

DISCIPLINARY REGULATIONS



**BADMINTON
EUROPE**



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DISCIPLINARY REGULATIONS

1. APPLICABILITY

- 1.1 These Regulations are created by Badminton Europe to control how disciplinary action can be instituted in accordance with Badminton Europe Rules I.6 to I.8.
- 1.2 The Confederation may impose a penalty on any Member Association, Player or Official who acts against the interests or reputation of the Confederation or who breaks these Rules, any Regulation of the Confederation, any decision, previously made public by the Confederation, or any BWF Regulation.

The disciplinary procedure shall be based on the rules of a fair and impartial Hearing and shall respect fundamental rights of all parties. The right to appeal shall be subject to restrictions as set by the Disciplinary Regulations of the Confederation.

- 1.3 All Badminton Europe Events and Badminton Europe Circuit Tournaments shall also be conducted in accordance with the Regulations of Badminton World Federation (BWF), i.e. Laws, Competition Regulations or any other BWF Regulation, including the Players' Code of Conduct and Code of Conduct for Coaches & Officials, and any breach or contravention of the foregoing may result in disciplinary action by Badminton Europe, but only when BWF is unable or unwilling to start a disciplinary procedure.

The BWF will be considered as unable or unwilling to commence a disciplinary procedure if Badminton Europe has requested, in writing, the initiation of such a procedure, but BWF has declined to do so without sufficient reason, or has failed to respond within a period of one month of the date of the written request. The BWF will also be considered as unable or unwilling to commence a disciplinary procedure if it fails to do so without sufficient reason, within a period of three months from the date of the original request from Badminton Europe.

Notwithstanding the above paragraphs, Badminton Europe shall not deal with any doping offence.

2.GENERAL

- 2.1 The judicial bodies of the Confederation shall provide fair and impartial procedures to all parties involved and shall respect their fundamental rights. They recognize in particular:
- 2.1.1 That a person who may have a conflict of interest shall not be a member of the decision making body;
 - 2.1.2 The right of the person charged to know the charge;
 - 2.1.3 The right of the person charged to know the penalties which might be imposed;
 - 2.1.4 And at their own expense, the right of the person charged to be heard, to present a defence, to produce evidence and to be assisted by counsel.

3. DEFINITIONS

- 3.1 The term “**Official**” in these Regulations shall refer to a person who is accredited, listed or acts as an accompanying person at a particular tournament or event (e.g. trainer, coach, doctor, referee, umpire, technical official, delegate, representative, team manager, organiser, and staff).
- 3.2 The term “**Respondent**” in these Regulations shall refer to the person or body who is alleged to have committed the offence in question. If a Member Association is alleged to have committed the offence, “Respondent” shall also refer to the representative designated by the Member Association to represent it in the proceedings. Any Respondent under the age of 18 must be represented by his or her parents, guardian or legal representative.
- 3.3 The term “**Complaint**” in these Regulations shall refer to any report, petition, claim or demand that any interested third party submits to the General Secretary.
- 3.4 The term “**Hearing**” in these Regulations shall refer to the process where an individual, Member Association or other body will have an opportunity to present evidence to support their case and to discover what evidence exists against him or her. A Hearing can be conducted as a meeting with physical presence of the parties, but a Hearing can also be conducted as teleconference, skype call or similar communication method. Written Hearing documents (written reports and evidence) that are made available for all parties to comment on will also be considered to constitute a Hearing process.
- 3.5 The term “**Disciplinary Meeting**” in these Regulations shall refer to a meeting as part of the

Disciplinary Process, where such a meeting can be with physical presence at a meeting venue, but can also be a meeting conducted as teleconference, Skype call or similar communication method. A Respondent may be represented by legal counsel during a Disciplinary Meeting at their own expense.

- 3.6 The term “**Disciplinary Process**” in these Regulations shall refer to the process defined under section 6. of these Disciplinary Regulations.
- 3.7 The term “**Arbiter**” in these Regulations shall refer to a person who can be appointed as a member of an Appeal Committee and shall be chosen from the Arbiters list.
- 3.8 The term “**Function**” in these Regulations shall refer to any Function that a Respondent performs, including but not limited to a Function of an elected officer, referee, umpire, technical official, trainer, coach, doctor, representative, team manager, organiser, staff or delegate.
- 3.9 The term “**Complainer**” in these Regulations shall refer to a person or organization that submits a Complaint to the General Secretary to start any procedure defined by the Disciplinary Regulations.
- 3.10 Any terms in masculine or female gender, expressed in these regulations, shall be interpreted as a neutral form for men and women.

