

**INTERNATIONAL TABLE SOCCER FEDERATION**

**DISCIPLINARY RULES**

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## I - PRELIMINARIES

### Art. 1.1 – Object

The present code describes the infringements of the rules contained in the ITSF regulations, determines the penalties incurred by said infringements, governs the organisation and functioning of the authorities in charge of their examination as well as the procedure to be followed in front of them.

The present code shall, under no circumstance, deal with matters related to doping, such matters being the purpose of specific regulations defined by the ITSF: the Anti-Doping Rules.

### Art. 1.2 – Other disciplinary rules

The present Rules prevail over all other disciplinary rules possibly included in the ITSF regulations and in particular those that may be mentioned in the Sports Code.

### Art. 1.3 – Time scope

The present code applies to all facts posterior to its coming into force. It also applies to facts occurring prior to its coming into force if it is as favourable or more favourable to the person who perpetrated these facts and if the jurisdictional authorities of the ITSF rule on these facts after it came into force. However, procedure rules only apply from the moment the code comes into force.

### Art. 1.4 – Definitions

**Official:** any person (except players) exercising an activity related to table football within an ITSF member federation or within an association (club) affiliated to an ITSF member federation, whatever his/her title, type of activity (administrative, sports related or other) and the duration of this activity; for instance, managers, coaches and support staff are officials.

**Match official:** any person who has the responsibility of the smooth running of a match; for instance, the referee, the assistant referees and the other persons delegated by the ITSF or the Organization Committee of the competition to take on some responsibility relating to a match are considered match officials.

**Competition official:** an official specially sent on secondment or delegated for the smooth running of a competition; for instance, the ITSF Delegate and the members of the Organization Committee of a tournament (or, if there is not any, the Tournament Director) are competition officials.

**ITSF regulations:** the Statutes of the ITSF, its regulations, directives and circulars, as well as the Rules Book enacted by the Rules Commission.

## **II – AUTHORITIES**

### **Art. 2.1 – Referee**

During the matches, the referee is given full powers to issue warnings as defined in the present code.

These decisions are final: they cannot be submitted to the disciplinary authorities of the ITSF.

### **Art. 2.2 – Organization Committee**

The Organization Committee (or, if there isn't any, the Tournament Director) may take disciplinary measures, considering he/she has to attend to the smooth running of the tournament.

The penalties he/she may issue are:

- warning,
- disqualification,
- expulsion from the tournament venue

In case of expulsion, a report must compulsorily be sent to the Disciplinary Commission of the ITSF which will rule on the disciplinary consequences of the offence.

In the event of a competition supervised by an ITSF Delegate, he/she alone can make the decisions to issue the penalties mentioned above.

The warnings cannot be submitted to the disciplinary authorities of the ITSF, unlike the disqualifications.

### **Art. 2.3 – Jurisdictional authorities**

The jurisdictional authorities of the ITSF are the Disciplinary Commission and the Appeal Commission.

Each of these bodies is composed of at least five members chosen because of their legal or ethical competence. One member at the most can belong to the Executive Committee of the ITSF. The President of the ITSF cannot be a member of any disciplinary body. Nobody can be a member of more than one of these bodies.

The members must all be of different nationalities and belong to different member federations. If it is possible (depending on candidates) at least one member of each commission is of a different gender.

The members of the disciplinary bodies cannot be linked to the ITSF by a contractual link other than the one resulting from their possible membership.

The term of office is set to four year. The members of the disciplinary bodies and their Presidents are elected on a majority basis with two rounds by the Executive Committee following the proposal of the federation's President.

In the event of absence or definitive impediment of the President, the oldest member of the disciplinary body acts as President.

When the definitive impediment of a member is recorded, a new member is appointed in the same conditions as his/her predecessor for the length of the term of office to be completed.

Once the bodies are constituted, a Secretary is appointed in each body by the President of the Commission.

#### **Art. 2.4 – Court of Arbitration for Sport (CAS)**

A case can be submitted to the CAS only when all other jurisdictional authorities have been exhausted.

Some decisions of the Appeal Commission cannot be brought before the Court of Arbitration for Sport.

The CAS does not deal with the appeals relating to:

- breach of game rules;
- ineligibility inferior or equal to six months (except for decisions concerning doping).

The appeal has no suspensive effect. The competent decision-making body of the ITSF, or if it applies the CAS, may give a suspensive effect to the appeal.

The appeal to the CAS must be made within twenty-one days after receiving the decision concerning the first appeal.

#### **Art. 2.5 – Disciplinary jurisdiction and persons subjected to it**

The following individuals and legal entities are subjected to the disciplinary jurisdiction of the ITSF jurisdictional authorities:

- member federations of the ITSF;
- licence holders of the ITSF;
- licence holders or persons affiliated to member federations of the ITSF;
- members of the national delegations.

The offences committed within the framework of events proper to a member federation are subjected to its regulations and internal jurisdiction except if:

- they are particularly serious,
- they have international consequences,
- they concern justiciables affiliated to another federation.

In those cases, member federations or concerned parties may bring the case before the Disciplinary Commission of the ITSF. The Disciplinary Commission of the ITSF reserves the right to start a disciplinary procedure if the above mentioned offences are recorded and if the member federations or the concerned parties do not file a complaint.

