

# **~~AIBA~~IBA Procedural Rules**

## TABLE OF CONTENTS

TABLE OF CONTENTS .....	2
PREAMBLE.....	4
INTERPRETATION .....	4
CHAPTER 1 – GENERAL PROVISIONS.....	5
1    Application.....	5
2    Headquarters .....	5
3    Assistance to Judicial Bodies.....	5
4    Language of Proceedings.....	5
5    Confidentiality .....	6
6    Reversing Precedent.....	6
7    Archives .....	6
8    Unforeseen Cases.....	6
CHAPTER 2 – RULES OF PROCEDURE .....	6
Section A – General Issues.....	6
9    Commencement of proceedings.....	6
10   Decision.....	7
11   Jurisdiction .....	7
12   Conflict of Jurisdiction .....	7
13   Withdrawal from proceedings / Conflict of Interests .....	7
14   Challenge of Member of Judicial Body.....	8
15   Decision regarding Challenge .....	8
16   Consequences of Challenge.....	9
17   Provisional Measures.....	9
Section B – Parties and their Representatives .....	9
18   Parties .....	9
19   Addresses of Parties .....	10
20   Third Parties .....	10
21   Basic Procedural Rights.....	10
22   Representation .....	11
23   Pro bono Counsels.....	11
Section C – Investigation and Prosecution for Ethics and Disciplinary Proceedings .....	11
24   Integrity Officer.....	11
25   Powers of Integrity Officer.....	11
26   Investigation .....	11
27   Prosecution towards Ethics and Disciplinary Committee .....	12
Section D – Procedural Acts .....	12
28   Notification.....	12
29   Submissions.....	13

30	Proof of Notification or Transmission.....	13
Section E – Procedure .....		13
31	Time limits.....	13
32	Hearings.....	14
33	Powers of Chairperson.....	14
34	Suspension of Procedure .....	14
35	Exchange of Submissions.....	15
36	Procedural Particularities.....	15
Section F – Administration of Evidence .....		15
37	Evidence, Evaluation of evidence and Standard of proof.....	15
38	Burden of Proof .....	15
39	Obligation to cooperate with Judicial Bodies.....	16
40	Competition Officials’ Reports .....	16
41	Witnesses.....	16
42	Anonymous Witnesses .....	16
43	Experts.....	17
44	Pleadings.....	18
45	Closing of Proceedings.....	18
Section G – Decision.....		18
46	Deliberations.....	18
47	Decision.....	18
Section H – Costs .....		19
48	Costs of Proceedings .....	19
49	Costs of the Parties .....	19
Section I – Reconsideration, Interpretation and Rectification.....		19
50	Reconsideration .....	19
51	Interpretation or Rectification .....	19
CHAPTER 3 – APPEAL.....		20
52	Court of Arbitration for Sport (CAS) .....	20
53	Effect of Appeal .....	20
CHAPTER 4 – FINAL PROVISIONS .....		20
54	Exclusion of Responsibility.....	20
55	Lacuna .....	20
56	Adoption and Enforcement.....	20

## PREAMBLE

On the basis of article 47.1 of the Constitution, the Board adopts these Rules establishing the procedure for ethical and disciplinary issues to be considered by the Ethics Committee and the Disciplinary Committee where a breach of the Code of Ethics or Disciplinary Code is occurred or allegedly occurred.

## INTERPRETATION

1.1 Capitalized terms used in these Rules shall have the meaning ascribed to them in the Constitution.

1.2 The following terms – used in these Rules only – have the meanings ascribed to them in this article:

“**Code of Ethics**” means [AIBAIBA](#) Code of Ethics;

“**Constitution**” means the [AIBAIBA](#) Constitution adopted on December 13, 2020, together with all subsequent amendments;

“**Disciplinary Code**” means [AIBAIBA](#) Disciplinary Code;

“**Integrity Officer**” means a person appointed by the Board to investigate and prosecute any breach of the Regulations before the Ethics Committee and/or the Disciplinary Committee;

“**Judicial Bodies**” mean the Ethics Committee and the Disciplinary Committee;

“**Party**” means a person participating in the ethics or disciplinary proceedings according to article 18 of these Rules.

