

COURT OF HANDBALL MEETING

DETAILS

Date: 18 March 2022

Time: 09:30 – 16:00hrs

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

PARTICIPANTS

EHF Court of Handball:

Ioannis Karanasos	President
Andreas Thiel	Vice President
Sorin-Laurentiu Dinu	Vice President
Shlomo Cohen	Member
Matea Horvat	Member
André Hommen	Member
Alan Grima	Member
Yvonne Leuthold	Member

EHF Office:

Monika Flixeder	Legal Management
Mihaly Kovacs	Legal Management
Sophia Touiker	Legal Management

Excused:

Urmo Sitsi	Member
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MINUTES

1. Welcome

President Karanasos welcomed the participants and excused member Sitsi.

He expressed his gratitude towards the members of the EHF Court of Handball (CoH) and the EHF Office and thanked for the fruitful cooperation throughout the last year highlighting the great handling of the cases during the Men's EHF EURO 2022.

2. Short review of the EHF Court of Handball past season activities by the President

The office took over the floor and drew the attention to a case in relation to transfer/international release, highlighting the case of Tamara Horacek (Siofok vs EHF CoA n°20684). The case was in the meantime decided by the EHF Court of Appeal (CoA), after the decision of the first instance on administrative level (EHF transfer department) was appealed. The most important aspect in the case, the evaluation of preliminary questions, is the decision on the validity of the underlying contract, in the case at hand between the player and the club. Reflecting the administrative decision, the CoA also has released its award without explicit reference to the validity of the contract. Such answer to a preliminary question in such a case may be assumed by an international transfer certificate conclusively.

The CoH concludes that preliminary questions should always be answered by the competent administrative/legal body respectively by any legal decision in any instance. In order to ensure this in a better way in the future, an amendment to the EHF Legal Regulations (the Regulations) shall be proposed to the EXEC accordingly.

The participants agreed with the initiative and discussed the exact wording and positioning of the amendment within the legal regulations. The participants acknowledged that, as such a clause has procedural aspects, the amendment should be put under the chapter “*part two-procedure*” of the Regulations. In the light of this, the EHF office received a mandate to prepare a motion to present the necessary amendment of the Regulations to EHF EXEC.

3. Review of cases

The EHF Office shared the statistics including the open cases with the participants, highlighting that, some of the cases could not yet be closed. Karanasos thanked the committed work to the EHF office and to the CoH members and offered the additional help of the CoH in terms of administration required.

Karanasos also underlined the usual composition of the presiding panels as he always put emphasis on the combination between the members based on expertise. During the Men’s EHF EURO 2022 the fact that one of the members served also as delegate at the tournament and therefore was biased for many cases, had to be taken into consideration additionally.

- Ukraine- Russia situation related cases (e.g. Drammen HK 20727, H71 20728)

The handling of the cases was appreciated by the CoH members. The circumstances were seen as difficult in comparison to withdrawal cases in the past, i.e.: Covid cases. The Norwegian team refrained from travelling to Russia based on the recommendation of the ministry of foreign affairs of Norway, however at the initial date of the match it was still possible, and the club obliged to play. Within the decision the result of the match was defined with 0:2 points and 0:10 goals; Against the violating club a fine was awarded on a suspended basis. Mitigating circumstances such as pressure and governmental instructions were taken into account when judging the disciplinary consequences. It was pointed out by the CoH, that

the club was seeking to find an alternative venue, to organise the match. Similar aspects had been discussed regarding the case H71. The participants took also note of the fact that both cases have been appealed to the CoA. None of the 2021 cases in Covid times were appealed. The specific aspects in the UKR/RUS situation have to be taken into consideration when dealing with the related cases.

- Marketing Rights (e.g. SG Flensburg-Handewitt 20729)

Despite the clubs obligations as participant in the EHF Champions League Men 2021/22 to wear the left sleeve advertising badge of the European Handball Federation (EHF), the club has removed it on its own decision, with reference to the Ukraine- Russia situation as the badge represented a Russian company. The CoH agreed that the club has an obligation to wear the badge according to the applicable regulations and judged the special situation concerning RUS/UKR as mitigating circumstance. The decision will be released shortly, taking into account all the relevant aspects which are necessary, and may be used as a precedent for cases in the future.

4. Special competition situations

Concerning Covid cases, the participants appreciated the handling of the cases. The CoH members emphasised that none of the Covid related cases were appealed to the CoA in 2021. This was taken as a signal for the acceptance of the decisions by the parties. In addition, the implementation of the competition related Hygiene Concepts went also well.

Further to the Covid situation, the EHF office informed the CoH about the amendment of the EHF EURO Regulations which allowed the participating national federations to change the number of players in cases of positive tests in a flexible way. This “flexibility clause” worked effectively in practice and the EHF may use this clause in special situations again in the future. The participants enhanced the approach of the EHF office.

President Karanasos informed the participants on the appeal (formally a protest), submitted by the Russian Federation to the CoH against the decision of the EHF Executive Committee (EXEC) regarding the suspension of the Russian handball federation from all activities including all protagonists such as club and national teams, referees, delegates, commission members, the organisation of events, etc. In connection with this, the YAC16 EHF Beach handball EURO and the Qualifier Tournament for the EHF Beach handball EURO 2023 had to be awarded to a new organiser. The participants took note of the protest and were informed by the EHF office on the fact that the case will be officially opened before the CoH. For the sake of completeness, it is emphasized that the decision on the request for preliminary measure will be handled with priority.

