



**INTERNATIONAL JUDO FEDERATION  
DISCIPLINARY CODE**

The Executive Committee of the International Judo Federation (hereinafter: **IJF**), based on the provisions of Article 14 (3) of Act I of 2004 on Sport (hereinafter: **Sports Act**), the provisions of Government Decree 39/2004 (12. III.) on Sports Disciplinary Liability (hereinafter: **Decree**) and the Statutes of the IJF, hereby establishes the following Sports Disciplinary Code (hereinafter: **Code**).

**PREAMBLE**

Under the authority established by the Statute and within the provisions set forth by the Sports Act, the purpose of the Code is to: a) ensure the proper functioning of the judo sport at an international level, as provided for in the Sport Act, and to protect, in an effective and timely manner, the persons and rights of those involved in the judo and the management, organisation and conduct thereof; b) protect the order of the judo sport and ensure the spirit of judo in accordance with the Statutes of the IJF; c) promote compliance with the IJF Rules and Regulations; d) encourage persons subject to the Code to uphold the spirit of judo and to behave in a sportsmanlike manner towards their sporting organisation, opponents, referees, officials and the public; e) promote the principle of fair play.

**I. GENERAL RULES**

**1. Scope of personal and material application**

- 1.1. The provisions of the Code shall apply to disciplinary and - subject to Clause 1.6 - ethical offences committed by the IJF, the Continental Unions, the Members, sports organisations participating in the competition system of the IJF, the Continental Unions or the Members, athletes registered (certified) by the Continental Unions or the Members, sports officials, referees, officials of the judo sport.
- 1.2. The Code applies to:
  - i) IJF,
  - ii) the Continental Unions,
  - iii) Members,
  - iv) to sports organisations participating in a competition system organised by the IJF, the Continental Union or Members,
  - v) athletes registered (certified) by the IJF, the Continental Union or Members,
  - vi) sports professionals involved in the judo sport.in accordance with the Statutes, regulations and decisions of the IJF.

- 1.3. The IJF Disciplinary Bodies shall have the power to investigate any fact or incident which is contrary to the moral code of judo, the principle of reciprocity, the Statutes and the Code and Regulations of the IJF or which may be the subject of criminal prosecution in the country of origin of the person subject to the Regulations and which is committed by the persons referred to in Clause 1.2 and their affiliated members.
- 1.4. The scope of the Code covers acts that are contrary to the moral, ethical, deontological or sporting spirit of the judo sport, that affect the image and reputation of judo, and the rules of the Association of Summer Olympic International Federations (ASOIF) and the International Olympic Committee or the IJF on sports betting.
- 1.5. The Code shall also apply to disciplinary and ethical offences committed by a person subject to the Code at a sporting event, function, training camp or in preparation for and/or travel to or from such events.
- 1.6. The IJF Code of Ethics sets out the standards of conduct that may entail the initiation of disciplinary action in the event of a culpable breach thereof.
- 1.7. The Code does not apply to the exercise of disciplinary powers in the event of an anti-doping rule violation.

## **2. Temporal scope**

- 2.1. The disciplinary offence shall be dealt with in accordance with the Code in force at the time of the offence.
- 2.2. If the new Code in force at the time of the assessment of the act no longer consider it a disciplinary offence or if the assessment is less severe, the new Code shall apply.

## **3. Principles of behaviour, spirit of judo, liability**

- 3.1. A disciplinary offence is committed by anyone who culpably breaches an obligation under the IJF Statutes, the IJF Rules or Regulations or the Code of conduct contained therein.
- 3.2. The perpetrator shall be liable to disciplinary action only for an offence that was punishable by the IJF Statutes or the Code at the time it was committed.
- 3.3. The Continental Unions, Members, sports organizations shall be responsible for the conduct of their athletes, sports professionals, members, participants in sporting events organised by them or on their behalf and any other person performing a duty at their request in any competition system.
- 3.4. Unless the mandatory rules applicable to the respective event requires otherwise, the organiser of the Sport Event - or, if the organiser of the Sport Event does not fall within the scope of the Code, the person who has commissioned the organiser to organise the event - is responsible for compliance with applicable law and the Rules and Regulations of IJF, including in particular maintaining security at the Sport Event Area during (i) the entire duration of the Sport Event, (ii) entry to the Sport Event, and (iii) exit from the Sport Event Area.
- 3.5. It shall be considered a disciplinary offence if the organiser of a Sport Event within the IJF Competition System - or, if the organiser does not fall within the scope of the Code, the person who commissioned the organiser to organise the event - fails to fulfil, or only partially fulfils, or unilaterally modifies, their contractual obligations in relation to the IJF or is delayed with the performance thereof.

3.6. It shall be considered a disciplinary offence for a person subject to the Code to obstruct, impede or otherwise frustrate the disciplinary proceedings, the disciplinary hearing or any procedural act, or to seriously disrupt the disciplinary hearing or the procedural act.

#### **4. Statute of limitations**

4.1. No disciplinary sanction may be imposed if five (5) years have elapsed since the disciplinary offence was committed (hereinafter referred to as the **general limitation period**).

4.2. If the victim of the disciplinary offence is a minor at the time of the offence according to the personal right of the victim, the limitation period is 10 (ten) years.

4.3. The limitation period for disciplinary offences committed by a Continental Union, Member, sports organisation or their officials or sports professional is 10 (ten) years.

4.4. Where, by law, the act committed is punishable longer than the limitation period set forth in Clauses 4.1 - 4.3, the limitation period shall be extended in accordance with the law.

4.5. The right to initiate disciplinary proceedings in the case of unlawful influence on the result of a Sport Event or competition system (championship) is not time-barred.

4.6. The starting date of the limitation period:

- a) the day after the disciplinary or ethical offence occurred;
- b) in the case of disciplinary or ethical misconduct arising solely from failure to comply with a duty, the day following the day on which the person subject to the Code could have complied with their duty without the consequences laid down in the Code;
- c) in the case of a disciplinary offence committed while maintaining an unlawful situation, the day following the day on which that situation ceases.

4.7. In the case of a breach of obligations committed by a person subject to the Code in a country other than his country of residence, the limitation period shall be calculated from the date of the return of the person subject to the proceedings to his country of residence.

4.8. The procedural measures taken by the proceeding disciplinary body against the person subject to proceedings for disciplinary offences shall interrupt the limitation period. On the date of interruption, the limitation period shall begin to run afresh.

4.9. If disciplinary proceedings are suspended, the period of suspension does not count towards the limitation period.

#### **5. Grounds for the termination of liability**

5.1. Disciplinary offences shall not be punishable:

- a) upon the death of the person subject to the proceedings;
- b) if the legal person subject to the proceedings was terminated without legal successor;
- c) in case of expiry of the limitation period.

5.2. The disciplinary proceedings shall not be impeded:

- a) by termination of employment or other relevant legal relationship of a natural person falling within the scope of the Code;
- b) if the natural person falling within the scope of the Code is no longer an athlete at the time the procedure is initiated;
- c) if the natural person falling within the scope of the Code is engaged in a sporting or professional activity in another sport at the time the procedure is initiated.

5.3. If the legal relationship of the person subject to the proceedings is terminated before the disciplinary sanction has been served, the punishment or the remaining part thereof shall be

delivered by the person falling within the scope of the Code with whom the person subject to the proceedings is in a legal relationship.

## **II. SANCTIONS APPLICABLE FOR DISCIPLINARY OFFENCES**

### **6. Purpose and principles for imposing a sanction for disciplinary offences**

- 6.1. The purpose of imposing a sanction for a disciplinary offence is to prevent the perpetrator or others from committing an act that may give rise to disciplinary proceedings, in order to protect the judo sport.
- 6.2. The sanction applicable for a disciplinary offence shall be imposed within the limits of the IJF Statutes and the Code, with regard to its purpose, and in a manner commensurate with the material seriousness of the offence, the degree of fault and other mitigating and aggravating circumstances.
- 6.3. When imposing a sanction for a disciplinary offence, account shall be taken of any proceedings for the same or similar disciplinary offences committed by the perpetrator within 3 (three) years prior to the date of the disciplinary offence, which have been finally disposed of by a final and binding decision, provided that the offender has been found guilty in the respective disciplinary proceedings.
- 6.4. If the person subject to disciplinary proceedings commits another disciplinary offence during the period of the disciplinary sanction, the same disciplinary sanction may be imposed repeatedly.

