

**MINUTES**  
**Court of Handball Meeting**

**DETAILS**

---

**Date:** 18 June 2018

**Time:** 09:00 – 12:30hrs

**Place:** Spey Room

Hotel Hilton

Glasgow, Scotland

**PARTICIPANTS**

---

Panos Antoniou	President
Kristian Johansen	Vice President
Henk Lenaerts	Vice President
Elena Borrás Alcaraz	Member
Ioannis Karanasos	Member
Viktor Konopliastyi	Member
Yvonne Leuthold	Member
Urmo Sitsi	Member
Monika Flixeder	Legal Management
Loïc Alves	Legal Management

**Excused:**

Libena Sramkova      Member

**MINUTES**

---

**1. Welcome**

President Antoniou welcomed the participants to the first Court of Handball (CoH) meeting taking place at a Congress since the electoral Congress of November 2016.

Vice-President Lenaerts underlined the good cooperation and in-depth discussions taking place during every decision-making process, together with the swift collaboration with the EHF Office.

Vice-President Johansen agreed, and, in this regard, thanked everybody.

President Antoniou added that the diversity of individual profiles among members of the CoH is extremely valuable as it contributes to find equilibrium and reach balanced decisions.

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

As displayed by the relevant statistics, the past season has been particularly dense, as the number of cases handled by the first instance body reached 57. Although the amount of work is significant, it was underlined that the decision-making process is always swift and smooth. Furthermore, one of the main elements that came out of the EHF Legal Delegation meeting of March 2018 is the proportionality found by the CoH in all their decisions. Hence, the President of the CoA and the President of the ECA Council praised the professional work of the CoH.

## **3. Review of Cases**

- Anti-Doping Cases – Discussion and Guidelines (e.g. 20451, 20452, 20453 and 20454)

The cases were presented by the two respective panel members present at the meeting to initiate the discussion. Having two qualified lawyers involved was essential due to the legal complexity faced in the cases but also to apprehend the anti-doping ecosystem as a whole. It was the first time the CoH had to face this type of case. The facts were rather clear and, to summarise, the main question to solve was relating to whether the players had intentionally taken the prohibited substance.

In this perspective, holding hearings with the players showed to be an essential step. Although it was established that the players did not take the substance intentionally, the sanction remained rather high due to the severity of the regime sets out in the regulations and in particular to the strict liability principle to be applied.

The question of the liability of the National Federation was also at stake since it took place during a period during which the players were under their supervision.

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

There has been few cases since the major case n°20236 (i.e. Zagreb vs. Minsk) in 2013 and the subsequent change in the EHF Legal Regulations (i.e. split of article 6.3 into two distinct parts to clarify its reading). It appears that the line between what constitutes a decision of EHF referees based on their observation of the factual situation and what constitutes an obvious mistake is now clearly established and thoroughly applied by the legal bodies.

While the case n°20472 (protest filed by SLO) may have brought forward some confusion due to the factual circumstances (e.g. length of the referees' decision making process due to the complexity to synchronise images and obtain a clear picture of the remaining time at the moment when the last action took place), it was clear that the referees' decision was based on their observation of the factual situation. The novelty was that this decision was taken following a video review. In this perspective, it must be underlined that whether a video assistance is used does not question the nature of the referees' decision. Indeed, the decision remains based on the interpretation and qualification of the factual situation they observe while watching the video.

On the other hand, the case n°20458 (protest filed by St Petersburg) is a clear illustration of what Article 6.4 of the EHF Legal Regulations means. By taking the decision to play overtime instead of seven-meter throws at the end of a second leg match, the EHF Officials committed an obvious mistake which does not qualify as a decision based on the observation of a factual situation. It was therefore obvious for the CoH, and confirmed by the CoA that the seven-meter throws shall be played and the costs covered by the EHF since EHF Officials act on its behalf.

Finally, the opportunity/possibility to sanction separately EHF Officials having committed the violation was discussed. The current regulations enable the EHF legal bodies to impose further sanctions. Instead of having indirect sanctions such as not nominating these EHF Officials, the EHF shall consider having clear and transparent sanctions from independent legal bodies since cases arising out of EHF delegates' negligence and/or mistakes always trigger severe consequences.

