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## PRELIMINARY TITLE

### Article 1 General

1. This bylaw regulates the organization and function of the Legislative Committee, Investigations Committee and Sanction Committee and governs offences submitted for the assessment of the ETU and describes infringements of the ETU Statutes and rules in ETU bylaws and regulations and determines the sanctions incurred.

2. Bylaws for Dispute Resolution & Disciplinary Actions (these “Bylaws”) are promulgated in accordance with and as a supplement to Article 27 and Article 28 of the ETU Statutes (the “Statutes”).

3. Unless otherwise provided herein appeal under these Bylaws are the sole means for resolution by any natural and legal persons subject to ETU statutes, regulations, etc., of relevant ETU-related disputes or disciplinary actions.

4. Failure of any ETU member to cooperate with any reasonable investigation, including failing to provide any information and/or documentation requested by the ETU that may be relevant to an investigation, can in itself be subject to investigation and sanction.

5. Unless otherwise provided herein resolutions or actions under these Bylaws are final.

6. Except as provided herein, appeal of resolutions or actions made under these Bylaws can be made only to the Court of Arbitration for Sport (CAS).

### Article 2 Scope of application: substantive law

1. This code applies to decisions taken by ETU and every event, activity and competition organized by ETU. Beyond this scope, it also applies if an ETU official is harmed and, more generally, if the statutory objectives of ETU are breached. It also applies to any breach of ETU regulations that does not fall under the jurisdiction of any other body.

2. This code does not apply for decisions taken by the General Assembly of ETU. Decisions taken by the General Assembly of ETU cannot be appealed.

### Article 3 Scope of application: legal and natural persons

The following legal and natural persons are subject to this code:

#### a) Legal persons:

- Member National Associations;
- Clubs of Member National Associations
- Contractors.

#### b) Natural persons:

- Officials
- Competitors
- Members of Member National Associations
- anyone with an authorisation/accreditation issued by ETU, in particular with regard to a competition or other event or activity organised by ETU
- Spectators

#### Article 4 Scope of application

This code applies to facts that have arisen before and after it has come into force.

#### Article 5 Definitions

1. ETU: European Taekwondo Union, the Continental Union of the WTF
2. WTF: World Taekwondo Federation, the International Federation recognised by the International Olympic Committee;
3. (Executive) Council: the executive branch of the ETU, including the President and Secretary- General;
4. Legislative Committee: the ETU committee dealing with all legal affairs of ETU, providing the ETU president, Secretary-General and (Executive) Council with legal advice.
5. Investigations Committee: an ad hoc ETU Committee, nominated and appointed by the ETU President, who has the authority to investigate all matters that are assigned to the committee.
6. Sanctions Committee: an ad hoc ETU Committee, nominated and appointed by the ETU President, who has the authority to sanction all matters that are assigned to the committee.
7. Appeal Committee: an ad hoc ETU Committee, nominated and appointed by the ETU President, who has the authority to deal with the appeal of a case assigned to the committee.
8. Officials: anyone, with the exception of players, performing an activity connected with taekwondo at ETU, at a Member National Association or club, regardless of his title, the type of activity (administrative, sporting or any other) and the duration of the activity; in particular, (Executive) Council members, board members of Member National Associations, heads of team, managers, coaches, trainers and support staff are considered as officials;
9. Competitors: athletes participating in national and international events, activities or competition organized by ETU or Member National Association.
10. Member National Association: National Associations who are member of ETU and fulfil the obligations as member as described in the ETU Statutes.
11. WTF License: the global membership card which is mandatory for all natural and legal persons within the territory of an MNA.
12. Competition: all competitions mentioned in article 2 of the ETU Statutes;
13. Event: all events mentioned in article 2 of the ETU Statutes.

14. Activity: all activities mentioned in article 2 of the ETU Statutes.

15. ETU Statutes: the statutes of ETU

16. WADA Code: rules and regulations of the World Anti-Doping Agency.

#### Article 6 Gender and number

Terms referring to natural persons are applicable to both genders. Any term in the singular applies to the plural and vice-versa.

#### FIRST TITLE: ORGANISATION

#### Article 7 Jurisdiction and Composition

1. The ETU Legislative Committee provides legal advice to the ETU President and (Executive) Council of ETU. Its members can act as legal counsel in disputes in which ETU is involved. The ETU president appoints its members. Each (Executive) Council member can propose members for the committee. The Legislative Committee has one (1) chairman, one (1) vice-chairman and three (3) members.

