
NOTES
ECA COUNCIL
MEETING
19 October 2020

DETAILS

Date: 19 October 2020
Time: 14:00-16:00
Place: Video Conference

PARTICIPANTS

ECA Council

Francesco Purromuto	President
Jacques Bettenfeld	Vice President
Bogdan Sojkin	Vice President (Excused)
Wouter Lambrecht	Vice President

EHF office

Monika Flixeder	Legal Management
Sophia Touiker	ECA Office

MINUTES

1. Welcome

President Purromuto welcomed all participants, thanked them for their availability and excused Vice President Sojkin who could not attend the meeting due to professional obligations.

2. Review of the List of topics to be submitted for the EHF Congress 2021

President Purromuto presented a list of motions (see enclosure n°1) from previous discussions at the previous EHF Court of Arbitration (ECA) Council (ECC) Meeting in March, which will now be reviewed again by the ECC in order to give a final opinion on whether they should be presented to the EHF Executive Committee for a decision-making process regarding a motion to the 2021 EHF Congress, in April.

- ECA Name:

The ECC again stressed the importance of changing the name of the EHF Court of Handball to underline the independence of the EHF Court of Arbitration and the impartiality of its members from the European Handball Federation. The name European Handball Court of Arbitration was unanimously approved. It was also decided to keep the acronym ECA rather than to change it to ECHA.

- Nomination and appointment of ECA Arbitrators:

The debate focused on the question of the incompatibility of Article 4.1 of the ECA Statutes, i.e. between the function of arbitrator within ECA and a position within the IHF. President Purromuto presented his doubt as to the removal of the criterion of incompatibility of the function of ECA arbitrator and holding a position within the IHF. Vice President Bettenfeld wished to stress the importance of safeguarding neutrality of ECA members. Vice President Sojkin, via a note he had left beforehand (see enclosure n°5), wanted to address the issue of a possible conflict of interest between the two institutions. Therefore, Vice President Lambrecht proposed to analyse situations where the two positions could potentially come into conflict. Monika Flixeder explained that the restriction in the ECA Statutes was taken over from the EHF Statutes ruling the conditions for leadership functions. In practice, there are few or no real situations where these two functions may conflict. In addition, she added that when an arbitrator is appointed to be member of the ECA chamber to decide a case, a second filter is carried out because, according to the Rules of Arbitration for the EHF Court of Arbitration (Regulations), the arbitrator must declare himself/herself independent of the parties in order to be able to do so, otherwise he/she is not allowed to join the ECA chamber. The ECC confirmed its position on the necessity to table a motion in this respect at the next EHF Congress but only by recalling that the ECC must have the possibility to decide on the quality of independence at the moment of the second filter.

- ECA Council Functions:

The ECC again agreed on what should be regarded as a procedural pre-question and concluded that these are all questions that arose before the complete formation of the arbitral chamber, until the moment a chairperson is appointed.

President Purromuto and Vice President Lambrecht proposed to complete Article 4.4 of the ECA Statutes with the possibility for the ECC to remove arbitrators from the arbitrators list if he/she violates the Code of Conduct, affects the reputation of ECA or is no longer meeting the requirements provided by Article 4.1 of the ECA Statutes.

The possibility, of scheduling video conferences on the proposal of the President was unanimously approved.

- Rules of Arbitration for the EHF Court of Arbitration:

The ECC confirmed its willingness to rewrite Article 8.1, ensuring that the time limit for a payment can be extended for the Claimant in order to avoid the automatic termination of the claim in case of non-payment the advance fees. Vice President Lambrecht added that it would be great to also incorporate in this article the possibility to request further advance of costs during the proceedings in order to cover unforeseen payments (e.g. experts costs etc.). The ECC members present agreed to include this proposal in the list of the motions to be presented before the 2021 EHF Congress.

With regard to the analysis of Article 19.1 of the Regulations, President Purromuto presented his proposal on the possibility to extend the time limit to render an arbitral award in three (3) parts (see Enclosure n°2) and suggested that the ECC President should have the power to suspend the time-limit period during official closing times of the ECA Office. Vice President Lambrecht stressed that he did not see the need for the parties to seek their approval to extend the time limit for issuing the arbitral award and therefore proposed to delete this criterion. The decision should be taken primarily by the President of the ECC upon the receipt of a reasoned request of the chairperson of the arbitral panel or an expressed approval of the parties. All present members of the ECC welcomed this proposal.

The inclusion of a liability clause is the result of a reflection of the ECC last march and President Purromuto proposed a wording for it. Vice President Bettenfeld approved, stressing that this non liability clause should be limited to the serious misconduct of the individuals concerned. The inclusion of a liability clause and its wording was unanimously approved by the ECC.

3. Further Proposals

The ECC members took the floor in turn to present their comments and proposals on the Regulations, and President Purromuto outlined the idea of introducing an “*Express Procedure*”. Unfortunately, as the meeting was drawing to a close, the ECC members did not have time to debate the issue but were invited to send in their comments so that all proposals could be considered at a future meeting.

4. Miscellaneous

Finally, regarding the next meeting of the ECC, a date will be defined in due time.

President Purromuto thanks all participants and closed the meeting.

Hereafter is an overview of the proposals to the EHF Executive Committee with regard to its decision-making process relating to the motion to be presented to the 2021 EHF Congress:

- *EHF Court of Arbitration*, name to be changed to *European Handball Court of Arbitration* (the acronym remaining ECA);
- Removal of the criterion of incompatibility of the position of arbitrator with a position held within the IHF. Article 4.1 of the ECA Statutes to be rewrote to this effect;
- Addition of the possibility for the ECC members to decide on the exclusion of an arbitrator who no longer meets the criteria imposed by Article 4.1 of the ECA Statutes, affects the reputation of ECA or he/she violates the Code of Conduct. Article 4.4 of the ECA Statutes to be completed to this effect;
- The President of the ECC may decide to organise video conferences, with the assistance of the ECA Office. Article 2.4 of the ECA Statutes to be completed for this purpose;

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- Rewriting of Article 8.1 of the ECA Procedural Rules to add the possibility for the ECA Office to grant a single short deadline to a claimant to proceed of the payment of the advance fees before the final withdrawal of his/her claim.
 - Inclusion of a power for the President of ECC to decide to suspend the time-limit period during official closing time of the ECA Office. Article 19.1 to be rewrote to this effect;
 - Article 19.1 to be rewrote, specifying that such extension should be taken primarily by the President of the ECC upon receipt of a reason request of the chairperson of the arbitral panel or an expressed approval of the parties;
 - Incorporation of a liability clause. Article 30 of the ECA Procedural Rules will be replaced by the liability clause and the current Article 30 “final provisions” will become Article 31.

Vienna, 3 November 2020/st

Att.:
1. ECA Statutes – Rules of Arbitration for ECA – List of Motions – Congress 2021
2. FP – Comments Rules of Arbitration for ECA – Procedure + ECA Statutes
3. WL – Comments Rules of Arbitration for ECA – Procedure + ECA Statutes
4. BS – Comments List of Motions
5. FP – Final note on the Statutes and ECA Rules of Arbitration + Proposal Express Procedure
6. JB – Comments on the Express Procedure