



REGULATIONS OF THE NATIONAL DISPUTE RESOLUTION CHAMBER

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Preamble

The pyramid of world football is based on two essential elements of our sport – the players who display their skills on the fields and the clubs that gather them in teams, enabling associations and leagues to organize competitions.

In 2001, in its aspiration to provide for a swift and effective dispute assessment and resolution system, FIFA created the Dispute Resolution Chamber, an arbitration tribunal based on the principle of equal representation of clubs (employers) and players (employees) to offer players and clubs a faster and cheaper mechanism to solve employment-related disputes that have an international dimension. This mechanism does not affect the constitutional right to settle labour disputes in other recognized bodies, but it offers a structure that is specific and more aware of the realities of modern football.

The experiences gained within the scope of the chamber's work since its installation in 2002 have been very positive and have contributed towards enhancing legal security of parties.

In professional football, the relationship between the parties, that is club managers on the one hand and players, coaches and medical personnel of the clubs on the other, is based on an employment contract and can, like any other aspect of life in our societies, be a source of conflict.

In order to modernize social relations within football between employers and employees, FIFA has drafted Standard National Dispute Resolution Chamber Regulations which were adopted by the FIFA Congress held in Zurich on 30 and 31 May 2007.

In Cameroon, the Executive Committee of FECAFOOT, during its meeting of 27 May 2011, internalized and submitted the said Regulations to the General Assembly of FECAFOOT for approval on 16 May 2012.

The General Assembly of FECAFOOT reviewed and approved the Regulations on 7 August 2021 subject to the technical or substantive amendments made to Articles 2, 4, 7, 10, 13, 22, 25, 28, 33, 36, 37, 40 and 41.

A- GENERAL PROVISIONS

Article 1: General Provision

These regulations lay down the organization and functioning of the National Dispute Resolution Chamber, abbreviated to “NDRC”.

Article 2: Jurisdiction of the NDRC

(1) The NDRC is competent to handle:

- (a) disputes between clubs and players regarding employment and contractual stability;
- (b) employment-related disputes between a club and a coach;
- (c) employment-related disputes between a club and its medical personnel;
- (d) disputes concerning training and transfer compensation as well as solidarity contributions between clubs affiliated to FECAFOOT, whose basis is the transfer of a player;
- (e) disputes related to the mediation agreement between a player and an intermediary;
- (f) disputes related to the mediation agreement between a club and an intermediary;
- (g) reconstitution or protest against a player passport;
- (h) disputes arising within a member association of FECAFOOT or its leagues.

(2) The NDRC shall adjudicate in the presence of at least three of its members, including the Chairperson and/or Vice-Chairperson.

(3) The NDRC may appoint a single judge.

(4) The single judge referred to in paragraph (3) above may adjudicate in the following cases:

- any contractual dispute not exceeding 500 000 CFA francs.
- any other dispute at the discretion of the Chairperson of the NDRC.

Article 3: Applicable Law

In the exercise of its jurisdiction:

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(1) The NDRC shall apply FECAFOOT Statutes and Regulations, in particular those adopted on the basis of the FIFA Statutes and regulations, as well as FIFA Regulations on the Status and Transfer of Players.

(2) The NDRC shall also take into account all agreements, laws, particularly with regard to labour law, and/or collective bargaining agreements that exist at national level, as well as the specificity of sport.

Article 4: Composition

(1) The NDRC shall be composed of the following members, who shall serve a four-year renewable term:

- (a) a Chairperson;
- (b) a Vice-Chairperson;
- (c) a Rapporteur;
- (d) two players' representatives;
- (e) a representative of club trainers and/or medical personnel;
- (f) three representatives of professional clubs.

(2) The representatives referred to in paragraph (1) (d, e, and f) above shall be appointed by their respective associations approved by FECAFOOT.

(3) The Chairperson, Vice-Chairperson and the Rapporteur of the NDRC shall be qualified lawyers.

(4) The NDRC may not have more than one member from the same club.

(5) The NDRC shall sit with a minimum of three members, including the Chairperson or the Vice-Chairperson.

