



## MINUTES Court of Handball Meeting

### DETAILS

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**Date:** 15 March 2019  
**Time:** 09:00 – 16:00hrs  
**Place:** Hilton Garden Inn – Vienna South  
Vienna, Austria

### PARTICIPANTS

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#### **EHF Court of Handball**

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
Libena Sramkova	Member

#### **EHF**

Monika Flixeder	Legal Management
Loïc Alves	Legal Management

### MINUTES

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#### **1. Welcome**

President Antoniou thanked all participants as well as the EHF Office for their work and constant support throughout the season. The significant amount of work achieved by each member and the positive team spirit under which it takes place was acknowledged.

Vice-President Lenaerts endorsed President Antoniou's statement regarding the cooperation with the office. He added that such meetings in person are crucial, especially to discuss criteria to define the range of sanctions.

Vice-President Johansen also thanked everybody and mentioned that even during stressful moments such as EUROS, members remain professional and calm to reach timely and fair decisions.

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

President Antoniou gave a summary of the discussions held in the Legal Delegation meeting and insisted on the discussion regarding anti-doping matters. The increase in the numbers of anti-doping cases involving young players is alarming. President Antoniou therefore presented the proposal of the Legal Delegation to the EHF Executive Committee to setup and enforce an efficient and comprehensive anti-doping education programme with all national federations. This idea was fully supported by the Court of Handball members.

In this perspective, the mobile applications developed by WADA (Educative Quiz) could be promoted. The fact that a significant number of cases relates to off-court infringements was discussed, an increase of marketing- and set up-related cases was observed.

President Antoniou underlined that to face the workload he relies on expertise level and independence as well as impartiality criteria to nominate each panel.

### **3. Disciplinary cases**

*Direct Disqualifications – Review of cases, guidelines for sanctions, discussion on the difference between the content of a referee’s report and a decision for further sanctions (e.g. 20536 Döne, 20541 Borozan, 20580 Sulic)*

Fewer direct disqualifications cases were dealt with since the introduction of the seven-meter throw as a consequence of a direct disqualification within the last 30 seconds of a match. However, the trend observed is that this few cases are often more severe in their nature. It is therefore important to strictly follow the criteria developed to define whether a suspension of more than one match must be imposed (e.g. type of intention, intensity, dangerousness, position and motion of the players).

It was also recalled that the referees’ report is a crucial piece of material evidence, but if inaccurate, it can be corrected with other elements such as the video of the incident. Additionally, the Court of Handball recalled that they are not bound by the referees’ decision as to which rule of the game used to disqualify a player. As stated in direct disqualification decisions, decisions of the referees are final and the assessment of the Court of Handball consists in defining whether the given behaviour deserves further sanctions beyond the scope of the respective match.

The same holds true with regards to the EHF’s competence to request the initiation of disciplinary proceedings. Whether the referees decided to use Rule 8.5 of 8.6 is irrelevant and does not preclude the EHF from filing a claim.

Finally, a decision took place regarding the absence of suspensive effect in case of appeals which is sometimes decided upon by the Court of Handball. This competence is defined in Article 40.1 of the EHF Legal Regulations.

*Offensive banners, security and good order – Review of cases, guidelines for sanctions (e.g. 20546 PGE Vive Kielce, 20557 HC Vardar)*

The following clause was introduced in the respective club competitions regulations for the first time at the beginning of the season:

*“The home club shall ensure that no signs (e.g. flags, banners) and/or verbal statement of political, ideological or religious nature is displayed in the playing hall.”*

It showed to be relevant since two cases were brought to the attention of the EHF during the season. The Court of Handball agreed that both decisions rendered were adequate. It is important to draw a strict line to make clear that our competitions should remain free of homophobic and political statements. In this perspective, it must be underlined that the Court of Appeal fully upheld the decision in the case n°20546.

#### **4. Anti-Doping**

*Review of Cases - Guidelines for sanctions, minors, hearings (e.g. 20520, 20521, 20522)*

These three cases constituted real challenges since the players involved were all minors. Nevertheless, the strict liability principle defined in the WADA Code and consequently in the EHF Rules for Anti-Doping is clear and can barely be loosened up. The main issue is that minors are not treated differently from professional and major players under the current WADA Code, they are treated like professional and major athletes.

