



## MINUTES Court of Appeal Meeting

### DETAILS

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**Date:** 14 March 2019  
**Time:** 15:00 – 18:00hrs  
**Place:** Hilton Garden Inn – Vienna South  
Vienna, Austria

### PARTICIPANTS

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#### EHF Court of Appeal

Markus Plazer	President
Jens Bertel Rasmussen	Vice President
Robert Czaplicki	Member
Maxim Gulevich	Member
Ketevan Koberidze	Member
Milan Petronijevic	Member
Roland Schneider	Member
Nicolae Vizitiu	Member

#### EHF office

Monika Flixeder	Legal Management
Loïc Alves	Legal Management

#### *Excused*

Janka Stasova	Member
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### MINUTES

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#### 1. Welcome

President Plazer welcomed all participants and excused member Stasova who could not be present.

#### 2. Short review of the EHF Court of Appeal current season activities and of the EHF Legal Delegation meeting

The EHF Office gave a summary of the discussions held in the Legal Delegation meeting. The idea to draw the attention whether the EHF to the need to have a clear and strong education programme in anti-doping matters especially towards young players was supported by the Court of Appeal.

#### 3. Review of cases

*Exclusive advertising rights – Review of cases, guideline for sanctions, recidivism (e.g. PGE Vive Kielce and Orlen Wisla Plock)*

Vice-President Rasmussen summarised the cases.

A hearing was held in the case appealed by Orlen Wisla Plock upon the club's request. A lesson should be taken out to this hearing. When inviting the parties, it should be made clear that the club, and not only the attorney at law, should also be present to have a full overview.

The club also requested a hearing to be held after having filed the second appeal but eventually withdrew such request after having been invited by the panel to confirm whether they wished to confirm such request despite the similarities of the cases.

The President of the Court of Appeal decided to join all three appeals of Orlen Wisla Plock. This decision was accepted by the parties. One decision was thus rendered for all three cases.

No circumstance could be found to exempt them from any fine, one mitigating circumstance was the late information provided by the EHF with regards to the identity of sponsors holding exclusivity branches prior to the beginning of the season.

The concept of recidivism as defined in Article 13 of the EHF Legal Regulations was extensively discussed. Under the wording of this article, the legal bodies can decide to increase a sanction up to double. The Court of Appeal underlined that the Court of Handball could therefore have slightly increased the sanction especially after the third occurrence of the same violation. However, and as already established and discussed in previous meetings, the CoA was not competent to increase the fine and therefore confirmed the amount.

Regarding the payment of the appeal fee, Article 39 of the Legal Regulations does not expressly foresee the possibility to refund half of the fee based on the outcome of the decision. In special cases like this one, where three appeals are gathered in one decision, the panel can decide whether it is fair to refund part of the three appeal fees depending in the outcome of the decisions.

#### *Security, altercation and banner – Review of the case and guideline for sanctions (e.g. 20546)*

An offensive banner of political nature was placed in the stands by spectators of PGE Vive Kielce, a brawl took place involving both teams and a player who had received a red card earlier during the match was able to leave the stands and was only prevented to enter the playing court by his own team staff.

The proportionality of all three fines imposed for each violation was assessed and the Court of Appeal found the Court of Handball's decision proportionate and adequate. The Court of Appeal even found that slightly higher fines could even have been discussed in light of the factual elements. The first instance decision was thus fully upheld.

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

##### *Disclosure Policy*

The EHF Office informed on the disclosure policy adopted by the EHF Executive Committee based on a mandate granted by the EHF Congress in Glasgow (September 2018). The reporting platform to be launched in April/May 2019 was presented. The Court of Appeal welcomed the initiative.

A comment was made with regards to the relatively unclear term "EHF leadership" in the document. A clearer term could be chosen in order to avoid any misunderstanding.

### *Modifications regarding fines in case of withdrawals from Beach Handball competitions*

The EHF Office informed the Court of Handball on the implementation of dedicated fines and suspensions in case of withdrawals from the various Beach Handball competitions in the EHF List of Penalties.

## **5. Feedback EURO 2018 France**

### *Legal handling on-site*

The effectiveness of the new on-site handling was once again underlined after its second implementation at the Women's EHF EURO 2018 in France. The line defined throughout EUROS in some cases such as clothing paid off since it had a deterrent effect and National Federations applied the rules better.

A discussion took place regarding the right to a fair hearing (e.g. access to a judge and right to be heard) in direct disqualification cases. It is important to avoid automatic suspensions since such sanction infringes the aforementioned principle. Hence, a reflection should take place with regards to YAC events where automatic suspensions are applied. One question to answer will be: should the educative value overtake the right to access to a judge and to be heard?

### *Discussion on possible improvements*

The integration of the so-called "Catalogue of Penalties" present in the Rules on Safety and Security Procedure into the EHF List of Penalties was supported by the Court of Appeal.

## **6. Legal Journal n°4**

The EHF Office was thanked for the extensive work to produce such publication. The importance of this document was underlined since the publication of major decisions prevents the application of a private justice in which members would have a limited legal certainty. Furthermore, it may be argued that not publishing decisions creates inequality between the EHF, having access to the decisions internally, and members, having no access to documents that may be precious to argue their case.

The idea to have short interviews of members of the legal bodies as part of the Legal Journal was brought forward and discussed. It would humanise the bodies and "give a face" to the EHF justice system.

## **7. Legal Database (LEDA)**

LEDA is functioning well. The possibility to make it work like a library with more key words was discussed. An IT solution will be looked for.

## **8. Miscellaneous**

The next meeting of the Court of Appeal will take place in March/April 2020.

President Plazer thanked all participants for their active participation and closed the meeting.