



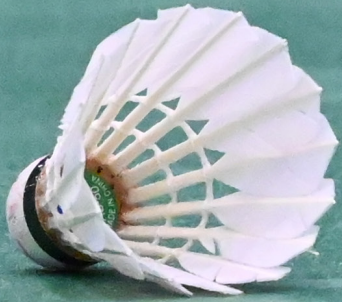
**BADMINTON
EUROPE**

DISCIPLINARY AND DISPUTE RESOLUTION REGULATIONS

APPENDIX 2

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1. APPLICABILITY

- 1.1 These Regulations are created by Badminton Europe Confederation (BEC) to govern disciplinary action (including administrative fines) and dispute resolution that fall under BEC's jurisdiction.
- 1.2 In support of the harmonisation of disciplinary regulations across international badminton, BEC has adopted the BWF JP with the aim of ensuring consistency of regulation, enforcement, and fairness for all stakeholders of the sport. As a result of the harmonisation process, most disciplinary cases that arise in international badminton will be handled in accordance with the BWF JP.
- 1.3 These Regulations should be read in conjunction with the BEC Rules available to download [\[click here\]](#) and the BWF JP available to download [\[click here\]](#). Together, these Regulations and the BWF JP have the overall objective to maintain and promote fair play, protect the health and welfare of players (and other stakeholders involved in badminton), ensure that disciplinary matters and disputes are dealt with expeditiously and fairly by independent means and that the image and reputation of international badminton is not adversely affected.
- 1.4 These Regulations will apply in the following circumstances:
 - A) Where BEC has jurisdiction according to BWF JP or where BWF JP or the BEC Rules refer to these Regulations and/or expect BEC action;
 - B) Any matter that has initially been under BWF's jurisdiction in accordance with the BWF JP but where either BWF has designated BEC to act on its behalf or where BEC's application to the Referral Officer to take over the responsibility to act as Investigating Party under the BWF JP has been successful;
 - C) In connection with BEC administrative fines;
 - D) In connection to disputes, in particular any disputes connected to the governance- related decisions made by BEC; and
 - E) Any other matter that is not covered by the BWF JP involving a BEC Member, a player, official, member or employee of a BEC Member or any other person or organisation that submits to BEC's jurisdiction to discipline them (for avoidance of doubt this includes teams, players and officials from another Continental Confederation playing in Europe in relation to on and off court matters where there is an agreement that disciplinary matters shall be dealt with by BEC) for any infringement of the BEC Statutes, the BWF Statutes and/or for any conduct which is prejudicial to the interests of BEC or the sport of badminton.
- 1.5 In case of discrepancies between these Regulations and the BWF JP, the following shall apply:
 - A) In cases where BEC is acting as a result of powers granted to it by the BWF JP, the BWF JP shall prevail unless the purpose of the relevant clauses of these Regulations is to further describe how BEC shall fulfil its duties under the BWF JP in which case these Regulations shall prevail to the limited extent of that further description; and
 - B) In cases where BEC is acting as a result of powers granted to it by these Regulations, these Regulations shall prevail.



2. BEC POWERS & DELEGATION

- 2.1 BEC has powers as defined in BWF JP and, in particular, the Power to Investigate and the Power to refer cases as an Investigating Party. This includes, but is not limited to, the power to refer a case to the IHP despite a decision by the Referral Officer not to do so.
- 2.2 The powers granted to BEC in accordance with these Regulations and the BWF JP may be exercised by the BEC BOD. Where such powers are not already delegated within these Regulations, the BEC BOD has authority to delegate such powers to the BEC GC, the BEC GS, the BEC Deputy GS, and/or BEC Directors as applicable and appropriate to the nature of a particular matter as determined on a case by case basis.
- 2.3 The following powers have been delegated by these Regulations:
- A) To the BEC GC:
 - i. For all matters submitted to BEC, the power to determine jurisdiction of a matter submitted to BEC – see Section 3;
 - ii. For matters under BEC's jurisdiction, the power to review the information relevant to a matter and to determine how such a matter should be conducted – see Section 4; and
 - iii. For matters under BEC's jurisdiction, the power to determine any disputes and/or disciplinary matters falling under BEC's sole jurisdiction – see Sections 6 and 8.
 - B) To the BEC GS:
 - i. For matters under BWF's jurisdiction, the power to fulfil BEC's duties in accordance with these Regulations and the BWF JP – see Section 5.
 - C) To a particular BEC representative:
 - i. To impose Administrative Fines – see Section 7.

