

FÉDÉRATION INTERNATIONALE DE GYMNASTIQUE



CODE OF DISCIPLINE

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CHAPTER I

GENERALITIES AND DISCIPLINARY AUTHORITIES

ARTICLE 1 OBJECTIVES AND SCOPE OF DISCIPLINARY PROCEEDINGS

The FIG Code of Discipline shall ensure the achievement of the FIG objectives in accordance with the FIG Statutes, in particular with its article 2.

This Code governs all the disciplinary proceedings subject to other specific Rules and Policies, in particular the FIG Policy and Procedures for Safeguarding and Protecting Participants in Gymnastics and the FIG Policy and Procedures for Compliance.

Disciplinary proceedings relating to alleged violations under the FIG Anti-Doping Rules, including first instance hearings, waiver of hearings and decisions, have been delegated to the Court of Arbitration for Sport Anti-Doping Division (CAS ADD), as provided for under the FIG Anti-Doping Rules. In such cases, the procedural rules of the CAS ADD pertaining to the hearing of first instances shall apply.

In the absence of a specific provision in this Code, in the WADA Code or in other disciplinary provisions of the FIG Rules, the Disciplinary Authority shall rule according to the general principles set out in this Code and according to the general principles of justice, fairness and equality. It shall apply the general principles of Swiss law, and principles acknowledged internationally.

The FIG Member Federations, gymnasts, officials (judges, coaches, medical staff and others) as well as the FIG Authorities are bound by the FIG disciplinary rules.

ARTICLE 2 DISCIPLINARY AUTHORITIES

The Disciplinary Authorities are:

- 2.1 The Disciplinary Authorities of the Gymnastics Ethics Foundation comprising:
 - The Disciplinary Commission (1st instance)
 - The Appeal Tribunal (2nd Instance)
- 2.2 The following entities within the FIG:
 - The Council within the limits of articles 8.3 and 13.4 of the Statutes
 - The Congress within the limits of articles 8.2 and 11.12.3 of the Statutes
 - The Technical Committees for sanctions applied to judges/coaches and other officials and competitors as outlined in the General Judges' Rules, the Specific Judges' Rules and respective Code of Points.
 - The FIG Secretary General for administrative measurement as outlined in the Accreditation Rules and sanctions as defined in the Code of Auto-discipline.

The provisions of this Code similarly apply to the disciplinary decisions to be pronounced by the Council or the Congress subject to specific rules provided for in the FIG Statutes.

Sanctions pronounced by the Disciplinary Authorities of the Gymnastics Ethics Foundation are reported to the FIG for implementation.

CHAPTER II

INFRINGEMENTS AND LIMITATION PERIODS

Any infringement of the Statutes, Rules and Regulations, Policies and/or Procedures, as well as of the principles of integrity and sports fairness by the FIG member Federations, gymnasts, officials (judges, coaches, medical staff or others) or by members of the FIG Authorities is liable to sanctions provided for by the Statutes and this Code.

These principles are infringed should someone:

- Not abide by the FIG written Statutes, rules, regulations, decisions and directives;
- Violate the FIG Anti-Doping Rules;
- Violate the Apparatus Norms;
- Violate the “FIG Policy and Procedures for Safeguarding Participants in Gymnastics”;
- Commit any act of active or passive corruption or of attempted active or passive corruption;
- Damage the image of gymnastics, the FIG or its members through his/her behaviour, his/her words or his/her deeds;
- Demonstrate anti-sport behaviour;
- Seriously violate the verbal or written instructions and directives given by the FIG officials;
- Act in such a way so as to influence the course or the result of the competitions in an improper way;
- Show unsatisfactory and/or biased judging at competitions;
- Use the FIG, its name, its funds or its infrastructure for aims harmful to gymnastics;
- Behave in an offensive way towards the FIG members, gymnasts or FIG officials;
- Harass and/or abuse any person or a group of persons, in any way, in particular due to their race, color, sex, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth, disability, physical attributes or athletic abilities or other status;
- Contravene Swiss Criminal Law;
- Violate his/her contractual obligations towards the FIG;
- Commit any breach or failure listed in art. 8.2 of the Statutes.

