

# **GAMMA**

**GLOBAL ASSOCIATION OF**

**MIXED MARTIAL ARTS**

**DISCIPLINARY CODE**

## **Article 1      Object**

1. This code describes infringements of the rules in GAMMA regulations, determines the sanctions incurred, regulates the organisation and function of the bodies responsible for taking decisions and the procedures to be followed before these bodies.
2. This code applies to all GAMMA Members (either national federation or any other similar affiliated entity), GAMMA staff, persons elected or appointed to any position within the organisation of the GAMMA or the Continental Confederations, and other organisations or individuals engaged in GAMMA activities, including athletes, referees and judges, officials, managers, team members etc. (collectively referred to herein as "Participants"). It shall also apply to consultants and contractually connected persons/firms, including those representing or serving GAMMA.
3. The judicial bodies of GAMMA shall decide the disputes according to the applicable regulations and, subsidiarily, to the laws of The Netherlands.

## **Article 2      Culpability**

1. Unless otherwise specified, infringements are punishable regardless of whether they have been committed deliberately or negligently.
2. Acts amounting to attempt are also punishable. In the case of acts amounting to attempt, the judicial body may reduce the sanction envisaged for the actual infringement accordingly. It will determine the extent of the mitigation as it sees fit; it shall not go below the general lower limit of the fine applicable to the concerned infringement.
3. Anyone who intentionally takes part in committing an infringement, either as instigator or accomplice, is also punishable.
4. The disciplinary body will take account of the degree of guilt of the party involved and may reduce the sanction accordingly. It shall not go below the general lower limit of the applicable fine.
5. The fact that a natural person is no longer a Member of GAMMA or has left a Member of GAMMA neither cancels out liability nor prevents disciplinary proceedings. The same provision applies to legal persons as Members of GAMMA.

## **Article 3      Sanctions and application criteria**

1. The facts or acts implying a sanction are those contemplated in the Statutes of GAMMA, in any of the GAMMA Internal Regulations (including this Disciplinary Code), and in the resolutions taken by the governance bodies of GAMMA.
2. Both natural and legal persons are punishable by the following sanctions:
  - a. Warning. A warning is a reminder of the substance of a disciplinary rule allied with the threat of a sanction in the event of a further infringement.
  - b. Reprimand. A reprimand is an official written pronouncement of disapproval sent to the perpetrator of an infringement.
  - c. Fine. A fine is issued in Euros (€) and shall be paid in the same currency. The

fine shall not be less than Euro 500, and not more than Euro 10'000. The body that imposes the fine decides the terms and time limits for payment. GAMMA Member Federations are jointly liable for fines imposed to any of their individual members and representatives.

- d. Disqualification from a competition and return of awards and titles. Disqualification pertains to sport events and related results and could entail either an exclusion from competitions and rankings or downgrading of results. The person disqualified shall be required to return the awards and/or the benefits received, sums of money and any symbolic objects (medal, trophy etc.).
- e. Suspension. Suspension shall deprive the suspended party of the right to participate, in any capacity whatsoever, in activities organised by GAMMA, Continental Confederations and National Federations and their various authorities or affiliated entities. In the case of the suspension, all athletes or licence-holders that are members or in any way related to the suspended Member shall also be suspended, unless authorisation be given by the GAMMA Executive Board to exercise their activities on an individual basis and on conditions set forth by the Board. Suspension shall be for a limited period not exceeding five (5) years and any decision of suspension shall indicate the day of commencement and end of the suspension.
- f. Exclusion. Without prejudice of the provisions contained in the GAMMA Statutes, Exclusion can only be pronounced by the Congress upon recommendation of the disciplinary bodies of GAMMA in accordance with the Statutes and the provisions of this Disciplinary Code. A Member excluded cannot submit a request for affiliation any earlier than five (5) years after the exclusion has been pronounced.