Associations, confederations and other organizing bodies under the aegis of the ITSF have the obligation to report this type of offence to the jurisdictional authorities of the ITSF, which will take care of the procedure.

Offences considered as particularly serious are those dealing with:

- rough play, physical violence,
- common assault or disrespectful behaviour towards any category of officials,
- bribery, misappropriation of funds or equipment,

- insubordination of an official,
- undermining the statutory aims of the ITSF,
- any type of discrimination (about race, colour, language, religion, ethnic origin, gender, sexual orientation, and so on),
- any other offence considered as particularly serious by the plaintiff, on the condition that the Commission President confirms the seriousness of the offence.

#### **Art. 2.6 - Competences of the sole President of the Disciplinary Commission**

1. The President of the Disciplinary Commission alone can take the following decisions:
  - a) inflict ineligibility to a person for six months or less than six months;
  - b) inflict a fine inferior or equal to €500;
  - c) rule on a request for an extension of a sanction;
  - d) settle disputes about impugment of the Disciplinary Commission members;
  - e) pronounce, modify and report provisional measures.
2. When the Disciplinary Commission meets, for instance during a final competition, the President of the Commission may decide that the decisions mentioned in paragraph 1 will be taken by the Commission itself.

#### **Art. 2.7 - Competences of the sole President of the Appeal Commission**

1. The President of the Appeal Commission alone can take the following decisions:
  - a) settle disputes about impugment of the Appeal Commission members;
  - b) rule on appeals against the decisions relating to provisional measures pronounced by the President of the Disciplinary Commission;
  - c) pronounce, modify and report provisional measures.
2. When the Appeal Commission meets, for instance during a final competition, the President of the Commission may decide that the decisions mentioned in paragraph 1 will be taken by the Commission itself.

## **III - PROVISIONS COMMON TO THE DISCIPLINE AND APPEAL COMMISSIONS**

### **Art. 3.1 – Sessions**

1. The Commissions may deliberate validly if at least three of their members are present.
2. On request of the President of the Commission, the ITSF Head Office invites the required number of members for each session. It checks, as far as possible, that the different continents are fairly represented.

### **Art. 3.2 – Secretarial work**

1. If necessary, the ITSF Head Office puts at the jurisdictional authorities' disposal a secretarial office and staff at the Head Office.
2. The Commission Secretary takes on the administrative management, writes down the minutes of the sessions and the decisions.
3. The ITSF Head Office is in charge of filing all the documents. The decisions taken and the related files must be kept in the records for at least ten years.

### **Art. 3.3 – Independence**

1. The jurisdictional authorities of the ITSF are fully independent; they do not receive instructions from any body.
2. A member of another ITSF body may stay in the room session during the debates of the jurisdictional bodies only if he/she has been expressly invited by these bodies.

### **Art. 3.4 – Impugnement**

1. Members of the jurisdictional bodies of the ITSF must withdraw when there are serious grounds to question their impartiality.
2. It is the case:
  - a) if the concerned member has direct interest in the outcome of the case;
  - b) if he/she is linked to one of the parties;
  - c) if he/she is of the same nationality as the party implicated (association, club, official, player and so on);
  - d) if he/she had to handle the case beforehand in another capacity.

3. The members who withdraw must inform the President of the Commission without delay. Each party can also ask for the impugment of a member.
4. In case impugment is sought, the President has the final say.
5. Proceedings in which the impugned person took part are null and void.

#### **Art. 3.5 – Confidentiality**

1. Members of the jurisdictional bodies have to maintain silence over everything they heard while holding their responsibilities (in particular the facts of the case, the contents of the proceedings and the decisions taken).
2. Only the content of the decisions already notified to their recipients may be made public.

#### **Art. 3.6 - Exclusion of responsibility**

Except in case of a serious fault, members of the jurisdictional bodies of the ITSF as well as the ITSF Head Office staff incur no responsibility for the actions or omissions relating to a disciplinary procedure.

## **IV - PROVISIONS RELATING TO SANCTIONS AND OFFENCES**

### **Art. 4.1 - Guilt**

Unless otherwise stated, offences are punishable, whether they were committed intentionally or out of carelessness.

### **Art. 4.2 – Attempt**

An attempt at offence which is only interrupted by an intervention or by circumstances foreign to the implicated person, is punished in the same way as the offence itself. In that case, the authority may mitigate the sanction pronounced for the confirmed offence. It determines freely the scope of the mitigation.

### **Art. 4.3 – Participation**

Complicity through help or assistance, instigation or supply of means by a person who is aware that his/her help will contribute to the offence, is punished like the offence itself. The authority will take into account the guilt of the participant and freely mitigate the sanction.

### **Art. 4.4 – Sanctions**

The authority which delivers a sanction establishes its scope and/or duration. The sanctions that may be delivered by the competent authorities as described in section II above are as follows:

1. Such sports penalties as the cancellation of a competition, disqualification, cancellation of sports results, relegation, temporary or final expulsion from an event, point penalties, loss of points in an individual ranking;
  - a) Disqualification: the player is eliminated from any ranking of the event in which the offence took place and he/she loses any prize related to it.
  - b) Expulsion: the person – if he/she is a player – is disqualified and excluded from the tournament site, whether or not he/she has been previously warned.
2. Disciplinary sanctions chosen among the following measures:
  - a) Warning: reminder of the content of a disciplinary rule accompanied by the threat of a sanction in case of a new offence. It is the lowest penalty in the scale of sanctions. It is issued orally or in writing to a person who has perpetrated a light offence or if extenuating circumstances justify this type of sanction.  
When it is inflicted by an official, the warning must be mentioned in the tournament report.