### **7. Disciplinary sanctions that may be imposed on an athlete or sports professional**

- 7.1. The following disciplinary sanctions may be imposed on athletes or sports professionals:
  - a) verbal warning,
  - b) a written reprimand,
  - c) the withdrawal (reduction) of benefits granted by the IJF for a maximum period of one year,
  - d) financial penalties.
- 7.2. In addition to the sanctions set forth in Clause 7.1 the following sanctions may also be imposed on athletes:
  - a) a ban - even for a permanent period - from participation in a competition organised within the IJF Competition System or otherwise included in the IJF competition calendar, and in a training or training camp organised by a sports organisation or sports federation falling within the scope of the Code,
  - b) suspension of the right of temporary or permanent transfer for a maximum of two (2) years in the event of a breach of the rules on registration (certification) and transfer,
  - c) downgrading,
  - d) exclusion,
  - e) withdrawal of medals and/or the prize money;
  - f) withdrawal of title;
  - g) withdrawal of points on ranking list.
- 7.3. In addition to the sanctions set forth in Clause 7.1, sport professionals may be subject to suspension from sport professional activity, including permanent suspension.
- 7.4. The amount of the fine (financial penalty) may not exceed 12 (twelve) months of the average annual net income of the professional athlete arising from sports activities or the professional sport activity of sport professional.

- 7.5. No financial penalty may be imposed on an amateur athlete or sports professional acting under a contract without consideration.
- 7.6. The penalties provided for in points (c) to (g) of Clause 7.2 may be imposed together or in combination with other penalties. A financial penalty may also be imposed together with sanctions set forth in point (c) of Clause 7.1 and Clauses 7.3 and 7.4, otherwise the disciplinary penalties may not be imposed together.

## **8. Disciplinary sanctions that may be imposed on a Continental Union, Member (National Federation), sport organisation**

- 8.1. The following disciplinary sanctions may be imposed on Continental Union, Member (National Federation), Sports organisations:
- a) a written warning,
  - b) reduction (withdrawal) of benefits that may be granted by the IJF,
  - c) the obligation to increase the number of Sport Event stewards (event staff),
  - d) obligation to receive and pay the costs of the proceedings of an IJF International Federation Inspector,
  - e) the requirement to hold a sports event in a closed sports facility without spectators for a maximum period of twelve months,
  - f) annulment of the result of the competition, deduction of competition points,
  - g) penalty points (deduction of ranking points),
  - h) a ban from participating in international sporting events for a maximum period of two years,
  - i) deprivation of the right to register (transfer) an athlete for a maximum period of two years,
  - j) exclusion, even for an indefinite period, from a specified number of competitions or from the whole of a competition system, whether professional, mixed or amateur, or from a championship,
  - k) an order to pay the costs of the IJF proceedings,
  - l) suspension from the IJF for a maximum of one (1) year,
  - m) a fine of up to HUF 50 million,
  - n) an obligation to implement sale of tickets based on pre-registration only.
- 8.2. The financial penalty may be applied together with sanctions set forth in points (b) to (k) and (n) of Clause 8.1. The sanctions set out in points (c), (d), (k) and (n) of Clause 8.1 may be applied in combination with each other and with any other penalty. The penalties set out in points (f) and (g) may be applied in combination with each other and with the penalties set out in points (h) and (i).

## **III. DISCIPLINARY PROCEEDINGS**

### **9. Sports disciplinary powers, competence**

- 9.1. The IJF Disciplinary Committee shall have competence for all disciplinary proceedings which are not referred to another disciplinary body by the IJF Statutes or the Code.
- 9.2. Unless the Code requires otherwise, the IJF Disciplinary Committee shall have competence to decide on any offence committed by a Continental Union or Member, or by a Member, athlete or sport professional participating in the IJF Competition System or at competition otherwise

- included in the IJF competition calendar (including but not limited to the Summer Olympic Games) or Sporting Event of the Continental Unions, Members (National Federations).
- 9.3. The disciplinary committee of the Member (National Federation) acting as disciplinary body of first instance shall have competence in respect of the Member (National Federation) Competition System, or in an event otherwise included in the competition calendar of the Member (National Federation) or Sporting Event not falling within the scope of Clause 9.2.
- 9.4. The Member (National Federation) Disciplinary Committee shall notify the IJF General Secretary in writing of the act giving rise to the disciplinary proceeding without delay and in any event within eight (8) days if the conduct giving rise to the initiation of the disciplinary proceeding contains international element.
- 9.5. The notification shall include at least
- a) the subject matter and legal basis for the disciplinary proceedings,
  - b) the act (conduct) on which the disciplinary proceedings are based.
- 9.6. The IJF General Secretary may decide within fifteen (15) days of receipt of the notification that the disciplinary proceedings shall be conducted by the IJF Disciplinary Committee.
- 9.7. A Member (National Federation) shall proceed with disciplinary proceedings if there is a reasonable suspicion of disciplinary offences and the IJF General Secretary has not decided within the time limit set out in Clause 9.6 to conduct disciplinary proceedings or has requested the Member's (National Federation's) Disciplinary Committee to conduct such proceedings.
- 9.8. The IJF Executive Committee, on the proposal of the Secretary General, appoints the proceeding committee in case of a dispute over competence or jurisdiction, or if, for reasons of conflict of interest or any other reason, the committee with competence and jurisdiction cannot proceed.

#### **10. Proceeding sport disciplinary bodies, list of arbitrators**

- 10.1. The IJF Disciplinary Committee shall conduct the disciplinary proceedings in the cases provided for in the IJF Statutes in accordance with the rules set out in the Code.
- 10.2. The IJF Disciplinary Committee, as the sport disciplinary body of first instance, shall have the power to designate the sport disciplinary body of a Continental Union or Member (National Federation) as the sport disciplinary body of first instance if it may be established from the circumstances of the case that the case is substantially more closely connected with the designated Continental Union or Member (National Federation) and there is no conflict of interest in relation to the designated body.
- 10.3. The IJF Disciplinary Appeals Committee shall conduct the appeal sports disciplinary proceedings in the cases provided for in the IJF Statutes according to the rules set out in the Code.
- 10.4. As set forth in Clause 10.3, the IJF Disciplinary Appeals Committee shall act as an appeal body for sports disciplinary matters in cases where
- a) in the first instance, the IJF Disciplinary Committee, or the disciplinary body of the first instance of Continental Union or Member (National Federation) designated by the IJF Disciplinary Committee under Clause 10.2,
  - b) Disciplinary Committee of the Continental Union proceeded as disciplinary body of first instance,
  - c) the Member's (National Federation's) Disciplinary Committee has acted as disciplinary body of first instance and the Member's (National Federation's) disciplinary system does not provide for a tiered system of sports disciplinary bodies under the applicable governing the Member,

- d) the Member's (National Federation's) appeal sports disciplinary body has acted in the second instance in a case where the Member's (National Federation's) disciplinary committee acted in the first instance, provided that it was required by mandatory provision of the applicable law.
- 10.5. Having regard to the fact that the disciplinary system of a Member (National Federation) may require the operation of a multi-tiered system of sports disciplinary organisation under the applicable law governing that Member, the IJF Disciplinary Appeals Committee shall act as an appeal sports disciplinary body in addition to cases falling within the scope of point c) of Clause 10.4, if the decision taken by the Disciplinary Committee of the Member (National Federation) acting at first instance has been appealed by a second level body organized within the Member's (National Federation's) organisation.
- 10.6. Based on the proposal of the IJF President, the IJF Executive Committee shall appoint the arbitrators who may be appointed as members of the IJF Disciplinary Committee and the IJF Disciplinary Appeals Committee (the **List of Arbitrators**).

## **11. IJF Disciplinary Committee**

- 11.1. The IJF Disciplinary Committee is the sports disciplinary body of first instance consisting of 3 (three) members.
- 11.2. The members of the IJF Disciplinary Committee shall be appointed from the List of Arbitrators by the IJF President on the recommendation of the IJF General Secretary. In making the appointment, care shall be taken to ensure that at least one (1) of the members appointed has a legal qualification.
- 11.3. From among the members of the IJF Disciplinary Committee, the President of the IJF shall appoint i) the Chairperson of the IJF Disciplinary Committee and ii) the Vice-Chairperson of the IJF Disciplinary Committee.
- 11.4. The members of the IJF Disciplinary Committee are independent and subject only to the applicable laws, the IJF Statutes, the Code, and may not be instructed in their judgement. The members of the IJF Disciplinary Committee shall not receive any remuneration for their activities, but may claim reimbursement of their costs and expenses incurred in connection with their disciplinary activities.