3. STARTING AND DETERMINING JURISDICTION OF A MATTER

- 3.1 Any person, including the BEC BOD, may ask BEC to investigate or may report a particular matter to BEC. Such a request shall be sent to disciplinary@badmintoneurope.com. A request may also be communicated orally to BEC GS provided a written follow-up is submitted by the requesting party to the above email address within seven (7) days of the oral communication.
- 3.2 After receiving such a request, the matter will be referred to the BEC GC who shall in the first instance consider these Regulations and the BWF JP to determine whether the matter falls under BEC or BWF jurisdiction.
- 3.3 After determining jurisdiction, the BEC GC shall:
- A) Where a matter falls under BEC's jurisdiction, name the BEC Nominated Person; or
 - B) Where a matter falls under BWF's jurisdiction:



- i. Consider whether a recommendation should be made to the BEC BOD to apply to the Referral Officer to take over responsibility as the Investigating Party of the matter in accordance with paragraph 5.2 below and the BWF JP; and/or
 - ii. notify the BEC GS who shall be responsible for ensuring that BEC's duties set out in these Regulations and the BWF JP are fulfilled; and
 - iii. refer the case to the BWF in accordance with the process set out in the BWF JP.
- C) In either case, within seven (7) calendar days of receipt of the request, notify the requesting party and BWF (where applicable) in writing of their decision concerning jurisdiction.

3.4 Any person appointed by BEC to act on its behalf in accordance with these Regulations and/or the BWF JP must not be a witness or required to give evidence in a particular case, and must not have a conflict of interest that might harm his or her impartiality towards a matter. Prior to accepting any appointment, each person shall be asked by BEC to consider and declare any such conflict of interest.

3.5 In any matter, BEC may at any time change the name of the person(s) acting on behalf of BEC. Such a change does not influence the collected information provided the reason for the change could not be reasonably considered to have affected the integrity of the investigation carried out or the information collected prior to the change. In such circumstances, BEC shall notify the relevant parties that such a change has been made.

3.6 Notifications to BEC are deemed to have been sent and received if they are sent to disciplinary@bad-mintoneurope.com or any such other email address the person leading the investigation shall notify to the parties involved.

4. CASES UNDER BEC JURISDICTION

4.1 The BEC GC shall instruct the BEC Nominated Person to carry out the necessary steps to ensure that the following information (where applicable to the facts of the matter) is submitted to the BEC GC in a timely manner:

- A) Charge(s) alleged against the Covered Person(s) and, where possible, their contact details;
- B) A copy of all evidence in support of the charge;
- C) A statement of the facts and legal arguments;
- D) Any requests for a hearing and for the examination of (a) witness(es);
- E) Any material which has been obtained during the investigation which might reasonably assist the person charged in defending the charge;
- F) If any such application is made, an application for a Provisional Suspension;
- G) The request for relief; and
- H) The name of the complainant and their contact details including a valid email address.



- 4.2 The BEC GC shall, upon consideration of the information provided to it in paragraph 4.1:
- A) determine whether the matter concerns a dispute or disciplinary proceedings in accordance with these Regulations; and
 - B) decide whether a matter shall be determined 'on the papers' (in such circumstances, the matter will be determined based on written materials filed by parties only, without verbal evidence or oral submissions) or at a hearing; and/or
 - C) reject the matter as manifestly frivolous or irrelevant, in which case the requesting party shall be notified of the BEC GC's decision in writing and no further steps shall be taken by the BEC GC. Details of how to appeal the decision will, where applicable, be included in the notification.

5. CASES UNDER BWF JURISDICTION

- 5.1 For matters falling under BWF's jurisdiction and as set out in paragraph 3.3(b)(ii) above, the BEC GS shall normally be responsible for ensuring that BEC fulfils its duties set out in these Regulations and the BWF JP, in cooperation with BWF. If the BEC GS is unable or unwilling to act (as a result of a conflict of interest or any other circumstance), the BEC GS shall notify the BEC BOD and the BEC BOD will be responsible for ensuring BEC fulfils its duties. The BEC BOD may delegate this responsibility to the BEC GC, the BEC Deputy GS and/or a BEC Director(s).
- 5.2 As set out in the BWF JP, there are certain matters under BWF's jurisdiction where BEC may make an application to the Referral Officer to take over the responsibility to act as Investigating Party (without possibility for BWF to take jurisdiction for the investigation back). The decision to make such an application to the Referral Officer shall be taken by the BEC BOD upon consideration of a recommendation by the BEC GC.
- 5.3 Where the BWF has jurisdiction of a matter, the BEC GS shall consult with BWF and ensure that the relevant information set out in paragraph 4.1 above (together with any additional information requested by BWF) is submitted to the BWF in accordance with the BWF JP.
- 5.4 Where the BEC Statutes specifies a particular sanction (or range of sanctions) for an offence or where there is relevant precedent to consider, the BEC GS is responsible for ensuring that this information is also submitted to BWF.
- 5.5 At the time of submitting the relevant information to BWF, the BEC GS will also make a request that payments of any fines defined in (and originating from) regulatory breaches of the BEC Statutes shall be made payable to BEC.

