evidence of a criminal offence emerges after an award has been rendered. This applies where the award itself is tainted by criminal conduct. However, it is equally relevant when allegations of corruption affecting the merits of the dispute are raised during arbitration but dismissed due to insufficient evidence –only for conclusive proof to surface later. In such cases, revision serves as a crucial mechanism for correcting the award and ensuring a fairer outcome.

In sum, while FIFA's regulations do not explicitly provide for a revision mechanism of the decisions from its dispute resolution bodies, the presence of a revision-type provision for disciplinary decisions in Article 71 FDC offers a normative reference point that could be extended by analogy to decisions by the FIFA Football Tribunal, in order to preserve consistency, fairness, and procedural integrity within the federation's adjudicatory framework. FIFA's dispute resolution system –placed in the wider framework of the Swiss legal order– should accommodate the possibility of revision in exceptional cases.

VI. Conclusion: where the circumstances so warrant, FIFA (final) decisions may, and must, be subject to an action for revision

The action for revision under Swiss law serves as a crucial safeguard in both judicial and arbitral proceedings, ensuring that final decisions can be revisited in exceptional circumstances. While this extraordinary remedy is narrowly circumscribed, it plays a vital role in upholding the integrity and fairness of the legal system. By allowing for the correction of significant errors and the consideration of newly discovered evidence, the revision mechanism reinforces the principles of justice and equity without undermining the finality of decisions.

In the context of international sports dispute resolution and arbitration, particularly in proceedings involving FIFA and CAS, revision takes on particular significance. Although FIFA's regulations do not uniformly provide for a revisionary mechanism across all adjudicatory bodies, Article 71 FDC does expressly foresee a limited right to request a review of disciplinary decisions where new and previously undiscoverable facts or evidence come to light. This suggests an institutional recognition, albeit partial, of the need for exceptional post-decision remedies aimed at ensuring fairness. Nevertheless, no comparable mechanism exists within the procedural framework applicable to decisions rendered by the FIFA Football Tribunal, while its decisions may also bear significant legal and financial consequences.

However, this omission does not preclude, in the authors' view, the application of revisionary principles to decisions rendered by FIFA's dispute resolution bodies. Instead, the integration of such principles into the CAS's appellate jurisdiction reflects a necessary evolution of FIFA's dispute resolution system, ensuring it remains responsive to newly discovered evidence or legal violations that may impact the fairness of its decisions. In this respect, it must be recalled that the SFT extended the possibility of revision to international arbitral awards, even in the absence of explicit legal provisions recognising such a remedy, thereby reinforcing the notion that revision is an inherent component of a fair arbitral process.

Given the global nature of sports disputes and the high stakes involved, ensuring the availability of a remedy for manifestly flawed decisions is essential for preserving confidence in FIFA's dispute resolution system. As a Swiss legal entity operating in Switzerland, the decisions by FIFA deciding bodies cannot be immune to revision where the circumstances warrant such an extraordinary remedy under Swiss law for judicial decisions as well as for domestic and international arbitral awards. The logic underpinning Article 71 FDC –namely, that the emergence of new and decisive information may justify the reconsideration of a final and binding disciplinary decision– can and should be extended by analogy to the context of the FIFA Football Tribunal, particularly given the absence of an internal mechanism to address such exceptional situations. The absence of a general revision remedy thus does not negate, but rather strengthens, the need for CAS to function as the proper forum for the articulation of such safeguards. Further, the absence of an internal FIFA revision mechanism still allows for a revision-type remedy on appeal to CAS. Indeed, CAS, as an appellate body capable of addressing new and significant facts that were unavailable at the first instance of the dispute resolution process, is best placed to carry out the assessment on the admission of a request for revision, while referring the case to the FIFA adjudicating body where revision is granted.

Ultimately, the action for revision under Swiss law exemplifies the delicate balance between finality and fairness. By providing a pathway to address significant procedural irregularities and crucial new information, it reinforces the legal system's commitment to fair adjudication. While Article 71 FDC offers a procedural model in the disciplinary field, the absence of an analogous provision for other FIFA decisions accentuates

the importance of applying revisionary principles, either through the CAS appellate system or by analogy under Swiss law. Such an approach would ensure uniformity in procedural protections and guard against inconsistent treatment of similarly situated parties.

The absence of an explicit revisionary process in the rules governing the FIFA Football Tribunal dispute resolution system highlights the importance of the CAS's supervisory role, able and suited to act as body of revision in actions for revision too. This is the only manner in which a fundamental safeguard against erroneous decisions may be implemented. Recognising the applicability of revisionary principles within FIFA's dispute resolution framework would align it with dispute resolution under Swiss law, with ISFs having already codified a revision-type remedy in their regulations, and with FIFA's disciplinary proceedings; all of which will contribute to further enhancing transparency, fairness, and the legitimacy of FIFA's adjudicatory system.