3. The President of GAMMA has discretionary power to impose disciplinary interim measures, such as a suspension. Such decisions must be ratified by the Executive Board at its first subsequent meeting. Interim measures shall be considered waived and will drop should the disciplinary proceedings before the Ethics and Disciplinary Commission of GAMMA not be initiated within fifteen (15) days following the date of adoption of such interim measure(s).
4. Decisions imposing a sanction shall be immediately effective and communicated to all Members of GAMMA for enforcement. Any appeal lodged against a decision imposing a sanction does not suspend the effectiveness of the applied sanction.
5. Unless otherwise specified, the sanctions provided for herein may be combined.
6. Unless otherwise specified, the judicial bodies of GAMMA may increase the sanction if an infringement has been repeated.
7. If several fines are pronounced against someone because of one or more infringements, the judicial body bases the fine on the most serious offence committed and, depending on the circumstances, may increase the sanction by up to fifty per cent (50%) of the maximum sanction specified for that offence. The same applies if a person incurs several sanctions of a similar type as the result of one or several infringements.
8. Infringements cannot be prosecuted after a lapse of five (5) years. The

commencement of a disciplinary procedure interrupts the lapse of limitation.

9. Suspensions of no more than six (6) months for disciplinary reasons, can be replaced by a fine of Euro Fifty Thousand (50'000) upon request of the sanctioned person, and only for the first violation. In such an event, fines shall be cumulated if a fine has been already imposed.
10. Prosecutions for corruption are not subject to any statute of limitation.
11. Infringements to anti-doping rules cannot be prosecuted after a lapse of ten (10) years.
12. The limitation period runs as follows:
  - a. from the day on which the perpetrator committed the infringement.
  - b. if the infringement is recurrent, from the day on which the most recent infringement was committed.
  - c. if the infringement lasted a certain period, from the day on which it ended.
13. The seriousness of an infringement or a violation of GAMMA regulations shall be adjudged by the judicial bodies of GAMMA, in accordance with the principles and rules set forth in Article 4. Where the seriousness of an infringement or an offence is not contemplated in Article 4, its seriousness is adjudged considering:
  - a. the severity of the violation of the spirit of the sport and Olympic principles of fair play, loyalty, and ethics; and
  - b. the seriousness of the detriment, damages or losses which may affect GAMMA and any of its Members, either natural or legal persons, its properties and rights.

#### **Article 4      Infringements**

##### **Minor Infringements**

1. Any GAMMA Member, either a natural or a legal person is subject to the sanctions described in Article 3, paragraph 2, let a], b], c) and d] if he/she commits any of the following offences:
  - a. unsporting behaviour of a minor importance. First violation is punishable with a warning or reprimand. Second violation shall be punished with a fine of no less than Euro 500 and no more than Euro 2'000. Third violation is considered a serious infringement and shall be treated accordingly.
  - b. dissent by word or action in an unfair way. First violation is punishable with warning or reprimand. Second violation shall be punished with a fine of no less than Euro 500 and no more than Euro 2'000. Third violation is considered a serious infringement and shall be treated accordingly.
  - c. persistent infringement of the sport rules shall be punished pursuant to Article 3, paragraph 2, let a], b], c) and d] by a combination of the sanctions provided for therein. A fine shall never be higher than Euro 2'000 for each violation. When such infringements are repeated in more than two sport events, they

become serious infringements and shall be treated accordingly.

