



## DISCIPLINARY CODE

### ARTICLE 1 OBJECT

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1. This code describes infringements of the rules in CMAS regulations, determines the sanctions incurred, regulates the organisation and function of the bodies responsible for taking decisions and the procedures to be followed before these bodies.
2. This Code shall apply to all CMAS members (either national federation or any other similar affiliated entity), CMAS staff, persons elected or appointed to any position within the organization of CMAS or the Continental Organizations (collectively referred to herein as "**Officials**"), and other individuals engaged in CMAS activities. It shall also apply to consultants and contractually-connected persons/firms representing or serving CMAS.
3. The judicial bodies of CMAS shall decide the disputes according to the applicable regulations and, subsidiarily, to the laws of Italy.

### ARTICLE 2 CULPABILITY

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1. Unless otherwise specified, infringements are punishable regardless of whether they have been committed deliberately or negligently.
2. Acts amounting to attempt are also punishable. In the case of acts amounting to attempt, the judicial body may reduce the sanction envisaged for the actual infringement accordingly. It will determine the extent of the mitigation as it sees fit; it shall not go below the general lower limit of the fine applicable to the concerned infringement.
3. Anyone who intentionally takes part in committing an infringement, either as instigator or accomplice, is also punishable.

4. The disciplinary body will take account of the degree of guilt of the party involved and may reduce the sanction accordingly. It shall not go below the general lower limit of the applicable fine.
5. The fact that a natural person is not anymore a member of CMAS or has left a member of CMAS neither cancel out liability nor prevents from carrying out disciplinary proceedings. The same provision applies to legal persons members of CMAS.

### **ARTICLE 3     SANCTIONS AND APPLICATION CRITERIA**

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1. The facts or acts implying a sanction are those contemplated in the Statutes of CMAS, in any of the CMAS Internal Regulations (including this Disciplinary Code), and in the resolutions taken by the governance bodies of the CMAS.
2. Both natural and legal persons are punishable by the following sanctions:
  - a. **Warning.** A warning is a reminder of the substance of a disciplinary rule allied with the threat of a sanction in the event of a further infringement.
  - b. **Reprimand.** A reprimand is an official written pronouncement of disapproval sent to the perpetrator of an infringement
  - c. **Fine.** A fine is issued in Euros (€) and shall be paid in the same currency. The fine shall not be less than Euro 500, and not more than Euro 10,000. The body that imposes the fine decides the terms and time limits for payment. Federations or CMAS members are jointly liable for fines imposed to any of their individual members and representatives.
  - d. **Disqualification from a sport event and results, and return of awards and titles.** Disqualification pertains to sport events and related results and could entail either an exclusion from competitions and rankings or downgrading of results. The person or the team disqualified shall be required to return the awards and/or the benefits received, in particular sums of money and any symbolic objects (medal, trophy etc.).
  - e. **Suspension.** Suspension shall deprive the suspended party of the right to participate, in any capacity whatsoever, in sporting activities organised under CMAS, Continental Confederations and National Federations Regulations and in any activities of the CMAS, Continental Confederations, National Federations and their various authorities or affiliated entities. In the case of the suspension, all athletes or licence-holders that are members or in any way related to the suspended member shall also be

suspended, unless authorisation be given by the CMAS Board of Directors to exercise their activities on an individual basis and on conditions set forth by the Board. Suspension shall be for a limited period of time not exceeding five (5) years and any decision of suspension shall indicate the day of commencement and end of the suspension.

- f. **Exclusion.** Without prejudice of the provisions contained in the CMAS Statutes, Exclusion can only be pronounced by the General Assembly upon recommendation of the disciplinary bodies of CMAS in accordance with the Statutes and the provisions of this Disciplinary Code. A member excluded cannot submit a request for affiliation any earlier than five (5) years after the exclusion has been pronounced.
3. Decisions imposing a sanction shall be immediately effective and communicated to all members of CMAS for enforcement. Any appeal lodged against a decision imposing a sanction does not suspend the effectiveness of the applied sanction.
4. Unless otherwise specified, the sanctions provided for herein may be combined.
5. Unless otherwise specified, the judicial bodies of CMAS may increase the sanction to be pronounced as deemed appropriate if an infringement has been repeated.
6. If several fines are pronounced against someone as a result of one or more infringements, the judicial body bases the fine on the most serious offence committed and, depending on the circumstances, may increase the sanction by up to fifty per cent (50%) of the maximum sanction specified for that offence. The same applies if a person incurs several time sanctions of a similar type as the result of one or several infringements.
7. Infringements cannot be prosecuted after a lapse of five (5) years. The commencement of a disciplinary procedure interrupts the lapse of limitation.
8. Suspensions of no more than six (6) months for disciplinary reasons, can be replaced by a fine of Euro Fifty Thousand (50,000) upon request of the sanctioned person, and only for the first violation. In such an event, fines shall be cumulated if a fine has been already imposed.
9. Prosecutions for corruption are not subject to any statute of limitation.
10. Infringements to anti-doping rules cannot be prosecuted after a lapse of eight (8) years.