2. The ETU Investigations Committee is an ad hoc committee that is authorized to investigate all cases assigned to it. The ETU president appoints its members. The Investigations Committee has one (1) chairman and maximum (4) members.

3. The ETU Sanction Committee is an ad hoc committee that is authorised to sanction any breach of the ETU Statutes, bylaws or rules and regulations which does not come under the jurisdiction of another organ. The ETU president appoints its members. The Sanctions Committee has one (1) chairman and maximum two (2) members.

4. An Appeal Committee is an ad hoc committee that is authorised to rule on the appeal of a case assigned to it. The ETU president appoints its members. The Appeal Committee has one (1) chairman and maximum four (4) members.

#### Article 8 Specific jurisdiction

1. The ETU Investigations Committee is responsible for:

- a) investigating all matters assigned to it;
- b) investigating infringements of the ETU statutes, bylaws and other rules and regulations;
- c) investigating complaints;
- d) hearing and questioning witnesses;
- e) documenting its findings;
- f) reporting to the ETU President or ETU (Executive) Council
- g) issuing Advisory Opinions to the ETU President, ETU (Executive) Council or General Assembly.

2. ETU Sanction Committee is responsible for:

- a) sanctioning any infringements of the ETU statutes, bylaws and other rules and regulations;

- b) rectifying obvious errors in the referee's disciplinary decisions;
- c) extending the duration of a competition suspension incurred automatically by an expulsion (cf. art 34);
- d) pronouncing additional sanctions, such as a fine.

3. The Appeal Committee is responsible for:

- a) Reviewing the case assigned to it;
- b) Render a decision on the particular case.

Article 9 Members of the Legislative, Investigations, Sanctions and Appeal Committee

The following members are eligible for membership of the Legislative, Investigations, Sanctions or Appeal Committee:

- a) members of the (Executive) Council of ETU;
- b) members of the Legislative Committee;
- c) those persons nominated by the President of the ETU who have legal qualifications;
- d) members of the Appeal Committee cannot be the same members as those having served on the Investigations or Sanctions Committee in that particular case.

Article 10 Confidentiality

1. The members of the Committees shall ensure that everything disclosed to them during the course of their duty remains confidential (facts of the case, contents of the deliberations and decisions taken).
2. Only the contents of those decisions already notified to the parties may be made public.
3. The members of the Committees shall ensure that the content of the deliberations and the opinions of the individual Committee members stay confidential at all times. Disclosure of these deliberations or opinions shall be considered as a serious infringement.

Article 11 Exemption from liability

Except in the case of gross culpability, neither the members of the judicial bodies of ETU nor the secretariat may be made liable for any deeds or omissions relating to any disciplinary procedure.

SECOND TITLE: SUBSTANTIVE LAW

Article 12 Culpability

Unless otherwise specified, infringements are punishable regardless of whether they have been committed deliberately or negligently.

Article 13 Acts amounting to attempt

1. Acts amounting to attempt are also punishable.

2. In the case of acts amounting to attempt, the Sanctions Committee 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 (cf. art. 29 par. 2).

#### Article 14 Involvement

1. Anyone who intentionally takes part in committing an infringement, either as instigator or accomplice, is also punishable.

2. The 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 fine (art. 29 par. 2).

#### Article 15 Minor infringements

The following offences are considered as minor infringements:

- a) unsporting behaviour;
- b) dissent by word or action;
- c) delaying the competition;
- d) any other infringements considered minor infringements by the Sanctions Committee.

#### Article 16 Serious infringements

The following offences are considered as serious infringements:

- a) serious foul play;
- b) violent conduct;
- c) persistent infringement of the ETU Statutes, bylaws and other regulations;
- d) persistent infringement of the execution of decisions taken by the ETU (Executive) Council;
- e) withholding information concerning membership in relation to the WTF Licence
- f) inciting hatred and violence
- g) offensive behaviour and fair play
- h) discrimination
- i) threats
- j) coercion
- k) forgery and falsification
- l) corruption
- m) any other infringements considered serious infringements by the Sanctions Committee.