- b) Reprimand: a solemnly and publicly expressed reproach addressed to the person who intentionally or under the effect of a blatant negligence failed in the obligations imposed on him/her by sports ethics, morals or principles from the ITSF regulations.
- c) Ineligibility to compete or perform functions: sanction that deprives the justiciable from any participation in sports or other activities organized under the aegis of ITSF, zonal confederations or member federations, as well as their different affiliated authorities and legal entities.  
It must be the subject of an official publication on the website.

In case a legal entity (federation, club, association,...) is made ineligible, all its licence holders and other people linked to it in any way, are also made ineligible, unless a permission is granted by the Disciplinary Commission of the ITSF that enables them to exercise their activity as natural persons according to the conditions defined by the Commission.

The ineligibility is defined by its length. It can however be limited in its scope.

When it bears no particular mention, the ineligibility has the effect to forbid any sports and administrative activity in the fields covered by the ITSF and its decentralized structures (confederations, federations).

In the event of a first sanction, the ineligibility to compete may be replaced or supplemented, with the approval of the concerned party and, if necessary with the approval of his/her legal representative, by the accomplishment, for a limited period of time, of common interest tasks for the benefit of ITSF or a decentralized body.

- d) Striking off: it means a permanent ineligibility.  
It must be the subject of an official publication on the website.
- e) Secondary penalties: they may be delivered to complement the main penalty.  
They may be as follows:
  - ban forbidding the justiciable to show up in certain places for a definite period of time;
  - ineligibility to hold office in national and international authorities;
  - loss of a title or prize.

3. Financial penalties: they may be delivered to any justiciable; their amount cannot be inferior to €100 nor superior to €10 000 for natural persons and is brought to €200 as a minimum and €20 000 as a maximum for legal entities.

The amount of the fine may be superior to €10 000 in the case of several financial penalties being delivered simultaneously, in which case they add up to each other.

4. Ineligibility for a limited period of time to managing bodies, in particular in case of serious breach of technical game rules or breach of sportsmanship.

#### **Art. 4.5 – Repeat offence**

The justiciable is a repeat offender when he/she has been definitely punished for a offence and when he/she commits a new offence as serious as or more serious than the previous one within two years following the final sanction decision.

Unless special provisions are made, the authority may, in case of subsequent offence, worsen the sanction to be pronounced.

#### **Art. 4.6 – Suspended sentence**

Any sanction other than a warning or reprimand may be delivered totally or partially as a 2-year suspended sentence.

The suspended sentence will not be carried out if, within the two years following its issue, no other offence of similar or superior seriousness is committed by the justiciable.

In case a similar or more serious offence is committed within two years, the suspension of the sentence will be revoked, unless the Commission takes a specially justified decision, and the incurred punishment will be added up to the penalty delivered for the repeat offence.

#### **Art. 4.7 – Offences**

Offences submitted to the appreciation of the Disciplinary Commission of the ITSF are as follows:

- Breach of respect towards ITSF regulations,
- Refusal to grant licences to all members of an affiliated federation,
- Refusal to organize a competition,
- Failure to respect the commitments made when requesting event,
- Misappropriation of funds or equipment,
- Abuse of power,
- Insubordination,
- Unsportsmanlike behaviour in a competition,
- Disrespectful behaviour,
- Forfeiture or withdrawal during a competition planned in the Tour calendar,
- Failure to present identity documents,
- Established connivance,
- Incitement to hatred or violence,
- Provoking the spectators,
- Affront against honour,
- Racism,
- Threats,
- Forged titles,
- Bribery,
- Failure to comply with the authority's decisions,
- Illegal influence on a match results.

Disciplinary sanctions hereafter are to be considered as maximal.

Repeat offences will be considered as aggravating circumstances which may lead to doubling the maximal sanctions mentioned below.

In all the '4.7 root' articles below, 'official' means any category of officials (officials, match officials, competition officials).

The articles are presented as follows: type of offence / *maximal sanction*

**Art. 4.7.1 – Breach of respect towards ITSF regulations**

1. by member federations or confederations, bodies which represent them and their licence holders, according to seriousness:

*Any sanction of article 4.4 is applicable.*

2. by officials or players ; action, untrue piece of writing or spoken lies in front of witnesses bringing table soccer, the ITSF or any of its bodies into disrepute:

*2 years' ineligibility*

3. in case of false assertion leading to important detrimental losses such as the withdrawal of a partnership contract for instance:

*Striking off*

**Art. 4.7.2 - Refusal to grant licences to all members of an affiliated federation**

By a member federation of the ITSF:

*Membership withdrawal*

**Art. 4.7.3 - Refusal to organize a competition**

The member federation previously requested and confirmed it:

*Financial penalties up to the financial loss suffered by the ITSF*

**Art. 4.7.4 - Failure to respect the commitments made when requesting an event**

1. Failure to respect sports commitments:

*Ineligibility to organize sports events for 3 years*

2. Failure to respect financial commitments:

*Reimbursement of damage caused*

3. Failure to respect protocol prescriptions:

*Reprimand*

**Art. 4.7.5 - Misappropriation of funds or equipment**

By a player or a federation, confederation or ITSF official:

*Striking off*

**Art. 4.7.6 – Abuse of power**

By an official:

*Ineligibility to hold office*

**Art. 4.7.7 - Insubordination**

By an official:

*Striking off*

**Art. 4.7.8 - Unsportsmanlike behaviour in a competition**

1. hindering an opponent, disrupting the whole competition:

*Warning from the referee or from an official recorded in sports documents, official scoreboard or score sheet*

2. the player, after receiving a warning, continues to disrupt the course of the event:

*It is up to the Organization Committee or ITSF Delegate to deliver the sanction, which may be disqualification or expulsion. In case of an expulsion, the case will compulsorily be submitted to the Disciplinary Commission.*

3. the player leaves a competition in progress without any valid reason:

*2 years' definite ineligibility*

**Art. 4.7.9 – Follow up actions to be taken by the Disciplinary Commission in the case of an expulsion**

a) In cases of offences committed towards players or any person other than an official:

1. Unsportsmanlike behaviour:

*One year's ineligibility*

2. Common assault:

*2 years' ineligibility*

3. In case of personal injury certified by a doctor:

*Striking off*

In all cases, a fine can be imposed.

b) In cases of offences committed towards an official:

1. Unsportsmanlike behaviour:

*2 years' ineligibility*

2. Common assault:

*4 years' ineligibility*

3. In case of personal injury certified by a doctor:

*Striking off*

In all cases, a fine can be imposed.

#### **Art. 4.7.10 – Disrespectful behaviour**

1. Insults, threats, common assault towards an opponent or any person other than an official:

*2 years' ineligibility*

2. Insults, threats, common assault towards an official:

*4 years' ineligibility*

3. In case of personal injury certified by a doctor, in all cases:

*Striking off*

In all cases, a fine can be imposed.

#### **Art. 4.7.11 – Forfeiture or withdrawal during a competition planned in the Tour calendar**

Acknowledged as having no valid grounds:

*6 months' ineligibility  
€ 200 fine*

#### **Art. 4.7.12 - Failure to present identity documents**

In case of absence of a licence or identity documents and without regularization within 48 hours:

*6 months' ineligibility  
€ 200 fine*

#### **Art. 4.7.13 – Established connivance**

Between players and/or officials:

*Disqualification,  
2 years' ineligibility,  
Ineligibility to hold office*

#### **Art. 4.7.14 - Incitement to hatred or violence**

1. By a player:

*2 years' ineligibility*  
*€ 1500 fine*

2. By an official:

*4 years' ineligibility*  
*Ineligibility to hold office*  
*€ 3000 fine*

3. In serious cases, in particular when the offence is committed through a mass media (for instance, written press, radio or television) or if it occurs on the competition day within the sports venue or in its immediate surroundings, the fine is doubled and the official may be struck off.

#### **Art. 4.7.15 – Provoking the spectators**

1. By a player:

*1 year's ineligibility*  
*€ 500 fine*

2. By an official:

*2 years' ineligibility*  
*Ineligibility to hold office*  
*€ 1000 fine*

#### **Art. 4.7.16 – Affront to honour**

Affront to honour of a person by any means whatsoever, particularly insulting gestures or words:

1. By a player:

*1 year's ineligibility*

2. By an official:

*2 years' ineligibility*

In all cases, a fine and ineligibility to pursue any activity related to table soccer may also be imposed.

#### **Art. 4.7.17 – Racism**

1. Player or official who publicly belittles, discriminates or denigrates an individual in a way that undermines human dignity because of his/her race, colour, language, religion or ethnic origin, or who has a racist or inhuman behaviour towards others

*Striking off*

The authority will also issue the justiciable with a ban forbidding him/her to show up in a room where a table soccer competition takes place, even as a spectator, during the ineligibility period.

2. Confederations and associations have to include these provisions in their disciplinary code and execute the provided sanctions. In case the latter are not respected, the concerned association may be excluded for two years from any international competition.

#### **Art. 4.7.18 – Threats**

Threats with the purpose of intimidating a match official

*1 year's ineligibility  
250 € fine*

#### **Art. 4.7.19 – Forged titles**

1. Anyone who, within the framework of any activity relating to table soccer creates a false title, falsifies a title or uses a false or falsified title which has a legal scope  
*2 years' ineligibility*
2. If the perpetrator is an official, the authority will deliver an ineligibility sanction and a ban from any activity relating to table soccer for a maximal length of four years.

#### **Art. 4.7.20 – Bribery**

1. Anyone who offers, promises or grants an unjustified benefit to an ITSF body, a player or an official, for himself/herself or a third party, so as to lead this person to violate the ITSF regulations:  
*2000 € fine  
Ban forbidding the perpetrator to perform any activity relating to table soccer  
Ban to show up at a table soccer venue*
2. Passive bribery (seeking, getting promised or accepting an unjustified benefit) is punished in the same way.
3. In serious cases and in case of subsequent offences, the ban forbidding the perpetrator to perform any activity relating to table soccer may be delivered for life.
4. In all cases, the authority will pronounce the seizure of those patrimonial values that were used to commit the offence. These amounts will go to the ITSF Development Fund.