## **12. IJF Disciplinary Appeals Committee**

- 12.1. The IJF Disciplinary Appeals Committee is the appellate sports disciplinary body composed of three (3) members.
- 12.2. The members of the IJF Disciplinary Appeals Committee shall be appointed from the List of Arbitrators by the IJF President on the recommendation of the IJF General Secretary. In making the appointment, care shall be taken to ensure that at least one (1) of the members appointed has a legal qualification.
- 12.3. From among the members of the IJF Disciplinary Appeals Committee, the IJF President shall appoint i) the Chairperson of the IJF Disciplinary Appeals Committee and ii) the Vice-Chairperson of the IJF Disciplinary Appeals Committee.
- 12.4. The members of the IJF Disciplinary Appeals Committee are independent and subject only to the applicable law, the IJF Statutes and the Code, and may not be instructed in their judgement. The members of the IJF Disciplinary Appeals Committee shall not receive any remuneration for their

activities, but may claim reimbursement of their costs and expenses incurred in connection with their disciplinary activities.

### **13. Conflict of interest**

- 13.1. One may not participate in the proceedings and decision-making of any proceeding Disciplinary Committee as a member of a sports disciplinary body (including the chairperson and members of the Disciplinary Committee) or act as a minute-taker:
  - a) who is a relative of the natural person subject to the proceedings, as defined in the Hungarian Civil Code or in accordance with his or her personal law,
  - b) who has been heard as a witness or expert in the proceedings,
  - c) who has an interest in the imposition or non-imposition of a disciplinary sanction,
  - d) who cannot be expected to give an impartial judgment on the case,
  - e) in appeal proceedings conducted by the IJF Disciplinary Appeals Committee, who was the Chairperson or member of the IJF Disciplinary Committee of first instance or, in the case of a multi-level national disciplinary system, of second instance;
  - f) who is (or was within 4 years from the commencement of the disciplinary procedure) a member of any organization that provided any support, fund, grant, advantage or sponsorship to IJF;
  - g) in case of any cases of conflict of interest set forth by the Code of Ethics.
- 13.2. The Chairperson, the member of the Disciplinary Committee or the keeper of the minutes shall declare the conflict of interest to the proceeding disciplinary committee, informing the IJF General Secretary at the same time, and shall terminate his/her activity simultaneously. The Chairperson, member or keeper of the minutes shall declare a conflict of interest as soon as the person concerned becomes aware of the facts giving rise to it.
- 13.3. The IJF General Secretary decides on the conflict of interest. In the event of a conflict of interest, the IJF General Secretary shall exclude the chairperson, the member or the keeper of the minutes from the proceedings. The IJF General Secretary shall nominate a replacement for the member affected by the conflict of interest, who shall be approved by the IJF President. The Disciplinary Committee shall repeat the procedure for the part of the procedure relating to the activities of the chairperson, the member or the keeper of the minutes.
- 13.4. If the conflict of interest concerns the IJF President, the IJF Executive Committee shall decide on the composition of the proceeding Disciplinary Committee.

### **14. IJF Disciplinary Supervisory Panel**

- 14.1. The IJF Disciplinary Supervisory Panel is a body elected by the IJF Executive Committee which consists of three (3) elected members.
- 14.2. The chairperson of the IJF Disciplinary Supervisory Panel shall be appointed by the IJF Executive Committee. The IJF Disciplinary Supervisory Panel shall be composed of members, one of whom shall hold (i) a law degree and (ii) has at least five years of professional experience in the field of sports law and the two additional members shall have professional experience as sport professional or judo athlete (in case of the latter having reached the black belt).
- 14.3. Members of the IJF Disciplinary Supervisory Panel are appointed by the IJF Executive Committee on the recommendation of the IJF President.
- 14.4. The IJF Disciplinary Supervisory Panel shall establish its own bylaws in accordance with the present Code, which shall be approved by the IJF Executive Committee.



- 14.5. The IJF Disciplinary Supervisory Panel conducts a jurisprudential analysis of cases concluded by final decision of the disciplinary committees of IJF, Continental Unions and Members (National Federations), in order to identify and examine the jurisprudence of the disciplinary committees in sports disciplinary matters and to make recommendations to the IJF Executive Committee on the rules of conduct that may give rise to disciplinary proceedings.
- 14.6. The Disciplinary Supervisory Panel will prepare an annual summary report on its investigation. The IJF Executive Committee shall discuss the summary report and, if it agrees, the report shall be published on the IJF website (hereinafter referred to as the **Summary Report**).

#### **15. The person subject of the proceedings**

- 15.1. The person subject to disciplinary proceedings is the person against whom the disciplinary proceedings are being conducted.
- 15.2. The person subject to disciplinary proceedings is entitled to:
- a) know the subject matter and legal basis for disciplinary proceedings,
  - b) be informed about the facts and evidence on the basis of which disciplinary proceedings are being taken against him/her,
  - c) the proceeding sports disciplinary body in charge shall grant him/her sufficient time to prepare to defend himself/herself, as provided for in the Code,
  - d) appoint a legal representative,
  - e) consult with their legal representative without surveillance,
  - f) make a statement or refuse to make a statement,
  - g) present evidence, make motions and comments,
  - h) have recourse to legal remedies in accordance with applicable law and the IJF Statutes,
  - i) have full access to the file of the proceedings, subject to the exceptions set forth in the Code.
- 15.3. At all stages of the procedure, the person subject to the proceedings may address questions, comments, motions to the participants in the procedure through the proceeding sports disciplinary body, and request information from the proceeding sports disciplinary body, unless otherwise provided for in the Code.
- 15.4. At any stage of the proceedings, the person subject to disciplinary proceedings may inspect, request copies of or make copies of the case file.
- 15.5. The person subject to the proceedings may have legal representation during the proceedings. The power of attorney of the legal representative must be in writing or on the record. The legal representative shall provide the original of his written authorisation or a certified copy thereof to the proceeding sport disciplinary body upon making their initial statement. The provisions relating to powers of attorney shall apply mutatis mutandis to the revocation, termination and notification of powers of attorney.
- 15.6. At the request of the person subject to the proceedings, the participation or the exercise of the right of professional representative body in the sector must be made possible.

#### **IV. DISCIPLINARY PROCEEDINGS**

##### **16. Opening of the proceedings**

- 16.1. The Chairperson of the IJF Disciplinary Committee will initiate disciplinary proceedings in the case of reasonable suspicion of disciplinary offences.

- 16.2. The Chairperson of the IJF Disciplinary Committee shall initiate disciplinary proceedings within eight (8) days of receipt of a reasoned request of
- a) the IJF Executive Committee,
  - b) the IJF President,
  - c) the Chairperson of any IJF Commissions set forth in Article 11.13 of the IJF Statutes,
  - d) whose right or legitimate interest has been prejudiced by the disciplinary offence,
  - e) by the IJF General Secretary on the basis of a complaint submitted on the 'IJF Integrity Platform',
  - f) who is entitled to do so by the IJF Statutes.
- 16.3. The Chairperson of the IJF Disciplinary Committee may reject the request of a person set forth in Clause 16.2 to initiate disciplinary proceedings if the information available to them shows that
- a) the act which gave rise to the proceedings is not a disciplinary offence,
  - b) there is no suspicion of a disciplinary offence,
  - c) the sport disciplinary liability has ceased to exist as a result of death, cessation without legal succession or limitation,
  - d) the act which gave rise to the initiation of the procedure has already been adjudicated by a final and binding decision.
- 16.4. The Continental Union and the Member (National Federation) may request the IJF Executive Committee to request the initiation of disciplinary proceedings if it suspects that disciplinary offences have been committed. The IJF Executive Committee shall decide on the request of the Continental Union or the Member (National Federation) within thirty (30) days from the receipt thereof.
- 16.5. Within eight (8) days, the chairperson of the proceeding disciplinary committee shall notify the natural person or sports organisation concerned by electronic means of the initiation of disciplinary proceedings, unless the natural person or sports organisation concerned has expressly excluded (opted-out from) electronic means of notification.
- 16.6. The notification of the disciplinary proceedings shall include:
- a) the subject matter and legal basis for disciplinary proceedings;
  - b) the conduct (act) on which the disciplinary action is based;
  - c) if a hearing is to be held, the time and place of the hearing;
  - d) if a hearing is to be held, a notice that the hearing will be held by electronic means of communications at the request of the person subject to the proceedings;
  - e) warning of the person subject to the proceeding set forth in Clause 26.4.
- 16.7. The notification shall be accompanied by a copy of the documents on the basis of which the disciplinary proceedings were initiated and which may be used as evidence in the proceedings. In case of notification set forth in Clause 16.8, the chairperson of the IJF Disciplinary Committee shall, at his discretion, attach a copy of the documents on paper or on a data medium which may be used as evidence in the proceedings and which form the basis for the imposition of disciplinary proceedings.
- 16.8. If electronic notification is excluded or the proceeding disciplinary body does not have official knowledge about the electronic contact detail (e-mail) of the person to be subject to the proceedings due to any reason whatsoever, the notification shall be made in writing by sending a registered letter with receipt of delivery by postal service with additional delivery confirmation in accordance with the applicable law.