4. ADMINISTRATIVE FINE PROCEDURE

- 4.1 An administrative fine can only be imposed if it is defined in a particular Badminton Europe Regulation, for a particular offence, before such an offence took place. Administrative fine shall always be specified as a fixed amount, not exceeding 1,500 EUR.
- 4.2 An administrative fine shall be imposed by a representative of Badminton Europe who shall be specifically defined in the Regulations, specifying a particular administrative fine.
- 4.3 An administrative fine may be imposed immediately, without the necessity to follow the disciplinary procedure. The administrative fine decision shall include information on how to make an appeal and where to pay a deposit (see § 4.4), information on the requirement of paying the simple fine (see § 4.6) and information on appeal’s costs (see § 7.10). An administrative fine decision shall be communicated to the Respondent through the Respondent’s Member Association (see § 6.12).

- 4.4 An appeal against an administrative fine shall be made to the Disciplinary Committee (see § 5.), but shall only be valid if:
- 4.4.1 it is made through e-mail and received by the General Secretary of Badminton Europe within 7 days of the date of receipt of the decision and
 - 4.4.2 the appellant pays a deposit of 100 EUR. The deposit shall not be returned if the appeal is unsuccessful.
- 4.5 An appeal that does not satisfy the requirements as stated in § 4.4 shall be rejected by the General Secretary of Badminton Europe.
- 4.6 An administrative fine shall be paid even if an appeal is made, but if the appeal is successful and the finding of guilt is reversed, the administrative fine paid shall be returned to the appellant as an expense of the appeal procedure.

5. DISCIPLINARY COMMITTEE

- 5.1 Badminton Europe Board of Directors (hereinafter Board of Directors) shall appoint a Standing Disciplinary Committee to deal with disciplinary matters as they arise or appoint a Specific Disciplinary Committee to deal with a particular alleged offence. The Specific Disciplinary Committee shall be appointed when the Standing Disciplinary Committee is unable to handle a case for any reason.
- 5.2 A Disciplinary Committee shall comprise the Chair, appointed by the Board of Directors, who shall chair any meeting of the Committee, and two other members. All members of a Disciplinary Committee must be members of the Board of Directors. Disciplinary Committee decisions must be taken by all Disciplinary Committee members and shall be unanimous or adopted by majority.
- 5.3 A member of a Disciplinary Committee may not be a witness or give written evidence in a particular case, and must not have been an Official at an event where an alleged offence took place, or a witness to the alleged offence. A member of a Disciplinary Committee shall have no other conflict of interest that might harm his impartiality towards the Respondent.

If there is conflict of interest, the Board of Directors shall nominate a new member of the Disciplinary Committee who may, in exceptional circumstances and notwithstanding § 5.2, not be a member of the Board of Directors.

6. DISCIPLINARY PROCEDURE

- 6.1 The Board of Directors can remit a case to the Disciplinary Committee.
- 6.2 A Complaint must be submitted no later than 60 calendar days after the occurrence of the alleged offence, unless in the opinion of the Disciplinary Committee, exceptional circumstances are applicable (such as knowledge of the alleged offence being only discovered at a later time, e.g. in connection with irregular match fixing and betting offences). The Complaint shall set out the facts, reasons and evidence on which it is based. A Complaint shall be accompanied by a deposit of 100 EUR which amount shall be refunded if the Complaint is allowed. A Complaint by any interested party must be submitted in writing to the General Secretary, who must send the case to the Disciplinary Committee within 14 calendar days after receipt of the Complaint.
- A Complaint that does not satisfy the above requirement shall be rejected by the General Secretary.
- 6.3 Disciplinary procedures shall be based on the rules of a fair and impartial Hearing and shall respect the fundamental rights of all parties. The Respondent has the right to be heard, to make written submissions, to present evidence and may be represented by legal counsel.
- 6.4 A Complaint must state the Respondent, the nature of the alleged offence, available evidence and the relevant violated regulations.
- Such a submission, together with copies of any written evidence, must be sent to the Respondent via his Member Association so that the Respondent and/or his Member Association may reply within a reasonably set time limit, as decided by the Disciplinary Committee.
- 6.5 It shall be permissible to consider an alleged offence using only written reports and evidence. In such cases, the Disciplinary Committee may take its decision based only on the written reports and evidence, and any submission from the Respondent or the Respondent's Member Association. Such a decision may be taken outside a formal meeting (see § 6.7), using any means of communication considered to be satisfactory by both the Disciplinary Committee and the Respondent.
- 6.6 When the Respondent attends a Disciplinary Committee meeting, the Respondent shall be entitled to be accompanied by an adviser or representative, together with an interpreter, if desired, as meetings will be conducted in English, the official language of Badminton

Europe.