6. DISPUTE RESOLUTION

- 6.1 BEC Members acknowledge and agree that they renounce the right to take a dispute with the Confederation or with another BEC Member before any Court of Justice.



- 6.2 Where the BEC GC determines that a matter represents a dispute it must be determined in accordance with this Section. This includes, in particular, any disputes connected to the governance-related decisions made by BEC.
- 6.3 BEC will, at the same time as communicating to the party requesting the dispute resolution ('Requesting Party') BEC's jurisdiction in accordance with paragraph 3.3(c) above, request that the Requesting Party pays to BEC the non-refundable deposit of EUR 500 necessary for BEC to determine the case.
- 6.4 The dispute resolution shall not proceed until the non-refundable deposit is paid to the following BEC account including a clear reference for the monies (i.e. dispute resolution case against X):
- Danske Bank
Badminton Europe Confederation
Registration number: 3001
Bank account number: 3002086123
IBAN: DK8330003002086123
SWIFT: DABADKKK
- 6.5 BEC GC may fix a final date for the payment of the non-refundable deposit. Should the non-refundable deposit not be paid within applicable timeline, the request for dispute resolution shall be deemed withdrawn.
- 6.6 Within fourteen (14) calendar days of receipt of the non-refundable deposit, the BEC Nominated Person shall carry out the following actions:
- A) Send the information gathered in paragraph 4.1 to the other party or parties concerned by the dispute ('Opposing Party') via his/her Member so that the Opposing Party may reply within a reasonable set time limit, as specified in writing by the BEC GC; and
 - B) Communicate to the Requesting Party and the Opposing Party the BEC GC's decision as to whether the matter shall be dealt with at a BEC hearing or on the papers i.e. using only written reports and evidence; and
 - C) Communicate to the Requesting Party and the Opposing Party, where applicable, a date and venue for the hearing. A BEC GC hearing shall be convened as quickly as is practical, but not later than one (1) calendar month following BEC's receipt of the Opposing Party's submission.
- 6.7 If the Opposing Party is BEC, the reply shall be prepared by BEC GS who may consult with BEC BOD excluding the members of the BEC GC (or any other person conflicted in the matter).
- 6.8 Where the matter is to be determined on the papers, the BEC GC's decision may be taken outside a formal meeting, using any means of communication considered to be satisfactory by BEC GC provided such a process allows all members of the BEC GC to review the relevant reports and evidence and to communicate their decision to the other members.
- 6.9 Where the matter is to be determined in person via a BEC hearing, the Parties are entitled to be accompanied by an adviser or representative, together with an interpreter as all meetings will be conducted in English, the official language of BEC.
- 6.10 A hearing can be with physical presence at a meeting venue, but can also be a meeting conducted as tele-conference, Skype call, MS Teams, Zoom meeting or similar communication method provided the method selected allows all participants to hear, be heard and submit and receive evidence.



- 6.11 At a BEC GC hearing, any expenses of the Parties, any adviser, representative or interpreter, together with the expenses of any witnesses called by a particular Party, must be met by the corresponding Parties. BEC GC may decide differently from the above regarding the costs and expenses if the nature of the case requires it.
- 6.12 Expenses of the meeting room, administration, travel, and subsistence of the BEC GC and any persons requested to attend by BEC shall be met by BEC.
- 6.13 BEC GC may fix an advance on costs (and may adjust the same in the course of the proceedings) to be paid in equal shares by both parties (unless decided otherwise by the BEC GC). In fixing the amount of an advance on costs, BEC GC shall take into account inter alia the monetary value of the dispute and the complexity of the case. If a party fails to pay its share, the other party may substitute for it. The Dispute resolution shall not proceed until the full amount of the advance on costs is received.
- 6.14 A BEC GC hearing shall be conducted adhering to the following general principles:
- A) The Chair of the BEC GC is in charge of the meeting and any procedural rulings from the Chair are binding. The Chair shall be appointed in accordance with the procedure set out in Section 9 below;
 - B) The Chair may close the meeting to general public. A particular witness or expert may only be present when giving a testimony or expert opinion;
 - C) The Chair shall start the meeting by introducing those present and explaining each person's role;
 - D) The Requesting Party shall first of all summarise the case against the Opposing Party and shall then introduce the evidence available;
 - E) For each piece of evidence and for any witness or expert called, any Party or BEC GC may ask questions;
 - F) Witnesses must tell the truth and must be advised of this requirement by the Chair before their evidence is given;
 - G) After the evidence has been presented, additional evidence may be presented or additional witnesses or experts called; and
 - H) After presentation of all evidence, each party, ending with the Opposing Party, will be given an opportunity to summarise its case.
- 6.15 BEC GC shall consider its decision with no other person present save for any person that is required to take notes by the BEC GC. The decision shall be announced to both Parties immediately after it is taken.
- 6.16 The decision shall be confirmed in writing as soon as possible, but not later than one (1) calendar month after the meeting. The written decision shall be communicated to both Parties. The decision shall include information on how to make an appeal.
- 6.17 The decision shall be communicated via e-mail to the address as stated in the contact details. It shall be considered that the decision is received on the same day as the day it was sent by BEC GC, unless proven otherwise by the party concerned.
- 6.18 The decision shall be published on the BEC website but may be redacted to protect the privacy or security of the Parties or BEC.