11. The limitation period runs as follows:
  - a. from the day on which the perpetrator committed the infringement;
  - b. if the infringement is recurrent, from the day on which the most recent infringement was committed;
  - c. if the infringement lasted a certain period, from the day on which it ended.
  
12. The seriousness of an infringement or a violation of CMAS regulations shall be adjudged by the judicial bodies of the CMAS, in accordance with the principles and rules set forth in Article 4. Where the seriousness of an infringement or an offence is not contemplated in Article 4, its seriousness is adjudged taking into account:
  - a. the severity of the violation of the sport spirit and Olympic principles of fair play, loyalty and ethics; and
  - b. the seriousness of the detriment, damages or losses which may affect the CMAS and any of its members, either natural or legal persons, its properties and rights.

## **ARTICLE 4    INFRINGEMENTS**

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### **Minor Infringements**

1. Any CMAS member, either a natural or a legal person is subject to the sanctions described in Article 3, paragraph 2, let a), b), c) and d) if he commits any of the following offences:
  - a. unsporting behaviour of a minor importance. First violation is punishable with warning or reprimand. Second violation shall be punished with a fine of no less than Euro 500 and no more than Euro 2.000. Third violation is considered a serious infringement and shall be treated accordingly.
  - b. dissent by word or action in an unfair way. First violation is punishable with warning or reprimand. Second violation shall be punished with a fine of no less than Euro 500 and no more than Euro 2.000. Third violation is considered a serious infringement and shall be treated accordingly.
  - c. persistent infringement of the Laws of the Game, shall be punished pursuant to the Article 3, paragraph 2, let a), b), c) and d) by a combination of the sanctions provided for therein. A fine shall never be higher than Euro 2.000 for each violation.

When such infringements are repeated in more than two sport events, they become serious infringements and shall be treated accordingly.

### **Serious Infringements**

2. Any CMAS member, either a natural or a legal person is subject to the sanctions described detailed hereinafter if he commits any of the following offences:
  - a. repeated minor infringements as per this Article 4, paragraph 1: three (3) times the highest fine provided for in Article 4, paragraph 1, and suspension of no less than three (3) months;
  - b. serious unsporting behaviour: Euro five thousand (5.000) fine, and suspension of no less than six (6) months;□
  - c. violent or offensive conduct: first violation Euro five thousand (5.000) fine, and suspension of no less than six (6) months. The second violation and afterwards shall be punished by a fine of Euro ten thousand (10.000), and a suspension of one year per each violation, and exclusion can be recommended;
  - d. using offensive, insulting or abusive language and/or gestures: first violation Euro five thousand (5.000) fine, and suspension of no less than six (6) months. The second violation and afterwards shall be punished by a fine of Euro ten thousand (10.000), and a suspension of one year per each violation, and exclusion can be recommended;□
  - e. Disorderliness at competitions and during assemblies or other CMAS official events: first violation Euro five thousand (5.000) fine, and suspension of no less than six (6) months. The second violation and afterwards shall be punished by a fine of no less than Euro five thousand (5.000), and a suspension of one year per each violation, and exclusion can be recommended.
  - f. Misconduct against sport events officials: first violation Euro five thousand (5.000) fine, and suspension of no less than six (6) months. The second violation and afterwards shall be punished by a fine of Euro ten thousand (10.000), and a suspension of one year per each violation, and exclusion can be recommended;
  - g. Unlawful or unauthorized use, and in general any misuse of CMAS logo, emblems and insignia: first violation Euro Ten Thousand (10.000) fine, and suspension of no less than one year. The second violation and afterwards shall be punished

by a fine of Euro Ten Thousand (10.000) and a suspension of one year per each violation, and exclusion can be recommended, without prejudice of actions for restoration of higher damages and losses.