The Federations are also liable for the behaviour of their members, gymnasts, judges and officials as well as for any other person assigned by them to officiate during a competition. They are liable for the implementation of any sanction of the FIG imposed against those persons. Any failure of a Federation to implement any sanction of the FIG may lead to a disciplinary action against the Federation concerned.

Associations, companies, natural persons or legal entities organising a competition are liable for the safety and order within the competition area and its immediate surroundings before, during and after the competition. Failing that, the persons responsible are liable to sanctions provided for in this Code.

The FIG and its members and participants are to inform the Director of the Gymnastics Ethics Foundation in writing of any breach of this Code or of the FIG Statutes, Rules, regulations, etc.

ARTICLE 5 LIMITATION PERIODS

Any disciplinary proceedings under this Code shall be commenced within the following time limits:

- a) for any breach occurring during a competition: 1 year from the end of the competition except for b) or c) below;
- b) for any doping case: 10 years from the date of occurrence;
- c) for any act of a criminal nature: 12 years from the date of conviction;
- d) for any case involving sexual abuse 30 years from the date of occurrence;
- e) for any case involving abuse and/or harassment: 15 years from the date of occurrence or where the victim is a minor 15 years from the date he/she attains the age of 18;
- f) for any other infringement: 5 years from the date of occurrence.

No disciplinary sanction shall be taken unless the Disciplinary Authority of first instance rules within one year from the notification of the opening of the disciplinary proceedings to the defendant Party likely to be sanctioned, unless the circumstances reasonably require more time. This period of time shall be extended to 2 years should the Disciplinary Authority of first instance be the Council and to 3 years should the Disciplinary Authority of first instance be the Congress.

CHAPTER III

PROVISIONAL MEASURES

ARTICLE 6 CONFISCATION

The Disciplinary Authority may order the confiscation of any prize money or financial advantage acquired as a result of any infringement of FIG Statutes and regulations.

In addition, in the event of suspicion of infringement of FIG Statutes and regulations, any Disciplinary Authority may order the confiscation of objects or substances for the needs of the investigation, on a purely provisional basis.

ARTICLE 7 PROVISIONAL MEASURES

The President of the Disciplinary Authority may take appropriate provisional measures to ensure the maintenance of the competition or the administration of justice.

Should a provisional measure be ordered, the Party shall be given the opportunity to be heard or submit a written statement during an expedited provisional hearing if possible before implementation of the provisional measure or, for urgent matters, within 10 days maximum after the imposition of the provisional measure.

The duration or the nature of any provisional measures resulting in the immediate application of a sanction shall be considered in the final sanction.

A provisional measure may not be valid for longer than 30 days unless provided otherwise by a specific provision.

ARTICLE 8 APPEAL PROCEDURE AGAINST A PROVISIONAL MEASURE

Any appeal against a provisional measure may be lodged to the Appeal Tribunal within five days of its notification. The appeal shall mention the reasons for the appeal.

The appeal against a provisional measure shall not have a suspensive effect on the sanction.

The appeal shall be reviewed by the President of the panel of the Appeal Tribunal who shall issue his/her decision in writing and without hearing on the appeal. He/she shall rule as a single judge within 5 days. His/her decision shall be final.

CHAPTER IV

COMMON PROCEDURAL RULES (1st and 2nd Instance)

ARTICLE 9 PARTIES

The Parties to the disciplinary procedures are as follows:

- The Party suspected to have infringed FIG Rules (defendant)
- The Party summoned
- The Party intervening

A person or a Federation may be summoned if the disciplinary complaint filed in writing is to have direct consequences for the said person or Federation.

A person or Federation may intervene provided that the said person or Federation states in writing that it wants to be part of the procedure as long as it establishes that a disciplinary sanction taken against the person suspected to have breached FIG rules shall have a direct consequence on it.

The Disciplinary Authority shall start by hearing the Parties to the procedure and rule on whether to admit or not an intervening or summoned Party. The decision of the Disciplinary Authority may be appealed to the Appeal Tribunal, unless stated differently in specific rules and regulations. An appeal filed on the admission of or the refusal to admit a Party to participate in a hearing does not have a suspensive effect on the disciplinary procedure.