- 16.9. If service by post fails because the addressee or their authorised representative declares that he or she does not accept the notification, the notification shall be deemed to have been served on the date on which service is attempted.
- 16.10. If the notice is returned to the proceeding disciplinary committee with the indication "unclaimed", the notice shall be deemed to have been served on the fifth working day following the second attempt at postal delivery, unless proven otherwise.
- 16.11. The addressee may lodge an application to rebut the presumption of service within eight (8) days of becoming aware of the presumption of service, but at the latest within a time limitation of fifteen (15) days from the date on which the presumption of service was rebutted. The request must set out the facts and circumstances which prove presumptively that service was not effected properly or that the addressee was not at fault.
- 16.12. If a hearing is to be held, the hearing shall be scheduled in such a way that the persons subject to the proceedings and required to appear at the hearing receive notice of the hearing at least three (3) working days before the hearing.
- 16.13. The decision regarding the request under Clause 16.11 shall be taken by the proceeding disciplinary committee which issued the notification which the postal delivery is subject to. The submission of the request has suspensory effect on the initiation of disciplinary proceedings. If the proceeding disciplinary committee grants the request, it shall set a new time limit for the disciplinary proceedings, subject to the time limits for the hearing, against which no repeated request for justification may be lodged.
- 16.14. Electronic delivery shall be made to the electronic contact detail (e-mail):
- a) in the case of an athlete, indicated in the declaration made by the athlete to the Member (National Federation);
  - b) in the case of a sports professional, provided by the sports professional at the time of the establishment of employment or other employment relationship;
  - c) by the Continental Union, Member (National Federation) in the membership application procedure under the IJF Statutes or in a declaration made to the IJF;
  - d) in the case of a sports organisation participating in the Member (National Federation) Competition System, provided by the sports organization at least fifteen (15) days prior to the first competition.
- to the electronic contact details (e-mail) indicated.
- 16.15. The person subject to the proceedings may request a change to the electronic contact details indicated for the purposes of electronic delivery by sending a written request to the IJF General Secretary or by sending a letter to the IJF General Secretary at the electronic contact details (e-mail) published on the IJF website. The IJF General Secretary shall arrange for the electronic contact details to be changed without delay but no later than one (1) working day. The IJF General Secretary shall simultaneously notify the proceeding disciplinary committee of the change of electronic contact details.
- 16.16. If the notification is served to the electronic contact details set forth in Clause 16.14, the notice shall be deemed to have been served if the recipient electronically acknowledges receipt of the notice. If the recipient does not confirm delivery within three (3) days of the date of delivery, the notice shall be served by postal delivery as set out in Clause 16.8. The Chairperson of the proceeding disciplinary committee shall deliver the electronic notice (e-mail) using an acknowledgement of delivery.

**Duration of the proceeding**

- 16.17. The proceedings at first instance must be concluded by a decision within a maximum of thirty (30) days from the date of initiation.
- 16.18. In case of complexity of the case, the Chairperson of the proceeding disciplinary committee may extend the procedure once for an additional period of fifteen (15) days.

### **17. Language of the proceeding, interpreter**

- 17.1. The language of the disciplinary procedure is English. The person subject to the proceedings is entitled to use any other official language provided for in the IJF Statutes.
- 17.2. No one shall be disadvantaged for not knowing English or any other official language as defined in the IJF Statutes.
- 17.3. If the person concerned wishes to use his or her mother tongue during the proceedings, an interpreter with an adequate knowledge of the legal language should be used.
- 17.4. In sports disciplinary proceedings, a hearing impaired or deafblind person is entitled to use sign language. During disciplinary proceedings, the person subject to the proceedings shall be provided with the assistance of a sign language interpreter when appearing before the disciplinary body if the hearing impaired or deafblind person participates in the proceedings and requests this in writing at least 48 hours before the appearance.
- 17.5. The provisions of the Code relating to experts shall apply mutatis mutandis to interpreters. The term interpreter shall be understood to include the translator.
- 17.6. The interpreter's fee is advanced by the IJF.

### **18. Provisions applicable to minors**

- 18.1. If the person subject to the disciplinary proceedings is a minor, his or her legal representative or guardian must be notified of the initiation of the proceedings, who must participate in the disciplinary proceedings. If the legal representative fails to do so, the minor must be represented by the professional representative body in the sector.
- 18.2. If, on the basis of the information in the proceedings, the minor is likely to be sanctioned, the holding of a hearing cannot be waived.
- 18.3. The minor shall be heard in the presence of his or her legal representative, unless
- a) the legal representative committed the disciplinary offence together with the minor,
  - b) the interests of the legal representative are contrary to those of the minor,
  - c) the legal representative is prevented from exercising his or her rights,
  - d) the minor does not have a legal representative or it is not possible to determine who the legal representative is.
- 18.4. If the minor's legal representative or guardian fails to appear despite having been notified, the order or decision shall be served on him or her, with the right to appeal against the decision.

### **19. Mandatory cases for a disciplinary hearing**

- 19.1. In disciplinary proceedings, a disciplinary hearing must be held if:
- a) the subject of the proceedings is a minor,
  - b) the victim of the disciplinary offence is a minor under their personal right at the time of the offence,
  - c) the disciplinary proceedings is initiated in respect of unlawful influence on the result of a competition, match or competition system (championship),
  - d) the disciplinary proceedings is initiated under points (e) to (f) of Clause 16.2,

- e) it is requested by the person subject to the proceedings,
  - f) by decision of the chairperson of the proceeding sports disciplinary body.
- 19.2. The disciplinary hearing shall be held at any IJF office set out in the IJF Statutes designated by the IJF General Secretary. The IJF General Secretary may decide, after hearing the Chairperson of the proceeding IJF Disciplinary Committee, to change the venue of the hearing, without prejudice to the time limits for holding the hearing.
- 19.3. Where a disciplinary hearing is held under the Code, the disciplinary hearing shall be held no later than fifteen (15) days after the receipt of the notice of initiation of the proceedings by the person subject to the proceedings.
- 19.4. At the request of the person subject to the proceedings, the hearing shall be held by means of an electronic communications network (telecommunications device).
- 19.5. If the person subject to the proceedings or their legal representative fails to appear at the hearing, the hearing and the decision on the merits of the case can only be held if the defendant or his legal representative has been duly notified. The notification shall be deemed to be in order if it contains the mandatory elements required by the Code and if the time limits for notification have been observed by the proceeding IJF Disciplinary Committee and it may be verified on the basis of the case files.
- 19.6. The procedure may be continued even if the person subject to the proceedings or their legal representative has given notice in writing that they do not wish to attend.
- 19.7. Within the period between the date of receipt of the notice of the hearing and the day before the hearing, the person subject to the proceedings or his/her legal representative may notify the Chairperson of the proceeding disciplinary committee in writing that he/she is unable to attend the hearing for reasons beyond his/her control. The respondent shall be required to provide credible evidence of the reasons for the failure to attend. In such a case, the Chairperson of the proceeding disciplinary committee shall schedule a new hearing.
- 19.8. If – under the provisions of the Code - a hearing is not held or if the person subject to the proceedings cannot be heard during the period of the proceedings due to his/her permanent inability to attend, the facts giving rise to the proceedings, the findings of the offence and the evidence thereof shall be communicated to the person subject to the proceedings in writing and he/she shall be called on to submit his/her written defence within a period of eight days from the date of receipt.

## **20. Public nature of sport disciplinary hearings**

- 20.1. The disciplinary proceedings are not public. Only the members of the proceeding disciplinary commission and the keeper of the minutes, as well as the person subject to the proceedings and his/her representative, and those summoned or notified by the proceeding Disciplinary Board, may attend the disciplinary hearing.