(6) In all cases the panel shall be composed of an equal number of club and player representatives.

(7) The NDRC shall have a secretariat whose staff is designated by FECAFOOT.

Article 5: Jurisdiction

(1) The NDRC shall examine *ex officio* whether it has jurisdiction.

(2) Should the NDRC deem itself legally incompetent, it shall refer the case to the authority it deems competent and inform the parties.

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(3) The decision referred to in paragraph (2) above shall be prepared and submitted for notification within 15 days.

Article 6: Proceedings

(1) The proceedings and deliberations of the NDRC shall be held at the headquarters of FECAFOOT. They shall be chaired by the Chairperson of the NDRC.

(2) Where the Chairperson is unable to attend, the Vice-Chairperson shall chair the proceedings.

(3) Where the Chairperson and Vice-Chairperson of the NDRC are unable to attend, the proceedings and deliberations shall be chaired by the most senior sitting member.

Article 7: Incompatibility

The members of the NDRC may not be members of an executive body or other judicial body of FECAFOOT.

Article 8: Quorum

The NDRC may validly deliberate only in the presence of at least 3 (three) members, including the Chairperson and/or the Vice-Chairperson.

Article 9: Language of Proceedings

The proceedings shall be held in English or French.

Article 10: Obligation to Secrecy

(1) The members of the NDRC shall be bound to official secrecy regarding all facts that come to their knowledge during the exercise of their duties. In particular, they shall refrain from divulging the contents of deliberations.

(2) Violations of the provisions of paragraph (1) above shall lead to disciplinary action before the Ethics Committee.

Article 11: Objections

(1) Where the circumstances give rise to legitimate doubt as to the independence of a member of the NDRC, the said member shall immediately withdraw. This is particularly the case where:

(a) he is an interested party to the dispute, either directly or indirectly, be it personally or as a representative of a legal entity;

(b) his club is involved or there is a family tie (that is, he is the spouse or direct relative or relative by marriage of a party or its representative), dependent relationship, close friendship or personal enmity with one of the parties or its representative.

(2) Any member who finds himself obliged to withdraw shall immediately inform the chairperson of the NDRC. Where a request for recusal concerns the Chairperson, the Vice-Chairperson or, in his absence, the most senior member in office, shall decide.

(3) An objection may be made to a member of the NDRC by the parties where there is justified doubt as to his impartiality and/or independence.

(4) Any party that wishes to object to a member shall submit a written statement to the NDRC within 5 (five) days of its becoming aware of the grounds for the objection, failing which it shall forfeit said right.

(5) The request for recusal shall contain a precise account of its grounds and cite the relevant evidence.

Article 12: Decisions on Objections

(1) If a member of the NDRC contests an objection, the NDRC shall reach a decision in his absence.

(2) If an objection is upheld during proceedings, any stages of the proceedings in which the member objected to has taken part shall be deemed invalid.

(3) Appeals may be lodged against decisions on objections, in accordance with Article 37 of these regulations.

B- PARTIES

Article 13: Nature of Parties

The parties shall be the clubs, players, coaches, medical personnel of clubs and/or intermediaries approved by FECAFOOT.

Article 14: Fundamental Rights of Parties

The parties' fundamental rights shall be guaranteed, in particular, the right to equal treatment, the right to be heard, the right to explain one's actions, examine the file, have evidence taken and participate in the taking of evidence, and obtain a substantiated decision.

Article 15: Representation and Assistance of Parties

The parties may appoint professional representatives of their choice. The NDRC may require the representatives to establish their credentials through a written power of attorney.

C- DOCUMENTS AND TIME LIMITS

Article 16: Form of Proceedings

- (1) Proceedings shall be conducted in writing. E-mail is not admissible.
- (2) However, in exceptional circumstances, the NDRC may accept E-mails and/or adjudicate by videoconference.

Article 17: Service of Documents

- (1) Documents of proceedings shall be served at the address given by the parties, at the behest of the Secretary-General of FECAFOOT.
- (2) They may be validly served on the parties' representatives.
- (3) At any rate, they shall also be served in such a way as to obtain proof of receipt.