ARTICLE 10 REPRESENTATION

The Parties shall have the right to be represented by a legal and/or other relevant representative of their choice upon submission of a written proxy.

Any minors under 18-year old shall be represented.

In every single disciplinary procedure, the FIG Secretary General shall appoint a person to represent the FIG upon approval by the FIG President or, in the absence of the latter, by one of the FIG Vice-Presidents.

The Parties may file their written submissions through their appointed representative.

ARTICLE 11 PROVIDING DOCUMENTS

The Parties may require the responsible Disciplinary Authority to deliver to them at their own costs a copy of the file.

The Parties shall simultaneously provide to the other Parties a copy of any document, evidence or any other element they submit to the Disciplinary Authority.

Documents that are legally privileged or that relate to violations of the “FIG Policy and procedures for Safeguarding and Protecting Participants in Gymnastics” and are considered, in the reasonable opinion of Disciplinary Commission, to be highly confidential, may be withheld, at the discretion of the President of the Panel, in particular where it is deemed that disclosure would place a person or persons at risk of harm and/or would amount to an unwarranted breach of privacy.

The Parties and their Federations shall not disclose to a third Party other than their representative the whole or part of the file provided to them by the Disciplinary Authority.

ARTICLE 12 WITHDRAWAL AND REVOCATION

Members of the Disciplinary Authorities as well as the members of the Safeguarding Section/Case Management Group and the Compliance Section shall declare spontaneously any conflict of interest and withdraw from the panel/the unit if need be. They shall inform at least once a year the members of the Gymnastics Ethics Foundation and FIG Secretary General of any potential risk of conflict of interest which may concern them.

They may withdraw at a later stage if circumstances or matters unknown previously are made available to the Disciplinary Authority and such circumstances or matters represent a conflict of interest or must objectively be perceived as such.

Reasons for the withdrawing of natural persons or legal entities shall include, but shall not be limited to the following:

- If a member is or was married to, or live in a registered partnership or co-habit with a person involved in the procedure
- If a member is related to a person involved in the procedure by birth or marriage in direct or in collateral line, including the following persons: grandparent, parent, uncle, aunt, brother, sister, child, grandchild, nephew and cousin
- If a member is of the same nationality than the defendant
- If a member has a direct relationship with the national gymnastics federation or the national Olympic Committee of the country/countries of the defendant;
- If a member has a direct or indirect relationship or interests with or in an entity concerned

Parties may challenge a member of the Disciplinary Authority and the members of the Safeguarding Section/Case Management Group and the Compliance Section based on conflict of interest.

Such challenges shall be made in writing and shall contain detailed reasoning to the President of the Disciplinary Authority concerned or in case of a member of the Safeguarding Section/Case Management Group and the Compliance Section to the Director of the Gymnastics Ethics Foundation no later than 5 days after knowledge of the withdrawal reason. The proof of the reason for withdrawal must be made by the party requesting the withdrawal.

The President of the Disciplinary Authority concerned shall rule alone on the request for withdrawal
The same applies to the Director of the Gymnastics Ethics Foundation.

Should the President of the Disciplinary Authority himself be challenged, the request shall be addressed to the Director of the Gymnastics Ethics Foundation who shall rule alone on the request for withdrawal.

Should the entire Disciplinary Authority (panel) be challenged, the request shall be sent to the Director of the Gymnastics Ethics Foundation who shall rule in consultation with the President of the Gymnastics Ethics Foundation on the request for withdrawal.

All above mentioned decisions concerning requests for withdrawal are final and may not be appealed.

ARTICLE 13 NOTIFICATIONS

Notifications and communications to a Party who is a member of a Federation (gymnast, coach, judge, support personnel, etc.) shall be sent through the Party's Federation. The Federation shall be responsible for delivering the notice to the Party at its own cost and for proving the receipt by the Party to the Disciplinary Authority. Whenever the Disciplinary Authority is fully aware of the personal address of the Party, a copy should be sent to this address.

Notifications and communications shall be sent by courier service, first class mail, facsimile or email.

Should a Party be represented, written notifications shall be delivered exclusively to the representative's address upon submission of a proxy duly signed by the Party represented with copy to the Party's Federation.