“**Rules**” mean these [AIBAIBA](#) Procedural Rules.

1.3 In these Rules, unless otherwise specified:

- a) references to articles are references to articles in these Rules;
- b) unless otherwise specified below, references to a “person” shall be construed so as to include any individual, firm, company, corporation, body corporate, government, state or agency of a state, local or municipal authority or government body or any joint venture, association, federation, confederation or partnership (whether or not having separate legal personality);

- c) a reference to any of the regulations, or to any provision or provisions in a regulation, shall be construed, unless the context otherwise requires, as including a reference to any amendment or replacement made to the same from time to time; and
- d) in the event of any inconsistency between these Rules and the Constitution, the Constitution shall prevail.

1.4 All headings and titles in these Rules have been inserted for ease of reference only and may not be considered as an aid to its interpretation.

## **CHAPTER 1 – GENERAL PROVISIONS**

### **1 Application**

1.1 These Rules lay down the procedure to be followed by the Judicial Bodies in cases where a breach of the Code of Ethics or Disciplinary Code is occurred or allegedly occurred.

1.2 The present Rules shall be duly incorporated within their respective applicable regulations by the Confederations and National Federations.

### **2 Headquarters**

The seat of the Judicial Bodies is based at the [AIBAIBA](#) Head Office. However, if justified by the circumstances, the Judicial Bodies may hold hearings elsewhere.

### **3 Assistance to Judicial Bodies**

The members of any [AIBAIBA](#) Committees (including Standing Committees, Permanent Committees and Ad-Hock Committees), Officials (including Competition Officials) and the Parties shall assist the Judicial Bodies with their inquiries in any proceedings upon relevant request.

### **4 Language of Proceedings**

4.1 The language of the proceedings is English.

4.2 Save as provided in article 4.4, the Parties shall be responsible for qualified interpreting, if needed, in particular if themselves, their representatives, witnesses and/or experts do not speak English.

4.3 If a Party produces a document executed in another language than English, this Party shall be responsible for the translation of the document into English. Upon request of the

Judicial Body the document shall be accompanied by a certified translation.

- 4.4 [AIBAIBA](#) Head Office shall bear all expenses for interpreting and translation of the documents upon request of the Integrity Officer.

## **5 Confidentiality**

- 5.1 The proceedings shall be kept confidential.
- 5.2 After pronouncing a decision, the Judicial Body may disclose the main points of the decision or proceed to publishing the full decision. If appropriate, the Judicial Body shall take steps to conceal the identity of the Parties and of any other participant in the proceedings.

## **6 Reversing Precedent**

Whenever the Judicial Bodies are of the opinion that their legal position adopted in previous cases should be changed, they are formally required to seek and obtain the agreement of the majority of the panel members having taken this decision, except in cases where the Judicial Bodies must apply a decision of a competent Court or Arbitral Tribunal.

## **7 Archives**

All documentation relating to the proceedings will be filed in the archives of [AIBAIBA](#). The records shall not be available to the public and shall be retained for a period of ten years.

## **8 Unforeseen Cases**

In cases not foreseen or not regulated by these Rules, the Judicial Bodies are called upon to decide a case according to customary law and failing that, according to the rules the Judicial Bodies would establish if they were a legislator.

# **CHAPTER 2 – RULES OF PROCEDURE**

## **Section A – General Issues**

### **9 Commencement of proceedings**

- 9.1 Proceedings are opened by the Chairperson or, in case of his absence, by the acting Chairperson of the Judicial Body on the basis of written submissions of the Integrity Officer, upon request of the Congress or the Board, *ex officio*, or when Judicial Body receives the case from another Judicial Body in accordance with article 11.2.