- 6.19 The BEC GC decision may be appealed to the BWF IHP, following the rules on Appeal Submission, as set out in the BWF JP.

7. ADMINISTRATIVE FINE PROCEDURE

- 7.1 An administrative fine can only be imposed for a particular action if the offence is defined in the BEC Statutes before such an action was carried out. Administrative fines shall always be explicitly specified as administrative fines and with a fixed amount, not exceeding 1,500 EUR. If the administrative fine exceeds the amount of 2.000 USD, due to the EUR/USD exchange rate, the administrative fine in EUR must be lowered so that the EUR amount does not exceed the amount of 2.000 USD (as per official exchange rate on the day of the imposed fine).
- 7.2 An administrative fine shall be imposed by the representative of BEC who is empowered to do so by the relevant section of the BEC Statutes.
- 7.3 An administrative fine may be imposed immediately without the need to follow the disciplinary procedure set out in BWF JP or these Regulations.
- 7.4 Subject to paragraph 7.5, an appeal against an administrative fine may be made to the BWF, following the rules set out in the BWF JP.
- 7.5 Decisions concerning administrative fines of EUR 500 or below are final and may not be appealed to BWF or any other judicial body empowered by these Regulations or the BWF JP.
- 7.6 An administrative fine decision shall be communicated to the recipient in writing through the recipient's Member. Subject to paragraph 7.5, the communication shall also include information on how to make an appeal.
- 7.7 All administrative fines shall be paid to BEC to the bank account specified by BEC at the time the decision is communicated to the recipient's Member.

8. BEC DISCIPLINARY MATTERS

- 8.1 As set out in Section 1 above, most disciplinary matters in international badminton will now be handled in accordance with the BWF JP. Where, in the unlikely event that the BEC GC determines (upon consultation with the BWF) that, a disciplinary matter falls outside the scope of the BWF JP but within BEC's jurisdiction, it must be determined in accordance with this Section.
- 8.2 Subject to paragraph 8.3 below, in such circumstances, the BEC GC shall determine the matter using the procedural steps set out in the BWF JP approved by the BWF Annual General Meeting and in force as at 19 July 2020 and in Section 6 of these Regulations as guidance.
- 8.3 Where a BEC rule or regulation specifies that a particular offence is punishable by an administrative fine only, the BEC GC shall ensure the matter is determined in accordance with Section 7 above.



- 8.4 Subject to paragraph 8.5 below, the BEC GC may impose a sanction on a Covered Person in accordance with the sanctions set out in the BWF JP.
- 8.5 Where a BEC rule or regulation specifies a particular sanction (or range of sanctions for an offence), the BEC GC must take this into consideration before issuing its decision and, in particular, must not issue a fine in excess of 20.000 EUR for Members and 2.000 EUR for Players or Officials. If a Covered Person commits the same offence two or more times within a three-year period, the maximum fine may be doubled. If a Covered Person commits the same offence three or more times within a seven-year period, the maximum fine may be trebled.
- 8.6 Any sanction imposed must be notified to the Covered Person's Member who will be responsible for making or procuring any payment within thirty (30) calendar days of notification.
- 8.7 Any fine defined in EUR must be paid in EUR. All payments of the fines originating from breaches defined in BEC Statutes shall be made to BEC.
- 8.8 The Member has the power to procure reimbursement of any payment due from the Covered Person.
- 8.9 BEC shall make all relevant notifications immediately after a particular decision is final.
- 8.10 A decision issued in accordance with this Section may be appealed only to the Court of Arbitration for Sport

