




Court of Arbitration
New version

The EHF Court of Arbitration



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Please note: This publication is available to download as an Acrobat PDF format file from the official website: www.eca-handball.com

Introduction



The ECA is an independent court of arbitration offering an independent, professional, flexible and efficient way to solve disputes to all our handball stakeholders.

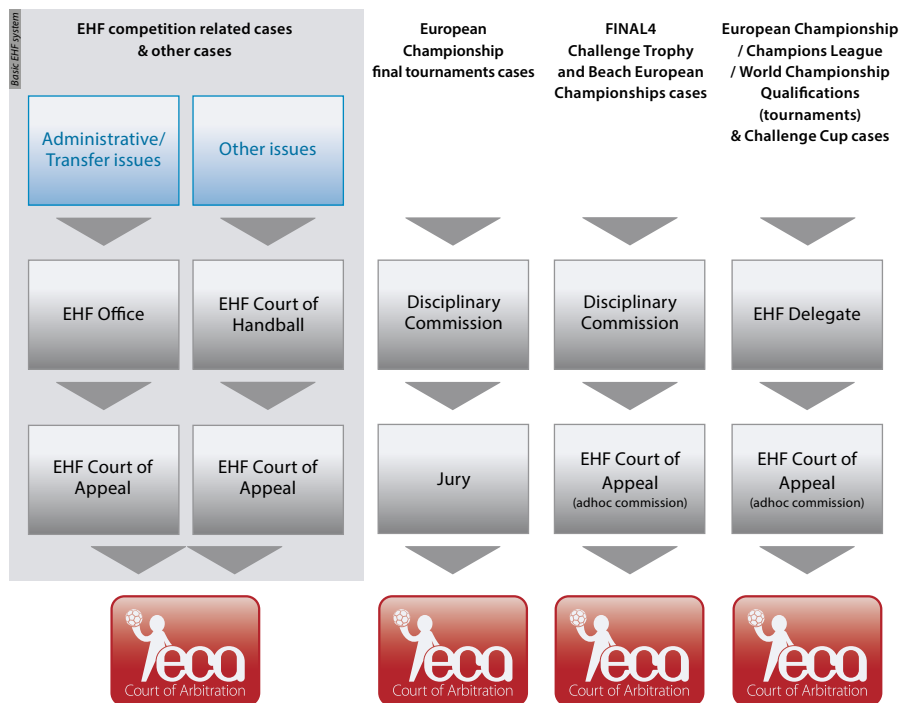
The ECA has been created and recognised by the EHF to offer an alternative to civil courts and to the complexity, costs and length of their proceedings. Its clear rules, reduced costs of proceedings and professional handling by high profile sports and international lawyers make the ECA accessible to everybody.

In 2017, the ECA is starting a new era in which all European handball stakeholders are now involved via various structural means.

This brochure will provide all key features to convince you that a qualitative court of arbitration in the field of sport is within your reach.

ECA and the EHF legal system

Federation, club, player's protest or EHF claim/Referee's or delegate's report/Initiator's claim/Disputes



National cases

Final decisions from internal legal bodies of national handball federations*
+ Recognition ECA competence



Cases in other sport areas

Final decision from sports organisations*
Dispute related to sport outside of sports organisations competence
+ Recognition ECA competence



* provided decisions are not definitive according to parties' prior agreement

ECA proceeding participants: a brief overview



Party - the claimant(s)

Definition: the entity(ies) initiating proceedings before the ECA through a statement of claim and the payment of the relevant fees.

Entity: club, national federation, player, player's agent, EHF.



Party - the defendant(s)

Definition: the entity(ies) involved in the dispute brought by the claimant(s) before the ECA not supporting the claimants' claims.

Entity: club, national federation, player, player's agent, EHF.



ECA arbitrators

Nomination: by the EHF member federations, the EHF and the groups recognised as representing the interests of the clubs, the leagues and the athletes.

Main qualities: fluent written and spoken English. A Full legal education and/or at least a recognised competence in International Sports Law and/or international arbitration. Independence and impartiality.

All the ECA arbitrators' names and contact details are available in the ECA arbitrators list published on www.eca-handball.com



Arbitral chamber

Composition: 3 ECA arbitrators (1 chairman, 2 co-arbitrators).

Nomination: 1 arbitrator is nominated by each of the parties; the two nominated arbitrators appoint the chairman.

Main tasks: decides on the specific case brought by the parties using the best of its knowledge and capacities without being bound by any directions.



ECA council

Composition: 3 members (1 president, 2 vice presidents) and the ECA office.

Election/Nomination: by the EHF Congress and the Professional Handball Board.

Main tasks: supports and ensures a good administration of the arbitration proceedings. Verifies compliance of the proceedings with the Rules of Arbitration for the ECA. Controls that the rights of the parties are respected. Represents the ECA to the EHF Congress.