- h. If, in the case of violence, it is not possible to identify the perpetrator(s), the judicial body will sanction the National Federation to which the aggressors belong or can be referred to.
- i. Disciplinary measures may be imposed on national teams where its athletes fail to conduct themselves properly.
- j. Any CMAS member (either natural or legal person) who publicly incites others to hatred or violence will be sanctioned as follows: first violation Euro five thousand (5.000) fine, and suspension of no less than six (6) months. The second violation and afterwards shall be punished by a fine of Euro ten thousand (10.000), and a suspension of one year per each violation, and exclusion can be recommended. In serious cases, in particular when the infringement is committed using the mass media (such as the press, radio or television) or if it takes place on a sport event day, the fine will be Euro Ten Thousand (10,000).
- k. Anyone who offends the dignity of a person or group of persons through contemptuous, discriminatory or denigratory words or actions concerning race, colour, language, religion or origin shall be suspended for no less than six (6) months. Furthermore, a fine of Euro Ten Thousand (10,000) shall be imposed.
- l. Anyone who intimidates a sport event official with serious threats will be sanctioned with a fine of Euro five thousand (5,000) and the exclusion of the event. These sanctions may not be combined with others.
- m. Anyone who uses violence or threats to pressure a sport event official into taking certain action or to hinder him in any other way from acting freely will be sanctioned with a fine of Euro five thousand (5,000) and the exclusion of the event. These sanctions may not be combined with others.
- n. Anyone who, in any CMAS—related activities, forges a document, falsifies an authentic document or uses a forged or falsified document to deceive in legal relations will be sanctioned with a fine of Euro Ten Thousand (10,000) and the suspension of no less than six (6) months. If such an offence is

repeated, fine are doubled per each violation and exclusion can be recommended as of the second violation.

- o. Anyone who offers, promises or grants an unjustified advantage to a body of CMAS, a sport event official, an athlete or an official on behalf of himself or a third party in an attempt to incite it or him to violate the regulations of CMAS will be sanctioned: with a fine of Euro Ten Thousand (10,000), with a suspension of no less than One (1) year, and with a ban on entering any sport courts. Exclusion can be recommended as of the second violation. Passive corruption (soliciting, being promised or accepting an unjustified advantage) will be sanctioned in the same manner. In any case, the judicial body will order the confiscation of the assets involved in committing the infringement. These assets will be used for CMAS development programmes.
  - p. Doping is prohibited. Doping and anti-doping rule violations are defined in the CMAS Anti-Doping Regulations and sanctioned in accordance with the CMAS Anti- Doping Regulations and the CMAS Disciplinary Code.
  - q. Anyone who fails to pay another person within the CMAS activities or to pay the CMAS a sum of money in full or part, even though instructed to do so by a body, a committee or an instance of CMAS or a subsequent CAS appeal decision (financial decision), or anyone who fails to comply with another decision (non- financial decision) passed by a body, a committee or an instance of CMAS, or by CAS (subsequent appeal decision):
    - i. will be fined for failing to comply with a decision;□
    - ii. will be granted a final deadline by the judicial bodies of CMAS in which to pay the amount due or to comply with the (non-financial) decision;□
    - iii. will be warned and notified that, in the case of default or failure to comply with a decision within the period stipulated, further disciplinary measures will be imposed. An exclusion from a CMAS competition may also be pronounced.
3. Any appeal against a decision passed in accordance with this article 4 shall be lodged with CAS directly.
  4. Any financial or non-financial decision that has been pronounced against a legal person by a court of arbitration within the relevant

arbitration system recognised by CMAS, shall be enforced by the national federation that legal person belongs to, in accordance with the principles established in this article and in compliance with the applicable disciplinary regulations.

5. Any financial or non-financial decision that has been pronounced against a natural person by a court of arbitration within the relevant association or national federation, both duly recognised by CMAS, shall be enforced by the association or national federation of the deciding body that has pronounced the decision or by the natural person's new association (or national federation) if the natural person has in the meantime registered with another association or national federation, in accordance with the principles established in this article and in compliance with the applicable disciplinary regulations.

## **ARTICLE 4      RESPONSIBILITIES**

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### **Organisation of competitions**

1. CMAS members that organise sport events or competitions shall:
  - a. assess the degree of risk posed by matches and notify the CMAS bodies of those that are especially high-risk;
  - b. comply with and implement existing safety rules (CMAS regulations, national laws, international agreements) and take every safety precaution demanded by circumstances before, during and after the competition and if incidents occur;
  - c. ensure the safety of match officials, athletes and officials participating or visiting the event
  - d. keep local authorities informed and collaborate with them actively and effectively;
2. Any CMAS member that fails to fulfil its obligations in accordance with this article 5 shall be subject to a fine of Euro Five Thousand (5,000), and in the event of a serious infringement, additional sanctions may be imposed, such as a ban from organizing further events for a certain period of time.