## Serious Infringements

2. Any GAMMA Member, either a natural or a legal person is subject to the sanctions described detailed hereinafter if he/she commits any of the following offences:
  - a. repeated minor infringements as per this Article 4, paragraph 1: three (3) times the highest fine provided for in Article 4, paragraph 1, and suspension of no less than three (3) months.
  - b. serious unsporting behaviour: Euro five thousand (5'000) fine, and suspension of no less than six (6) months.
  - c. violent or offensive conduct: first violation Euro five thousand (5'000) fine, and suspension of no less than six (6) months. The second violation and afterwards shall be punished by a fine of Euro ten thousand (10'000), and a suspension of one year for each violation, and exclusion can be recommended.
  - d. using offensive, insulting, or abusive language and/or gestures: first violation Euro five thousand (5'000) fine, and suspension of no less than six (6) months. The second violation and afterwards shall be punished by a fine of Euro ten thousand (10'000), and a suspension of one year for each violation, and exclusion can be recommended.
  - e. Disorderliness at competitions and during congresses or other GAMMA official events: first violation Euro five thousand (5'000) fine, and suspension of no less than six (6) months. The second violation and afterwards shall be punished by a fine of no less than Euro five thousand (5'000), and a suspension of one year for each violation, and exclusion can be recommended.
  - f. Misconduct against competition officials: first violation Euro five thousand (5'000) fine, and suspension of no less than six (6) months. The second violation and afterwards shall be punished by a fine of Euro ten thousand (10'000), and a suspension of one year for each violation, and exclusion can be recommended.
  - g. Unlawful or unauthorised use, and in general any misuse of GAMMA logo, emblems, and insignia: first violation Euro Ten Thousand (10.000) fine, and suspension of no less than one year. The second violation and afterwards shall be punished by a fine of Euro Ten Thousand (10.000) and a suspension of one year per each violation, and exclusion can be recommended, without prejudice of actions for restoration of higher damages and losses.
  - h. If, in the case of violence, it is not possible to identify the perpetrator(s), the judicial body will sanction the National Federation to which the aggressors belong or can be referred to.
  - i. Disciplinary measures may be imposed on national teams where its athletes fail to conduct themselves properly.
  - j. Any GAMMA Member (either natural or legal person) who publicly incites others to hatred or violence will be sanctioned as follows: first violation Euro

five thousand (5'000) fine, and suspension of no less than six (6) months and with a ban on entering any events for the same term. The second violation and afterwards shall be punished by a fine of Euro ten thousand (10'000), and a suspension of one year for each violation, and with a ban on entering any events for an equal term, and exclusion can be recommended. In serious cases, in particular when the infringement is committed using the mass media (such as the press, radio, television or social media channels) or if it takes place on a competition day, the fine will be Euro Ten Thousand (10'000), while the suspension and the ban on entering any events may be limitless, without prejudice of the exclusion, which may be asked for immediate effectiveness.

- k. Anyone who offends the dignity of a person or group of persons through contemptuous, discriminatory or denigratory words or actions concerning race, colour, language, religion, or origin shall be suspended for no less than six (6) months and with a ban on entering any events for the same term. Furthermore, a fine of Euro Ten Thousand (10'000) shall be imposed.
- l. Anyone who intimidates a competition official with serious threats will be sanctioned with a fine of Euro five thousand (5'000) and the exclusion of the event. These sanctions may not be combined with others.
- m. Anyone who uses violence or threats to pressure a competition official into taking certain action or to hinder him/her in any other way from acting freely will be sanctioned with a fine of Euro five thousand (5'000) and the exclusion of the event. These sanctions may not be combined with others.
- n. Anyone who, in any GAMMA related activities, forges a document, falsifies an authentic document, or uses a forged or falsified document to deceive in legal relations will be sanctioned with a fine of Euro Ten Thousand (10'000) and the suspension of no less than six (6) months. If such an offence is repeated, fines are doubled for each violation and exclusion can be recommended as of the second violation.
- o. Anyone who offers, promises or grants an unjustified advantage to a body of GAMMA, a competition official, an athlete or an official on behalf of him/herself or a third party in an attempt to incite it or him/her to violate the regulations of GAMMA will be sanctioned: with a fine of Euro Ten Thousand (10'000), with a suspension of no less than One (1) year, and with a ban on entering any event. Exclusion can be recommended as of the second violation. Passive corruption (soliciting, being promised, or accepting an unjustified advantage) will be sanctioned in the same manner. In any case, the disciplinary body will order the confiscation of the assets involved in committing the infringement. These assets will be used for GAMMA development programmes.
- p. Doping is prohibited. Doping and anti-doping rule violations are defined in the GAMMA Anti-Doping Regulations and sanctioned in accordance with the GAMMA Anti- Doping Regulations and the GAMMA Disciplinary Code.
- q. Anyone who fails to pay another person within the GAMMA activities or to pay GAMMA a sum of money in full or part, even though instructed to do so by a body, a committee, commission or an instance of GAMMA or a subsequent CAS appeal decision (financial decision), or anyone who fails to comply with another decision (non-financial decision) passed by a body, a committee or

commission or an instance of GAMMA, or by CAS (subsequent appeal decision):

- i. will be fined for failing to comply with a decision.
- ii. will be granted a final deadline by the disciplinary bodies of GAMMA in which to pay the amount due or to comply with the (non-financial) decision.
- iii. will be warned and notified that, in the case of default or failure to comply with a decision within the period stipulated, further disciplinary measures will be imposed. An exclusion from a GAMMA competition may also be pronounced.