#### **Art. 4.7.21 – Failure to comply with the authority's decisions**

1. Anyone who does not pay or not fully pay an amount of money to another person (player, coach or club, for instance) or to the ITSF, when he/she was ordered to pay

that amount by a body, commission or authority of the ITSF or the CAS (for financial decisions) or anyone who does not comply with another (non financial) decision of a body, commission or authority of the ITSF or the CAS:

- a) will be punished by a maximal fine of €5000 for not respecting the instructions of the body having ordered him/her to pay;
- b) will be given by the jurisdictional authorities of the ITSF a last grace period to settle his/her debt or to comply with the (non financial) decision;
- c) if it concerns a club or an association, these will be warned and threatened with membership withdrawal in case they don't pay or comply with the decision within the last grace period.

2. If an association which is affiliated to an ITSF member national federation does not respect this last grace period, the national federation will have to deliver the foretold sanctions.

3. A sentence of ineligibility to any activity relating to table soccer may also be delivered against any natural person.

4. Any appeal against a decision taken in accordance with the present article must be immediately submitted to the CAS.

#### **Art. 4.7.22 - Illegal influence on a match results**

Anyone who has undertaken procedures in order to influence the results of a match  
*2 years' ineligibility, € 2000 fine*

In serious cases, the ineligibility will be pronounced for life.

#### **Art. 4.8 – Clubs and associations' obligations**

##### **1. Organizing competitions**

Associations which organize competitions must:

- a) comply with existing safety rules and implement them (ITSF regulations; national laws; international conventions) and take any other safety measures required by circumstances, whether before, during or after the competition, as well as when incidents occur;
- b) ensure safety for officials and players during the whole competition.

2. Any association which does not comply with the above mentioned obligations will be fined.

##### **3. Other obligations**

Associations must also:

- a) duly check the players' age stated on the identity documents they provide, for competitions with an age limitation;
- b) check that people who are under legal prosecution for facts contrary to the dignity of such an activity (in particular doping, bribery, forged titles and so

on) or who have been condemned for similar facts in the last five years do not take part in the management of a club or association.

**Art. 4.9 - Multiple offences**

In case of multiple sanctions corresponding to several offences, except repeated offences, the Disciplinary Commission will decide if only the most serious sanction or all the sanctions have to be carried out.

## V – PROVISIONS RELATING TO THE DISCIPLINARY COMMISSION

### Art. 5.1 – The complaint

#### 1. Person filing the complaint:

Any natural person or legal entity, whether they are ITSF licence holders or not, may file a complaint with the Disciplinary Commission, through the Head Office of the ITSF, when they personally fall victim to one of the offences mentioned in article 4.7. Moreover, members of the Executive Committee, ITSF Delegates during international events or national federations' presidents may denounce an existing offence liable to prosecution by informing the Disciplinary Commission.

#### 2. Form of the complaint:

The complaint must be sent to the ITSF Head Office within 20 days following the incriminated facts or the date on which they were disclosed. The postmarked date or the acknowledgement of receipt of the faxed document will be used as evidence.

The complaint must mention:

- the first and last names of the natural person or legal entity, the civil status, the nationality, the address and the capacity of the plaintiff(s);
- the first and last names of the natural person or legal entity, the civil status, the nationality of the prosecuted person or the mention that he/she remains unknown or unspecified;
- a summary report of the facts, object of the complaint, with an indication of the rule or principle infringed; and
- the plaintiff's signature.

The plaintiff may join with his/her complaint any documents necessary to conduct the case investigation.

Additional information or new evidence may be forwarded until the 20th day after the day the complaint was filed.

### Art. 5.2 – The Disciplinary Commission: powers, obligations

Within 15 days after the complaint is received, the ITSF Head Office will forward it to the President of the Disciplinary Commission.

The Disciplinary Commission must be able to communicate in the official languages of the ITSF.

In the same 15-day deadline, the President of the Commission will forward a copy of the complaint to the individual(s) aimed by the complaint.

A copy of the complaint is also sent to the President of the federation with which the concerned persons are affiliated.

The copy of the complaint must be sent by registered mail with acknowledgement of receipt and must include:

- a statement of the rights of each party,
- the possibility for each party to ask for debates.

If the case arises, the Disciplinary Commission may, by a motivated judgment, decide that there are no grounds to carry on with the complaint it has received.

This decision may be appealed.

The Disciplinary Commission has all powers to conduct the investigation concerning the complaint and, if necessary, issue a sanction.

In all circumstances, it must respect the defendant's rights and make them respected.

### **Art. 5.3 – Right to be heard**

1. The parties must be heard before any decision is made.
2. The parties shall notably be allowed to:
  - a) review the dossier;
  - b) present their de facto and de jure arguments;
  - c) request the communication of evidence;
  - d) participate in the production of evidence;
  - e) obtain a duly justified decision.

The right to be heard may be restricted when exceptional circumstances require it, as the protection of secrecy or the smooth running of the procedure.