Article 18: Observance of Time Limits

- (1) The parties shall make their submissions within the time limits set by the General Regulations of FECAFOOT or the NDRC.

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(2) The time limit shall be deemed to have been observed where the submission is made by midnight on the day of the deadline and is verified by an acknowledgement of receipt by the Secretary-General of FECAFOOT or by any other written means.

(3) It is incumbent upon the sender to obtain proof that the time limit has been observed.

(4) As a general rule, the time limits set by the NDRC may be no shorter than 10 (ten) days and no longer than 20 (twenty) days. In urgent cases, the time limits may be reduced to 24 hours.

(5) Where these regulations do not stipulate the consequences of failure to observe a time limit, these shall be determined by the NDRC, in accordance with the general principles of law or FIFA and/or CAF Statutes and Regulations.

Article 19: Calculation of Time Limits

(1) The time limits set out in these Regulations shall be clear.

(2) Time limits shall commence the day after the parties have received the relevant notification and expire at midnight on the last day.

(3) Non-working days and public holidays shall not be included in the calculation of time limits.

(4) If the last day of the time limit is a non-working day or public holiday, the time limit shall expire at midnight on the next working day.

Article 20: Extension and Resetting of Time Limits

(1) The mandatory time limits established in these regulations may not be extended.

(2) Those time limits left to the NDRC's discretion by these regulations may be extended for valid reasons if a substantiated request is made before they expire.

(3) A request for the extension provided for in paragraph (2) above may not be made more than once.

(4) Where a party or a representative has been prevented from observing time limits for reasons beyond his control, the time limits may be reset upon receipt of a substantiated request within 3 (three) days of the occurrence of the impediment.

Article 21: Referral to the NDRC

(1) Matters shall be brought before the NDRC through a petition addressed to its Chairperson and deposited at the FECAFOOT General Secretariat against a receipt.

(2) The petition, drafted in French or English, must, under penalty of inadmissibility, meet the following requirements:

- (a) be drawn up and filed within 24 months following the occurrence of the act giving rise to the dispute;
- (b) indicate the surname, first name, capacity and address of the claimant or his representative;
- (c) contain a concise account of the facts;
- (d) indicate the grounds for the motion or claim;
- (e) contain any evidence they may possess (original documents relating to the dispute, the names and address of other natural or legal persons involved in the dispute in different respects, etc.) and their proposals for evidence;
- (f) indicate the value of the dispute, particularly if the dispute concerns property;
- (g) a receipt attesting to the payment of the procedural costs referred to in Article 34 below, where applicable.

(3) The petition should be dated, signed and submitted in 3 (three) copies.

(4) The petition shall be recorded forthwith in a register signed and initialled by the Chairperson of the NDRC.

(5) The petition shall be presented for hearing and judgment.

(6) The NDRC shall determine the admissibility of the petition.

(7) Where it is admissible, the petition as well as its evidence shall be sent to the other party which shall have 10 (ten) days within which to indicate their position or respond. The party filing the petition may submit a reply to the opposing party's response.

(8) In the absence of statements of position, a decision shall be passed on the basis of the documents available.

(9) The statements of defence submitted by the opposing party must comply with the provisions of paragraphs (2), (3) and (7) above.

D- TAKING OF EVIDENCE

Article 22: Hearing for Inquiry and Judgment

- (1) Where the NDRC considers the dispute to be ready for judgment, it shall conduct an inquiry and judgment.
- (2) During the inquiry, the NDRC may hear the parties, their counsel or representatives, witnesses and experts.
- (3) During the hearing, the Rapporteur shall keep a register signed and initialled by the Chairperson of the NDRC in which the main elements of debate are entered and the decision rendered, where applicable.

Article 23: Evidence

- (1) The NDRC shall examine the evidence using the following methods:
 - (a) questioning the parties;
 - (b) hearing witnesses;
 - (c) evaluating expert reports;
 - (d) examining evidence produced;
 - (e) any other method it deems relevant.
- (2) The NDRC shall assess the evidence as it sees fit. It shall reach a decision on the basis of its own private convictions.
- (3) The burden of proof is on the party making the allegation.
- (4) The NDRC may also take into account evidence other than that submitted by the parties, where it deems necessary.
- (5) Where the taking of evidence leads to costs incurred by testimonies or expert reports, the expense shall be borne by the claimant.
- (6) The NDRC may, *ex officio* or at the request of one of the parties, refuse to take evidence that it does not consider relevant, which bears no relation to the facts asserted or which would otherwise unnecessarily delay the proceedings.