5. Anti-Doping

Regarding one anti-doping related case in the past year the player has been already suspended for consuming cocaine as preliminary decision. The full award has to be completed and published within the weeks to come.

Due to the implementation of the new WADA code the EHF has concluded an agreement with the International Handball Federation (IHF) in order to act as a delegated third party and apply its own regulations, controls and system in the field of anti-doping in Europe. The implementation worked out well however the EHF is in contact with the International Testing Agency (ITA) in order to secure the implementation of the split responsibilities in the foreseen way and to avoid double testing. A coordination between ITA and the EHF Anti-Doping Unit is taking place. The ADAMS system is supposed to be used to support this separation.

6. Implementation of decisions

The EHF Office informed the participants on the discussion of this issue in the previous meetings (LD, ECC, CoA). This question has arisen in the framework of the “Spende vs Metalurg” case before the European Handball Court of Arbitration (ECA). Once the award has been published by the court, the decision could not be enforced since the related club refused to pay the compensation towards one of its former player and the ECA did not have the necessary legal tool to enforce the payment directly. The EXEC, after various reminders, suspended the club from participation in national and international competitions. The CoH proposes to amend the Regulations as previously proposed by the President of the ECC. Article 37.3 should be completed with the addition “and ECA” in order to apply the possible sanctions set out in the mentioned article also for the awards released by the ECA. By this amendment, the clubs which have outstanding debts based on an ECA award could be suspended from carrying out transfers/participating at EHF competitions respectively the subsidiary responsibility may be assigned to the competent National federation. Karanasos raised reservations regarding such subsidiary responsibility, e.g. in case of the insolvency of the respective club. The CoH members were invited to further discuss the issue and to propose a motion for further solutions/amendments in order to reach an appropriate solution regarding the enforcement of ECA decisions.

7. Initiation/Investigation of proceedings

Karanasos shared a situation with the participants, which has happened in the framework of the Men’s EHF EURO 2022, where one of the delegates refused to report a clothing issue. A couple of days earlier, a sanction was imposed on the same federation for committing the same infringement.

In the light of this, the participants discussed the possibility of a substitute initiation of proceedings in cases in which such report would be missing, by the responsible person (delegate). The Regulations give space to the EHF, third parties and others to report. In any case a more desirable solution is a correct conduct of the persons responsible. A report of a

person related to the legal field of the EHF or random person is not be regarded as a desirable solution. Despite the formal possibility this could create an unbeneficial impression. The participants agreed that a stricter regime should be introduced regarding the handling of the reporting obligation in order to make the reporting system more effective.

In addition, the way of writing a report should be consistent, complete and leave out personal comments, such as proposals for sanctions. The report needs to describe the personal observation of the situation. It also must not consist just of quotations of rules or regulations' points. These improvement aspects need consequently be included to the briefing of EHF officials in various fields.

8. EHF Legal Regulations, EHF List of Penalties, EHF Catalogue of Administrative Sanctions

Karanasos shared his considerations on the terms used in decisions relating to protest. In order to avoid any misunderstandings in the future, the participants agreed to the usage of the wording "rejected as inadmissible" in case a protest cannot be granted, as also discussed during the Legal Delegation meeting.

Concerning the clothing issue based on the IHF Rules of the Game, Regulations on Protective Equipment and Accessories, Karanasos shared his opinions on this topic. As it is an incurring infringement by the federations during every EURO and also other competitions, he emphasized the importance of a correct instruction to all parties involved and a commitment in this regard. If necessary, clarifications need to be issued by the EHF well in advance for a respective competition.

9. Feedback Men's EHF EURO 2022 – HUN/SVK

- Legal handling on site + remote

Karanasos underlined the outstanding assistance of the EHF office in relation to the event preparation and the cases on site. Despite the fact, that he himself could not be on-site, the handling of the cases went smoothly. He also added, that working remotely has some disadvantages in immediate reactions and flexible adaptations to special circumstances of the event and the relating issues. In general, and regarding the individual cases the outcome and the effectivity of all proceedings is satisfying and highly appreciated by all parties involved. Important to note, that all deadlines were kept and none of the decision were appealed to the Jury.

- Discussion on possible improvements

The question of reporting in connection with IHF Rules of the Game matters and related clarifications, specifically players' clothing need to be tabled towards the competent bodies with the EHF.

Further discussions will take place respectively motions to the EHF Executive Committee will be worked out for the issues mentioned in coordination with the other legal bodies:

- Separation of formal admissibility from pre-judgements in the issue
- Obligation to answer preliminary questions, if emerging
- Alternative responsibilities in the initiation and investigation of proceedings
- Decisions on request for preliminary measures
- Enforcement of ECA cases
- Admissibility of ECA proceedings

10. Legal Journal n°8

- Input/Comments

The eighth edition will be published in June/July 2022. The extent of interest in the legal journal and the use of possible alternatives was discussed by the CoH. Further contributions as expert's analysis, interviews, etc. may contribute in a good way to the legal journal in the future.

11. Legal Database (LEDA)

- Input/Comments

The office informed the participants that an initiative will be submitted internally in order to improve the LEDA in a way that statistics can be downloaded and shared with the commissions in a straightforward way. In addition, access to all cases for the presidents of the legal commissions will be requested.

12. Miscellaneous

The next CoH meeting is scheduled right before the commencement of the next ordinary EHF Congress (June 2023).

For the minutes: Mischi Kovacs, 12 April 2022.