#### Article 17 Team misconduct

Disciplinary measures may be imposed on Member National Associations and clubs where a team fails to conduct itself properly. In particular:

- a) a fine may be imposed where the referee or ETU official sanctions at least two members of the same team during a competition (caution or expulsion);
- b) a fine of at least EUR 5,000 may be imposed where several players or officials from the same team threaten or harass competition officials or other persons. Further sanctions may be imposed in the case of serious offences.

#### Article 18 Inciting hatred and violence

1. A natural person bound by this code who publicly incites others to hatred or violence will be sanctioned with competition suspension for no less than twelve months and with a minimum fine of EUR 5,000.

2. In serious cases, in particular when the infringement is committed using the mass media (such as the press, radio or television) or if it takes place on a competition day in or around a stadium, the minimum fine will be EURO 10,000.

#### Article 19 Offensive behavior and fair play

Anyone who insults someone in any way, especially by using offensive gestures or language, or who violates the principles of fair play or whose behaviour is unsporting in any other way may be subject to sanctions under this bylaw.

#### Article 20 Discrimination

1. 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 at least one competition. Furthermore, a venue ban and a fine of at least EUR 2,500 shall be imposed. If the perpetrator is an official, the fine shall be at least EUR 5,000.

2. Where supporters of a team breach par. 1 at a competition, a fine of at least EUR 5,000 shall be imposed on the Member National Association or club concerned regardless of the question of culpable conduct or culpable oversight.

3. Spectators who breach par. 1 of this article shall receive a venue ban of at least one (1) year.

#### Article 21 Threats

Anyone who intimidates a official with serious threats will be sanctioned with a fine of at least EUR 2,500 and a competition suspension.

#### Article 22 Coercion

Anyone who uses violence or threats to pressure a official into taking certain action or to hinder him in any other way from acting freely will be sanctioned with a fine of at least EUR 5,000 and a competition suspension.

#### Article 23 Forgery and falsification

1. Anyone who, in taekwondo-related activities, forges a document or falsifies an authentic document or uses a forged or falsified document to deceive in legal relations will be sanctioned with a suspension of at least two (2) competitions.

2. If the perpetrator is an official, the body will pronounce a ban on taking part in any taekwondo-related activity for a period of at least twelve months.

3. A minimum fine of EUR 1,500 may also be pronounced.

#### Article 24 Doping

Doping is prohibited. Doping and anti-doping rule violations are defined in the WTF Anti-Doping Regulations and sanctioned in accordance with the WTF Anti-Doping Regulations / the WADA Code.

#### Article 25 Sanctions common to natural and legal persons

Both natural and legal persons are punishable by the following sanctions:

- a) warning;
- b) reprimand;
- c) fine;
- d) return of awards.

#### Article 26 Sanctions applicable to natural persons

The following sanctions are applicable only to natural persons:

- a) caution;
- b) expulsion;
- c) competition suspension;
- d) ban from entering the competition area;
- e) ban from entering the venue;

f) ban on taking part in any taekwondo-related activity.

#### Article 27 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.

#### Article 28 Reprimand

A reprimand is an official written pronouncement of disapproval sent to the perpetrator of an infringement.

#### Article 29 Fine

1. A fine is issued in Euro (EUR) or US dollars (USD). It shall be paid in the same currency.
2. The fine shall not be less than EUR 500 and not more than EUR 100,000.
3. The body that imposes the fine decides the terms and time limits for payment.
4. Member National Associations are jointly liable for fines imposed on representative team competitors and officials. The same applies to clubs in respect of their competitors and officials. The fact that a natural person has left a team or Member National Association does not cancel out joint liability.

#### Article 30 Return of awards

The person required to return an award shall return the benefits received, in particular symbolic objects (medal, trophy etc.) and received sums of money.

#### Article 31 Caution

A caution is a warning from the referee or other ETU official to a competitor during the whole competition to sanction unsporting behaviour of a less serious nature.

#### Article 32 Expulsion

1. An expulsion is the order given by ETU officials to someone to leave the competition area and its surroundings. The person who has been sent off may be allowed into the spectator area unless he is serving venue ban.

2. An official who has been sent off may give instructions to the person replacing him. He shall, however, ensure that he does not disturb the spectators or disrupt the flow of competition.

#### Article 33 Competition suspension

1. A suspension from an ETU sanctioned competition is a ban on taking part in a future competition sanctioned by ETU and on attending it in the area immediately surrounding the field of competition.

