

MEETING EUROPEAN HANDBALL COURT OF ARBITRATION COUNCIL

DETAILS

Date: 17 March 2022

Time: 14:00 – 14:30hrs

Place: Flemings Conference Hotel Wien
Neubaugürtel 26-28
1070 Vienna, Austria

PARTICIPANTS

EHF Court of Arbitration:

Michele Colucci President

ECA Office:

Monika Flixeder Legal Management

Mihaly Kovacs Legal Management

Sophia Touiker Legal Management

Excused:

Remy Levy Vice President

Marta Utor Vice President

MINUTES

1. Welcome

President Colucci welcomed the participants and excused Vice President Levy and Vice President Utor who could not attend due to private reasons. The President introduced himself and defined the further handling regarding necessary decisions and the organization of a virtual meeting of the Council of the European Handball Court of Arbitration (ECC) at a later date.

2. Short review of the European Handball Court of Arbitration current season activities

- Review of statistics

In the absence of the Vice Presidents, the EHF office took over the possibility to inform the President of the European Handball Court of Arbitration's (ECA) on past activities and to

reflect to pending cases. In the light of this, the cases “Nachevski” and “Spende” has been mentioned as outstanding cases which require further discussion.

3. ECA Rules of Arbitration

- Input/Comments

Colucci proposed to introduce the EHF implementation system for legal decisions currently applicable in the regular instances, also for ECA decisions in order to ensure a direct enforceability of the ECA awards as described below, under point 4. Further proposals will be made during the next meeting of the ECC.

4. Discussions

- Ideas on possible implementation of decisions within the EHF System

The enforcement of the arbitral awards of ECA frequently faces obstacles in cases the obligated party does not comply with the obligations out of the award. The enforcement via public court in the respective nation is time consuming and costly. In addition, this contravenes the principle of arbitration and access to a tailor-made legal system.

The EHF office informed about the pending enforcement of the ECA award, issued in the ECA case Spende vs. Metalurg n°20660. Compensation has been awarded to the player against the club Metalurg, however the club did not follow the legal decision of ECA for almost one year. Based on the decision of the EHF Executive Committee dated 28 January 2022, the club has been formally suspended until the point of time, all open payments are settled.

In the light of this, Colucci came up with amendment proposals regarding the enforceability of the ECA awards in order to settle such cases by the applicable regulations. As an option the suspension of a club from transfer rights or the participation in competitions is considered. Relating consequences (reduced performance chances, missing income, etc.) have to be weight up, when awarding such measures, which may constitute an integrated part of an ECA award. As a further aspect the extend of responsibility (subsidiary) of National federations in the enforcement of legal decisions has to be evaluated. Further considerations to take place and motions in the issue to be work out.

- Admissibility/Jurisdiction

Concerning the ECA case, Nachevski vs Macedonian Handball Federation n° 20679, the office raised the admissibility issue since the ECA Council had doubts of declaring the case admissible, based on their interpretation of the respective articles in the ECA Statues. In their opinion the text in the ECA statutes did not entirely clarify the situation in a case in which a person related to a federation respectively an ‘official’ is concerned. According to the ECA Council, the question of admissibility in article 1.1. of the ECA Statues has to take place in a broad way. The wording is meant as an exemplary one and the historical documents regarding

the ECA statutes, clearly foresees a full and extensive accessibility to legal service and decisions for all protagonists. However, the remaining question whether the ECA statutes are sufficiently written in order to ensure easy access to legal proceedings needs to be analysed more specifically and motions in this regard may be worked out. A limitation of access to legal proceedings to specific groups would constitute a violation of general principles of law. Colucci advised to amend the ECA Statutes in order to solve this issue in an easy way. The participants agreed that the question should be further developed at a following meeting of the ECC.

5. List of Arbitrators

- Review of Candidates

The EHF office informed the president about the current changes on the list of arbitrators. Further evaluations will take place during the next meeting of the ECA Council.

6. Miscellaneous

- Finances

The balance sheet of the ECA of the year 2021 was made available to the ECC. The participants took note of the positive outcome. ECA is self-financing and closes the year again with a positive result.

- Future ECA meetings

The next ECA meeting will be scheduled virtually, depending on the availability of all ECC members at a later date. Further on a meeting is foreseen at the occasion of the EHF Congress in Basel in Jun 2023.

For the minutes: Mischi Kovacs, 12 April 2022.