### **Liability for spectators conduct**

3. The home national federation and the home organizer are liable for improper conduct among spectators, regardless of the question of culpable conduct or culpable oversight, and, depending on the situation, may be fined by no less than Euro One Thousand (1,000). Further sanctions may be imposed in the case of serious disturbances.



4. The visiting team is liable for improper conduct among its own group of spectators, regardless of the question of culpable conduct or culpable oversight, and, depending on the situation, may be fined by no less than Euro One Thousand (1,000). Further sanctions may be imposed in the case of serious disturbances.
5. Improper conduct includes violence towards persons or objects, letting off incendiary devices, throwing objects, displaying insulting or political slogans in any form, uttering insulting words or sounds, or invading the court.

#### **Other obligations**

6. CMAS members shall also ensure that no-one involved in the management of national federations who is under prosecution for action unworthy of such a position (especially doping, corruption, forgery etc.) or who has been convicted of a criminal offence in the past five years.
7. Anyone who conspires to influence the result of a match in a manner contrary to sporting ethics shall be sanctioned with a suspension of no less than three (3) years as well as a fine of at least Euro 10,000. In serious cases, exclusion or a lifetime ban on taking part in any underwater-related activity shall be respectively recommended or imposed.

### **ARTICLE 5 UNFAIR BEHAVIOURS**

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1. Any CMAS member (either natural or legal person) acting or attempting to act in such a way as to hinder or harm the interests of CMAS or of another CMAS member shall be subject to a fine of Euro Ten Thousand (10,000) and a suspension of one (1) year. These sanctions shall be doubled in the event of CMAS members pooling up to pursue such forbidden scopes.
2. For the purposes of this article 5, punishable acts shall be, without limitation:
  - a. The direct or indirect sale of cards by a national federation in a country other than that of establishment;
  - b. The direct or indirect sale of cards by a national federation to citizens of a country other than that of the selling national federation;
  - c. The refusal to recognize the CMAS titles and cards released by a national federation affiliated to CMAS;
  - d. Imposing limitations or conditions to the reciprocal recognition of CMAS titles and cards;

- e. Any other act or fact which may limit or prevent the free circulation of athletes or cards-holders and their rights to exercise any CMAS activity;
- f. Any other act or fact which may hinder, limit or harm the regulatory powers and functions of the CMAS.

## **ARTICLE 6 PROSECUTING BODY**

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1. The role of prosecuting body is exercised by the President of CMAS, who represents the CMAS before the DC and the CA. The President may delegate his powers and duties upon resolution to be taken by the President and confirmed by the Board of Directors. Such delegation of powers may be for one or more cases or for a limited period of time not exceeding the term of the President himself.
2. The President of CMAS shall always delegate his powers and duties as prosecuting body whenever:
  - a. he is unable to act or finds himself in a position of conflict of interests.
  - b. the President of CMAS is the subject of an investigation.
3. The prosecuting body may, either at its own initiative or at the request of any interested party, conduct an inquiry into any actions or conduct of a person under the jurisdiction of CMAS and suspected of having committed one of the offences provided for in the CMAS Rules. It may appoint a person of its choice to represent or assist it in the conduct of an investigation and it may empower any person of its choice for the purpose of conducting the inquiry. It may also have recourse to the services of one or more advisors of its choice.
4. For the purposes of the inquiry, the prosecuting body (or those appointed by it) may hear any person likely to provide information and may request any document, in any form and obtain a copy thereof. The prosecuting body may access premises for professional and personal use. Any person subject to the jurisdiction of CMAS must cooperate with the prosecuting body, failing which they may be sanctioned.
5. Any hearing may be recorded as an audio or video recording or in the form of minutes, which must be dated and signed by the interviewee and the prosecuting body. If a person refuses to be questioned, the prosecuting body shall record this fact in writing.
6. After the inquiry, and in view of the information gathered during it, the prosecuting body may draw up an inquiry report and decide:

- a. to close the case, or
  - b. to bring the matter before the DC, or
  - c. to recommend CMAS to enter into a settlement agreement to terminate the procedure.
7. The prosecuting body may grant partial or total immunity to any person who discloses facts that are likely to constitute an infringement and/or who provides evidence allowing such facts to be prosecuted and penalised. The degree of immunity granted to this person by the prosecuting body depends on the following factors:
- a. whether or not the prosecuting body already had the information,
  - b. the extent of the person's cooperation, the importance of the case,
  - c. the importance of the offence in question and the conduct of the accused, and
  - d. past conduct of this person.
8. Immunity, whether partial or total, where granted, is always granted in writing. This document is signed by the CMAS President and by the person benefiting from the immunity. It specifies the type of immunity granted and sets out the sanctions that the CMAS will not take against the person benefiting from the immunity.
9. The immunity granted by the prosecuting body, whether partial or total, is subject to the following cumulative conditions:
- a. cooperating with the CMAS in good faith, meaning telling the whole truth and refraining from destroying, falsifying or concealing useful information or evidence
  - b. providing the CMAS with genuine, total and permanent cooperation throughout the entire investigation, which involves in particular:
    - i. giving and repeating their testimony in accordance with any request and in any form required by the CMAS,
    - ii. remaining at the disposal of the CMAS to reply swiftly to any questions it may have.

