

2011

EPBF Court of Arbitration



EPBF

Court of Arbitration Regulations

2/6/2011

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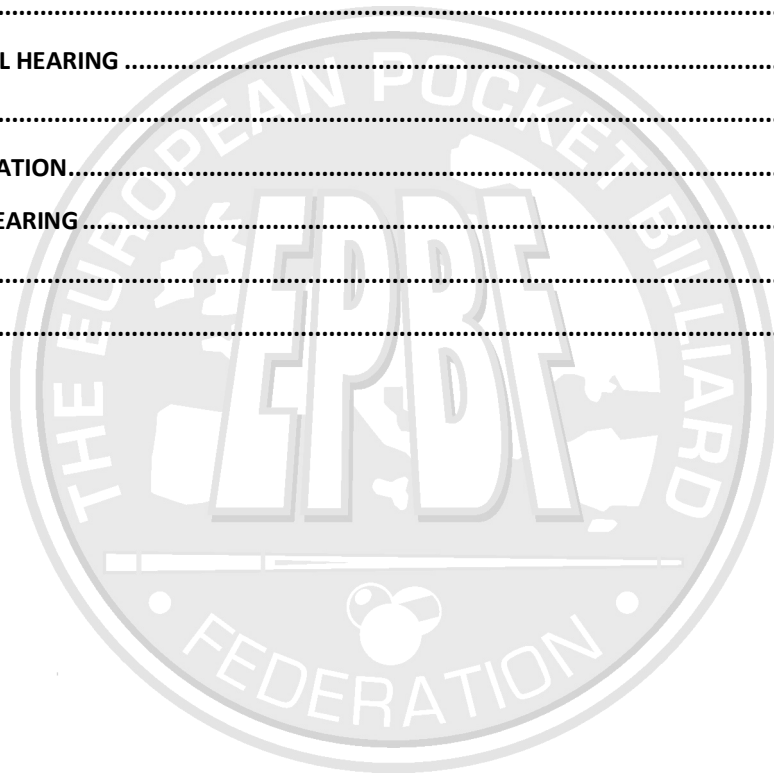
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§ 1. Introduction

The Court of Arbitration can only be consulted by the person who or federation which is condemned after the EPBF Board did make an official verdict.

§ 2. To institute violations at the Court of Arbitration

A case will be taken to the Court of Arbitration by:

- a) Defendant.
- b) Defendant has six weeks time to appeal from the moment of verdict.
- c) Defendant should indicate within two weeks whether the case should take place in writing or verbal.

§ 3. Formal prerequisites

- 1) As soon as the Court of Arbitration is invoked, the person(s) involved will be informed upon two weeks after reception of the protest by a letter or notice that a case is in progress.
- 2) Involved has the right to defend him/herself against the verdict of the EPBF board within two weeks time, mentioned in the letter or notice of the Court of Arbitration.
- 3) Each party involved will be requested to provide full and correct information in writing or verbal within two weeks.

§ 4. Evidence

1. Among other, the following means can be used as evidence of an offence, mentioned in this regulation:
 - a) written documentation;
 - b) Statements;
 - c) TV-images.
 - d) witness (es)
2. The proof that the involved has committed the offence must be based on at least two means of proof.
3. In deviation from the provisions in point 2, the evidence can also be based on some statements of the arbitrator and/or official.

§ 5. Assistance

Defendant can be assisted by a council, such as:

- a) a legal practice lawyer;
- b) any person who is admitted as such by the Court of Arbitration.

§ 6. Verbal or written treatment

- a) The Court of Arbitration deals with cases verbal or in writing.
- b) A case will only be dealt with in writing if:
 - a. Defendant did not request for a verbal hearing of the case;

§ 7. Closed hearing

The hearing of a case is not public, unless the Court of Arbitration considers a public hearing desirable.

§ 8. Attending a hearing

1. Defendant should be present at the hearing of a case. Should the defendant not be present at the hearing of a case, the Court of Arbitration can make conclusions as they believe is right
2. The Court of Arbitration can withdraw the right to attend his/her case of the defendant, if the behavior of the defendant at the trial had led to it.
3. The federation, which defendant belongs to, can request the Court of Arbitration to admit one of her representatives a listeners to the hearing of the case.
4. The Court of Arbitration can deny the admission of a listener in the interest of the investigation.
5. A listener may not interfere the hearing, unless the Court of Arbitration ask him for a declaration.

§ 9. Witnesses and experts

1. The Court of Arbitration is entitled to summon and hear witnesses and/or experts.
2. Before the beginning of the hearing the defendant can request the Court of Arbitration to hear the witnesses and/or experts brought by him. The Court of Arbitration can refuse such requests with valid reasons.
3. Unless the Court of Arbitration decides otherwise, the defendants are entitled to bring along maximal 3 witnesses and/or experts.
4. A member of the EPBF that is summoned as witness or expert by the Court of Arbitration is obligated to appear.
5. Before the hearing, a witness or an expert will be told that he/she is obligated to speak the truth.

§ 10. Costs of a hearing

The costs of a hearing of a case are distributed by the Court of Arbitration.

The Court of Arbitration normally lays the costs of the trial on the party which loses the case. Costs may also be split between the parties, subject to the decision of the Court of Arbitration.

§ 11. File

Prior to the hearing of a case, the Court of Arbitration, the EPBF Board and the defendant and/or his council receive photocopies of the referring documents.

§ 12. Start of verbal hearing

- a. The parties involved are informed about the details of the case.
- b. The President communicates the short content of documents relating to this matter.
- c. Then the defendant will be given the opportunity to defend him/herself.

Defendant has the right to substantiate his defends by:

- a) writings;
- b) witnesses;
- c) experts;
- d) and other means, accepted by the Court of Arbitration.

§ 13. Minutes

Any verbal hearing must be minuted. These minutes are considered to be official documentation of the trial.

§ 14. Further investigation

1. Besides the verbal hearing, the Court of Arbitration can also require written or verbal information at any time.
2. If required, each member is obligated to provide to the Court of Arbitration verbal or in writing full and correct information.

§15. Closure of the hearing

If the Court of Arbitration believes that all necessary information in order to find a proper verdict is received, it gives the final word to the defendant, where after it closes the hearing.

§16. Consultations

1. Immediately after the closure of the hearing, the consultations take place.
2. The consultation does not take place in public.
3. If possible directly after the consultations, but in each case as soon as possible afterwards, the summary contents of the verdict of the Court of Arbitration will be notified to all parties involved.

§ 17. Verdict

1. If the Court of Arbitration is of the opinion that an offence is not legally or convincingly proved, it will acquit the defendant.
2. If the Court of Arbitration is of the opinion that an offence is completely or partially proved, it determines whether the penalty will remain completely or in parts.
3. Each verdict of the Court of Arbitration will be determined in writing and will be substantiated with reasons.
4. Defendant and the EPBF receive the verdict of the Court of Arbitration.
5. The verdict of the Court of Arbitration will be completely or partially published through a medium, appointed by the board of the EPBF.