

2020

# EPBF Court of Arbitration Regulations

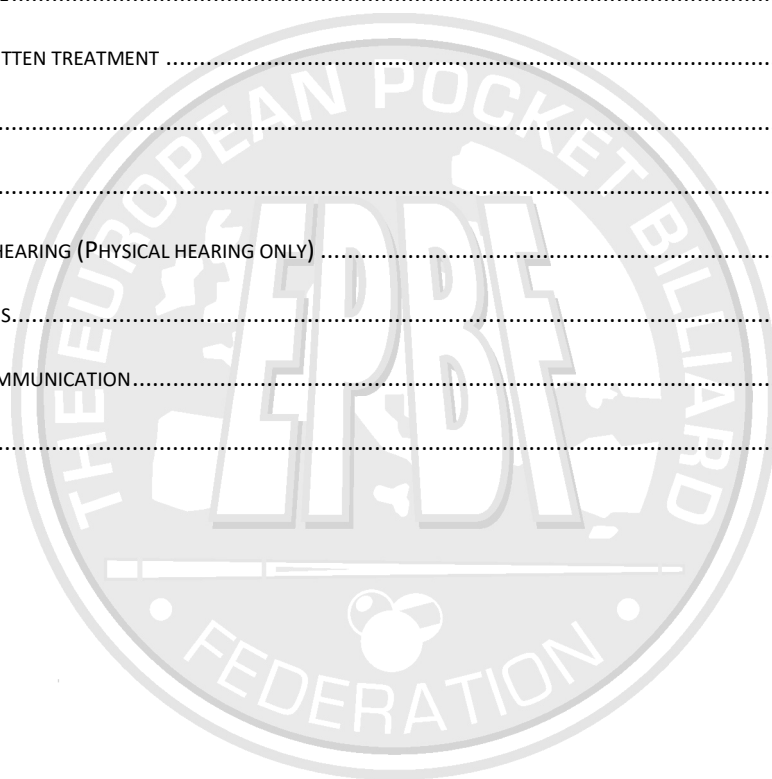


EPBF

Court of Arbitration Regulations

1/1/2020

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## § Introduction

The court of arbitration is installed as an autonomous and independent body of EPBF for the settlement for sports-related disputes and can only be consulted by the person who or federation which is condemned after the board of EPBF decided in an official decision or verdict.

## § 2. Mission

The court of arbitration (also referred to as the court) has the full responsibility of resolving disputes arising in the context of sport by arbitration.

## § 3 Independence of the court

Every member of the court shall be and remain impartial and independent of the parties and shall immediately disclose any circumstances which may affect this independence with respect to any of the parties.

## § 4. The court

Five persons do have a seat in the board, which will be appointed for a period of 4 years by the EPBF G.A. One of the five persons will be chosen, by the five of them, as President of the court.

Members of the EPBF-board cannot take place in the court.

## § 5. Language

The court's working language is English. Complaints can only be introduced in English. When the complaint is in another language the court will decide that the complaint is inadmissible.

The court may order that all documents submitted to the complaint will be translated into English.

## § 6. To institute violations and complaints at the court of arbitration

A case (starting with a motivated complaint) can only be taken to the court of arbitration by the defendant, which is the athlete or federation who received a decision or verdict from the EPBF board regarding sports-related disputes. The defendant can be represented by a legal advisor.

## § 7. Time limits

Defendant can start a case with a motivated complaint within three weeks from the moment of the decision or verdict of the board. Official holidays and non-working days are included in the calculation of this time limit.

## § 8. Request for arbitration

The party intending to submit a matter to arbitration under this regulation (claimant) shall file a request with the court containing:

- the name and full address of the claimant(s);
- a basic payment of 250 €, to be paid after receiving an invoice from the EPBF Treasurer within 21 days. What happens to this basic fee will be determined by the court in their decision. See § 13;
- a brief statement of the facts and (legal) arguments, including a statement of the issue to be submitted to the court;
- any relevant information regarding the issue which the court has to decide upon;
- a clear statement of the decision which is asked of the court;
- All written communication is valid through E-mail.

In the motivated complaint the defendant has to point out if he or she wants a hearing before the court, or that the court will take a decision without a hearing.