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

## **Article 5      Responsibilities**

### Organisation of competitions

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

#### Liability for spectators conduct

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

#### Other obligations

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

### **Article 6      Unfair behaviors**

1. Any GAMMA Member (either natural or legal person) acting or attempting to act in such a way as to hinder or harm the interests of GAMMA or of another GAMMA Member shall be subject to a fine of Euro Ten Thousand (10'000) and a suspension of one (1) year. These sanctions shall be doubled in the event of GAMMA Members pooling up to pursue such forbidden scopes.
2. For the purposes of this article 6, punishable acts shall be, without limitation:
  - a. The refusal to recognise GAMMA titles by a national federation affiliated to GAMMA.
  - b. Imposing limitations or conditions to the reciprocal recognition of GAMMA titles.
  - c. Any other act or fact which may limit or prevent the free circulation of athletes and their rights to exercise any GAMMA activity.
  - d. Any other act or fact which may hinder, limit, or harm the regulatory powers and functions of GAMMA.

### **Article 7      Prosecuting Body**

1. The role of prosecuting body is exercised by an independent prosecutor appointed by

the President of GAMMA, who represents GAMMA before the Ethics and Disciplinary Commission.

2. The President of GAMMA shall always delegate his/her powers to the Executive Board to appoint the prosecutor whenever:
  - a. He/she is unable to act or finds him/herself in a position of conflict of interests.
  - b. the President of GAMMA is the subject of an investigation.
3. The Prosecutor may, either at its own initiative or at the request of any interested party, conduct an inquiry into any actions or conduct of a person under the jurisdiction of GAMMA and suspected of having committed one of the offences provided for in the GAMMA Rules. The Prosecutor may, but is not required to, avail him/herself of the collaboration of an Investigator appointed from time to time by the Executive Board of GAMMA. The Prosecutor has ample discretion in appointing persons of its choice to represent or assist in the conduct of an investigation. The Prosecutor may also have recourse to the services of one or more advisors of its choice, whose expenses shall be upon GAMMA provided that such expenses are previously approved by the Executive Board.
4. For the purposes of the inquiry, the Prosecutor (or his/her substitutes) may hear any person likely to provide information and may request any document, in any form and obtain a copy thereof. The Prosecutor may access premises for professional and personal use. Any person subject to the jurisdiction of GAMMA must cooperate with the Prosecutor, failing which they may be sanctioned.
5. Any hearing may be recorded as an audio or video recording or in the form of minutes, which must be dated and signed by the interviewee and the Prosecutor. If a person refuses to be questioned, the Prosecutor shall record this fact in writing.
6. After the inquiry, and in view of the information gathered during it, the Prosecutor may draw up an inquiry report and decide:
  - a. to close the case, or
  - b. to bring the matter before the EDC, or
  - c. to recommend GAMMA to enter into a settlement agreement to terminate the procedure.
7. The Prosecutor may grant partial or total immunity to any person who discloses facts that are likely to constitute an infringement and/or who provides evidence allowing such facts to be prosecuted and penalised. The degree of immunity granted to this person by the Prosecutor depends on the following factors:
  - a. whether or not the Prosecutor already had the information,
  - b. the extent of the person's cooperation, the importance of the case,
  - c. the importance of the offence in question and the conduct of the accused, and
  - d. past conduct of this person.

8. Immunity, whether partial or total, where granted, is always granted in writing. This document is signed by the GAMMA President and by the person benefiting from the immunity. It specifies the type of immunity granted and sets out the sanctions that GAMMA will not take against the person benefiting from the immunity.
9. The immunity granted by the Prosecutor, whether partial or total, is subject to the following cumulative conditions:
  - a. cooperating with GAMMA in good faith, telling the whole truth and refraining from destroying, falsifying, or concealing useful information or evidence
  - b. providing GAMMA with genuine, total, and permanent cooperation throughout the entire investigation, which involves in particular:
    - i. giving and repeating their testimony in accordance with any request and in any form required by GAMMA,
    - ii. remaining at the disposal of GAMMA to reply swiftly to any questions it may have.