- 9.2 Any person or body may report a conduct that he or it considers incompatible with the Regulations to the Integrity Officer or directly to the competent Judicial Body. Such complaints shall be made in writing. If requested, the name of such natural person (“wistleblower”) will be kept secret, as far as this is needed for his protection.
- 9.3 Judicial Bodies shall not proceed with the case if the limitation period established by the Code of Ethics or the Disciplinary Code is missed. The rules of application of the limitation period are determined by the Code of Ethics or the Disciplinary Code, respectively.

## **10 Decision**

Unless otherwise established by the Code of Ethics or Disciplinary Code, decisions of the Judicial Body shall be taken by the majority of votes of those present at the meetings. In the event of a tie the Chairperson or, in case of his absence, the acting Chairperson shall have the casting vote.

## **11 Jurisdiction**

- 11.1 The Judicial Bodies shall declare whether they are competent to hear the case. Jurisdiction of the relevant Judicial Body shall be determined in accordance with the Code of Ethics and Disciplinary Code.
- 11.2 If the Judicial Bodies consider that they are not competent to hear the case, they shall pronounce a decision of a refusal to proceed. The Judicial Body must then immediately refer the case to the other authority they consider competent and inform the Parties thereof.
- 11.3 Any agreement between the Parties shall have no effect on the competence of the Judicial Bodies.

## **12 Conflict of Jurisdiction**

In case of conflict of Jurisdiction, a final decision shall be taken at a joint meeting of the Ethics Committee and the Disciplinary Committee. Such decision shall be taken by a majority of 2/3 of the votes of those present at the meeting. A decision of the Judicial Bodies shall be taken independently of the Parties, as well as any Officials, [AIBAIBA](#) organs of governance and any third parties.

## **13. Withdrawal from proceedings / Conflict of Interests**

- 13.1 Any member of the Judicial Body shall withdraw from the proceedings in the following circumstances:

- (a) They have a personal interest in the outcome of the case;
- (b) They have previously taken part in the same case in a different role, notably having acted as counsel to one of the Parties or having participated in the case as an expert or witness;
- (c) They do not consider themselves able to reach a decision in a totally independent and impartial manner due to other circumstances.

13.2 If, further to the withdrawal of one or several member(s) of a Judicial Body, or for any other reason, a Judicial Body no longer includes enough members to constitute a panel, the Chairperson shall request the Chairperson of the other Judicial Body to provide one of its members to fill-in the vacancy and constitute a panel.

13.3 If it is the Chairperson who is unavailable, then a member of the Judicial Body appointed by the Chairperson, or the Chairperson of the other Judicial Body, shall fill-in the vacancy.

#### **14 Challenge of Member of Judicial Body**

- 14.1 A Party may request that a member of the Judicial Body handling the case shall be removed from the case if any serious reason or reasons cast doubt on the impartiality or the independence of the person concerned.
- 14.2 The Party that wishes to challenge a member shall do so in writing to the relevant Judicial Body within five (5) days from the discovery of the grounds of the challenge, otherwise it shall forfeit the right to challenge. Challenges must be substantiated.
- 14.3 Should grounds for a challenge arise during the proceedings, the Party shall make them known immediately and without delay.

#### **15 Decision regarding Challenge**

- 15.1 If the challenge of a member of the Judicial Body appears to be neither unfounded nor without merit, the Chairperson or, in case of his absence, the acting Chairperson of the Judicial Body shall transmit the request to the member being challenged and shall set a time limit for the said member to respond to the challenge.
- 15.2 If the member admits the validity of the challenge, that member shall withdraw from the case.



15.3 If the reason for challenge is contested, the other members of Judicial Body shall decide on the challenge, in the absence of the member concerned. The decision can be pronounced without having heard the complainant.

## **16 Consequences of Challenge**

16.1 Any act of procedure involving a member who has been withdrawn according to article 13 or challenged according to article 14 must be cancelled and repeated, provided that the Party challenging a member requests so when filing a request for challenge. However, any evidence submitted during the proceedings (including witnesses' statements, expert opinions, etc.) shall remain valid as long as the challenged member was not in a position to influence on such evidence.

16.2 If the grounds to challenge are only discovered once the case has been closed, the reconsideration of the decision is admissible.