If the above-mentioned requirements are not fulfilled when the request for arbitration is filed the court may grant a single short deadline of 7 days to the claimant to complete the request, failing which the court shall not proceed.

## § 9. The procedure

Unless it is clear from the outset that there is no ground for the court to take the request in procedure, the court shall take all appropriate actions to set the arbitration in motion.

The court will send the request, as mentioned in article 6., to the board for a reaction of the complaint. The board will respond within 6 weeks. When the board doesn't respond the court will take a decision without this reaction from the board.

## 10. Verbal or written treatment

The court deals with the case in writing unless the claimant has requested a verbal hearing of the case.

After consulting the parties, the court may, if it deems itself to be sufficiently well informed, decide not to hold a hearing of the case.

The hearing of the case will be behind closed doors, and not in public, unless the court considers a public hearing desirable.

The claimant will be present at the hearing. Should the claimant not be present, the court can make conclusions as they believe is right.

The federation, which claimant belongs to, can request the court to admit one of her representatives as a listener to the hearing of the case. This party may not interfere with the hearing, unless the court gives reason to do so. The court decides to this request. The court can deny the request when the court has reasons to do so.

## § 11. Evidence

Among other, the following means can be used as evidence:

- written documents;
- statements;
- TV-images;
- depositions.

The court is free in allowing this evidence to the case and is free in the judgement of the evidence. The court is obliged to motivate the decision to allow evidence and the judgement about the evidence.

The court is entitled to summon and hear witnesses and/or experts. Each party can bring before the court witnesses and/or experts. The court decides if these witnesses and/or experts will be permitted. Each party is responsible for the costs of their witness and/or experts.

Before hearing any witness or expert the court shall solemnly invite such person to tell the truth.

## § 12. The hearing

The court will give all the involved parties the opportunity to represent the case, and to respond on the statements of the other party.

There are 2 possibilities for a hearing:

1. Physical hearing
2. Digital hearing

The President of the Court of Arbitration may decide to conduct a hearing by video-conference or to hear some parties, witnesses and experts via tele-conference or video-conference.

The hearing will be recorded.

The minutes will be the official report of the hearing.

If the court believes that all necessary information in order to find a proper decision is received, it gives the final word to the claimant, where after the hearing will be closed.

Once the hearing is closed, the parties shall not be authorized to produce further written pleadings.

Immediately after the hearing the consultations will take place, not in public. If possible, directly after the consultations, but in each case as soon as possible, the court will inform the parties about the decision.

### § 13. Costs of the hearing (Physical hearing only)

The costs (only for COA committee members) of the physical hearing of a case by the court will be paid in advance by the EPBF.

In the decision the court will also take a motivated decision of which party has to pay the costs.

### §14. Consultations

1. Immediately after the closure of the hearing, the consultations take place.
2. The consultation does not take place in public.
3. If possible, directly after the consultations, but in each case as soon as possible afterwards, the summary contents of the verdict of the Court of Arbitration will be notified to all parties involved.

### § 15. Verdict & Communication

The primary task of Court is to determine whether the board has properly interpreted and followed the applicable rules, valid at that time.

The court does have the following deciding power:

1. If the Court is of the opinion that an offence is not legally or convincingly proved, it will acquit the defendant.
2. If the Court is of the opinion that an offence is completely or partially proved, it determines whether the penalty will remain completely or in parts.
3. If the Court of Arbitration has confirmed that the board has properly interpreted and followed the applicable rules valid at that time but considers a different penalty to be justified, the Court of Arbitration may impose a different penalty
4. Each verdict of the Court of Arbitration will be determined in writing and will be substantiated with reasons.
5. Defendant and the EPBF receive the verdict of the Court of Arbitration.
6. The verdict of the Court of Arbitration can be completely or partially published. (see § 16)

### § 16. Decision

The decision of the court shall be rendered by a majority decision, or in the absence of a majority, by the President alone.

It shall be written, dated and signed.

The decision shall state brief reasons and will give clarity about the final decision regarding the disputed decision of the EPBF-board.

The court will decide if the decision shall be made public.

The decision made by the court is binding and need to be accepted by all parties.