These conditions are repeated in the document granting immunity. The person benefiting from the immunity may, depending on the circumstances, be permitted to testify in a manner which safeguards

their anonymity.

10. The immunity granted by the prosecuting authority is irrevocable, provided that it is not subsequently demonstrated, that the person benefiting from the immunity:
  - a. did not tell the truth, or refrained from revealing certain information in their possession, or destroyed or falsified useful information or evidence, which contributed to giving an inaccurate assessment of the ruled on situation and of the responsibilities arising therefrom, or,
  - b. did not provide genuine, total and permanent cooperation, in particular by failing to meet the CMAS' requests to give or repeat their testimony or by not respecting the format required for the validity of that testimony.
11. In the event that one of these two cases is established, the prosecuting body may ask the DC or the CA to revoke the immunity by written decision, with no possibility of appeal by the person concerned, who then once again becomes liable to incur the sanctions listed in Article 3.2 c) and e)
12. The prosecuting body and all persons taking part in the inquiry are bound by an obligation of confidentiality vis-à-vis third parties not concerned with the inquiry. Nevertheless, the prosecuting body may at any time make public its decision to conduct a disciplinary inquiry and the outcome thereof.

## **ARTICLE 7 THE JUDICIAL BODIES OF CMAS**

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1. The judicial bodies of CMAS are: the Disciplinary Committee ("DC") and the Appeal Committee ("AC"). Each judicial body shall consist of a chairman, a deputy chairman and three (3) other members.

### **The Disciplinary Committee**

2. The DC operates totally independently from the other bodies of the CMAS and the members of the CMAS.
3. The members of the DC shall undertake to act with full independence and impartiality so as to preserve the independence of the DC. Each member must be and remain independent of the CMAS and of the parties involved. Any member of the DC involved in a particular hearing must disclose immediately any circumstance likely to compromise his independence in respect of one or more of the parties involved in that hearing.

4. Both during and after their respective terms of office, the members of the DC formally undertake to respect the integrity and independence of the DC and to honour their duty of confidentiality with regard to the deliberations of the DC.
5. The DC shall pass decisions only when at least three members are present, except for the Expedite Procedures, where the chairman may rule alone.
6. The Disciplinary Committee shall have jurisdiction in first instance on any controversy between the CMAS bodies and between CMAS and any of its members and between any of the members either natural or legal persons.

### **The Appeal Committee**

7. The AC shall pass decisions only when at least three members are present, except for the expedite procedures, where the chairman may rule alone.
8. The Appeal Committee is responsible for hearing appeals against decisions from the Disciplinary Committee that are not declared final by the relevant CMAS regulations. Decisions pronounced by the Appeal Committee shall be irrevocable and binding on all the parties concerned. This provision is subject to appeals lodged with the Court of Arbitration for Sport (CAS).
9. The Appeal Committee is also a permanent advisory board of the CMAS for any matters concerning the interpretation, application of and amendments to the Statutes and Regulations of the CMAS. Upon invitation of the President, any of the Appeal Committee members can attend with no voting rights the meetings of the Board of Directors.

## **ARTICLE 8     ORDINARY PROCEEDINGS BEFORE THE DC**

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1. A case before the DC can be brought either by the prosecuting body or directly by any interested party.
2. When it decides to bring a case before the DC, the prosecuting body shall notify the party being prosecuted of the charges brought against him. The Notification of Charges shall inform the party being prosecuted of:
  - a. the factual and legal allegations against it,
  - b. of the penalties that could be pronounced against it, □ the fact that it may read and copy the documents of the case at the headquarters of the CMAS,