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

10. The immunity granted by the prosecuting authority is irrevocable if it is not subsequently demonstrated that the person benefiting from the immunity:
  - a. did not tell the truth, or refrained from revealing certain information in their possession, or destroyed or falsified useful information or evidence, which contributed to giving an inaccurate assessment of the ruled-on situation and of the responsibilities arising therefrom, or,
  - b. did not provide genuine total and permanent cooperation by failing to meet GAMMA's requests to give or repeat their testimony or by not respecting the format required for the validity of that testimony.
11. If one of these two cases is established, the prosecuting body may ask the EDC to revoke the immunity by written decision, with no possibility of appeal by the person concerned, who then once again becomes liable to incur the sanctions listed in Article 3.2 c) and e)
12. The Prosecutor and all persons taking part in the inquiry are bound by an obligation of confidentiality vis-à-vis third parties not concerned with the inquiry. Nevertheless, the Prosecutor may at any time make public its decision to conduct a disciplinary inquiry and the outcome thereof.
13. The Investigator appointed by the GAMMA Executive Board from time to time assists the Prosecutor in any investigation on infringements committed and discharges his/her duties under the impulse and directions of the Prosecutor, who has coordination responsibility in respect of each investigation. The Investigator shall provide the Prosecutor with a detailed report of the investigations delegated to them by the Prosecutor and of the corresponding findings, for the Prosecutor to act accordingly, within the frame of their powers and duties.

14. If the Investigator is informed of an infringement to the GAMMA Rules, which may be disciplinary prosecuted, he/she shall report such information to the Prosecutor, who shall give the necessary instructions.
15. The Investigator and any of the persons appointed by the Prosecutor to conduct investigations shall always maintain the strictest confidentiality on the facts and individuals or legal persons involved or to be potentially involved in the investigation, to preserve the integrity of the disciplinary action and protect the reputation of the persons involved until a resolution on indictment is taken.

## **Article 8      The Independent Ethics Disciplinary Commission**

1. The Ethics and Disciplinary Commission ("EDC") shall consist of an independent chairperson, a deputy chairperson and no less than three (3) other members.
2. The EDC operates totally independently from the other bodies of GAMMA and the Members of GAMMA.
3. The members of the EDC shall undertake to act with full independence and impartiality to preserve the independence of the EDC. Each member must be and remain independent of GAMMA and of the parties involved. Any member of the EDC involved in a particular hearing must disclose immediately any circumstance likely to compromise his/her independence in respect of one or more of the parties involved in that hearing.
4. Both during and after their respective terms of office, the members of the EDC formally undertake to respect the integrity and independence of the EDC and to honour their duty of confidentiality about the deliberations of the EDC.
5. The EDC shall pass decisions only when at least three members are present.
6. The EDC shall have jurisdiction in definitive instance on any controversy between the GAMMA bodies and between GAMMA and any of its Members and between any of the members either natural or legal persons.

## **Article 9      Ordinary proceedings before the EDC**

1. An international case before the EDC can be brought either by the prosecuting body or directly by any interested party.
2. Relevant national bodies should deal with national disputes. The EDC has the power to review a national decision if it deems necessary.
3. When it decides to bring a case before the EDC, the prosecuting body shall notify the party being prosecuted of the charges brought against them. The Notification of Charges shall inform the party being prosecuted of:
  - a. the factual and legal allegations against it,
  - b. of the penalties that could be pronounced against it, the fact that it may read and copy the documents of the case at the headquarters of GAMMA,
  - c. the period within which they must submit their observations in writing,

