



Disciplinary Committee

Regulations

(March 2024)

GENERAL

1. The Disciplinary Committee "**DC**" shall be the mechanism, as an autonomous and independent body within the EBSA - European Billiard & Snooker Association available to adjudicate:
 - disputes among members and/or Associations of EBSA,
 - playing rule violations / penalties,
 - code of ethics violations.
2. The DC shall determine all matters referred to it and determine facts, resolve disputes, make recommendations and decisions, and issue suspensions and/or fines it deems appropriate.
3. The DC shall be composed 4 of members, which 3 of them will be elected by the EBSA General Meeting and 1 of them appointed by the EBSA board of directors. In case of an absent, the EBSA board will appoint a replacement. The EBSA board shall choose the DC member who shall serve as chairperson.
4. The members of the DC shall be elected for 4 years and may be re-elected.
5. The DC shall meet whenever convened by its chairperson or two other members.
6. The DC may only make decisions with the majority of its members present.

Language

1. The DC's working language is English.
2. Complaints can only be introduced in English.
3. If and when the complaint is in another language, the complaint is inadmissible.

APPLICATION PROCEDURE

1. All matters shall be referred to the DC by an affiliated member or EBSA representative, must be submitted in writing, and shall set forth grounds for the DC to take action.
2. The claimant (member of EBSA) shall file a request with the DC, containing:
 - a) the name and full address of the claimant(s);
 - b) a brief statement of the facts and (legal) arguments, including a statement of the issue to be submitted to the DC;
 - c) any relevant information regarding the issue;
 - d) a clear statement of the decision which is asked of the DC;
3. In the motivated complaint, the claimant has to point out if he wants a hearing before the DC, or if the DC will take a decision without a hearing.
4. In case of the above-mentioned requirements are not fulfilled when the request for arbitration is filed, the DC may grant a single short deadline of 7 days to the claimant to complete the request, failing which the DC shall not proceed.

5. The notice shall inform the parties of the time, place, date, and purpose of the hearing.
6. The notice shall also advise that if a party does not attend the hearing, the matter may proceed in the party's absence without further notice.
7. A hearing may be adjourned from time to time as may be necessary in order to do justice between the parties in dispute.
8. All written communication is valid through E-mail.
9. As a penalty for improper use of disciplinary means, a payment of 500,00 € (five hundred euros) should be paid, if the DC decides that there is no serious matter to initiate the disciplinary case.

THE PROCEDURE

1. Unless it is clear from the outset, that there is no ground for the DC to take the request in procedure, the DC shall take all appropriate actions to set the arbitration in motion.
2. The DC, in five (5) days, will send the request to the board for a reaction on the complaint. The board shall respond within thirty (30) days. When the board doesn't respond the DC will take a decision without this reaction from the board. Where such a request is made, and a decision is made by the board to proceed to further investigation, the board may issue a suspension notice from EBSA activities to the defendant, until the resolution of the procedure.
3. Within sixty (60) days of receipt of the written application, the Chair of the DC shall set a date for the hearing (physical or digital) and shall so notify all parties to the matter.

HEARING PROCEDURE

1. Any application may be resolved on the written consent of all parties, prior to or during a hearing, and before the DC takes the matter under advisement to issue its decision, and the DC shall issue such order as may be necessary to give effect to such consent, provided it is not inconsistent with any policy of the Board.

2. A party to a hearing may be represented by counsel, call and examine witnesses, conduct such cross-examinations of witnesses as may be reasonably required for a fair and full disclosure of any facts given in evidence, submit written documents, and present argument.

3. The hearing shall not be open to the public unless the Chair otherwise orders, for good cause. Witnesses appearing before the DC shall be sequestered after giving testimony. All reasonable efforts shall be made by the parties, witnesses, and the DC to keep all matters confidential and preserve the privacy of the parties.

4. In a hearing, the DC shall:

- a) determine whether the matter is within its jurisdiction;
- b) confirm that all documents have been properly submitted;

- c) permit the parties to present their cases in accordance with due process and in the interests of justice;
- d) receive such evidence as is relevant and considered to be reliable and trustworthy.

5. The Chair of the DC may add as a party to a hearing any person or Association that he determines might be affected by the resolution of the issues before the DC.

EVIDENCES

1. The following evidence is admissible:

- a. written documents;
- b. statements;
- c. TV images;
- d. depositions.

2. The DC is free to allow this evidence to the case and is free to judge the evidence, being obliged to give reasons for the decision to allow the evidence and the judgment on the evidence.

3. The DC has the right to summon and hear witnesses and/or experts and each party may bring witnesses and/or experts before the DC, but the DC decides whether these witnesses and/or experts will be allowed (each party is responsible for the costs of its witness and/or experts).

4. Before hearing any witness or expert, the DC will solemnly invite that person to tell the truth.

DC MEETING

2. After the hearing is closed, the Chair will decide when the DC will meet to make a decision. This meeting will never be public.

3. The decision of the DC shall be rendered by a majority decision, or in the absence of a majority, by the Chair alone and it shall be written, dated and signed.

4. The decision shall state brief reasons and will give clarity about the final decision regarding the disputed decision.

5. As soon as possible, the summary content of the DC's verdict will be communicated to all parties involved.

DECISION

1. At the conclusion of the hearing, the DC may allow or dismiss the application or make such order as is just in the circumstances and consistent with the policies and principles of the EBSA.
2. The DC shall give its decision or recommendation, and order if any, in writing within 30 calendar days of the hearing date to the parties. The Chair of the DC shall notify each party by electronic mail, as soon as reasonably possible after the DC renders its decision.

3. Where on evidence produced the DC concludes that there has been a contravention of any order, policy, rule, or prior decision, the DC may:
 - a) If the DC is of the opinion that an offence is not legally or convincingly proved, it will acquit the defendant.
 - b) If the DC is of the opinion that an offence is completely or partially proved, it determines whether the penalty will remain completely or in parts.
 - c) If the DC has confirmed that the board has properly interpreted and followed the applicable rules valid at that time but considers a different penalty to be justified, the Disciplinary DC may impose a different penalty and may:
 - aa) suspend or restrict the privileges extended through the EBSA to the party in default;
 - bb) assess the costs of the enforcement of the decision against the defaulting party;
 - cc) impose a monetary penalty on the defaulting party;
 - dd) request the parties to appear before the full EBSA Board of Directors for subsequent action;
 - ee) render any other decision in order to do justice between the parties in dispute;
 - ff) any combination of the above.
4. Each party, member of the EBSA, will receive the final decision of the case and agrees to be and shall be bound by decision of the DC and agrees to take all such steps as are necessary within its organization to ensure compliance with such decisions.
5. The decision of the DC shall be final and binding on all parties, members of the EBSA.
6. The DC will decide if the decision shall be made public.

APPEAL

As agreed at the Annual General Meeting, EBSA will appoint an Appeal Tribunal to review any appeals against the process that DC has followed.

COSTS OF THE HEARING (PHYSICAL HEARING ONLY)

The costs (only for DC members) of the physical hearing of a case by the DC will be paid in advance by the EBSA.

In the decision the DC will also take a motivated decision of which party has to pay the costs.