ARTICLE 14 TIME LIMITS

In accordance with any applicable rule, the Parties shall be allowed a reasonable time to enable them to deal fairly with the matters raised in the statements and documents provided.

Time limits set out in FIG rules and regulations and by the respective Disciplinary Authority shall begin as of the day following the notification date. Bank holidays and non-business days are included in the calculation of time limits. A notification by the parties should be sent no later than midnight on the last day on which such time limit expires. If the last day of the time limit is a Bank holiday or a non-business day in the country where the notification has been made, the time limit shall expire at the end of the next subsequent business day. Evidence that the time limit has been abided by is to be submitted by the Party due to fulfill it.

Time limits are suspended from December 23 to January 5 inclusive, except for the time limits set out for an appeal to the CAS.

Time limits set out in FIG rules and regulations or in this Code may not be extended. The only time limits which might be extended by the President of the disciplinary panel concerned, subject to a written and grounded request, are those time limits set out by the Disciplinary panel or Authority concerned.

ARTICLE 15 LANGUAGE USED IN PROCEEDINGS

The Parties shall use the English language only.

If one of the Parties intends to use another language than English at a hearing, it shall be responsible for using, at its own costs, the services of a qualified interpreter to be approved by the Disciplinary panel or Authority concerned.

All documents submitted and correspondence sent by and between the Parties must be in English.

ARTICLE 16 OFFICE WORK

The office work of the Disciplinary Authorities shall be conducted by the Director of the Gymnastics Ethics Foundation or by any person appointed by him.

Likewise the Director of the Ethics Foundation or any person appointed by him shall act as ad hoc secretary for each of the Disciplinary Authorities. This person shall be in charge of the administrative management as well as the drafting of the minutes of the meetings under the responsibility of the President of the Disciplinary Authority concerned.

ARTICLE 17 CONFIDENTIALITY – PUBLIC DISCLOSURE

Proceedings before the Disciplinary Authorities shall not be made public.

The identity of the gymnast or any other person or entity sanctioned may be publicly disclosed only after notification of the disciplinary decision has been provided to the Parties concerned (see also Art. 23 below).

ARTICLE 18 EVIDENCE

Infringement of FIG Statutes and regulations may be established by various types of evidence such as written statements, audio or video recording, confession or others.

In exceptional circumstances, including, for the avoidance of doubt, matters arising from the “FIG Policy and Procedures for Safeguarding and Protecting Participants in Gymnastics”, special measures will be provided to support witnesses giving evidence in person, where the witness is under 18 or where the panel President reasonably believes that the witness is likely to experience an unreasonable level of distress in relation to providing their evidence.

Statements of FIG officials incorporated in the reports and minutes have a probative force unless there is evidence to the contrary.

The Disciplinary Authority may ask the Parties and/or independent experts to provide a submission. It may hear the Parties and any other person likely to provide a perspective on the disciplinary matter before giving its verdict.

The FIG, the Gymnastics Ethics Foundation’s Disciplinary Section or other prosecuting authority under this Code shall have the burden of establishing that an infringement of this Code has occurred. The standard of proof in all matters under this Code shall be the balance of probabilities (a standard that implies that on the preponderance of the evidence it is more likely than not that an infringement of this Code has occurred).

Special provisions on infringements of doping rules may apply.

Hearings and questioning of witnesses may only be conducted by the Disciplinary Authority.

Apart from the proof provided by the Parties, the Disciplinary Authority may order the submission of any other exhibit they consider useful for the resolution of the case. They may request the Parties to provide additional evidence including expert testimony or opinions by setting deadlines for additional submissions or scheduling additional hearings. Additional cross-examination of witnesses may be instructed.

Any and all issue concerning the admissibility of evidence shall be determined by the Disciplinary Authority concerned at its discretion. Such Disciplinary Authority shall not be bound by any enactment or rule of law related to admissibility of evidence before a court of law or statutory tribunal.

ARTICLE 19 RIGHT TO BE HEARD

The Parties have the right to be heard (in writing or orally). They also have the right to consult the file, subject to the restrictions set out in Article 11 above. In addition, the Disciplinary Authority shall allow them to express their opinion on the whole of the proceedings, respectively on the charges against them and on the intended sanctions before the Disciplinary Authority gives its verdict.