## **17 Provisional Measures**

17.1 According to the circumstances of the case, the Judicial Bodies may order any necessary provisional measures on their own initiative or on that of their Chairperson or, in case of his absence, their acting Chairperson, or following the request of one of the Parties.

17.2 In urgent cases, and particularly in relation to matters that occur during an [AIBAIBA](#) competition where immediate action may be required, provisional measures may be directly ordered without a prior hearing of the Party affected by them.

17.3 If the provisional measures were requested by one of the Parties, the Judicial Bodies or the Chairperson of the Judicial Bodies or, in case of his absence, the acting Chairperson may order such measures to be subject to the deposit of sufficient guarantees.

17.4 Application of the provisional sanctions shall be regulated by the relevant provisions of the Code of Ethics and the Disciplinary Code.

## **Section B – Parties and their Representatives**

### **18 Parties**

The Parties are the accusing and the accused party. As a general rule, the Integrity Officer participates in the proceedings as accusing party; the accused party is a person bound by the Code of Ethics and/or the Disciplinary Code, which allegedly committed a breach of the Regulations.

## **19 Addresses of Parties**

- 19.1 The Parties and other concerned participants of the proceedings are obliged to inform the Judicial Bodies of their current address or headquarters, as well as their email addresses. Failing that, the Judicial Bodies may send any correspondence to the last known address, the address of the National Federation of the concerned participant or publish at least the invitation to a hearing and the decision taken.
- 19.2 The Parties and other concerned participants of the proceedings shall provide the Judicial Bodies with notice of any change of address.

## **20 Third Parties**

- 20.1 A person covered by the Regulations whose interests may be affected with a decision to be issued by the Judicial Bodies may submit a reasoned request on participation or intervention in the proceedings.
- 20.2 The Judicial Bodies shall decide whether to accept or reject the request on participation or intervention after having heard the Parties to the case.
- 20.3 If the request on participation or intervention in the proceedings is granted, a person who submits such a request becomes an Interventient to the case and the Judicial Bodies shall fix a deadline for that Party to provide them with a written submission.

## **21 Basic Procedural Rights**

- 21.1 The fundamental procedural rights guaranteed to the Parties, include in particular:
- (a) the right on equal treatment without discrimination;
  - (b) the right to be heard;
  - (c) the right to present the case;
  - (d) the right to access the case file;
  - (e) the right to provide and present evidence;
  - (f) the right to obtain a reasoned decision; and
  - (g) the right to legal representation.
- 21.2 If the protection of a preponderant private interest makes it necessary, the Judicial Body may accept that the evidence will be presented to them in the absence of the Parties. If the Judicial Body intends to use this evidence against one of the Parties, it shall indicate the

nature of the evidence and provide the Party with an opportunity to respond and present counter-evidence.

## **22 Representation**

22.1 Unless the Judicial Body requested the Party to appear personally, the Party may participate in the hearing in person or by representation.

22.2 The Parties are free to have legal representation at their own cost, provided that a duly signed power of attorney shall be submitted.

## **23 Pro bono Counsels**

23.1 In order to guarantee their rights, individuals who have insufficient financial means may request [AIBAIBA](#) to provide a pro bono counsel for the purpose of proceedings in front of the Judicial Bodies. An individual who requests a pro bono counsel shall submit supporting documents.

23.2 The Chairperson or, in case of his absence, the acting Chairperson of the relevant Judicial Body shall decide on requests for a pro bono counsel. Such decisions are final.

23.3 A list of pro bono counsels shall be established by the Board. National Federations and Confederations shall be entitled to offer candidates to the Board. At least two pro bono counsels shall be appointed for each continent.

23.4 Guidelines for pro bono counsels shall be approved by the Board.

## **Section C – Investigation and Prosecution for Ethics and Disciplinary Proceedings**

### **24 Integrity Officer**

The Board shall appoint the Integrity Officer(s) for the purpose of the ethics and disciplinary proceedings.