## **21. Conduct of a disciplinary hearing**

- 21.1. The disciplinary hearing shall be opened and conducted by the chairperson of the IJF Disciplinary Committee.
- 21.2. The chairperson of the proceeding IJF Disciplinary Committee shall ensure that the rules governing the disciplinary procedure are observed and the integrity of the hearing is preserved.
- 21.3. After the opening of the disciplinary hearing, the chairperson of the proceeding IJF Disciplinary Committee shall first identify the persons present and, after verifying that the notifications and

summons have been properly served, determine whether the hearing should be considered to have been missed on the part of the person subject to the proceedings. If so, the chairperson of the proceeding IJF Disciplinary Committee shall decide on the consequences of the failure to appear, and if the notification was not served properly, he shall adjourn the hearing and immediately set a new hearing date and notify the person subject to the proceedings and the persons to be notified in accordance with the Code.

- 21.4. An unjustified absence from a disciplinary hearing does not prevent the disciplinary hearing from taking place and a decision from being taken.
- 21.5. After the opening of the hearing, the Chairperson of the proceeding IJF Disciplinary Committee shall present to the person subject to the proceedings the facts that led to the initiation of the proceedings, the findings of the offence and the evidence of the offence. The person subject to the proceedings may inspect the case files, make comments thereto and propose motion for evidence.

## **V. ASSESSMENT OF EVIDENCE, EVIDENCE, EVIDENTARY PROCEDURAL ACTS**

### **22. Premise and general principles of evidence**

- 22.1. The proceeding IJF Disciplinary Committee shall be responsible for proving the offence of the person subject to the proceedings.
- 22.2. The person subject to the proceedings is not obliged to prove his innocence.
- 22.3. In disciplinary proceedings, no person shall be obliged to make a self-incriminating statement or to give evidence against himself or herself.
- 22.4. A fact not proven beyond reasonable doubt cannot be held against the person subject to the proceedings.
- 22.5. The assessment of evidence shall cover those facts which are relevant for the purposes of sport disciplinary proceedings. It may also include facts relevant to the determination of ancillary issues in disciplinary proceedings.
- 22.6. In disciplinary proceedings, the proceeding IJF Disciplinary Committee bases its decision on a real and fair statement of the facts.
- 22.7. There is no need to prove those facts,
  - a) that are common knowledge,
  - b) of which the proceeding IJF Disciplinary Committee has official knowledge, or
  - c) the reality of which is accepted jointly by the proceeding IJF Disciplinary Committee and the subject of the proceedings.

### **23. Means of proof**

- 23.1. The means of proof are:
  - a) the testimony,
  - b) a statement of the person subject to the proceedings,
  - c) expert opinion,
  - d) the physical means of proof, including the document and the deed, and
  - e) electronic data.

### **24. Assessment of evidence**

- 24.1. In disciplinary proceedings, all means of proof provided for in the Code may be freely used and all evidentiary procedural acts may be freely applied. The Code may provide for the use of certain means of proof.
- 24.2. Evidence obtained by the bodies or authorities authorized by law to do so in the course of their legal proceedings may also be used as evidence in disciplinary proceedings.
- 24.3. Evidence does not have a specific evidentiary value set forth in the Code.
- 24.4. The proceeding IJF Disciplinary Committee shall be free to assess the evidence individually and as a whole, and to determine the outcome of the evidence in accordance with the convictions resulting therefrom.
- 24.5. Facts derived from any means of evidence obtained by the proceeding IJF Disciplinary Committee or by any other person by means of a criminal offence, other prohibited means or by material breach of the procedural rights of the participants under the law or the Code shall not be admissible as evidence.

## **25. Testimony, hearing of witnesses**

- 25.1. A witness may be heard if he has knowledge of the fact to be proved.
- 25.2. Unless otherwise provided by applicable law or the Code, a witness subject to the Code shall be required to testify. Unauthorized refusal to give testimony shall be a disciplinary offence.
- 25.3. An authorised legal representative may act on behalf of a witness if the witness considers it necessary to do so in order to inform him or her of his or her rights. The witness shall be informed of this in his summons.
- 25.4. Upon request of the witness, the costs incurred by the witness in attending the hearing in person - excluding the fees of an authorised legal representative as referred to in Clause 25.3 - shall be reimbursed by the IJF if use of electronic communication device is not ordered by the proceeding disciplinary body. The witness shall be warned of this at the end of the hearing of the witness.
- 25.5. The witness can refuse to testify
  - a) if he/she is a relative of the person subject to the proceedings,
  - b) in respect of the specific questions to the extent, if he/she would accuse himself or a relative of having committed a disciplinary or other misdemeanor or a criminal offence,
  - c) if he/she, by reason of his or her profession, vocation or public office, is under an obligation of professional secrecy or privilege - unless exempted - if his or her testimony would be in breach of that obligation.
- 25.6. The hearing of a witness with a disability must be conducted in a manner appropriate to the disability and the witness's condition. The hearing of a witness with a disability may be waived if his or her condition prevents him or her from giving a testimony that may be used in the assessment of the case.
- 25.7. Witnesses shall be heard one by one.
- 25.8. Upon the commencement of the hearing of the witness, the identity of the witness must be established (name, date and place of birth, mother's name, place of residence, identity document number). The witness shall be obliged to answer these questions even if he/she may otherwise refuse to testify.
- 25.9. Once the identity of the witness has been verified, the possible obstacles to his/her testimony and the circumstances indicating his/her bias or interest in the case must be clarified. The witness is obliged to answer the questions asked to this extent even if there is an obstacle to testifying or the witness invokes such an obstacle.

- 25.10. A legal representative acting on behalf of the witness may be present during the hearing of the witness and may inform the witness of his or her rights, but may not take any other action or influence the testimony. After the hearing, the witness may consult the transcript of the hearing and submit written or oral comments.
- 25.11. During the hearing of the witness, the witness gives a coherent account of his or her testimony and then answers questions put to him or her. During the hearing of the witness, it shall also be clarified how the witness came to know what he has said, taking into account the provisions on the protection of witnesses.
- 25.12. At the request of the witness, parts of his statement shall be taken verbatim.
- 25.13. The witness shall not be asked any question which
- a) includes the answer or instructions for the answer,
  - b) contains a promise that is incompatible with the law, or
  - c) involves the statement of an untrue fact.
- 25.14. The proceeding IJF Disciplinary Committee may allow a witness to give a written statement after or instead of an oral hearing.
- 25.15. If the witness gives a written statement, the written statement must indicate that the witness has given the statement in the knowledge of the grounds for rejection of witness statement and the procedural warning of witness.
- 25.16. Submission of written evidence does not preclude the witness from being subsequently summoned for a hearing by the proceeding IJF Disciplinary Committee, if necessary.

## **26. Statement of the person subject to the proceedings**

- 26.1. Any oral or written statement made by the person subject to the proceedings to the IJF Disciplinary Committee proceeding in disciplinary proceedings, or addressed to it, after the procedural warning to the person subject to the proceedings, in which he/she alleges facts relevant to the subject matter of the proceedings, shall be considered as a statement by the person subject to the proceedings.
- 26.2. If the person subject to the proceedings wishes to make a statement, he or she must be given the opportunity to make a statement.
- 26.3. Other evidence must be obtained if the defendant confesses.
- 26.4. The person subject to the proceedings must be informed of his/her rights first in the notice of the initiation of the disciplinary procedure and subsequently at his/her hearing and be warned that
- a) the person subject to the proceedings is under no obligation to make a statement, may refuse to make a statement or answer specific questions at any time during the hearing, but may decide to make a statement at any time, even if he/she has previously refused to do so,
  - b) the refusal to make a statement does not impede the continuation of the proceedings and does not affect the right of the person subject to the proceedings to ask questions, make comments and submit a statement,
  - c) if the person subject to the proceedings makes a statement, what they say or provide may be used as evidence,
  - d) the person subject to the proceedings shall not falsely accuse another person of a criminal offence or disciplinary offence, or violate a right in memoriam by making false allegations



(hereinafter together referred to as the "warning of the person subject to the proceedings").