ECA office

Main tasks: supports in organisational matters the ECA council and the arbitrators. Coordinates the arbitration proceedings.

From the initiation of proceedings to the formation of the arbitral chamber

The procedure to initiate proceedings before the ECA has been organised in a simple way, making it accessible to any individual or entity: **a written statement of claim containing a request for ECA arbitration** has to be sent to the ECA office and an **advance fee** shall be paid within the defined deadline.

Content of a statement of claim

- Request for ECA arbitration
- Identification of parties: names and addresses
- Copy of agreement, clause or statutes acknowledging ECA competence
- Specific claims regarding the issue/case
- Any documents/evidences supporting the claims
- Requested compensation/damages - if any

Amount of the advance fee

- When bringing a dispute before the ECA after exhaustion of all EHF internal legal remedies: €5,000.
- When bringing a dispute before the ECA within the framework of any other kind of situation:
 - €2,500 if the amount in dispute is comprised between €0 and €30,000
 - €5,000 if the amount in dispute is over €30,000

Content of the advance fee

- €1.000 when the applicable advance is €2,500
- €1.500 when the applicable advance is €5,000
- Advance payment of administrative costs/cash outlays of the ECA Office + VAT
- Advance on arbitrators' fees, cash outlay + VAT

Once the proceedings are opened, the ECA procedure offers the parties choice and freedom as to the arbitrators they wish to compose the arbitral chamber. **The arbitral chamber is never pre-determined; its members are appointed by the parties out of the ECA pool of arbitrators.**

Arbitrators appointed by the parties

- Must confirm their nomination within 3 days
- Must sign a statement of acceptance and a declaration of impartiality & independence
- Must disclose any facts likely to question their independence

ECA arbitration procedure: part one

Decision made by

- EHF Court of Appeal
- EHF Jury
- National handball federations*
(national cases)
- Other sports federations*

or

- Any other type of dispute**
(e.g. contractual matters)



1st arbitrator nomination

Statement of claim + Nomination 1st arbitrator

- The statement of claim together with the nomination of the first arbitrator shall be sent by the claimant to the ECA office
- If no arbitrator is nominated with the statement of claim, the nomination is made by the ECA Council

Maximum time taken: 7 days

Advance fee payment

- The advance fee shall be transferred by the claimant to the ECA account

The formal admissibility of the claim is controlled by the ECA council
The ECA office informs the parties of the opening of proceedings



2nd arbitrator nomination

Nomination 2nd arbitrator

- Upon confirmation of the first arbitrator nomination, the defendant is invited to nominate the 2nd arbitrator by the ECA office
- If an arbitrator is not nominated by the defendant within the required deadline, the nomination is made by the ECA council

Maximum time taken: 3 days



Chairman nomination

Nomination chairman

- Upon confirmation of the 2nd arbitrator nomination, the two first arbitrators are invited to nominate the chairman by the ECA office
- If the chairman is not nominated within the required deadline, the nomination is made by the ECA council



Formation of the arbitral chamber

* final internal decision and recognition of the ECA competence

** recognition of the ECA competence

From the formation of the arbitral chamber to the final award.

A lot of **flexibility** has been built into the handling of disputes by the ECA arbitral chamber. The provisions of the **Rules of Arbitration for the ECA** shall be applied but the arbitral chamber may also decide any other procedural rules that it deems necessary; the practical aspects of the proceedings may therefore be adapted to the characteristics and necessity of the cases.

The ECA proceedings are dealt with in **English**, and also as a general rule, in **writing**.

The award

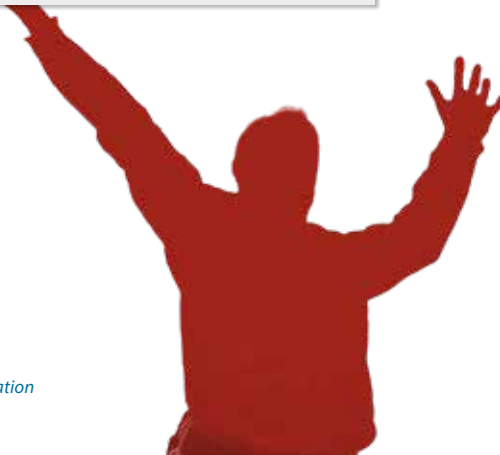
- Gives the grounds for the decision
 - Defines which part(ies) shall bear the arbitration costs
 - Is binding and final between the parties
- = SAME EFFECT AS A CIVIL COURT JUDGMENT**

Content of arbitration costs

- €1,000 / €1,500 registration fee
- ECA office administrative costs and outlays + VAT
- Arbitrator's fees and outlays + VAT

ECA proceedings duration

- Deadline: 3 months maximum from the formation of the arbitral chamber
- Exceptional circumstances : availability of an express procedure
- Prevalence of parties' agreement on this matter



ECA arbitration procedure: part two



Formation of the arbitral chamber

Transfer of claimant's statement of claim and any documents received by the ECA office from the parties to the arbitral chamber



Decision by the arbitral chamber on specific procedural rules to be applied, if any

Information to the claimant(s), the defendant(s) and the ECA office



Requests for further information, explanations, and documents by the arbitral chamber

Requests to the claimant(s) and/or the defendant(s).