### **Art. 5.4 – Evidence**

#### ***Various means of proof***

1. Any means of proof can be produced.
2. Those means of proof that are contrary to human dignity or which obviously can not establish pertinent facts must be refused.
3. The following means of proof are accepted: reports from the three categories of officials; statements from the concerned parties, statements from the witnesses, production of material evidence, experts' reports, audio or video recordings.

#### ***Free weighing of the evidence***

1. The authorities freely weigh evidence.
2. They may take into account the attitude of the parties during the procedure, especially the way they collaborate with the jurisdictional authorities and the Head Office.
3. They decide on the basis of their personal conviction.

#### ***Officials' reports***

1. The facts stated in the reports submitted by all categories of officials are presumed exact.
2. At any time evidence that the content of these reports is not exact can be brought forward.

3. In case the different officials' reports diverge and if there is no way to decide which is true among the different versions of the facts, the report of the match officials takes precedence for the facts that occurred on the playing area; for facts that occurred out of that area, the report of the competition official takes precedence (there may be only one report coming from the competition officials: either from the ITSF Delegate or the Organization Committee or a federal delegate of a member federation in case the ITSF Delegate is absent).

#### **Art. 5.5 – Language of the procedure**

1. The languages that may be used during the proceedings are the official languages of the ITSF – English and French. The authority and the parties may speak in any of these languages.

2. If necessary, the ITSF provides the services of an interpreter.

3. The decisions are issued in one of the languages of the concerned association or the association with which the concerned person is affiliated. As far as possible, the main language of that association will be used.

4. If the language used to issue a decision is not the mother tongue of the concerned person, the association with which he/she is associated must provide a translation.

#### **Art. 5.6 – Obvious errors**

At any time an authority may correct miscalculations and other obvious errors.

#### **Art. 5.7 – Costs and expenses**

1. Costs and expenses are borne by the losing party.

2. If there is no losing party, they are borne by the ITSF.

3. When it seems fair, they may be divided up between several parties.

4. The authority which ruled on the content decides on the allocation of costs and expenses. The corresponding amounts are set by the President of the Commission. These decisions cannot be appealed.

5. Costs and expenses can be exceptionally reduced or remitted by decision of the President of the Commission.

#### **Art. 5.8 – Closing the procedure**

A procedure may be closed when:

- a) the parties have come to an agreement;
- b) a party declares itself bankrupt;
- c) it is no longer justified.

### **Art. 5.9 - Debates, principles**

1. In principle, there are no debates and the Disciplinary Commission rules on the basis of the dossier.
2. On request of one of the parties, the authority may organize debates to which all the parties must be invited.
3. The debates always take place in camera.

### **Art. 5.10 – Places and attendance at hearings**

a) Place:

The hearings of the case by the Disciplinary Commission will be held at the ITSF Head Office or in another place chosen by the President of the Disciplinary Commission for convenience.

b) Attendance to the hearing of the case:

1. The plaintiff:

The plaintiff does not have to appear in person. He may address the Commission by any communication means as well as by sending an explanatory report and supporting documentation.

2. The justiciable:

The justiciable does not have to attend the case hearings. He/she may be represented by a counsel specifically appointed to this effect by written proxy or by phoning at the dates and times indicated in the notification the place designated by the Disciplinary Commission. The justiciable will have to bear the expenses incurred by his/her trip and stay, as well as those of his/her potential counsel and witnesses. In case the complaint is obviously improper, the Disciplinary Commission may have the plaintiff bear the justiciable's expenses totally or partially.

3. The witnesses:

The witnesses are under the obligation to appear only by special request of the Disciplinary Commission, in which case their expenses will be paid by the ITSF. If the justiciable wishes the physical attendance of a witness, it is up to him/her to invite that person and to finance his/her trip.

Written testimony is acceptable. It must be written, dated and signed by the witness himself/herself. His/her signature must be certified according to the rules that apply in the country where he/she resides.

Telephone testimony is authorized. Before the hearing of the case, the President of the Disciplinary Commission will control the witness's identity by any means.

### **Art. 5.11 – Procedure in front of the Disciplinary Commission and form of the debates**

The Disciplinary Commission rules on the complaint(s) it has received within 2 months after the date when it was forwarded by the ITSF Head Office.

Debates are organized if one of the parties requests them within 8 days after they have received a copy of the complaint.

If this is the case, the ITSF Head Office invites the justiciable(s) to the hearing and informs them that they have the right to be assisted by a defence counsel of his/her choice. The notice to attend must be sent to the justiciable by certified letter or registered mail at least 20 days before the date of the hearing set by the Disciplinary Commission. It must mention the fact that the justiciable may be assisted by a defence counsel of his/her choice. Eight days before the hearing at the latest, the justiciable must hand in to the Disciplinary Commission all the documents and testimonies on which he intends to base his/her defence as well as the identity of the witnesses he/she wishes to be heard, specifying the reasons why their hearing will be useful to make out the truth. If the secretary is absent on the day of the case hearing, the President appoints another person to do the secretarial work for the hearing and record the different statements under his/her control. The President checks the identity of the plaintiff, justiciable and witnesses. Then, he/she hears the statements of the plaintiffs and justiciables. He/she then hears the potential witnesses who will have been kept out of the courtroom until then. The President may hear any person or request to review any document useful to get to know the truth. As a general rule, the President alone keeps order in the debates and has the power, if necessary, to exclude any troublemaker, hear or not the witnesses, order a complementary investigation and decide to submit the appearers' behaviour to the Disciplinary Commission for sanction. At the end of the debates, the Presidents calls upon the justiciable or his/her representative as the last speaker and, if it applies, his/her defence counsel.