Article 24: Obligation on the Parties to Cooperate

- (1) The parties shall be obliged to actively cooperate in the establishment of facts.

(2) Where the parties demonstrate a lack of care, the Presiding Chairperson may, after issuing them a warning that has remained without effect, impose a fine on them of no more than 100 000 (one hundred thousand) CFA francs.

(3) Where the parties do not cooperate, the NDRC shall reach a decision based on the documents in its possession.

Article 25: Obligation to Attend

(1) All persons subject to the Statutes and Regulations of FECAFOOT shall be bound to respond to summonses from the NDRC, whatever the grounds may be under penalty of being brought before the Federal Homologation and Disciplinary Committee of FECAFOOT at the request of the NDRC, without prejudice to the provisions of Article 22 (1).

(2) Only the following persons may decline a summons:

- (a) the party's spouse and any direct relative or relative by marriage;
- (b) any person linked to the case by professional or official secrecy.

Article 26: Hearing of Witnesses

(1) The NDRC shall firstly verify the witnesses' identity. It shall also warn them of the consequences of bearing false testimony.

(2) The NDRC itself shall conduct the hearing of witnesses.

(3) It shall give the parties the option of requesting witnesses to clarify or complete their testimonies once it has decided on the admissibility of the questions proposed.

(4) In the event of a reconstitution or dispute over the sport passport, the testimony of the player in dispute shall be required.

Article 27: Expert Reports

(1) Where specialist knowledge is required to verify or assess certain facts, the NDRC may refer to an expert. The expert shall then draw up a written report within the time limit set by the NDRC. He may also give testimony at a hearing.

(2) The NDRC may, *ex officio* or at the request of any party:

- (a) request further information from the expert;

(b) commission a new opinion from another expert if the first report is incomplete, obscure or contradictory.

(3) The provisions of Article 11 above on objections also apply by analogy to experts.

Article 28: Production of Evidence

(1) Any party and/or third party subject to the Statutes and Regulations of FECAFOOT may be compelled by the NDRC to produce any evidence in its possession that is of interest to the dispute.

(2) In case of refusal, its author may be brought before the FECAFOOT Federal Homologation and Disciplinary Committee.

(3) The parties have the right to examine the evidence, unless interests in it are of such importance as to require it to be kept secret.

(4) Any evidence which a party has been refused leave to examine may only be asserted against said party if the NDRC has informed the party of the evidence's essential contents and offered it the possibility to comment on said contents.

Article 29: Pleadings

A party attending oral proceedings may plead his case, following which the Chairperson of the hearing shall pronounce the closure of the proceedings.

Article 30: Closure of the Inquiry

Once the evidence has been taken, the NDRC shall pronounce the inquiry closed. From that moment forth, no new facts or evidence may be submitted by the parties.

E – JUDGMENT

Article 31: Deliberations

(1) The NDRC shall reach a decision *in camera* by simple majority of members present.

(2) The Chairperson of the meeting and the other members present shall have one vote each.

(3) All those present shall be obliged to vote. If the votes are equal, the Chairperson shall have the casting vote.

(4) The decision may also be taken by correspondence.

Article 32: Form and Content of Decisions

(1) The NDRC shall deliver a decision in writing that states the following:

- (a) the date on which the decision was passed;
- (b) the names of the members of the chamber;
- (c) the names of the parties and any representatives they may have;
- (d) the parties' conclusions;
- (e) the findings of fact and of law;
- (f) the proposed decision, including any allocation of costs;
- (g) the signature of the presiding chairperson;
- (h) an indication of the legal remedies available: form of the appeal, time limit the authority.

(2) The NDRC must, in principle, render its decision within sixty (60) days of its referral.