- d. the fact that, if it fails to submit its Observations, the EDC may impose a sanction upon it based on the Notification of Charges which have been notified and/or any inquiry report,
  - e. the fact that it may be assisted by a lawyer of its choice.
- 4. If an inquiry report has been drawn up, it shall be appended to the Notification of Charges.
- 5. The Notification of Charges shall be served by the prosecuting body on the Chair of the EDC and is deemed to constitute the commencement of the case before the EDC.
- 6. The Chair of the EDC shall designate him/herself or a member of the EDC to be responsible for conducting the proceedings ("the Chair of the Hearing"), verifying the regularity of the proceedings, ensuring that the rights of the parties are respected, keeping order during the hearing, and arranging for the drafting of the decision.
- 7. After the Notification of Charges has been served, the Chair of the Hearing shall issue and notify to the parties the Order of Procedure which contains:
  - a. a timetable for the hearing,
  - b. the summons to the hearing,
  - c. the deadlines to submit defensive briefs also containing the proofs that the parties would like to avail themselves of to ground their arguments.
  - d. the deadline for the payment of the proceeding's fees when the case is brought directly before the EDC by an interested party. The lack of payment within the given deadline shall be deemed as a waiver to the case, which shall be dismissed.
- 8. The summons shall remind the Parties that they must appear in person, or through their authorised representatives in the case of a legal entity or an organisation, and that in their absence a decision may be taken against them.
- 9. They may be assisted by a lawyer who, if a party is unable to attend, may represent it in its absence, provided it can satisfy the EDC as to the reasons for its failure to attend in person.
- 10. The prosecuted person will be granted at least ten (10) days to submit their Observations on a Notification of Charges, and the prosecuting body will be granted a further fifteen (15) days to reply. There will be a period of least ten (10) days between the Reply by the prosecuting body and the hearing. The Chair of the Hearing may at any time decide to reduce or extend the time limits of proceedings.
- 11. The response to the Notification of Charges, Observations, and the prosecuting body's Reply:
  - a. must be written or translated into in English,
  - b. must indicate each of the arguments on which the Parties intend to rely (which may be presented in skeleton form), a list of any material evidence which the Parties intend to present during the EDC hearing (including film or sound

recordings, photographs, graphics, the identities of witnesses, knowledgeable parties or experts to be heard, etc.) and an explanation of why the Parties believe such evidence will support their case, together with copies of any statements by witnesses or knowledgeable parties or expert opinions that the Parties wish to rely on,

- c. must be sent to the EDC either by post or email.
- 12. Any third parties who have been granted rights to participate in the hearing shall be entitled to make a written submission within a time limit to be set by the Chair of the Hearing. Any such submission shall be made available to the Parties.
- 13. After the Notification of Charges, the Observations and the prosecuting body's Reply have been exchanged, the Parties shall not be permitted to submit further documents or evidence to the EDC, save in new or exceptional circumstances and with the permission of the Chair of the Hearing.
- 14. Upon receipt of an appropriate application or on his/her own initiative, the Chair of the Hearing shall be entitled to issue directions with respect to the Hearing and the conduct of the case, including with regard to the right of any Party or third party to be heard, the hearing of any expert or witness, the manner in which any party shall be heard, and whether exceptional circumstances exist to justify the submission of further evidence outside the time limits set by the Chair of the Hearing.
- 15. The Chair of the Hearing may also designate a member of the EDC panel appointed for the case (the "Reporter") to summarise the case and the issues arising therefrom.
- 16. The EDC hearing is held by the judging panel and presided over by the Chair of the Hearing. The language of the hearing shall be English.
- 17. The prosecuting body will be present or represented by any person of its choice to present its Observations.
- 18. In accordance with adversarial principles, and having considered any report by the Reporter, the Chair of the Hearing will invite the Parties to set out their respective arguments, where appropriate without the witnesses, knowledgeable parties or experts being present.
- 19. The EDC may hear the respective witnesses, knowledgeable parties, experts and third parties. The Parties shall have the right to question all the witnesses, knowledgeable parties, experts and third parties on their statements.
- 20. After they have made their statements, the Chair of the Hearing may direct any witness, knowledgeable party, and expert to remain in the courtroom and not to speak to any other witness, knowledgeable party or expert who has yet to give evidence.
- 21. Independently of the main parties to the case, the EDC may hear, as a third party, any other person who so requests and who could be directly and significantly affected by the decision to be taken. It is the responsibility of any such party to send the EDC a written request to be heard, and if that request is granted, that party shall be permitted to submit written observations under the directions of the Chair of the Hearing.
- 22. Other interested third parties may also apply to the EDC to be heard where appropriate

by making a written application outlining their interest in the outcome of the case. If the Chair of the Hearing determines that it would assist the EDC to hear the party concerned, that party may be permitted to make submissions and/or attend the hearing.