#### **Art. 5.12 – Deliberations**

1. The Disciplinary Commission deliberates in camera.
  2. If there have been debates, deliberations take place immediately after.
  3. Except for exceptional circumstances, they are carried out without interruption.
  4. The President of the Commission decides in which order the various questions are deliberated upon.
  5. Members in attendance express themselves in the order established by the President, who always speaks last.
- The Disciplinary Commission rules on simple majority votes. In case of vote equality, the President has a casting vote.

In case of difficulty, the Disciplinary Commission may give itself a supplementary period of 3 months to obtain complementary information. This complementary information will be communicated to the justiciable and to the plaintiff for their commentaries within a period of time set in the letter accompanying the new information. If necessary a new case hearing may be held. It will be summoned with the same terms and conditions as the first hearing.

#### **Art. 5.13 – Form and content of the decision**

1. The decision must contain at least:
  - a) the composition of the Commission;
  - b) the identification of the parties;
  - c) a summary of the facts;
  - d) the provisions which were enforced;
  - e) the indication of the ways to appeal.

2. The decisions are signed by the President and the Secretary of the Commission. The duly justified decision and the sanction are sent to the Head Office to be filed. The President of the Disciplinary Commission notifies the sentence to the justiciable, plaintiff and their federations. This notification is sent by registered mail with an acknowledgement of receipt.

**Art. 5.14 - Procedure if the President of the Disciplinary Commission is the sole decision-maker**

The rules established for the Disciplinary Commission apply by analogy when the President of the Commission is solely competent.

## **VI – PROVISIONS RELATING TO THE APPEAL COMMISSION**

### **Art. 6.1 – Decisions that can be challenged**

Any decision made by the Disciplinary Commission may be submitted for recourse to the Appeal Commission, except if the pronounced sanction is:

- a) a warning;
- b) a reprimand;
- c) an ineligibility sanction inferior or equal to three months;
- d) a fine of less than €1000 if it is inflicted to an association or a club, and of less than €500 in other cases;
- e) a decision as in art. 4.7.21 of the present Rules.

### **Art. 6.2 – Capacity to appeal**

1. Anyone who is affected by a decision and has a legitimate interest justifying a modification or a cancellation of this sanction may submit recourse to the Appeal Commission.

2. The associations may submit an appeal against decisions which sanction their players, officials or members. They must have the written agreement of the concerned person.

### **Art. 6.3 – Appeal deadlines**

1. The party who intends to submit an appeal must announce its intention in writing to the Appeal Commission of the ITSF within three days from the communication of the decision.

2. The recourse must then be motivated in writing within a supplementary 7-day deadline, which starts when the first 3-day deadline stops.

3. If these deadlines are not respected, the appeal will not be valid.

4. An association which receives an appeal report must forward it without delay to the ITSF.

### **Art. 6.4 - Grievances**

The appellant may complain about wrong recording of the facts and wrong application of the law.

### **Art. 6.5 – Appeal report**

1. The appellant must submit his/her appeal report in triplicate.

2. The appeal report must contain the petitions, motives and required means of proof and must be signed by the appellant or his/her representative.

#### **Art. 6.6 – Deposit**

1. Any person who wishes to appeal must deposit €1000 to the ITSF bank account before the expiry of the 7-day deadline in order to motivate the appeal.

2. Without this deposit, the appeal is not admissible.

3. This amount is refunded to the appellant if he/she wins the appeal. When he/she loses, the costs and expenses incurred are deducted from this amount; the would-be balance is refunded to him/her. If the deposit is not sufficient, the appellant must pay the difference.

4. If the appeal is abusive, the costs and expenses incurred must be paid on top of the deposit.

#### **Art. 6.7 – Effects of the appeal**

1. The appeal gives the Appeal Commission the power to make a new decision on the case.

2. The appeal does not suspend the effect of the decision which is being appealed, except where fines are concerned. The decision-making body of the ITSF, or if it applies, the CAS may give suspensive effect to the appeal.

#### **Art. 6.8 – Unfolding of the procedure until the decision is taken**

1. The provisions contained in the present Rules relating to the Disciplinary Commission apply by analogy to the procedure to be followed.

2. Decisions are signed by the President and the Secretary of the Commission.

3. Decisions cannot be modified to the detriment of the person who challenges them.

#### **Art. 6.9 – Continuation of the procedure**

1. As a rule, the Appeal Commission's decisions are final.

2. The possibility to resort to the Court of Arbitration for Sport (CAS) is reserved. The CAS does not deal with appeals relating to:

- a) violation of game rules;
- b) ineligibility inferior or equal to three months (except for decisions relating to doping);

Appeals to the CAS must be lodged within twenty-one days after receiving the decision concerning the appeal.

## **Art. 6.10 - Procedure if the President of the Disciplinary Commission is the sole decision-maker**

The rules established for the Disciplinary Commission apply by analogy when the President of the Commission is solely competent.