- 26.5. The warning of the person subject to the proceedings shall also be communicated in the notice of initiation of the disciplinary proceedings.
- 26.6. A declaration made by a representative of a person other than a natural person who is the subject of the proceedings shall be deemed to be the declaration of the subject of the proceedings. The provisions of this subchapter relating to the person subject to the proceedings shall apply mutatis mutandis to the non-natural person subject to the proceedings, with the proviso that the representative of the non-natural person subject to the proceedings shall also be required to prove his capacity to represent the person.
- 26.7. The person subject to the proceedings shall not be asked any question which
  - a) includes the answer or instructions for the answer,
  - b) contains a promise inconsistent with law or the Code, or
  - c) involves the statement of an untrue fact.
- 26.8. The person subject to the proceedings shall be given the opportunity to present his/her statement in context, after which he/she may be questioned. If the statement of the person subject to the proceedings differs from his/her previous statement, the reason for deviation must be clarified.
- 26.9. The testimony of a person subject to proceedings, whether given earlier or as a witness in another case, may be used as evidence if the record of the testimony clearly shows the procedural warning of the witness and the answer given.

## **27. Expert opinion**

- 27.1. If special expertise is required to establish or assess the fact to be proved, an expert must be used.
- 27.2. In disciplinary proceedings, an expert may give an expert opinion if he or she is qualified as a forensic (legal) expert under his or her personal law or as an expert whose opinion may be used in civil or criminal proceedings.
- 27.3. An expert may also be appointed by the person subject to the proceedings.
- 27.4. The order appointing the expert must specify
  - a) the subject of the expert examination and the questions to be answered by the expert,
  - b) the physical evidence to be handed over to the expert,
  - c) the deadline for the submission of the expert opinion.
- 27.5. The time limit for the preparation of the opinion shall not exceed fifteen (15) days. This time limit may be extended once by eight (8) days at the request of the expert before the expiry of the time limit.
- 27.6. The expert shall have the right to obtain all information necessary for the performance of his/her task, for this purpose he/she may
  - a) consult the case file,
  - b) be present at procedural acts,
  - c) ask the person subject to the proceedings and witnesses for information.
- 27.7. If necessary for the performance of his/her task, the expert may request additional information, documents and clarifications from the persons involved in the proceedings. The expert may request, on the basis of the mandate, to inspect, examine and take samples of the object not handed over to him.

## **28. Physical evidence, electronic data**

### **Physical means of evidence**

- 28.1. The physical means of evidence is any object, including a document or a deed, which is capable of proving the fact to be proved, in particular,
- a) which bears the marks of the perpetrator of the offence giving rise to the disciplinary proceedings or of the perpetrator in connection with committing the misconduct,
  - b) which was created out of the offence giving rise to disciplinary proceedings,
  - c) used as a means to commit an offence giving rise to disciplinary proceedings, or
  - d) to which a disciplinary offence has been committed.
- 28.2. A document is any tangible means of evidence which records data by technical, chemical or other means, including in particular text, drawings, diagrams, whether on paper or in electronic form.
- 28.3. A deed is a document that is made to prove the truth of a fact, data, the occurrence of an event or the making of a statement and is suitable for that purpose. The provisions relating to a document shall also apply to an extract from a document.

### **Electronic data**

- 28.4. Electronic data is any representation of facts, information or concepts in a form suitable for processing by an information system, including a program that provides a function to be performed by the information system.
- 28.5. Any reference by the Code to physical evidence shall include electronic data, unless otherwise provided in the Code.

## **29. Evidentiary procedural acts**

### **Inspection**

- 29.1. An inspection shall be ordered and conducted by the proceeding IJF Disciplinary Committee if the inspection of a person, object or place or the observation of an object or place is necessary to ascertain or establish the fact to be proved.
- 29.2. Unless otherwise specified in the applicable legislation,
- a) the holder of an object falling within the scope of the Code may be required to produce the object,
  - b) a site visit may be held.
- 29.3. During the inspection, the circumstances relevant to the evidence must be recorded. A photograph, drawing or sketch of the subject of the inspection shall be made, if possible and necessary, and attached to the report.
- 29.4. The participants in the procedure shall be notified of the time and place of the inspection.

### **Confrontation**

- 29.5. If the statement of the person subject to proceedings and the testimony of the witness contradict each other, the proceeding IJF Disciplinary Committee shall clarify the contradiction by confrontation, if necessary. The persons confronted shall give their statements to each other in a live exchange, after which the persons confronted may be allowed to ask each other questions.
- 29.6. Where the protection or defense of the witness or the person subject to the proceedings so requires, the confrontation of the witness or the person being tried shall be dispensed with.

## **VI. FURTHER PROCEDURAL ACTS OF THE DISCIPLINARY BODY**

### **30. Suspension of proceedings**

- 30.1. The proceeding IJF Disciplinary Committee may suspend the proceedings on the recommendation of the Chairperson thereof,
- a) if the decision on the merits of the case depends on a preliminary ruling on a question which falls within the competence of another body,
  - b) at the latest until the obstacle has ceased to exist, if the person against whom the proceedings are brought is unable to present a defense through no fault of his or her own,
  - c) until the final conclusion of the criminal or misdemeanour proceedings, if criminal or misdemeanour proceedings have been initiated on the basis of the disciplinary offence, provided that without the evidence found in those proceedings or the judgment rendered thereon would make it significantly more difficult to clarify the facts of the case without the outcome of the proceedings.
- 30.2. Suspension of the proceedings shall not count towards the period of limitation under Article 4.

### **31. Termination of the procedure**

- 31.1. The procedure shall be terminated if
- a) during the period of the proceedings, the natural person subject to the proceedings dies,
  - b) the non-natural person (legal person or unincorporated organisation) subject to the proceedings ceases to exist without legal succession;
  - c) the act has already been the subject of a final decision;
  - d) the act is time-barred;
  - e) the act is not a disciplinary offence;
  - f) the disciplinary offence was not committed by the person subject to the proceedings, or if it cannot be established from the facts of the proceedings that the disciplinary offence was committed by the person subject to the proceedings.
- 31.2. The proceedings must also be terminated if there is a ground for excluding or terminating liability.

### **32. Provisional measure**

- 32.1. The proceeding sports disciplinary body acting ex officio or upon request shall take provisional measures, the omission or the delay of which would result in unavoidable damage, danger or unavoidable prejudice to the rights relating to personality. The proceeding disciplinary body shall -ex officio or on request - also order provisional measures
- a) as set out in the IJF Statutes,
  - b) for other reasons that deserve special equitable consideration.
- 32.2. The IJF President or Members of the IJF Executive Committee shall have the right to request the application of provisional measures, in case of which the proceeding disciplinary body shall order the provisional measure without delay. If the request would unnecessarily hinder the application of provisional measure, the IJF President may apply the provisional measure with simultaneous notification of the IJF General Secretary and the IJF Executive Board.
- 32.3. The provisional measure may include suspension of the membership rights of the person subject to the proceedings (including the exercise of the rights and the holding of office related to sporting or sporting administration activities) or an obligation to behave in a manner which the

person subject to the proceedings would be obliged to behave in the event of the imposition of a disciplinary sanction of exclusion (suspension).

### **33. Minutes**

- 33.1. Minutes must be taken of the hearing and of each procedural act. The minutes shall be kept with the case file.
- 33.2. The minutes shall be kept by a keeper appointed by the Chairperson of the proceeding IJF Disciplinary Committee in consultation with the General Secretary.
- 33.3. If the Chairperson of the proceeding IJF Disciplinary Committee decides not to use a keeper of the minutes, the proceeding IJF Disciplinary Committee shall make an audio recording for the purpose of recording the content of the minutes, simultaneously with the procedural act in question, and shall subsequently prepare the written minutes with a transcript of the audio material of this recording.
- 33.4. The minutes shall include
  - a) the name of the proceeding disciplinary committee, the names of the members of the disciplinary committee present and the case number,
  - b) the name of the person subject to the proceedings and his/her legal representative,
  - c) the subject matter and legal basis for disciplinary proceedings,
  - d) in the case of a hearing, the place of the hearing session and the scheduled and actual start and end times of the hearing session,
  - e) in the case of procedural steps taken outside a hearing, the place and time of the taking of the minutes,
  - f) the name and procedural status of the person involved in the procedural act,
  - g) in the case of a closed hearing, a reference to it,
  - h) that the person subject to the proceedings has been warned of his or her rights and obligations,
  - i) in the event a telecommunication device is used, declarations certifying the compliance of the telecommunication equipment with the provisions of the Code,
  - j) the course of the proceedings and the events which took place during thereof, so that the minutes may also be used to determine whether the proceedings complied with the formal requirements laid down in the Code; if the exact wording of a phrase or statement is significant, it shall be recorded verbatim in the minutes,
  - k) the relevant requests and statements made by the person subject to the proceedings, including statements of fact, of law and of evidence of the person subject to the proceedings, as well as any deviations from previous requests and statements, or the failure or refusal to make a statement despite the request of the IJF Disciplinary Committee,
  - l) the presentation of the documents and their contents relevant to the proceedings, the testimony of witnesses, the oral opinion of experts and the results of the inspection,
  - m) measures taken in the conduct of proceedings and the maintenance of order,
  - n) that the previous procedure has been described, indicating the documents described, and
  - o) the delivery of the decision on sport disciplinary liability.
- 33.5. If only a written record is made, the record may merely indicate the fact of the lodging of the submission of the person subject to the proceedings, the reading of the expert's opinion or other document or the attachment of a document or copy.