(3) The sole judge of the NDRC must render a decision within thirty (30) days from the date of referral.

(4) The decisions of the NDRC shall either be adversarial, deemed to be adversarial or rendered by default:

- (a) the decision shall be adversarial with regard to a party when it has appeared or produced its pleadings or submissions;
- (b) the decision shall be deemed to be adversarial where a party, duly summoned to appear in person, has neither appeared nor produced its pleadings or submissions;
- (c) the decision shall be rendered by default in respect of a party where such party has not been summoned to appear in person or has not, on this request, produced its pleadings.

(5) Decisions rendered shall be drafted and submitted for notification within 20 days.

Article 33: Notification of Decisions

- (1) After it has reached its decision, the NDRC shall communicate it in writing to the General Secretariat of FECAFOOT, which shall immediately notify the parties or their representatives in writing.
- (2) In urgent cases, the NDRC may notify the parties of the conclusions of the decision only and communicate the grounds within a subsequent time limit, in the form of a copy of the full decision (grounds and conclusions)
- (3) The parties shall be deemed to have received the decision from the moment it reaches them by post or fax or delivery.
- (4) Notification of the decision to the parties’ representatives shall be considered valid.
- (5) In exceptional circumstances, notification may be made by e-mail.

Article 34: Procedural Costs

- (1) The admissibility of an application instituting proceedings or a counterclaim shall be subject to payment of the procedural costs.
- (2) The procedural costs shall be calculated based on the value of the dispute according to the following scale:

Value of dispute	Amount of costs
- Up to 1 000 000 CFA francs	100 000 CFA francs
- Up to 2 000 000 CFA francs	150 000 CFA francs
- From 2 000 001 CFA francs	200 000 CFA francs

However, for the cases referred to in Article 2 (1) (h), the costs shall be 300 000 CFA francs.

- (3) Players shall be exempted from paying procedural costs for disputes against their clubs, regarding the maintenance of contractual stability. Their procedural costs shall be borne by FECAFOOT.

Article 35: Sessional Allowances

FECAFOOT shall pay the sessional allowances of the members of the NDRC, in accordance with its Regulations.

Article 36: Publication

(1) Any decisions of general interest may, by decision of the NDRC, be published by FECAFOOT, in a form to be determined by the NDRC once the identity of the parties involved have been concealed.

(2) The decisions shall be published by the General Secretariat of FECAFOOT.

Article 37: Appeal

(1) NDRC's decisions may be the subject of one of three remedies: objection, appeal and review.

(2) An objection may be lodged against a decision rendered in absentia before the NDRC within 10 (ten) days from the date of notification, subject to payment of the procedural costs provided for in Article 34 above.

(3) An appeal shall be lodged against a decision rendered by default or deemed to be rendered by default before the Conciliation and Arbitration Chamber (CCA) of the Cameroon National Olympic and Sports Committee (CNOSC) within 21 days from the date of notification.

(4) Review shall be requested by any party that, after a legally binding decision, discovers facts or evidence that could have influenced the decision in its favour but which it was unable to present earlier even with the exercise of due diligence.

The application for review must be filed within 10 (ten) days of the discovery of the grounds for review.

The time limit for filing an application for review shall be 1 (one) year after the decision has become final and binding.

F – MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

Article 38: Disclaimer of Responsibility

With the exception of serious misconduct within the meaning of Article 10(1) above, the members of the NDRC and its secretary shall not be held personally responsible for their actions and omissions in connection with proceedings.

Article 39: Cases Not Covered

Cases not covered by these Regulations and the General Regulations of FECAFOOT shall be judged in accordance with the Regulations of the Fédération

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Internationale de Football Association (FIFA) and the jurisprudence of the Court of Arbitration for Sport (CAS).

Article 40: Adoption and Entry into Force

These regulations, drafted in English and French, have been adopted by the FECAFOOT General Assembly at its extraordinary session of 07 August 2021 and enter into force immediately upon their adoption.

Yaounde, 7 August 2021

SIKI AWONO Parfait Nicolas

SEIDOU MBOMBO NJOYA

SECRETARY-GENERAL

PRESIDENT