### **25 Powers of Integrity Officer**

The Integrity Officer shall have full power to investigate and prosecute any breach of Regulations before the Ethics Committee and/or the Disciplinary Committee.

### **26 Investigation**

26.1 Before submitting a case to the Judicial Body, the Integrity Officer shall conduct preliminary investigations, including the collection of all necessary evidence. Each case shall be well-prepared.

- 26.2 When the Judicial Body decides to open the case *ex officio*, the Integrity Officer shall investigate and prosecute this case upon request of the Judicial Body. Should the Integrity Officer not investigate the case opened *ex officio*, the Judicial Body is entitled to invite an independent person to act as the temporary Integrity Officer with full power to investigate and prosecute the case. Full expenses for invitation of such independent person shall be covered by the [AIBAIBA](#) Head Office.
- 26.3 On the investigation stage the Integrity Officer is entitled to collect evidence, summon experts, examine witnesses as well as anyone (s)he deems appropriate. The Integrity Officer shall also be entitled to request the Chairperson of the Judicial Body or, in case of his absence, the acting Chairperson for application of provisional measures and provisional sanctions.
- 26.4 [AIBAIBA](#) Committees (including Standing Committees, Permanent Committees and Ad-Hoc Committees), Officials (including Competition Officials) and any person covered by the Code of Ethics and the Disciplinary Code shall cooperate with the Integrity Officer.

## **27 Prosecution towards Ethics and Disciplinary Committee**

- 27.1 Upon the investigation stage, the Integrity Officer shall provide to the Judicial Bodies with his motivated written submission along with relevant evidence and his proposals on any possible sanction.
- 27.2 Within the proceedings the Integrity Officer shall prosecute the case before the Judicial Bodies.

## **Section D – Procedural Acts**

### **28 Notification**

- 28.1 The Judicial Bodies shall notify the Parties and other concerned participants of the proceedings of their acts of procedure, as well as their decisions, in writing at the address that has been indicated as per article 19. The notification is validly made at this address if no notice was made to the Judicial Bodies of any change of address.
- 28.2 Unless otherwise decided by the Judicial Body in the exceptional circumstances, notifications shall be made by email.
- 28.3 If someone is represented by a counsel, the Judicial Body has to notify their acts of procedure to the relevant counsel. When two or more counsels represent the same Party, the notification is valid when made to one of them.

- 28.4 A refusal to accept the notification is still considered to be correctly notified.
- 28.5 Faulty notification shall not cause any damage to or lead to the loss of procedural rights.

## **29 Submissions**

- 29.1 Any submissions provided within the proceedings must contain an explanation of the facts pertinent to the case, indicate the means of evidence relied upon, contain conclusions and be signed. Written submissions shall be provided by email within the deadline stipulated (time of the email sent is relevant) by the Judicial Bodies.
- 29.2 If a submission does not meet all the formal requirements, the Judicial Bodies shall fix a short deadline to correct it while indicating that, failing to do so, the submission shall not be taken into consideration.
- 29.3 Documents shall be submitted to the Judicial Bodies in PDF, subject to that each document shall be clearly identified.

## **30 Proof of Notification or Transmission**

The burden of proof of notification or transmission lies with the Judicial Bodies. The burden of proof for the transmission lies with the one sending it. An email sent to the address indicated by the recipient shall be deemed duly transmitted.

## **Section E – Procedure**

### **31 Time limits**

- 31.1 Time limits which the Parties and/or other concerned participants of the proceedings shall comply with commence the day after they have received the relevant document.
- 31.2 Official holidays and non-working days are included in the calculation of time limits. Time limits are interrupted from 20 December to 5 January inclusive.
- 31.3 When a deadline expires on a Saturday, Sunday or public holiday in Lausanne (Switzerland), where [AIBAIBA](#) Head Office is domiciled, it is carried forward to the first subsequent business day.
- 31.4 If a time limit is not observed, the Party in default loses the procedural right in question.
- 31.5 Regulatory time limits may not be extended.
- 31.6 The time limits that are set by the Judicial Bodies shall run for no less than five (5) days and no more than twenty (20) days. In urgent cases, time limits may be reduced. If a

substantiated request is submitted before the time limit expires, an extension of a maximum of ten (10) days may be granted, but only once.