ARTICLE 20 HEARINGS

A hearing shall be organised upon written request of a Party to the proceedings or at the sole request of the Disciplinary Authority. The President of the Disciplinary Authority shall determine the date and place of the hearing. He/she shall also summon the Parties, the witnesses and/or independent experts to appear. Summons shall be sent 21 days at the latest before the date of the hearing.

Parties shall be authorised to attend the hearing, with or without a legal representative, in order to question witnesses and to give evidence.

Hearings can be held in person or by electronic means (conference call or video conference). Should the hearing take place via an electronic media, the Parties shall have to prove their identities by any means the panel shall deem appropriate.

The Disciplinary Authority may require the Parties to appear in person.

Hearings of Disciplinary Authorities shall be conducted behind closed doors. See special provisions in Art. 18.

The Disciplinary Authority may adjourn a hearing for such period of time and under the conditions (in particular as regards the cost) it may deem appropriate.

ARTICLE 21 ATTENDANCE AT HEARINGS AND CONSEQUENCES RESULTING FROM FAILURE TO APPEAR

Should a Party fail to attend a hearing following due notification, the Disciplinary Authority may – if it is satisfied that there are no reasonable grounds for the failure to appear – proceed with the hearing in such manner as it considers appropriate, making its decision concerning any alleged breach by the Party and any related decision as to penalties.

If the panel finds that the Party does not have reasonable grounds for failing to attend a hearing, after having been duly notified of the consequences resulting from such failing, the panel may consider that the Party suspected of having infringed FIG Rules has accepted that a violation of FIG Rules has been committed and rule on the case accordingly.

ARTICLE 22 RECORDING OF HEARINGS – MINUTES

The Disciplinary Authority shall make any and all technical arrangements for the hearings to be recorded. The same applies to hearings held by conference calls or video conference.

Upon written request, the Parties may require a copy of the recording. Copies of recordings shall remain at all times confidential.

The aforementioned recording shall belong to Disciplinary Authority and be kept in its archives for at least ten years from the conclusion of the proceedings. It may not be used except within the framework of a legal or arbitral proceedings.

No one shall have the right to compel the production of it unless so required by law in connection with civil or criminal proceedings and subject to meeting any costs or expenses incurred in providing it.

Should it prove impossible to record the hearing, the Disciplinary Authority shall draw up the minutes of its hearings. The minutes shall be signed by its President and the appointed secretary. In this case, the statements of the persons heard shall be transcribed and signed by these persons.

ARTICLE 23 DECISIONS

The Disciplinary Authorities shall hold their debates without the presence of the Parties. The members of the Disciplinary Authorities shall ensure that the deliberations remain confidential.

The decisions of the Disciplinary Authority shall be passed by a simple majority, each member present shall vote. If votes are equal, the President of the panel has the casting vote.

The Disciplinary Authorities shall issue their decisions in writing within 1 month from the hearing of a case. This time limit may be extended by the President of the Gymnastics Ethics Foundation upon written and duly justified request submitted by the President of the panel before the deadline expires.

The decisions shall provide the following elements:

- physical facts accepted by the panel
- summary reasons explaining why a sanction was taken or, on the contrary, the reasons explaining why no sanction was imposed;
- determination of the panel on the expenses of the proceedings and the payment of the contributions by the Parties;
- appeal procedure and time limits for the appeal.

A Disciplinary Authority may at any time correct any miscalculations or other obvious errors in a decision.

Notification of the decision shall be sent to the Parties by registered mail or email with proof of sending and receipt. It shall also be notified by email or intranet to the Director of the Gymnastics Ethics Foundation who will transmit it to the FIG Secretary General, the Executive Committee and the FIG President for implementation.

Final decisions shall be published in full, partly or in short on the FIG website or in the FIG official publication, or even in other media.

In potentially serious or media-related circumstances, the Secretary General or the Director of the Gymnastics Ethics Foundation may choose to release information before the final decision is taken or, in exceptional cases, to withhold the decision.

ARTICLE 24 DISMISSAL OF PROCEEDINGS

Should the Disciplinary Authority deem that there is no breach or that the proceedings may be terminated, it shall issue a written and reasoned nolle prosequi. The FIG and the President of the Gymnastics Ethics Foundation shall be the only entity authorised to lodge an appeal to the Appeal Tribunal.