9. BEC GOVERNANCE COMMITTEE

- 9.1 The BEC GC shall comprise:
- A) The BEC President;
 - B) The BEC Director of Finance;
 - C) A minimum three BEC Directors, at least one of whom shall have relevant legal experience.
- 9.2 BEC GC Chair shall be appointed by the BEC BOD and shall chair any meetings or hearings of the BEC GC. In the event that the Chair is absent and/or unable to participate as a result of a conflict of interest, the BEC GC shall select a day chair from the non-conflicted members who shall be known as the '**Chair**' for the purpose of these Regulations.
- 9.3 The BEC GS shall be an ex-officio member of the GC and shall be entitled to attend all meetings provided the GS is not conflicted in the matters being considered by the BEC GC. In such a case where the GS is conflicted or unable to attend, the Deputy GS shall attend the GC meetings to provide administrative support to the GC. Where the Deputy GS is also conflicted or unable to attend, the GC shall carry out their own administration.
- 9.4 A member of the BEC GC may not be a witness or give evidence in a particular case and must not have been an Official at an event where an alleged offence took place, or a witness to the alleged offence. A member of the BEC GC shall have no other conflict of interest that might harm his impartiality towards a matter. Prior to consideration of each matter, each BEC GC member shall be asked to consider and declare any such conflict of interest. The conflicts of interest shall be recorded in writing.



- 9.5 If a conflict of interest is declared, the relevant BEC GC member must be excused from any further involvement in the matter.
- 9.6 The BEC GC quorum is three (3) and all BEC GC decisions shall be taken by simple majority of those present. If it is not possible to achieve a BEC GC quorum (as a result of conflict of interest or otherwise), the Chair shall refer the matter to the BEC BOD who shall seek nominations from Members to be part of an ad hoc committee that shall determine the matter in accordance with these Regulations. At least one (1) member of the ad hoc committee shall have relevant legal experience.

10. DECISIONS AND APPEALS

- 10.1 All decisions of BEC shall be issued in writing in accordance with the relevant Section of these Regulations.
- 10.2 Failure to respect any final decision made by BWF or BEC or failure to fulfil such a decision within a set time limit shall constitute a further offence, punishable by any sanction set out in these Regulations or the BWF JP, and may also render a BEC Member to be declared not in Good Standing with BEC in accordance with BEC Rule 6.3.
- 10.3 Any valid appeal submitted in accordance with these Regulations or the BWF JP shall not prevent a sanction from taking effect, except where such sanction is a fine or where the BWF or the Court of Arbitration for Sport so orders.
- 10.4 BEC shall keep records of all decisions, issued sanctions and administrative fines determined by BEC or involving BEC or BEC Members together with the date(s) when particular decisions became final. Such records shall be stored by BEC in accordance with BEC's Privacy Policy - [click here](#).

11. MISCELLANEOUS

- 11.1 The BEC BOD has the power to interpret these Regulations. During a particular matter, these Regulations may be interpreted by the Chair of the BEC GC and such interpretations are binding for the pending case. The BEC GC Chair may ask the BEC BOD for clarification.
- 11.2 These Regulations may only be amended by a BEC Delegates' Meeting and amendments will not have any effect on matters that are already in progress at the time of the amendment.
- 11.3 These Regulations and any future amendments will take effect on the day following the day of the adoption.



12. DEFINITIONS

12.1 Definitions:

BEC means Badminton Europe Confederation, a BWF Continental Confederation.

BEC BOD means the BEC's Board of Directors.

BEC GC means the Governance Committee appointed by BEC BOD.

BEC GS means the BEC's General Secretary.

BEC Nominated Person means, where a matter falls under BEC's jurisdiction, the person(s) appointed by the BEC GC to ensure that BEC's duties set out in these Regulations are fulfilled.

BEC Statutes mean the BEC Rules and the full body of BEC rules, regulations, policies and decisions issued by BEC.

BEC Staff means any employee at BEC or a person who is under contract with BEC.

BWF means the Badminton World Federation.

BWF JP means the Judicial Procedures adopted by BWF and BEC.

12.2 Any terms in masculine or female gender, expressed in these Regulations, shall be interpreted as a neutral form for men and women.

12.3 Any defined terms used in these Disciplinary Regulations which are not defined in this Section are terms defined in Section 9 of the BEC Rules or terms defined in BWF JP.

ADOPTED by BEC ADM 1 May 2021 and valid from 2 May 2021



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