23. The Chair of the Hearing shall then invite the Parties to make their closing statements.
24. Depending on the circumstances, the Chair of the Hearing may decide to proceed differently.
25. The Chair of the Hearing may permit a Party or any person taking part in the hearing to attend via videoconference, or another means of communication.
26. At any point during the hearing, the EDC may decide, after hearing the Parties but before making a final decision:
  - a. to request further information, or
  - b. to postpone proceedings to a later hearing, in particular to hear witnesses.
27. After the prosecuted person has had the last word, the hearing will be declared closed and no further submissions or evidence shall be permitted, unless requested by the EDC after a hearing has been re-opened.
28. After the close of the hearing, the Chair of the Hearing will announce the likely time and date when the decision will be pronounced. The EDC will deliberate in camera to reach its decision, without the presence of the prosecuting body, the prosecuted person, or any other party.
29. The EDC may nevertheless decide to re-open the hearing at any point in its deliberation, for instance if it becomes aware of any new fact. In this case, the Parties shall be informed by a new notification for the further hearing.
30. The decision shall be taken by the simple majority of the members of the judging panel. The Chair will have a casting vote. Decisions are in principle taken during meetings, but deliberation and voting by correspondence, fax, e-mail, and the holding of meetings via videoconference or conference call are permissible in case of urgency or necessity.
31. The deliberation is secret, but the decision is public and shall be published on the GAMMA website. The publication on the website shall work as notification of the decision and the time limit for lodging an appeal with the CAS shall start to elapse upon the date of publication thereof on the website.
32. The decisions shall be reasoned and state the names of the members who took part in the deliberation. Decisions are delivered in English.
33. Any appeal shall not suspend the sanction imposed.

#### **Article 10      Expedited procedure**

1. In case of justified urgency for matters relating to competitions, or in the event of interim suspensions passed either by the Executive Board or the President of GAMMA, the parties concerned may call for an expedited procedure to review the matter. The

stages and time limits for the procedure to be followed are then fixed by the Chair of the EDC or of the AC, with all due respect for adversarial principles and the rights of all parties.

2. Where necessary the Chair of the Hearing may order that the hearing be conducted via videoconference or conference call.
3. In the event of Expedite Procedure, the Chair of the competent body passes the decision alone, without any need for summoning the whole justice body. Each decision is subject to appeal, except for the grounds which justified the expedite procedure.

#### **Article 11 Costs and taxes of the procedures**

1. In their decision, the EDC will determine, depending on the outcome of the case, against whom to award the costs of the procedures. The costs include all the expenses, fees, and disbursements incurred by:
  - a. the prosecuting body in connection with the case and for each degree of internal jurisdiction, and
  - b. those pertaining to the procedure before the justice body from the commencement of the matter until the pronouncement of the decision (including the costs of investigation, witnesses, fees of experts and technical advisers, a contribution to the operative costs of the DC and the AC, etc.).
2. The costs do not include the expenses and legal fees incurred by the parties. The EDC may decide to set a lump sum for the costs and determine whether an advance on costs must be paid by the parties.
3. In addition to the costs, the Parties to a procedure before GAMMA justice bodies shall pay the administrative taxes and fees established by the Executive Board, which shall not be returned in any event.

#### **Article 12 Right of Review**

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

#### **Article 13 Court of Arbitration for Sport**

1. The Court of Arbitration for Sport in Lausanne, Switzerland, is the sole competent authority to deal with and judge appeals against the decisions issued by the EDC.
2. Proceedings with the Court of Arbitration for Sport are governed by the Code of

arbitration for sport. The Court of Arbitration for Sport will apply the Dutch laws.

3. Without prejudice to the statutory and special regulatory provisions, all actions before the Court of Arbitration for Sport shall be inadmissible unless all appeals stipulated by the GAMMA Statutes or Regulations have been exhausted.
4. An appeal before the Court of Arbitration for Sport shall be timely lodged no later than ten (10) days from the date of publication of the decision on the GAMMA website.

#### **Article 14      Enforcement**

1. This Disciplinary Code has entered into force and is fully effective since approval by the Executive Board on 24 April 2024.