Any proceedings terminated with a nolle prosequi may be reopened upon discovery of new evidence within the limitation period.

ARTICLE 25 SANCTIONS

The disciplinary measures provided for in the FIG Statutes may be ordered against any natural person or legal entity such as but not limited to FIG member Federations, gymnasts, officials (judges, coaches, medical staff or other), members of the FIG Authorities including Commission as well as Apparatus Manufacturers, organising committees and their members.

The Disciplinary Authority shall set out the type and the scope of the disciplinary sanctions, in accordance with the FIG Statutes and regulations, by considering both the objective and subjective elements of the infringement.

The sanctions imposed shall take into account mitigating and aggravating circumstances.

Aggravating circumstances shall include in particular, but shall not be limited to, the repetition of an infringement. Each second or subsequent offence must take place within five (5) years after a former final ruling on disciplinary sanction in order to be considered as such.

In the event of a combination of infringements, the sanction imposed shall correspond to the most serious infringement, increased at the maximum by half of the sanction of the least serious infringement.

In the event of minor cases or of mitigating circumstances, a financial fine may be imposed and combined with total or partial suspension, for a minimal duration of 1 year and a maximum of 5 years.

In the event of extremely minor cases or of appropriate justified reasons, all disciplinary sanctions may be withdrawn.

Specific provisions with regard to infringements of doping rules are reserved.

ARTICLE 26 PROCEDURAL SANCTIONS

Whoever impedes, by his/her/its misbehaviour, the proper running of a proceedings may be sanctioned by the Disciplinary Authority as follows:

- a fine of CHF 1'000.- max.
- in addition, this person may be excluded from the hearings and the proceedings may carry on validly in his/her absence.

ARTICLE 27 COST OF PROCEEDINGS

The Disciplinary Authority shall decide whether the costs incurred by the disciplinary proceedings shall be borne entirely or partly by the sanctioned Party, or shared by the Parties at the percentage to be decided by the Disciplinary Authority or born by the Gymnastics Ethics Foundation.

In principle, the Parties shall bear their own expenses and costs, but the Disciplinary Authority may request the unsuccessful Party to pay to the successful Party a fair contribution to or all the expenses (costs of the Party and the lawyer) incurred.

The Parties which have requested the hearing of witnesses or of experts shall pay the expenses related to the appearance of these persons.

The Appellant or intervening Party may, at the discretion of the panel, also be condemned to contribute to the costs and fees of the proceedings on the same principles as the main Party.

CHAPTER V

PROCEEDINGS WITH THE DISCIPLINARY COMMISSION

ARTICLE 28 OPENING OF THE PROCEEDINGS

Disciplinary proceedings may be opened by the Director of the Gymnastics Ethics Foundation based on the findings of an investigation of a complaint received.

ARTICLE 29 FORMATION OF THE DISCIPLINARY COMMISSION PANEL AND GENERAL FUNCTIONS

A panel of the Disciplinary Commission shall be composed of three members.

From 01.01.2019 to 31.12.2020, two of them appointed by the Director of the Gymnastics Ethics Foundation, in consultation with the President of the Gymnastics Ethics Foundation Council among the lawyers nominated by the EC and one among the members elected by the Council.

From 01.01.2021, two of them are appointed by the Director of the Gymnastics Ethics Foundation, in consultation with the President of the Gymnastics Ethics Foundation Council among the lawyers and one among the other members elected by the Foundation Council.

For all matters regarding violations of the “FIG Policy and Procedures for Safeguarding and Protecting Participants in Gymnastics”, at least one member must have knowledge and prior experience of dealing with harassment and abuse cases.

For all matters regarding violations of the Anti-Doping Code, at least one member must have medical and scientific knowledge.

The panel shall be initially appointed and summoned by the Director of the Gymnastics Ethics Foundation. The panel shall appoint its President.

After having been appointed, the President of the panel shall be in charge of following-up the proceedings, in particular of summoning the Parties and their attorneys, if any, to the hearings. The President of the panel shall also ensure that the proceedings are conducted as quickly as possible.