2. The suspension is imposed in terms of competitions, days or months. Unless otherwise specified, it may not exceed two competitions or twelve months.

3. If a suspension is combined with a fine, the suspension may be prolonged until the fine has been paid in full.

#### Article 34 Ban from entering the competition area

A ban from competition area deprives someone of the right to enter specified areas within the venue and/or the area immediately surrounding the field of competition.

#### Article 35 Ban from entering venue

A ban from entering a venue prohibits someone from entering the confines of one or several sport halls or venues.

#### Article 36 Ban on taking part in any taekwondo-related activity

A natural or legal person may be banned from taking part in any kind of taekwondo-related activity (administrative, sports or any other).

#### Article 37 Exclusion from a competition

Exclusion is the deprivation of the right of a Member National Association or a club to take part in the current and/or a future competition.

#### Article 38 Determining the Sanction: general rule

1. The Sanctions Committee decides on the scope and duration of the sanction.
2. Sanctions may be limited to a geographical area or to one or more specific categories of competition.
3. Unless otherwise specified, the duration of a sanction is always defined. The body shall take account of all relevant factors in the case and the degree of the offender's guilt when imposing the sanction.

#### Article 39 Repeated infringements

1. Unless otherwise specified, the body may increase the sanction to be pronounced as deemed appropriate if an infringement has been repeated.
2. These provisions are subject to the special rules governing repeated anti-doping rule violations.

#### Article 40 Concurrent infringements

1. If several fines are pronounced against someone as a result of one or more infringements, the relevant 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 of the maximum sanction specified for that offence.
2. The same applies if a person incurs several time sanctions of a similar type (two or more competition suspensions, two or more venue bans etc.) as the result of one or several infringements.
3. The body that determines the fine in accordance with par. 1 is not obliged to adhere to the general upper limit of the fine.

#### Article 41 Advisory opinions

Member National Associations, ETU Vice-presidents or three (3) (Executive) Council members combined can request the ETU President to issue an Advisory Opinion. It is at the discretion of the ETU President to determine whether or not to approve such request.

#### Article 42 Complaints

Any natural person or legal person, whether or not they are a member of the ETU, can present a complaint to the ETU if they are personally the victim of one of the offences listed in this bylaw.

#### Article 43 Appeal

1. Decisions taken under these bylaws are open for appeal.
  
2. Upon appeal, the Appeal Committee has the ability to conduct a de novo review of the facts and the law, including the introduction of new evidence if compelling reason can be shown as to why the new evidence was not introduced during the initial investigation process. In absence of significant new evidence appropriate deference shall be given to the initial fact finding body, whose findings shall not be overturned except by a showing of clear and convincing evidence by the moving party.
  
3. The Appeal Committee has, at the committee's sole discretion, the right to issue formal requests for information to any party to the investigation as well as related persons.
  
4. The Appeal Committee shall be entitled to draw an inference adverse against any party if that party fails to appear in front of the Appeal Committee if requested to do so a reasonable time in advance of the hearing, or fails to comply with any information request that has been submitted in accordance with these Bylaws.
  
5. Decisions of the Appeal Committee shall be open for appeal to the Court of Arbitration of Sports in Lausanne only after all options for appeal have been exhausted.
  
6. Decisions and resolutions taken by the General Assembly are not open for appeal, neither within ETU, nor before the CAS.

#### THIRD TITLE: PROCEDURE

#### Article 44 Principles

In all investigations conducted under these bylaws, the parties shall be accorded:

a) Notice of the specific charges or alleged violations in writing and possible consequences if the charges are found to be true.

I. For members of ETU Member National Associations, notice by the ETU under these bylaws to a person who is under the jurisdiction of an MNA may be accomplished by delivery of the

notice to the MNA concerned. The MNA shall be responsible for making immediate contact with the natural person to whom the notice is applicable.

- b) Reasonable time between receipt of the notice of charges and the issuance of any decision within which to prepare a defence.
- c) Investigation and findings by a disinterested Investigations Committee. "Disinterested" means that the committee members shall have had no prior involvement with the case and shall not, unless otherwise agreed between the parties, be from the same country as any of the parties.
- d) If a hearing is deemed necessary, the right to have the hearing conducted at a time so as to make it practicable for the person charged to attend.
- e) The right to be assisted in the presentation of one's case at the hearing.
- f) The right to call witnesses and present oral and written evidence and argument at a hearing.
- g) The right to confront witnesses, including the right to be provided the identity of the witnesses in advance of the hearing.
- h) The right to have a record made of the hearing if desired.
- i) A written decision, with reasons for the decision, based solely on the evidence of record, issued in a timely fashion.