- c. the period of time within which he must submit his observations in writing,
  - d. the fact that, if it fails to submit its Observations, the DC may impose a sanction upon it on the basis of the Notification of Charges which have been notified and/or any inquiry report,
  - e. the fact that it may be assisted by a lawyer of its choice.
3. If an inquiry report has been drawn up, it shall be appended to the Notification of Charges.
4. The Notification of Charges shall be served by the prosecuting body on the President of the DC and is deemed to constitute the commencement of the case before the DC.
5. The President of the DC shall designate himself or a member of the DC to be responsible for conducting the proceedings ("the President of the Hearing"), verifying the regularity of the proceedings, ensuring that the rights of the parties are respected, keeping order during the hearing and arranging for the drafting of the decision.
6. After the Notification of Charges has been served, the President of the Hearing shall issue and notify to the parties the Order of Procedure which contains:
  - a. a timetable for the hearing,
  - b. the summons to the hearing;
  - c. the deadlines to submit defensive briefs also containing the proofs that the parties would like to avail themselves of to ground their arguments;
  - d. the deadline for the payment of the proceedings fees, when the case is brought directly before the DC by an interested party. The lack of payment within the given deadline shall be deemed as a waiver to the case, which shall be dismissed.
7. The summons shall remind the Parties that they must appear in person, or through their authorised representatives in the case of a legal entity or an organisation, and that in their absence a decision may be taken against them.
8. They may be assisted by a lawyer who, if a party is absolutely unable to attend, may represent it in its absence, provided it can satisfy the DC as to the reasons for its failure to attend in person.
9. The prosecuted person will be granted at least fifteen days to submit his

Observations on a Notification of Charges, and the prosecuting body will be granted a further fifteen days to reply. There will be a period of least fifteen days between the Reply by the prosecuting body and the hearing. The President of the Hearing may at any time decide to reduce or extend the time limits of proceedings.

10. The response to the Notification of Charges, Observations and the prosecuting body's Reply:
  - a. must be written or translated into in English,
  - b. must indicate each of the arguments on which the Parties intend to rely (which may be presented in skeleton form), a list of any material evidence which the Parties intend to present during the DC hearing (including film or sound recordings, photographs, graphics, the identities of witnesses, knowledgeable parties or experts to be heard, etc.) and an explanation of why the Parties believe such evidence will support their case, together with copies of any statements by witnesses or knowledgeable parties or expert opinions that the Parties wish to rely on,
  - c. must be sent to the DC either by post or email.
11. Any third parties who have been granted rights to participate in the hearing shall be entitled to make a written submission within a time limit to be set by the President of the Hearing. Any such submission shall be made available to the Parties.
12. After the Notification of Charges, the Observations and the prosecuting body's Reply have been exchanged, the Parties shall not be permitted to submit further documents or evidence to the DC, save in new or exceptional circumstances and with the permission of the President of the Hearing.
13. Upon receipt of an appropriate application or on his own initiative, the President of the Hearing shall be entitled to issue directions with respect to the Hearing and the conduct of the case, including with regard to the right of any Party or third party to be heard, the hearing of any expert or witness, the manner in which any party shall be heard, and whether exceptional circumstances exist to justify the submission of further evidence outside the time limits set by the President of the Hearing.
14. The President of the Hearing may also designate a member of the DC panel appointed for the case (the "Reporter") to summarize the case and the issues arising therefrom.
15. The DC hearing is held by the judging panel and presided over by the

President of the Hearing.

16. The prosecuting body will be present or represented by any person of its choice to present its Observations.
17. In accordance with adversarial principles, and having considered any report by the Reporter, the President of the Hearing will invite the Parties to set out their respective arguments, where appropriate without the witnesses, knowledgeable parties or experts being present.
18. The DC may hear the respective witnesses, knowledgeable parties, experts and third parties. The Parties shall have the right to question all the witnesses, knowledgeable parties, experts and third parties on their statements.
19. After they have made their statements, the President of the Hearing may direct any witness, knowledgeable party and expert to remain in the courtroom and not to speak to any other witness, knowledgeable party or expert who has yet to give evidence.
20. Independently of the main parties to the case, the DC may hear, as a third party, any other person who so requests and who could be directly and significantly affected by the decision to be taken. It is the responsibility of any such party to send the DC a written request to be heard, and if that request is granted, that party shall be permitted to submit written observations under the directions of the President of the Hearing.
21. Other interested third parties may also apply to the DC to be heard where appropriate by making a written application outlining their interest in the outcome of the case. If the President of the Hearing determines that it would assist the DC to hear the party concerned, that party may be permitted to make submissions and/or attend the hearing.
22. The President of the Hearing shall then invite the Parties to make their closing statements.
23. Depending on the circumstances, the President of the Hearing may decide to proceed differently.
24. The President of the Hearing may permit a Party or any person taking part in the hearing to attend via videoconference or another means of communication.
25. At any point during the hearing, the DC may decide, after hearing the Parties but before making a final decision :
  - a. to request further information, or