## **32 Hearings**

32.1 The Chairperson or, in case of his absence, the acting Chairperson shall call the members of the Judicial Body to each meeting. The Judicial Body shall meet in presence of 3 or 5 members, unless this meeting is held by a single judge.

32.2 A meeting may take place in person or by videoconference.

32.3 The Chairperson or, in case of his absence, the acting Chairperson shall conduct the meetings.

32.4 The Chairperson or, in case of his absence, the acting Chairperson can rule alone as a single judge and may delegate his functions to another member of the Judicial Body. In particular, the Chairperson or, in case of his absence, the acting Chairperson, or his nominee acting as a single judge may take the following decisions with respect to any of the following matters:

- (a) urgent cases, e.g. when sanctions may affect continuation of the competition;
- (b) deciding whether the proceedings shall be initiated, suspended or terminated;
- (c) suspending a person for up to three months;
- (d) pronouncing a fine of up to CHF 10,000;
- (e) ruling on extending a sanction worldwide.

## **33 Powers of Chairperson**

33.1 The Chairperson or, in case of his absence, the acting Chairperson conducts the proceedings and may take any action required of the Judicial Bodies by acting alone without the presence of the additional members of the Judicial Bodies, except decision-making. Decisions shall be made at the meetings (either by the single judge or in the presence of available members).

33.2 The Chairperson or, in case of his absence, the acting Chairperson ensures the smooth running of the proceedings and is competent to call to order.

33.3 The Chairperson or, in case of his absence, the acting Chairperson may decide on his own initiative and under a simplified procedure, to not consider a request or declare that it is manifestly inadmissible and may directly reject it without further process. Such a decision must be summarily substantiated, and the cause of rejection shall be indicated.

### **34 Suspension of Procedure**

The Chairperson or, in case of his absence, the acting Chairperson may at his own initiative or upon request, suspend the proceedings at any point if (s)he considers it necessary to do so.

### **35 Exchange of Submissions**

35.1 Once the Judicial Body has received the first submission of the Integrity Officer, the accused Party is invited to reply. If the circumstances or the complexity of the case makes it justifiable, the Judicial Body may require a second round of submissions.

35.2 At any point in the proceedings, the Judicial Body is free to require a clarification of standpoints or an additional exchange of submission on one or a number of issues.

### **36 Procedural Particularities**

36.1 Once the initial exchange of submission is completed, the Judicial Body determines the means of establishing the facts of the case and communicates them to the Parties.

36.2 The Judicial Body may require the Parties to be present at the hearing in person or may decide to rule solely on the basis of the documentary evidence.

36.3 The Judicial Body shall indicate to the Parties the evidence which they accept and reject. The Judicial Body can also decide to reserve their right to consider certain evidence at a later stage.

## **Section F – Administration of Evidence**

### **37 Evidence, Evaluation of evidence and Standard of proof**

37.1 Any type of evidence may be provided, except for evidence obtained in bad faith or with a clear breach of the laws. Evidence may only be gathered for pertinent facts to the case.

37.2 The Judicial Body has absolute discretion regarding the evaluation of evidence.

37.3 The standard of proof to be applied in the ethics and disciplinary proceedings is the comfortable satisfaction of the Judicial Body.

### **38 Burden of Proof**

Any Party relying on an alleged fact shall carry the burden of proof of this fact. During the proceedings, the Party shall submit all relevant facts and evidence of which the Party is aware at that time, or of which the Party should have been aware by exercising due care.

### **39 Obligation to cooperate with Judicial Bodies**

Each Party shall cooperate with the Judicial Bodies and provide all requested information and answer any requests of the Judicial Bodies.

### **40 Competition Officials' Reports**

Facts contained in Competition Officials' reports and in any additional reports or correspondence submitted by the Competition Officials are presumed to be accurate, unless proven otherwise by the Parties.