#### Article 45 Advisory Opinions

1. If the request for an Advisory Opinion is granted, the ETU President shall appoint an Investigations Committee who will be tasked to issue the Advisory Opinion.
2. All natural and legal persons within the scope of these bylaws are obliged to cooperate with the Investigations Committee.
3. All Advisory Opinions will be published by ETU. The ETU President can decide to keep an Advisory Opinion confidential.

#### Article 46 Complaints

1. A complete and properly formatted complaint is received by the ETU. The complaint must be addressed to the ETU President or Secretary General. The complaint must be filled within 20 days following the incriminating acts or the date of their discovery. This filing deadline can be waived by the ETU President upon recommendation by the Legislative Committee upon the showing of extraordinary circumstances. The postmark of the envelope or the reception stamp of the fax establishes the time.
2. The ETU shall within a reasonable period determine whether or not to proceed with an investigation related to the complaint. The decision to proceed is solely at the discretion of the ETU. The ETU shall do one of the following:
  - a) Decide not to proceed and issue a letter to the complainant describing why the complaint is not being acted upon (for instance, because of a lack of factual support or a failure to invoke an appropriate rule or regulation), and if appropriate request additional information in order to reconsider the action; or

b) Decide to proceed and give notice to the complainant and the accused regarding the initiation of an investigation, and the details of the subsequent process, in compliance with article 44.

c) Decline to proceed and suggest that the parties seek an alternative, more appropriate venue in which to air the dispute.

3. If the decision is to proceed, then an Investigations Committee will be formed. The parties shall be heard before any decision is passed.

4. The moving party has the burden to establish facts by a preponderance of the evidence. Credibility of the parties and witnesses is a consideration that can be taken into account by the finder of facts.

5. They may, in particular:

a) refer to the file;

b) present their argument in fact and in law;

c) request production of proof;

d) be involved in the production of proof;

e) obtain a reasoned decision.

6. The complaint must note:

a) the name, title, address and nationality of the individual(s) (or entity) making the complaint(s);

b) the name, title, address and nationality of the individual(s) (or entity) being prosecuted or the indication that their address is unknown;

c) a summary of the facts, the objectives of the complaint, with an indication of the rule or principle infringed;

d) the relief sought; and

e) the signature of the complainant.

7. The complaint can be supplemented by supporting evidence of documentation necessary for the investigative file.

8. The complaint must be accompanied by a non-refundable EUR 500 processing fee. This fee can be waived based on special circumstances. To receive such a waiver the complainant must provide adequate grounds.

9. In addition to the processing fee the ETU may require that a complainant submit an amount equal to the reasonable expected cost to the ETU of hearing the complaint (for instance, economy-class airfare and business-level hotel accommodations for committee/panel members). This amount, if required, may be refunded to the complainant if successful.

Article 47 Appeal

1. An appeal must be submitted to ETU within 20 days of the contested decision, resolution or action. An Appeal Committee shall review the case.

2. The Appeal Committee has broad discretion to determine the scope and method of its investigation. The committee shall not be bound by judicial rules governing the admissibility of evidence and facts may be established by any reliable means, including but not limited to, admissions, evidence of third parties, witness statements, expert reports, documentary evidence and other analytical information.

#### Article 48 Language used in proceedings

1. The languages used in proceedings are the four official languages of ETU (English, French, German and Spanish). The body may choose any of these languages.

2. ETU may, if necessary, use the services of an interpreter.

3. Decisions are passed in one of the languages of ETU. Efforts will be made to use the Member National Association first language, wherever possible.

4. If the language used in a decision is not the mother tongue of the person concerned, the Member National Association to which the person belongs will be responsible for translating it.

#### Article 49 Enforcement of decisions

Decisions come into force as soon as they are communicated or published.

#### Article 50 Adoption and enforcement

1. The ETU Executive Council adopted this code on 24 November 2014.

2. This bylaw enters into force as soon as the General Assembly ratifies the bylaw.