- b. to postpone proceedings to a later hearing, in particular in order to hear witnesses.
26. After the prosecuted person has had the last word, the hearing will be declared closed and no further submissions or evidence shall be permitted, unless requested by the IT after a hearing has been re-opened.
  27. After the close of the hearing, the President of the Hearing will announce the likely time and date when the decision will be pronounced. The DC will deliberate *in camera* to reach its decision, without the presence of the prosecuting body, the prosecuted person or any other party.
  28. The DC may nevertheless decide to re-open the hearing at any point in its deliberation, for instance if it becomes aware of any new fact. In this case, the Parties shall be informed by a new notification for the further hearing.
  29. The decision shall be taken by the simple majority of the members of the judging panel. The President will have a casting vote. Decisions are in principle taken during meetings, but deliberation and voting by correspondence, fax, e-mail, and the holding of meetings via videoconference or conference call are permissible in case of urgency or necessity.
  30. The deliberation is secret but the decision is public and shall be published on the CMAS website.
  31. The decisions shall be reasoned and state the names of the members who took part in the deliberation. Decisions are delivered in English and translated into French and Spanish. In case of any difference of interpretation, the English version shall prevail.
  32. All decisions taken shall be notified to the Parties. The notification of the decision shall specify that the addressee may bring an appeal against that decision before the AC.
  33. Any appeal shall not suspend the sanction imposed, unless otherwise decided by the AC in accordance with Art. 9.2.

## **ARTICLE 9     ORDINARY PROCEEDINGS BEFORE THE AC**

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1. The CMAS, under the authority of its President, and any person who is the subject of a DC decision may appeal against a decision to the CA.
2. The Appellant shall submit to the AC a Statement of Appeal containing at least:

- a. The name and full address of the Appellant and the Respondent;
  - b. A copy of the appealed decision;
  - c. The Appellant's request for relief;
  - d. If applicable an application for stay of the appealed decision together with the relevant reasons;
  - e. Evidence of the payment of the appeal fee.
3. If the above-mentioned requirements are not fulfilled when the statement of appeal is filed, the AC may grant a one-time-only short deadline to the Appellant to complete its statement of appeal, failing receipt of which within the deadline, the AC shall not proceed.
  4. An application for stay of the appealed decision is admissible when the sanction is other than a reprimand, a warning or a fine not higher than Euro 5000. If the sanction is higher than Euro 5000, a suspension of the payment may be also granted if the Appellant provides a bank guarantee for the same amount of the fine.
  5. The AC decides on the application for stay without particular formalities. In any event the Respondent has to be invited to submit his arguments, and if necessary a hearing will be called by the AC.
  6. If granted, a stay shall cease its effectiveness and be void in the event that the Appellant fails to submit the Appeal brief within the deadline provided for herein.
  7. The time limit for appeal shall be fifteen days from the receipt of the decision appealed against. The President of the AC shall not initiate a procedure if the statement of appeal is, on its face, late and shall so notify the person who filed the document. When a procedure is initiated, a party may request the President of the AC to terminate it if the statement of appeal is late. The President of the AC renders his decision after considering any submission made by the other parties.
  8. Within ten days following the expiry of the time limit for the appeal, the Appellant shall file with the AC a brief stating the facts and legal arguments giving rise to the appeal, together with all exhibits and specification of other evidence upon which he intends to rely. Alternatively, the Appellant shall inform the AC in writing within the same time limit that the statement of appeal shall be considered as the appeal brief. The appeal shall be deemed to have been withdrawn if the Appellant fails to meet such time limit, and in such a case the appealed decision shall be final and fully enforceable and not subject to any other appeal.

9. In his written submissions, the Appellant shall specify the name(s) of any witnesses, including a brief summary of their expected testimony, and the name(s) of any experts, stating their area of expertise, he intends to call and state any other evidentiary measure which he requests. The witness statements, if any, shall be filed together with the appeal brief, unless the President of the AC decides otherwise.
10. In such cases the AC decides on the application for suspension after having heard the appealed party, who shall be granted an appropriate delay to submit his arguments not exceeding fifteen days upon notification of the appeal and of the application for suspension
11. Both the Statement of Appeal and the Appeal Brief, together with the evidences and documents filed therewith, shall be served to the Respondent by the Appellant, who shall also provide evidence of the notice of service.
12. Within twenty days from the receipt of the grounds for the appeal, the Respondent shall submit to the AC an answer containing:
  - a. a statement of defence;
  - b. any defence of lack of jurisdiction;
  - c. any exhibits or specification of other evidence upon which the Respondent intends to rely;
  - d. the name(s) of any witnesses, including a brief summary of their expected testimony; the witness statements, if any, shall be filed together with the answer, unless the President of the Panel decides otherwise;
  - e. the name(s) of any experts he intends to call, stating their area of expertise, and state any other evidentiary measure which he requests.
13. If the Respondent fails to submit its answer by the stated time limit, the AC may nevertheless proceed with the case and deliver a decision.
14. The Respondent may request that the time limit for the filing of the answer be fixed after the payment by the Appellant of his share of the advance of costs in accordance with Art. 11.2.
15. Unless the parties agree otherwise or the President of the AC orders otherwise on the basis of exceptional circumstances, the parties shall not be authorized to supplement or amend their requests or their argument, to produce new exhibits, or to specify further evidence on which they intend to rely after the submission of the appeal brief and of the answer.