- 33.6. If only a written record is made and the person subject to the proceedings requests that a circumstance or statement made in the course of the proceedings be entered in the record, this may be rejected only if the proceeding disciplinary committee is not aware that the circumstance or statement in question has occurred.
- 33.7. At the request of the visually impaired person subject to the proceedings, the minutes and the decision shall also be drawn up in Braille.

#### **34. End of procedure**

- 34.1. If the proceeding disciplinary committee considers the case to be capable of being decided on the merits, the person subject to the proceedings or his/her legal representative present at the hearing shall be given the opportunity to present his/her views on the case before the proceedings are declared closed.

### **VII. DECISIONS OF THE IJF DISCIPLINARY COMMITTEE**

#### **35. Decision and Order**

- 35.1. The proceeding disciplinary committee shall decide on the merits of the case by issuing a decision, and shall issue an order on any other matters requiring a decision in the proceedings.
- 35.2. The Disciplinary Committee will take its decision in a non-public session.

#### **36. IJF Disciplinary Committee first instance decisions on the merits of the case**

- 36.1. In its decision, the proceeding IJF Disciplinary Committee
- a) establishes the offence and imposes a sanction, or
  - b) finds that the defendant has not committed the offence, or
  - c) terminates the procedure.
- 36.2. The Chairperson of the proceeding IJF Disciplinary Committee shall, within eight (8) days of the conclusion of the proceedings, record the decision of the proceeding disciplinary committee in writing and notify the subject of the proceedings by service of the decision.
- 36.3. The disciplinary decision must include:
- (a) the name of the proceeding disciplinary body,
  - (b) the identification of the chairperson and members of the sport disciplinary body and of the subject of the proceedings,
  - (c) the case number and the subject of the case,
  - (d) in the operative part, the decision on the merits, the type, amount and duration of the sanction imposed, information on the possibility of appealing against the disciplinary decision, the decision on the bearing of costs incurred in connection with the procedure,
  - (e) in the statement of reasons, a description of the offence on which the procedure is based, the evidence accepted or excluded by the proceeding disciplinary committee as a result of the evidentiary procedure and the reasons for the exclusion of the evidence or the rejection of the request for evidence, the legal provisions on which the decision is based, the relevant provisions of the Code. The legal justification shall also include the reasons why the Disciplinary Committee deviated on a point of law from the Summary Report published in accordance with the Code,
  - (f) the place and date of the decision and the name of the person who issued the decision.

#### **37. Correction of a decision on a case**

- 37.1. If the decision contains a clerical or calculation error, the proceeding IJF Disciplinary Committee may correct the decision at any time, either on request or ex officio.
- 37.2. The correction cannot change the merits of the corrected decision. No correction may be made for a factual error by the proceeding IJF Disciplinary Committee.
- 37.3. The correction must be recorded in the decision or a new decision must be drawn up. The corrected decision shall be served at the same time as the correcting decision.
- 37.4. A request for correction does not have suspensory effect on the submission of an appeal or on the execution or enforcement of the decision.

### **38. Immediate enforceability**

- 38.1. The proceeding sports disciplinary body shall declare the decision immediately enforceable if it is necessary to prevent, avert or mitigate the harmful consequences of a situation which threatens to cause serious harm or to significantly violate the rights relating to personality or which is prejudicial to the objectives of the IJF Statutes, or to protect a person subject to the IJF Rules and Regulations or to protect the public interest.

### **39. Cost of proceedings**

- 39.1. Costs of proceedings are all costs advanced by the IJF for the act on which the disciplinary proceedings are based, from the initiation of the proceedings until the completion of the enforcement of the disciplinary sanction.
- 39.2. The costs associated with the disciplinary proceedings shall be borne by the sports disciplinary body acting as the disciplinary body, except as provided for in this Chapter.
- 39.3. If the disciplinary liability of the person subject to the proceedings has been finally and conclusively established, the person subject to the proceedings shall reimburse the costs of the proceedings and the interpreter and legal representation requested by him/her.
- 39.4. If participation in a procedural act by means of telecommunication is provided for under the Code, the IJF shall not reimburse the travel expenses of the person subject to the proceedings in connection with the participation in the disciplinary hearing or other procedural act.

## **VIII. LEGAL REMEDIES**

### **40. Appeal**

- 40.1. Appeal may be lodged against the decision of the disciplinary bodies set forth in points (a) to (d) of Clause 10.4 within fifteen (15) days of service.
- 40.2. The following persons are eligible to appeal the decisions of a disciplinary body set forth in points (a) to (d) of Clause 10.4 within fifteen (15) days of service
  - a) the subject of the proceedings,
  - b) the IJF President,
  - c) the IJF Executive Committee,
  - d) by unanimous decision of its members, the IJF Disciplinary Supervisory Panel, if it detects a deviation from the Summary Report published by the IJF Disciplinary Supervisory Panel; and
  - e) the person whose rights or legitimate interests are affected by the decision.
- 40.3. The request for appeal shall be lodged with the Chairperson of the disciplinary body acting under any of points (a) to (d) of Clause 10.4, who shall forward it, together with the documents

generated during the proceedings, to the Chairperson of the IJF Disciplinary Appeals Committee of the IJF within fifteen (15) days of receipt of the request.

- 40.4. Independent appeal may be lodged against the order made in the first instance on
- a) refusing a request to initiate disciplinary proceedings by the person entitled to initiate disciplinary proceedings pursuant to Clause 16.2,
  - b) ordering interim measures,
  - c) terminating the disciplinary proceedings,
  - d) the suspension of proceedings,
  - e) rejecting an equity justification request in respect of missing the time limit for appeal, and
  - f) on request for a restriction of the right of access to the case files.
- 40.5. An appeal may be lodged within eight (8) days against an order that is subject to an independent appeal.
- 40.6. The appeal shall have suspensory effect, unless the proceeding disciplinary committee of first instance has declared its decision immediately enforceable.
- 40.7. The right of appeal may be waived orally or in writing within the time limit for the appeal. The oral waiver must be recorded in the minutes. A waiver of the right of appeal may not be withdrawn.
- 40.8. New facts and evidence may be introduced in the appeal only if the appellant proves that he/she was unable to present them at first instance through no fault of his/her own.
- 40.9. The Disciplinary Committee of first instance shall, without examining the merits, reject
- a) the late appeal,
  - b) an appeal from a person not entitled to appeal,
  - c) an appeal against an order which may not be challenged in an individual appeal.

#### **41. Rules for second instance proceedings**

- 41.1. The rules of this Code applicable to the proceedings of the first instance shall be applied mutatis mutandis for the second instance disciplinary proceedings of the IJF Disciplinary Appeals Committee, the provisions for the calculation of time limits, with the exceptions set out in this section, except that in all cases a hearing shall be held in the second instance proceedings and time limits shall be calculated from the date of receipt of the documents referred to in Clause 40.3 by the chairperson of the IJF Disciplinary Appeals Committee.
- 41.2. The proceeding IJF Disciplinary Appeals Committee will examine the contested decision and the documents of the proceedings on which the decision is based. The proceeding IJF Disciplinary Appeals Committee shall not be bound by the facts of the appeal in its deliberations.
- 41.3. The IJF Disciplinary Appeals Committee shall terminate the appeal proceedings if all the appellants have withdrawn their appeals.

#### **42. Decisions taken in second instance proceedings**

- 42.1. In the appeal proceedings, the proceeding IJF Disciplinary Appeals Committee
- a) upholds the decision of the first instance disciplinary body,
  - b) changes the decision of the first instance disciplinary body, or
  - c) annuls the decision of the first instance disciplinary body and orders the body which acted at first instance to initiate a new procedure.
- 42.2. Unless otherwise provided in the Code, the decision of the second instance disciplinary body shall become final and enforceable upon its publication.

42.3. The documents generated in the second instance proceedings must be returned to the body which acted at first instance.