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

The case was discussed in depth. Although the consequences of this case were indeed severe (i.e. a team not qualifying to a play-off round of a major event), the decision was correct and fully in line with the regulations. The ultimate responsibility to control the accuracy and completeness of the final starting list is with the respective teams.

- Derogatory Remarks in the Media – Discussion and Guidelines (e.g. 20504 Vujovic)

The initial claim was filed by the Initiator of Proceedings. Although the disciplinary competence of the EHF legal bodies could have been questioned since the coach made his remarks during an interview to a foreign newspaper, the legal basis was sound as the comments were directly related to an EHF match during which the coach had been sanctioned and to the sanction itself. In addition, as coach of both a club and a national federation participating in EHF competitions, he had the clear obligation to abide by the Code of Conduct.

- Withdrawal/Failure to Play/Organise – Discussion and Guidelines (e.g. SRB)

The issue was in itself evident as SRB was awarded and confirmed (i) the organisation of the 2018 Women's World Championship U20 Tournament as well as (ii) their participation. Nevertheless, following decisions of the Ministry of the Interior, the tournament was cancelled and the National Federation did not participate. SRB tried to argue that this situation constituted a force majeure as the decision came from the outside (i.e. the Ministry) and requested a hearing to take place.

Hence, two main questions arise.

First, was it a case of force majeure that could exonerate SRB from their responsibility? The arising of security issues for a tournament involving Kosovo was expectable; there therefore could be no force majeure and subsequently no exoneration. Yet, SRB undertook and displayed willingness to find solutions. Hence, it was used to mitigate the extent of the sanction.

Second, was there an obligation to hold a hearing as Articles 321 and 32.2 set out as follows:

*“As a matter of principle, proceedings shall be conducted in writing. The parties are invited to provide written statements, except in the case of administrative sanctions [...]”*

*“Except in the case of administrative sanctions (cases listed in the Catalogue of Administrative Sanctions), the parties as well as the legal bodies shall have the right to request the proceedings to be conducted orally and/or a hearing to take place. In that case, the parties shall be invited to be heard”*

In the present case, the CoH decided to send a letter to SRB to notify them what could be regarded as a pre-refusal with motivations as it was underlined that the panel found a hearing to be unnecessary (i.e. extensive written arguments had already been exchanged) and a hearing would trigger additional costs (i.e. to be born, in principle, by one of the parties). Nevertheless, had SRB insisted, the right shall have been granted. The argument according to which no new element could be brought up by the respective parties at a hearing must be used with care by the CoH panels to ensure the respect of the principle of due process.

Hence, a thorough case-by-case basis assessment must be ensured.

Finally, discussions took place regarding the relevance to split National Federations during draw events in order to prevent such issues while keeping, in the meantime, ensuring that our sport remains neutral.

#### **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. It was proposed to grant the competence as to the assessment of the concept of substantial assistance in anti-doping matters to the CoH in first instance instead of the EHF Anti-Doping Unit to ensure a better legal certainty and independence between the testing body and the adjudicatory body. 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 on-site ad hoc body

At the Men’s EHF EURO 2018, the CoH and CoA acted as ad hoc bodies legal bodies for the first time. All feedbacks received from various EHF bodies were positive. This new handling brings more certainty and trust while taking away unnecessary pressure from delegates already having a large amount of tasks to fulfil. All CoH members praised the professional handling and smooth cooperation with the EHF Office.

In the future, a similar legal system should be considered for YAC events, in particular since the number of delegates nominated is sometimes not sufficient to ensure two on-site instances. It is hence proposed, as a first step, to keep a first on-site instance composed of delegates and to have an ad hoc appeal body composed of the CoA members.

## **6. Legal Journal**

- Input/Comments regarding the Fourth Legal Journal

The fourth edition is under preparation.

## **7. Miscellaneous**

- Future CoH meetings

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

For the minutes: Loïc Alves, 4 July 2018.