- 6.7. A Disciplinary Committee meeting shall be convened as quickly as is practical, but not later than one month following the Respondent's submission.
- 6.8 The venue for a Disciplinary Committee meeting shall be set by the Disciplinary Committee itself and communicated to the Respondent.
- 6.9 At a Disciplinary Committee meeting, any expenses of a Respondent, any adviser, representative or interpreter, together with the expenses of any witnesses called by the Respondent, must be met by the Respondent or the Respondent's Member Association.

Expenses of the meeting room, administration, travel and subsistence of the Committee and any persons requested to attend by Badminton Europe shall be met by Badminton Europe.

The Disciplinary Committee may decide differently from the above regarding the costs and expenses if the nature of the case requires it.

- 6.10 A Disciplinary Committee meeting shall be conducted adhering to the following general principles:
- 6.10.1 The Chair is in charge of the meeting and any rulings from the Chair are binding.
- 6.10.2 The only people who may be present at the meeting are the members of the Disciplinary Committee, a minute secretary, the Respondent, the Respondent's adviser or representative, an interpreter, a representative of the Respondent's Member Association, a person introducing the evidence to substantiate the alleged offence, Complainer and a representative of another party (see § 8.13). A particular witness or expert may only be present when giving a testimony or expert opinion.
- 6.10.3 The Chair shall start the meeting by introducing those present and explaining each person's role.
- 6.10.4 The Complainer introducing the evidence shall first of all summarise the case against the Respondent and shall then introduce the evidence available.
- 6.10.5 For each piece of evidence and for any witness or expert called, any person present (see § 6.10.2), except a minute secretary, interpreter and any additional observer, may ask questions.
- 6.10.6 Interrogated persons must tell the truth and must be advised of this requirement by

the Chair before the testimony is given.

- 6.10.7 After the evidence has been presented, additional evidence may be presented or additional witnesses or experts called.
- 6.10.8 After presentation of all evidence, each party, ending with the Respondent, will be given an opportunity to summarise its case.
- 6.11 The Disciplinary Committee shall consider its decision with no other person present. The decision (guilty or not, and any penalty applied) shall be announced immediately after it is taken.
- 6.12 The decision shall be confirmed in writing as soon as possible, but not later than one month after the meeting. The decision shall be communicated to the Respondent through the Respondent's Member Association. The decision shall include information on how to make an appeal and where to pay a deposit (see § 7.6) and information on appeal's costs (see § 7.10).
- The decision shall be communicated via e-mail. Official Member Association e-mail address shall be used. It shall be considered that the decision is received on the same day as the day it was sent by Badminton Europe, unless proven otherwise by the Member Association concerned.
- 6.13 The decision of the Disciplinary Committee shall be publicised at Badminton Europe's discretion.
- 6.14 Any evidence of misconduct by any member of the Board of Directors shall be sent in first instance to the General Secretary (who may also institute proceedings using other evidence).
- 6.14.1 The General Secretary would inform the President of such misconduct. A Vice-President shall be informed of alleged Presidential misconduct.
- 6.14.2 A Standing Disciplinary Committee will investigate the misconduct.
- 6.14.3 After investigation the Standing Disciplinary Committee will report its findings to the full Board of Directors.
- 6.14.4 Penalties can include a fine and/or a recommendation to the membership to suspend and/or ban for a period, and/or dismissal from the Board of Directors. Where the penalty is dismissal from the Board of Directors, the Board of Directors (other than anyone charged

with an offence) votes on the penalty: a simple majority in favour confirms the penalty – failure to secure a majority causes the penalty to be reconsidered by the Standing Disciplinary Committee and a new penalty proposed.

6.14.5 Any appeal must be lodged with the Appeals Panel within 21 calendar days of notification of the finding.

6.14.6 Any findings and penalties applied will be made public.

7. APPEALS

- 7.1 A Disciplinary Committee decision (except cases concerning only administrative fines) can be appealed by the Respondent (or the Respondent's Member Association). A valid (see § 7.6) appeal shall delay the execution of the imposed penalty, except in case of suspension and/or ban (see § 8.8).
- 7.2 The Appeal Committee shall consist of three members, none of whom must have been present in any capacity at any initial Disciplinary Committee that dealt with the particular case. One member shall be chosen by the appellant (see § 7.6.2) and one member shall be chosen by the Board of Directors, not later than 8 days after the appellant's appeal. Those two members shall choose the Chair of the Appeal Committee and failing agreement between the parties, the Board of Directors shall appoint the Chair from the list of Arbiters (see § 7.3).
- 7.3 The members of the Appeal Committee shall be chosen from the list of Arbiters, published by Badminton Europe. The Arbiters are nominated by the Member Associations and the list shall be updated every 3 years. The Arbiters list shall contain Arbiters at least from 8 different Member Associations. A member of the Board of Directors or member of staff of Badminton Europe cannot be named as an Arbiter.
- 7.4 Member Associations shall propose the candidates for Arbiters. The Board of Directors shall name the proposed candidates as Arbiters, but shall have the power to reject any proposed candidate.
- 7.5 The Arbiter named on the list shall not reject his nomination as member of an Appeal Committee, except in case of an existing conflict of interest (see § 5.3) or if exceptional circumstances arise. An Arbiter can request to be removed from the list of Arbiters at any time.
- 7.6 An appeal will only be valid if:

- 7.6.1 it is made through e-mail and received by the General Secretary of Badminton Europe within 14 calendar days of the date of receipt of the Disciplinary Committee decision and
- 7.6.2 the appellant chooses one member of the Appeal Committee and
- 7.6.3 the appellant pays a deposit of 500 EUR. The deposit shall not be returned if the appeal is unsuccessful.
- 7.7 An appeal that does not satisfy the requirements as stated in § 7.6 shall be rejected by the General Secretary of Badminton Europe.
- 7.8 The general procedure of the actions taken by Appeal Committee shall follow the disciplinary procedure as stated in § 6. It is admissible to present any new or additional evidence before the Appeal Committee.
- 7.9 The Appeal Committee can reverse a finding, or can vary the penalty imposed by the Disciplinary Committee. Variation of a penalty can be to increase or decrease any element of the penalty, as the Appeal Committee at its sole discretion sees fit.
- 7.10 All the expenses of the appeal procedure shall be borne by the losing party, including all the expenses incurred by the winning party. If a party succeeds partially, the Appeal Committee shall have the power to determine the amount of expenses that shall be borne by each of the parties.
- Appeal Committee shall always set the exact amount of the expenses to be paid. The expenses shall be paid by the appellant's Member Association. The appellant's Member Association has the power to reimburse the payment from the appellant.
- 7.11 A further appeal against the decision of the Appeal Committee may only be filed with the Court of Arbitration for Sport (CAS) in Lausanne, Switzerland, within 30 days of the date of receipt of the Appeal Committee decision. Appeal Committee decisions may not be challenged by judicial authorities or courts of law of any country or by any other arbitration body. The Court of Arbitration for Sport shall act as an arbitration tribunal, according to its own rules, and its decision shall be final.
- 7.12 All parties are required to respect and follow any final decisions, resulting out of disciplinary proceedings as set in these regulations, without attempting to hinder their application.

A disciplinary decision shall be deemed final if there is no appeal or if an appeal was not

valid. Badminton Europe shall notify the Respondent's Member Association of the day when a particular decision became final.

8. PENALTIES

8.1 Penalties imposed on Member Associations, Players or Officials must follow these Disciplinary Regulations. The severity of the penalty imposed depends on the nature of the offence.

8.2 The following penalties may be imposed:

- reprimand,
- fine,
- ban from competition,
- ban from performing a Function,
- suspension or exclusion,
- disqualification,
- removal of ranking points,
- return of awarded prizes,
- request from BWF withdrawal of sanction of international event.

A combination of the above penalties, including a combination with an administrative fine, is allowed subject to restrictions defined in these Disciplinary Regulations.

A repetitive offender may be punished more severely.

8.3 Where any Badminton Europe Regulation specifies a particular penalty such penalty can only be imposed if a proper disciplinary procedure has been followed.

Notwithstanding the previous paragraph, if a particular Badminton Europe Regulation specifies a fine of up to 1,500 EUR for a particular offence (i.e. administrative fine) such administrative fines may be imposed by following the administrative fine procedure (see § 4).

A penalty shall not be imposed if the offence was not defined before it took place. If no penalty is specified for a particular offence, any reasonable penalty (see § 8.2) may be imposed.

8.4 A reprimand may be issued in lieu of any other penalty when the offence committed is considered to be minor and is considered to have been committed in such extenuating

circumstances that the aim of the penalty is likely to be achieved by issuing a reprimand. A reprimand may not be combined with any other penalty and may be issued even if it is not specifically specified for a particular offence.

- 8.5 A fine shall not exceed 20,000 EUR for Member Associations and 2,000 EUR for Players or Officials. If a Respondent commits the same offence two or more times within a three year period the maximum fine may be doubled. If a Respondent commits the same offence three or more times within a seven year period the maximum fine may be trebled.

Any fine imposed must be notified to the Respondent's Member Association who will be responsible for submitting payment within thirty days of notification.