## **VII – Special procedures**

### **Art. 7.1 – Provisional measures**

#### ***General rule***

1. When it is likely that an offence has been committed and a decision on the substance of the case cannot be taken early enough, the President of the jurisdictional body may, in emergency circumstances, provisionally pronounce, modify or report a sanction.
2. In the same circumstances, he/she may take other provisional measures according to his/her wisdom, in particular to ensure that a sanction that has already come into force is respected.
3. He acts on request or ex officio.

#### ***Procedure***

1. The President of the Commission rules on the basis of the evidence available at the time.
2. He/she is not obliged to hear the parties.

#### ***Decision***

1. The President of the Commission hands down his/her decision without delay.
2. It is immediately enforceable.

#### ***Duration***

1. Provisional measures shall not be valid over thirty days.
2. This duration can be extended only once for twenty days.
3. If a sanction has been pronounced provisionally, its duration must be imputed to the duration of the definitive sanction.

#### ***Appeal***

1. Decisions of provisional measures may be brought in front of the President of the Appeal Commission.
2. The appeal must be made within two days from the time the decision was notified.

3. The appeal report must be forwarded by fax directly to the ITSF Head Office within the same deadline.

4. The appeal has no suspensive effect.

#### ***Approval of the appeal***

The appeal is accepted when the facts recorded in the challenged decision are inexact or when there has been a violation of the law.

### **Art. 7.2 – Deliberations and decision without a meeting**

1. When circumstances demand it, the ITSF Head Office may organize the deliberations and decision-making procedure of a jurisdictional authority by way of a phone conference, videoconference or a similar manner.

2. In that case, art. 5.9, paragraph 2 is not applicable.

3. The Secretary writes down the minutes as for a normal hearing.

### **Art. 7.3 – Worldwide extension of the scope of the sanctions**

#### ***Petition***

1. When a serious violation has been committed (see art. 2.5), associations, confederations and sports bodies who organize competitions must request the ITSF to extend the sanctions they have taken worldwide.

2. The petition must be sent in writing and accompanied by a certified copy of the decision. It must indicate the address of the person who received the sanction and the address of his/her club and association.

3. If the jurisdictional authorities of the ITSF notice that the associations, confederations and other sports bodies do not request an extension of decisions' effects which should have a worldwide scope, they may themselves take a decision.

#### ***Conditions***

The extension is granted if:

- a) the person concerned by the sanction has been summoned in due form;
- b) the person had the possibility to defend himself/herself;
- c) the decision was duly notified;
- d) the decision is in accordance with ITSF regulations;
- e) the extension is not contrary to public order or morals.

#### ***Procedure***

1. In principle, the President of the Commission rules without debates and without hearing the parties, on the sole basis of the dossier.

2. He may exceptionally decide to summon the parties.

#### ***Decision***

1. The President of the Commission only verifies that the above mentioned conditions are met. For the rest, he/she shall not review the validity of the original decision.
2. He may accede or refuse to accede to the request for the extension of the scope of the sanctions.

#### ***Effect***

1. The sanction taken by the association or the confederation which launched the petition will have the same effect in each member association of the ITSF as if this sanction had been taken by each of them.

#### ***Appeal***

1. Both the petitioner and the person who has been sanctioned may appeal.
2. The duly justified appeal must be lodged within four days from the time the decision was notified.
3. Grievances shall concern the above listed conditions only. In no way the validity of the initial sanction decision shall be questioned.

#### **Art. 7.4 – Case review**

1. Anyone who after a final decision discovers facts or means of proof which could have influenced the decision in their favour, and which they were not able to produce before the final debates, even when applying all the necessary attention, may ask for a case review.
2. The request for a case review must be filed within ten days after discovering the reasons justifying the review.
3. The prescription period for a request to review a case is one year from the time the decision came into force.

## VIII – FINAL TITLE

### Art. 8.1 – Various texts of the present Rules

1. The present Rules exist in the official languages of the ITSF (English, French).
2. In case of divergence in the interpretation in any part of the text, the French version shall prevail.

### Art. 8.2 – Scope of the Disciplinary Rules, cases not provided for, customary law, doctrine and jurisprudence

1. The present Rules govern any matter to which the text or the spirit of its provisions refers.
2. For the cases not provided for in the present Rules, the jurisdictional authorities rule according to the customary law, and if there is no applicable law, according to the rules they would establish if they had to act as legislator.
3. In their activity as a whole, the jurisdictional authorities of the ITSF are inspired by the solutions established by the sports doctrine and jurisprudence.

### Art. 8.3 – Associations' Disciplinary Rules

In order to harmonize the disciplinary field, the member associations of the ITSF shall adapt their national regulations according to the present Rules.

For this purpose, sample Disciplinary Rules have been drawn up by the ITSF and put at the member federations' disposal; they shall use them to write their own Disciplinary Rules.

Any association which does not comply with the present article is liable to a fine. In case of serious breach, supplementary sanctions may be taken in accordance with the present Rules, up to the exclusion from a present or future competition.

### Art. 8.4 – Adoption and coming into force

1. The Executive Committee adopted the present Rules on (date)
2. The present Rules come into force on (date)

Nantes, France, (date)

For the ITSF Executive Committee

President: Farid Lounas

General Secretary: Boris Atha