### **41 Witnesses**

41.1 The witness shall be examined on the facts which he knows.

41.2 The Judicial Body shall be entitled to exclude from the case file any written testimonies of the witness, if this witness is not present in person to answer the questions of the Judicial Body and the Parties.

41.3 Witnesses shall tell the absolute and whole truth and shall answer the questions put to them to the best of their knowledge and judgement.

41.4 It is the responsibility of the Parties to ensure the appearance of the witnesses summoned by them and to pay all costs and expenses in connection with their appearance.

### **42 Anonymous Witnesses**

42.1 If a person's testimony conducted in the proceedings in accordance with these Rules could lead to threats on his person or put him or any person particularly close to him in physical danger, the Chairperson of the Judicial Body or, in case of his absence, the acting Chairperson may order, inter alia, that:

(a) the person shall not be identified in the presence of the Parties;

(b) the person shall not appear at the hearing;

(c) the person's voice shall be distorted;

(d) the person shall be questioned outside the hearing room;

(e) the person shall be questioned in writing;

(f) all or some of the information that could be used to identify the person shall be included only in a separate, confidential case file.



42.2 If no other evidence is available to corroborate the testimony provided by the person concerned, such testimony may only be used in the context of imposing sanctions under these Rules if:

(a) the Parties and their legal representatives have had the opportunity to pose questions to the person concerned in writing; and

(b) the members of the Judicial Body have had the opportunity to interview the person concerned directly and in full awareness of his identity and to assess his identity and record in full.

42.3 Disciplinary measures shall be imposed on anyone who reveals the identity of any person granted anonymity under these Rules or any information that could be used to identify such person.

42.4 To ensure their safety, persons granted anonymity shall be identified behind closed doors in the absence of the Parties. This identification shall be conducted alone by the Chairperson of the Judicial Body or, in case of his absence, by the acting Chairperson and shall be recorded in minutes containing the relevant person's personal details. These minutes shall not be communicated to the Parties.

42.5 The Parties shall receive a brief notice which confirms that the person concerned has been formally identified, which contains no details that could be used to identify such person.

### **43 Experts**

43.1 Where special knowledge is required, the Parties or the Judicial Body may summon an expert.

43.2 The Judicial Body shall be entitled to exclude from the case file any expert's written opinion, if this expert is not present in person to answer the questions of the Judicial Body and the Parties.

43.3 It is the responsibility of the Parties to ensure the appearance of the expert summoned by them and to pay all costs and expenses in connection with his appearance. Any costs related to the appearance of the expert called by the Judicial Body shall be covered by [AIBAIBA](#).

43.4 The rules concerning the withdrawal and challenge of members of the Judicial Bodies shall also apply to the expert.

#### **44 Pleadings**

- 44.1 In case the Judicial Body decides to hold a hearing with the presence of the Parties, as a general rule, the Parties are allowed to make two rounds of their presentations.
- 44.2 In their opening statements, the Parties shall briefly present the case to the Judicial Body, including the main relevant facts of the case according to the relevant Party.
- 44.3 Following examination of the evidence contained in the case file, each Party shall present its closing statement, where a legal position and request for relief shall be represented to the Judicial Body by each Party.
- 44.4 First, the accusing Party shall make its presentations, and then the accused Party shall make its presentations last.

#### **45 Closing of Proceedings**

When the Chairperson of the Judicial Body or, in case of his absence, the acting Chairperson finds the proceedings completed, (s)he shall close the proceedings. No further submissions, documents and speeches are allowed after closing of the proceedings.

### **Section G – Decision**

#### **46 Deliberations**

- 46.1 Except when the case is being considered by a single judge, deliberations are mandatory before the Judicial Body shall issue the decision. Such deliberations may be held in form of personal meetings, teleconference, videoconference, by email or any other method.
- 46.2 Nobody except for members of the Judicial Body may be present while the Judicial Body deliberates.