Any variation of a fine in accordance with § 7.9 must be settled by the Respondent's Member Association within thirty days of notification.

Any expenses awarded in accordance with § 7.10 must be paid by the Member Association of the party found to be liable for such expenses within thirty days of notification.

The Member Association has the power to reimburse any payment from the Respondent.

Badminton Europe shall make all relevant notifications immediately after a particular decision is final.

- 8.6 Any ban from competition is from all Badminton Europe events and Circuit Tournaments for a period not normally exceeding six months, but can be issued, in the most severe cases, for a period of up to two years. If an offender commits the same offence, or a similar offence, two or more times within a five year period, a ban may be issued for life.

The Disciplinary Committee shall define the date of the start and the date of the end of the ban period. The date of the start shall not be later than one month after the decision is taken. Any suspension period shall be included in the ban period.

- 8.7 A ban from performing a Function may be issued for a period not normally exceeding one year, but may be issued, in the most severe cases, for a period of up to five years. If an offender commits the same offence, or a similar offence, two or more times within a ten year period, a ban may be issued for life.

The Disciplinary Committee shall define the date of the start, the date of the end of the ban period and the banned Function. The date of the start shall not be later than one month after the decision is taken. Any suspension period shall be included in the ban period. A ban from performing a Function shall be in effect concerning any Badminton Europe event (e.g.

Event, Tournament, activity, meeting) taking place during the ban period.

- 8.8 The Respondent may be suspended from performing a Function or suspended from competition if there is strong evidence of a serious offence. Suspension is temporary and may be imposed by the Standing Disciplinary Committee (see § 5.1) until the Disciplinary Process is concluded. Such a decision must be taken unanimously and shall be taken disregarding any possible conflict of interest (notwithstanding § 5.3). The Disciplinary Committee may terminate the suspension at any time.

Suspension is allowed even if BWF is likely to start a disciplinary procedure (see § 1.3). In such cases, BWF may terminate the suspension at any time.

If the ban period, as decided by the Disciplinary Committee (see § 8.6 and 8.7), starts before the decision becomes final, such a ban shall be treated as suspension.

- 8.9 A player may be disqualified from a Badminton Europe Event or Circuit Tournament. Disqualification can only be from the entire event or tournament.

Only a referee has the power to disqualify. Disqualification shall be verbal and later included in the referee's report.

- 8.10 Ranking points gained at a tournament or event where the offence took place may be removed. Ranking points may also be removed from up to all ranking tournaments or events of the applicable season, if the offence is also connected to those tournaments or events.

If Badminton Europe is notified that the BWF has removed world ranking points from a player for a particular offence, following a disciplinary procedure by the BWF, such a decision shall also, when final, automatically result in the removal of European ranking points gained by the offender at tournaments or events where world ranking points were removed.

If the removal of ranking points changes the overall ranking position of the offender, any prizes gained from such a position, directly or indirectly (e.g. by being allowed to participate at a tournament or event, following a particular ranking position), may be ordered to be returned.

- 8.11 Prizes won at a tournament or event where the offence took place may be ordered to be returned. Prizes won at up to all ranking tournaments or events of the applicable season may be also ordered to be returned, if the offence is also connected to those tournaments or events. Prizes must be returned within a time limit, as seen fit by the Disciplinary Committee. Returned prizes will be retained by Badminton Europe.

Failure to return prizes within a set time limit shall constitute a further offence and may be punishable by up to the highest possible fine.

- 8.12 A request may be submitted to BWF to withdraw the sanction of an event or tournament for a period up to three years.
- 8.13 When a Respondent also causes a material damage to another party, such a party may report the amount of such material damage and ask for its refund. A Disciplinary Committee may evaluate the alleged material damage and order the Respondent to refund the other party a specific amount of money, within a time limit, as seen fit by the Disciplinary Committee. Such an order is not considered as a penalty but may be set as a condition. Failure to fulfil such an order within a set time limit shall constitute an offence, punishable by any penalty.
- 8.14 Badminton Europe shall keep records of all disciplinary proceedings, issued penalties and dates when particular decisions became final.

9. MISCELLANEOUS

- 9.1 The Board of Directors has the power to interpret any regulations included in this document. During a disciplinary procedure, any regulations may be interpreted by the Chair and such interpretations are binding for the pending case. The Chair may ask the Board of Directors for clarification.
- 9.2 These regulations may only be amended by Badminton Europe Delegates' Meeting and amendments will not have any effect on pending cases.
- 9.3 These regulations and any future amendments will take effect on the day following the day after the adoption.

ADOPTED by the BEC ADM on 16th April 2016 in Podcetrtek, Slovenia