Any document or information provided to the arbitral chamber by one of the parties shall be communicated to the other party



Oral hearings

Hearings of:

- Defendant(s)/claimant(s)

- Witnesses

- Experts

Optional phases



Closing of the discussion/investigation phase by the arbitral chamber

Information to the claimant(s), defendant(s) and the ECA office



Final decision of the arbitral chamber

AWARD



Delivery of the award

Executed copies sent by the ECA office to the claimant(s), the defendant(s) and their representatives



**Press release/
Anonymous publication**



END OF ECA PROCEEDINGS

ECA: a legal structure offering independence, efficiency and professionalism

The EHF Court of Arbitration offers a legal structure adapted to the particularities of sport-related cases for the benefit of all sport stakeholders. It has been created with the following main characteristics to serve the interests of sport in general, of handball in particular:

INDEPENDENCE

The EHF Court of Arbitration does not belong to the EHF legal system; it has its own set of rules and its own organisational bodies. Several mechanisms assure the independence of the ECA arbitrators towards the EHF and the parties to a case.

Sport and legal COMPETENCE

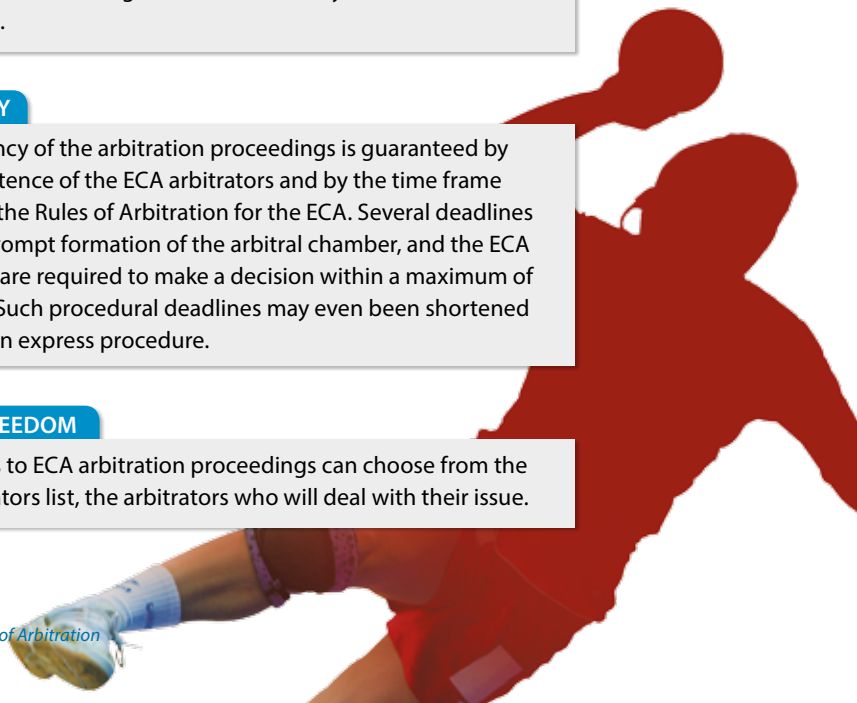
The ECA arbitrators have been chosen taking in consideration their knowledge and experience in sport and in legal matters. High standards lawyers with recognised competence in sports and/or international arbitration constitute the group of arbitrators of the EHF Court of Arbitration. The best competence has been gathered to solve any handball and sport issue.

EFFICIENCY

The efficiency of the arbitration proceedings is guaranteed by the competence of the ECA arbitrators and by the time frame defined in the Rules of Arbitration for the ECA. Several deadlines ensure a prompt formation of the arbitral chamber, and the ECA arbitrators are required to make a decision within a maximum of 3 months. Such procedural deadlines may even be shortened thanks to an express procedure.

Parties' FREEDOM

The parties to ECA arbitration proceedings can choose from the ECA arbitrators list, the arbitrators who will deal with their issue.



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ECA information

The ECA arbitrators list, presenting and offering contact details of all arbitrators working for the ECA and the Rules of Arbitration for the ECA, containing all provisions applicable to the ECA proceedings are available at: www.eca-handball.com

For any further information you may need or any questions you may have, do not hesitate to contact the ECA office:

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Legal Disclaimer: This brochure is meant to offer an overview of the ECA arbitration system; the information it contains is in no case exhaustive and cannot be referred to before the EHF Court of Arbitration. Only the provisions of the Rules of Arbitration for the EHF Court of Arbitration are legally binding for the EHF Court of Arbitration.



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