#### **47 Decision**

- 47.1 Decisions of the Judicial Bodies shall be issued in written form. [AIBAIBA](#) Secretary General, the Chairperson of the Judicial Body or, in case of his absence, the acting Chairperson shall be entitled to sign decisions on behalf of the competent Judicial Body.
- 47.2 In principle, the Judicial Bodies issues the terms of decisions without grounds, and only these terms of the decision are notified to the Parties, who are informed that they have ten (10) days from that notification to request, in writing, a motivated decision. Failure to make such a request results in the decision becoming final and binding and the Parties being deemed to have waived their right to lodge an appeal.

- 47.3 If the motivated decision is requested within ten (10) days from notification of terms of decision, the time limit for lodging an appeal begins only on notification of the motivated decision. Each Party of the case can request the decision with grounds.
- 47.4 Any appeal lodged before notification of the motivated decision is regarded exclusively as a request for grounds of the decision.
- 47.5 Once the terms of the decision are notified to the Parties, the decision becomes binding.
- 47.6 [AIBAIBA](#) Head Office publishes decisions issued by the Judicial Bodies on [AIBAIBA](#) official web-site. Where such a decision contains confidential information, [AIBAIBA](#) may decide, *ex officio* or at the request of a Party, to publish an anonymized or a redacted version.

## Section H – Costs

### **48 Costs of Proceedings**

Unless otherwise provided in these Rules, [AIBAIBA](#) shall cover all costs related to the proceedings, excepts to the Parties' costs. No procedural costs shall be imposed to the Parties.

### **49 Costs of the Parties**

No costs of the Parties related to the proceedings, including counsels' fees, are awarded. Therefore, the losing Party shall not pay any costs of the winning Party.

## Section I – Reconsideration, Interpretation and Rectification

### **50 Reconsideration**

- 50.1 The Judicial Bodies may reconsider their decision, either on their own initiative or upon request of one of the Parties, when new pertinent facts arise or if new evidence is discovered, unless they could have been brought forward during the proceedings leading to the decision.
- 50.2 A request for reconsideration must be made to the Judicial Bodies within thirty (30) days of the discovery of the new evidence and the need to have the decision reconsidered.
- 50.3 The decision made after the reconsideration process shall be final.

### **51 Interpretation or Rectification**

If a decision is unclear, ambiguous, contradictory, or if it contains editing mistakes or errors of calculation, the Judicial Bodies shall interpret or rectify the decision on their own initiative or upon a written request made by one of the Parties.

## CHAPTER 3 – APPEAL

### 52 Court of Arbitration for Sport (CAS)

Decisions passed by the Judicial Bodies may be appealed against in front of the Court of Arbitration for Sport (CAS) in accordance with article 48 of the Constitution within thirty (30) days following notification of the motivated decision.

### 53 Effect of Appeal

- 53.1 Save as provided in para. 2 below, the appeal does not have a suspensive effect except with regard to orders to pay a sum of money.
- 53.2 A decision of the Judicial Body shall only be suspended if the CAS issues the relevant provisional measures upon the request of the Parties.

## CHAPTER 4 – FINAL PROVISIONS

### 54 Exclusion of Responsibility

The members of the Judicial Bodies cannot be held personally liable to the Parties for any error or harm.

### 55 Lacuna

In case of lacuna in these provisions, the [AIBAIBA](#) Board shall be responsible to decide upon a missed issue.

### 56 Adoption and Enforcement

- 56.1 These Rules are adopted by the [AIBAIBA](#) Board on April 8 2021 and comes into force on April 8 2021. Articles 13.2 and 13.3 have been adopted on March 4, 2022 and come into force on that date.
- 56.2 These Rules shall replace the Organization and Procedural Rules of the Judicial Authorities of [AIBAIBA](#) approved by the Executive Committee on 18 July 2013.
- 56.3 The procedures which are pending before the Judicial Bodies on April 8 2021 remain subject to the Organization and Procedural Rules of the Judicial Authorities of [AIBAIBA](#) approved by the Executive Committee on 18 July 2013, unless both Parties request the application of these Rules.