#### **43. Further remedies**

43.1. Without prejudice to any other remedies available under applicable law, the person entitled to lodge an appeal under this Code or the IJF upon the decision of the IJF Executive Committee may bring an action before ordinary court or CAS against a disciplinary decision of second instance taken under the Code, within thirty (30) days of the date of service of the decision.

### **IX. USE OF TELECOMMUNICATIONS DEVICE**

#### **44. Definition of the use of a telecommunication device**

44.1. The presence at a procedural act of a person obliged or entitled to be present under the Code may be ensured by means of telecommunication (hereinafter together referred to as **use of telecommunication device**).

44.2. In the case of the use of a telecommunication device, immediacy and reciprocity of the communication between the designated place of procedural act and the person subject to the proceedings or other party to the proceedings is ensured by means of equipment capable transmitting a live visual and audio recording. In disciplinary proceedings, only electronic means of communication (telecommunication) which allow dialogue without any limitation or interruption between the proceeding disciplinary body and the person subject to the proceedings or the person required to be present at the procedural act may be used.

#### **45. Ordering the use of a telecommunications device**

45.1. The proceeding disciplinary body may order the use of a telecommunication device, either on its own initiative or on a motion submitted by a person required or entitled to be present at the procedural act.

45.2. There is no right of appeal against the rejection of a request to use a telecommunication device and, unless an exception is provided for in the Code, against the order to use it.

45.3. The proceeding disciplinary body acting on the motion shall notify its decision ordering the use of the telecommunication equipment without delay, otherwise at the same time as the notification.

45.4. If the technical conditions for the use of the telecommunication equipment are met, the disciplinary body may not dispense with the use of the telecommunication equipment at the request of the person subject to the proceedings or of the person required or entitled to be present at the procedural act.

### **X. INTERPRETATIVE AND FINAL PROVISIONS**

#### **46. Interpretative provisions**

46.1. Capitalized terms used but not otherwise defined in the Code shall have the meaning given to them in the IJF Statutes. For the purposes of the Code:

**CAS:** Court of Arbitration for Sport.

**Sporting Event:** a competition or bout held by any person covered by the Code for the purpose of a sporting activity in the IJF Competition System, in the Member (National Federation) Competition System or outside the Member (National Federation) Competition System.



**Sports organisation:** sports organisations are sports associations, sports enterprises, sports schools and foundations for the development of youth education, as well as legal persons and entities that are considered sports organisations under their own law. The rules on sports organisations apply mutatis mutandis to sports federations operating national teams in connection with the operation of national team sports teams and national team ancillary reserves.

**Sports professional:** a natural person i) holding a professional qualification according to Notice No. 7/2010. (IV.23.) of the Chairperson of the Hungarian Central Statistical Office (KSH) on the uniform classification system of occupations (FEOR) or under his own law and employed or mandated by a sports organisation or fulfilling direct or indirect responsibilities in relation to sports activities within a civil law legal relationship. ii) chairpersons, members of the executive bodies and members of the sport organisation and sport federation (including the IJF, the Continental Union and Member (National Federation)), iii) the officers and members of the committees specified in the statutes of the sports organisation and sports federation (including the IJF, the Continental Union and the Member (National Federation)). In particular, a sports professional is a coach who coaches or may be associated with the coaching of an athlete, a team manager, a match official, a referee, a sports health professional (including in particular a sports physician, sports psychologist, physiotherapist, masseur), Sporting Event stewards and volunteers, and the athlete's agent. For the purposes of this code, a sports official includes in particular: members of the IJF Executive Committee, the IJF President, the IJF General Secretary, the IJF General Treasurer, the IJF Technical Directors, and persons who have the authority or permission of the IJF, in particular in relation to the IJF Competition System, competition or other event.

**Participant of a sporting event:** a natural person who is present at the venue of a sporting event for the duration of the event and for one and a half hours before or after the event. A spectator (fan) is considered a participant.

**Sports facility:** a building and area used as a venue for a sport event;

**IJF Competition System:** one or more tests of physical athletic performance organised by or on behalf of the IJF or under a contractual relationship with the IJF in accordance with the rules of the judo sport. For the purposes of the Code, Olympic Event, the World Judo Championships, Judo Continental Championships, supranational sporting events organised by the IJF shall be deemed falling within the scope of IJF Competition System.

**Member (National Federation) Competition System:** one or more tests of physical athletic performance organised by, on behalf of or under contract with a Member, in accordance with the rules of the judo sport, not included in the IJF Competition System.

**Athlete:** an athlete is a natural person who engages in sporting activities.

**Olympic Event:** an international sporting event falling within the remit of the International Olympic Committee, the European Olympic Committee and the Association of National Olympic Committees, in particular the Summer Olympic Games, the Summer Youth Olympic Games, the Summer European Youth Olympic Festivals, the European Games and the World Beach Games.

**IJF Rules and Regulations:** the IJF Statutes and the additional rules and regulations set out therein, in particular the IJF Disciplinary Code, the IJF Code of Ethics.

46.2. Unless the context requires otherwise, the words importing the singular include the plural, and vice versa, words importing any gender include every gender and the neutral gender and references to persons include natural persons, bodies corporate, firms unincorporated associations or organisations, trusts and partnerships in, each case, whether or not having a

separate legal personality (but references to individuals shall be deemed to be references to natural persons only).

#### **47. Time limits**

- 47.1. The time limit in days shall not include the day on which the circumstances giving rise to the start of the time limit occur.
- 47.2. The period fixed in months or years ends on the day the number of which corresponds to the starting day or, if there is no such day in the month, on the last day of the month.
- 47.3. If the last day of the deadline is a public holiday, the deadline expires on the next working day.

#### **48. Harmonisation**

- 48.1. Within the limits set out in the IJF Statutes, the Continental Union, the Member (National Federation) and the organisation exercising disciplinary powers under the Code shall ensure i) consistency between the Code and the disciplinary rules of the organisation concerned and ii) the application of the rules on conflicts of interest to the members of the disciplinary committees.
- 48.2. Under Clause 48.1, the Continental Union, the Member (National Federation) and the organisation exercising disciplinary powers under the Code shall provide at least the rights set out in the Code to the subject of the disciplinary proceedings in respect of sport disciplinary proceedings:
  - a) rights of the person subject to the proceedings set out in point 15.2,
  - b) basic principles and general rules of evidence set out in Article 22.
- 48.3. The Continental Union, the Member (National Federation) shall send to the IJF Disciplinary Supervisory Panel, through the IJF General Secretary, the final disciplinary decision taken by the disciplinary committee of its organisation within thirty (30) days of the decision becoming final.

#### **49. Miscellaneous provisions**

- 49.1. Disciplinary decisions are recorded by the IJF General Secretary. The Code has been drawn up in the official languages of the IJF. In case of discrepancy between the different language versions, the English version shall prevail.
- 49.2. The IJF General Secretary will arrange for the publication on the website of anonymised disciplinary decisions taken by the IJF disciplinary bodies.
- 49.3. The financial penalty (fine) must be paid to the IJF Treasurer General within fifteen (15) days of receipt of the disciplinary decision.
- 49.4. If the person subject to the proceedings fails to pay the fine within fifteen (15) days, the IJF shall suspend his/her rights and membership rights in relation to his/her sporting or professional activities.
- 49.5. The fine collected from the disciplinary proceedings shall be used to cover the costs of the proceedings and to mitigate the damage and injury caused by the disciplinary offence.

#### **50. Administrative Support**

- 50.1. Under Article 15.2 of the IJF Statutes, the Secretariat of the General Secretary shall provide administrative support to the proceeding disciplinary body. Under the administrative direction of the General Secretary, without assuming any decision-making authority in disciplinary

procedures, the Secretariat coordinates the administrative activities required of the proceeding disciplinary body in the management of the proceeding.

**51. Authorisation**

- 51.1. With the ratification of the Code by the IJF Congress, the IJF Executive Committee is authorised to declare conducts relating to judo sporting activities (that are not included in the Code) as disciplinary offence, by decision of the IJF Disciplinary Committee, on the basis of the proposal of the IJF Disciplinary Supervisory Panel contained in the Summary Report, and after consultation with the Continental Unions.
- 51.2. The decision of the IJF Executive Committee under this Chapter shall be (i) sent to all Continental Unions and Members (National Federations) and (ii) published on the IJF Website, which shall take effect on the ninetieth day following the date of publication.

**52. Entry into force**

The Code has been adopted by the IJF Executive Committee by Resolution [NUMBER]. The Congress of the IJF ratified the Code by Resolution [NUMBER].