16. The AC may at any time seek to resolve the dispute by conciliation.
17. The AC has full power to review the facts and the law. It may issue a new decision which replaces the decision challenged or annul the decision and refer the case back to the previous instance.
18. After consulting the parties, the AC may, if it deems itself to be sufficiently well informed, decide not to hold a hearing. At the hearing, the proceedings take place *in camera*.
19. The AC has discretion to exclude evidence presented by the parties if it was available to them or could reasonably have been discovered by them before the challenged decision was rendered.
20. If any of the parties, or any of its witnesses, having been duly summoned, fails to appear, the AC may nevertheless proceed with the hearing and render a decision.

#### **ARTICLE 10 EXPEDITE PROCEDURE**

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1. In case of justified urgency, in particular for matters relating to sports competitions, the parties concerned may call for an expedited procedure. The stages and time limits for the procedure to be followed are then fixed by the President of the DC or of the AC as the case may be, with all due respect for adversarial principles and the rights of the all parties.
2. Where necessary the President of the Hearing may order that the hearing be conducted via videoconference or conference call.
3. In the event of Expedite Procedure, the President of the competent body passes the decision alone, without any need for summoning the whole justice body. Each decision is subject to appeal, except for the grounds which justified the expedite procedure.

#### **ARTICLE 11 COSTS AND TAXES OF THE PROCEDURES**

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1. In their decision, the DC and the AC will determine, depending on the outcome of the case, against whom to award the costs of the procedures. The costs include all the expenses, fees, and disbursements incurred by:
  - a. the prosecuting body in connection with the case and for each degree of internal jurisdiction, and
  - b. those pertaining to the procedure before the justice body from the commencement of the matter until the pronouncement of the decision (including the costs of

investigation, witnesses, fees of experts and technical advisers, a contribution to the operative costs of the DC and the AC, etc.).

2. The costs do not include the expenses and legal fees incurred by the parties. The concerned justice body may decide to set a lump sum for the costs and determine whether an advance on costs has to be paid by the parties.
3. In addition to the costs, the Parties to a proceedings before the CMAS justice bodies shall pay the administrative taxes and fees established by the Board of Directors, which shall not be returned in any event.

## **ARTICLE 12 RIGHT OF REVIEW**

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1. After either the DC or the AC have issued a decision, if any important new evidence is discovered which was unknown during the case before the DC or the AC and which could call into question or cause the to modify the decisions taken, the interested party may file a petition for review before the AC asking to re-examine the decision using a procedure which must respect both the rights of the Parties and the terms of the present Rules.
2. The AC may decide to re-examine a case, not only on petition by any party who has direct interest in the decision, but also on its own initiative, or by the President of the CMAS. In order to be admissible, the petition for review by a party or by the CMAS must be submitted to the AC within 12 months of the decision to be reviewed.
3. The rules regulating the proceedings before the AC shall apply.

## **ARTICLE 13 COURT OF ARBITRATION FOR SPORT**

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1. The Court of Arbitration for Sport in Lausanne, Switzerland, is the sole competent authority to deal with and judge appeals, in cases stipulated by the rules established by the Board of Directors, against sporting, disciplinary and administrative decisions taken by the judicial bodies of the CMAS.
2. Proceedings with the Court of Arbitration for Sport are governed by the Code of arbitration for sport. The Court of Arbitration for Sport will apply Italian law.
3. Without prejudice to the statutory and special regulatory provisions, all actions before the Court of Arbitration for Sport shall be inadmissible unless all appeals stipulated by the CMAS Statutes or Regulations have been exhausted.

4. An appeal before the Court of Arbitration for Sport shall be inadmissible in respect of any consolidated decision of the CMAS judicial bodies such as:
    - a. decisions by the DC which are not appealed before the CA or whose time limit for appeal has elapsed;
    - b. decisions of the CA whose the time limit for the appeal before the Court of Arbitration for Sport has elapsed.
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