Additionally, National Federations must adopt cautious and pro-active behaviour towards their young and vulnerable players and thus ask them well in advance what medication they take and request the respective TUE if necessary.

The three cases also brought into light the question of costs that a B-sample analysis and a hearing can imply. The Court of Handball therefore launched the idea to think about an EHF Legal Fund that could be financed based on a percentage of the amount of fines imposed yearly. Indeed, in anti-doping cases, hearings are a fundamental right but also a crucial part of the decision-making process, especially for young players. Best efforts should thus be implemented to have a fair and thus accessible justice system in order not to deprive players from such fundamental rights because of financial reasons. The existing EHF social fund is not fitting these purposes.

Finally, it was underlined that six cases were decided in 2 years; five of them related Meldonium and took place in countries of Eastern Europe where this substance can easily be purchased in pharmacies. It is therefore proposed to send a communication to all National Federations and to make sure this communication reaches the players.

#### **5. Marketing**

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

Both clubs did not affix the EHF's sleeve badge on the players' jerseys within the frame of several VELUX EHF Champions League matches. Several elements had to be balanced to reach fair and proportionate decisions.

The panels displayed understanding towards the clubs which were in a complex situation under a lot of external pressure and a risk of bankruptcy while taking into account the question of recidivism and the seriousness of the violations. What became problematic was that the fines had no real deterrent effect due to the political dimension of the matter.

Furthermore, the question of whether or not to keep the same panel every week arose. It was decided that it was fair to change the panel to ensure a new assessment of the cases. It must also be kept in mind that challenges may arise as to the composition of a given panel since the EHF legal system move towards more and more professionalism. The nomination has to be carefully considered every time.

Finally, with regards to the criteria used to define the type and extent of the sanctions, the following may be used, e.g. the value of the sponsorship right infringed, lack of intent, the competition concerned as well as the respective stage in which the violation occurs, the experience of the given club/National Federation. However, a case-by-case analysis must always be applied, a similar infringement in the same competition may down to factual details.

## **6. EURO Qualifiers**

Due to the continued professionalisation of the EHF EURO Qualifiers, many set-up and marketing cases arose since this phase of the competition shall be promoted as a product and a subsequent marketing strategy is now implemented. Ten cases from Rounds 1 and 2 of the Men's EHF EURO Qualifiers 2020 were pending and about to be decided.

## **7. 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 Handball supported the initiative and mentioned that having only the Initiator of Proceedings (IoP) with a full access to the respective platform was crucial in order to keep the EHF's independence intact.

Furthermore, the relevance of having at least an IoP substitute nominated by the Executive Committee to ensure independence and avoid conflicts of interest was discussed. The EHF is invited to analyse such possibility.

### *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.

### *Input / Comments*

In order to simplify and ensure a better legal certainty, 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 Handball.

## **8. Feedback EURO 2018 France**

The Women's EHF EURO 2018 in France saw the second implementation of the EHF ad hoc legal system in which no EHF delegate is involved in the decision-making process. Such handling is efficient, credible and respected. It fits perfectly the needs of the competition. Separating the reporting from the decision-making process by removing the competence of the delegates to take decisions on-site brought only positive effects.

The clothing issue has drastically reduced also because of the legal certainty inherent to the well-established on-site legal system implemented at previous EHF EUROs and to which that National Federations are now familiar with.

In the future, the application of the same system to other EHF competitions will probably become a subject of discussion EHF to avoid double standards. Human and financial resources will be an issue to be solved in this respect.

## **9. Legal Journal n°4**

The EHF Office was congratulated for the great work put into the publication. The idea to have short interviews of members from the EHF legal bodies was discussed and brought forward. It would humanise the bodies and “give a face” to the EHF justice system.

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

The EHF Office and the Court of Handball agreed on simplifying the way documents are uploaded on the database to reduce the number of downloads for the members.

The EHF external provider will be contacted since problems occur with regards to video downloads. In addition, the possibility to use the database as an online library will be discussed with the provider.

## **11. Miscellaneous**

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

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

Vienna, 27 March 2019/la