

**MINUTES**  
**Court of Appeal Meeting**

**DETAILS**

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**Date:** 18 June 2018  
**Time:** 14:00 – 17:30hrs  
**Place:** Tay Room  
Hotel Hilton  
Glasgow, Scotland

**PARTICIPANTS**

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Markus Plazer	President
Jens Bertel Rasmussen	Vice President
Robert Czaplicki	Member
Maxim Gulevich	Member
Ketevan Koberidze	Member (to be confirmed by Congress)
Milan Petronijevic	Member
Janka Stasova	Member
Nicolae Vizitiu	Member
Monika Flixeder	Legal Management
Loïc Alves	Legal Management

**Excused:**

Roland Schneider	Member
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**MINUTES**

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**1. Welcome**

President Plazer welcomed all participants and thanked everyone for their availability, not only to attend the present meeting but also when it comes to being members of ad hoc bodies throughout the season. Regarding this topic, it was underlined that the nomination system consisting in nominating all members and decide on the panel composition on a case by case basis will become the norm as it provides flexibility but also fairness among the members.

**2. Short review of the EHF Court of Appeal past season activities by the President and information on the EHF Legal Delegation meeting of March 2018**

The past season brought along some high-profile cases and thus complex factual and legal situations to resolve as the agenda of this meeting and further discussions will reflect.

President Plazer gave a report of the discussions held on the occasion of the EHF Legal Delegation meeting of March 2018. The main point concerned the strengthening of the role of the Initiator of Proceedings as this position is a real asset to ensure impartiality and independence within the EHF legal system. In this respect, it was highlighted that to avoid conflicts of interests, the EHF Executive Committee may have to nominate a different Initiator of Proceedings in case the country of origin of the current one is also involved in a given case. The tasks of this position must be clearly defined to avoid misunderstandings and legal issues relating to, even in appearance, conflicts of interests and lack of independence.

### **3. Review of Cases**

- Anti-Doping Cases – Discussion and Guidelines (e.g. 20451, 20452, 20453)

The three (3) cases were discussed and qualified by the members involved, as well as the others having read the decisions, as complex cases.

One surprising legal question related to the role of the EHF Anti-Doping Unit (ADU) when assessing the notion of substantial assistance. The CoA agreed with the proposal made to the EHF Executive Committee to have the Court of Handball instead of the ADU to realise this assessment. Such a solution would simplify the process and ensure a better division between the ADU's tasks and the justice system.

Finally, the CoA praised the clarity of the decision wording in which the grounds are swiftly and smoothly exposed to explain the reasons why the CoA decided to reduce the sanction.

- Match Result Protests – Distinction between decisions based on facts and not based on facts (e.g. 20458 St Petersburg, 20459 Győr and 20472 SLO)

The case n°20472 (protest filed by SLO) was discussed in depth. One question brought up by SLO in their appeal statement was related to the scope of use of the video replay by the EHF referees. Although this argument was irrelevant since the EHF referees are free to decide when to use it when it comes to key moments/situations of the match, the CoA underlined that a reference to the guidelines in the regulations could bring clarity. Regarding GER vs. SLO, the quality of the work was underlined, especially under such time pressure.

Regarding the case n°20458, the possibility to slightly amend Article 12.4 of the EHF Legal Regulations was raised as the awarding of damage compensation should not necessarily be linked to a sanction. Indeed, it is not clear whether the EHF should be sanctioned by the EHF legal bodies but it is clear that in some cases the EHF must cover costs incurred as a result of its Officials' mistakes.

Another issue to be tackled out of this case is the question of the sanctioning of EHF Officials committing obvious mistakes. Based on the current version of the EHF Legal Regulations, sanctions could already be imposed by the EHF legal bodies, should the EHF request the initiation of proceedings.

The CoA, in line with the CoH's opinion, agreed that these cases are essential to display and illustrate what is meant by mistakes made by EHF Officials based on their observations of a factual situation and what constitute obvious mistakes. It may help in the future as it draws a clear line.

- Player Ineligibility – Discussion (e.g. 20492 SUI)

The case was discussed and, although it is true that the consequences arising out of the factual situation were unfortunate, the CoH decision to grant the protest of SUI was legally grounded and thus fully confirmed by the CoA.

Beyond the legal questions in this case, the topic of professionalization of delegates is crucial.

- Unsportsmanlike Conduct – Standard of Proof (e.g. 20497 Hansen)

The case was presented by the panel members and the standard of proof applied explained. The decision was taken based on the panel's comfortable satisfaction. The chain of evidence was deemed credible and clear to establish the player's behaviour and consequently to confirm the first instance decision.

#### **4. EHF Legal Regulations, EHF List of Penalties, EHF Catalogue of Administrative Sanctions**

- Amendments in connection with anti-doping violations (EHF Rules for Anti-Doping and List of Penalties)

The EHF Office provided information as to the amendment of the EHF Rules for Anti-Doping and List of Penalties proposed to the EHF Executive Committee to be confirmed. It was proposed to grant the competence to assess the concept of substantial assistance in anti-doping disciplinary matters to the CoH in first instance instead of the EHF Anti-Doping Unit to ensure a better legal certainty and independence. In addition, the List of Penalties shall be slightly amended to be in line with the sanctions foreseen in the EHF Rules for Anti-Doping.

- List of Administrative Sanctions

The EHF Office explained the meaning of the motion presented to the EHF Congress and supported by the Legal Delegation.

#### **5. On-Site Handling**

- Men's EHF EURO 2018 – Discussion on the first experience as an on-site ad hoc body

The new system implemented at the Men's EHF EURO in Croatia was praised. To illustrate this success; the CoA underlined that the added value was shown through the effective handling of high profile cases (e.g. protest of SLO).

The CoA proposed to have a member of the CoA present throughout the tournament as an official representative just like the CoH has.

Furthermore, a similar system could make sense for YAC events. Indeed, as the EHF is limited in terms of on-site human resources, second instances may have to be handled by the CoA as an ad hoc body. The CoA agreed and a request to amend the necessary regulations shall be made to the EHF Executive Committee in September.

## **6. Legal Journal**

- Input/Comments regarding the Fourth Legal Journal

The fourth edition is under preparation. As many high-profile cases were dealt with last season, this edition will be more extensive.

## **7. Miscellaneous**

- Future CoA meetings

The next CoA meeting is likely to take place next spring in Vienna.

- Input

The CoA brought the idea to have common meetings with the Competitions Commission for instance to help them with legal questions arising in connection with their dedicated topics.

For the minutes: Loïc Alves, 4 July 2018.