The President of the panel shall ensure in particular that the Parties are allowed a reasonable period of time to study the exhibits and documents available and that they are allowed a reasonable opportunity to plead their case in writing or during a hearing.

The Disciplinary Commission panel shall rule on all the cases submitted to it by the Director in relation with misbehaviour and infringement of FIG Statutes and Regulations.

It can conduct further investigations if needed or, in particular for any matters referred by the FIG Ethics Foundation/Case management Group pursuant to [Articles 1.2 and 43.0 of] Part 2 of the “FIG Policy and Procedures for Safeguarding and Protecting Participants in Gymnastics”, rely on the information provided.

CHAPTER VI

PROCEEDINGS WITH THE FIG APPEAL TRIBUNAL

ARTICLE 30 APPEAL

With the exception of decisions and sanctions rendered in connection with the FIG Anti-Doping Rules and the WADA Code including its international standards, which may be appealed directly to the CAS, and unless provided otherwise in specific provisions, only the decisions rendered by the Disciplinary Commission may be appealed to the Appeal Tribunal.

Only the Parties directly involved in the proceedings shall be eligible to lodge an appeal to the Appeal Tribunal.

Upon request of a majority of the Executive Committee or of the FIG President, the FIG shall in all cases be eligible to lodge an appeal. The appeal shall be lodged by the FIG Secretary General. Likewise the majority of the Council of the Gymnastics Ethics Foundation or its President shall be eligible to lodge an appeal in all cases. Appeals of the Gymnastics Ethics Foundation shall be lodged by its Director.

In order to be admissible, the appeal shall be lodged in writing and contain:

- the factual argument
- the reasons for the appeal
- the submission of any and all means of proof relied upon by the Appellant or an offer to submit any and all means of proof (such as the request for the hearing of witnesses or the request for an independent expert)
- the request of a hearing if wished so by the Appellant
- the conclusions of the Appellant

If the Appellant wishes to call witnesses or experts, a hearing shall be held.

Once his/her statement of the case is submitted, the Appellant shall not be authorised to produce new means of proof unless he/she justifies that he/she has not been able to do so for reasons beyond his/her control or his/her behest. The Appeal Tribunal may automatically conduct the necessary investigations.

The appeal shall be signed by the Appellant and sent in writing to the Director of the Gymnastics Ethics Foundation to the attention of the Appeal Tribunal within 21 days from the notification of the decision rendered by the Disciplinary Commission.

Should the appeal be submitted by email it shall be admissible provided that it contains an electronic signature officially certified and dated via a secure server.

Should the appeal be sent by mail, it shall be delivered to a Swiss post office at the latest by midnight of the last day of the time limit or be delivered at the Office of the Gymnastics Ethics Foundation, at the attention of the Appeal Tribunal during its usual opening hours not later than the last day of the time limit.

The Appellant is responsible for showing proof, within a time limit to be determined by the President of the Appeal Tribunal, that his appeal has been lodged in due time, otherwise, the appeal shall be considered inadmissible.

In order for the appeal to be admissible, the Appellant shall transfer in advance the expenses of CHF 5,000.- onto the account of the Gymnastics Ethics Foundation at the same time the appeal is lodged or at the latest by the end of the appeal deadline. This amount shall be refunded to the Appellant if his appeal is granted. It shall be kept by the Gymnastics Ethics Foundation if the appeal is considered inadmissible or is fully or partly rejected. The Gymnastics Ethics Foundation is exempt from the obligation to pay the expenses in advance for its appeal.

ARTICLE 31 FORMATION OF THE APPEAL TRIBUNAL PANEL

The panel of the Appeal Tribunal shall be composed of 3 members.

From 01.01.2019 to 31.12.2020, the 3 members are appointed by the Director of the Gymnastics Ethics Foundation, in accordance with the President of the Gymnastics Ethics Foundation among the members elected by the FIG Congress 2016.

From 01.01.2021, the three members are appointed by the Director of the Gymnastics Ethics Foundation, in accordance with the President of the Gymnastics Ethics Foundation among the five lawyers nominated by the Gymnastics Ethics Foundation.

The panel shall appoint its President.

ARTICLE 32 SUSPENSIVE EFFECT

The decision appealed against shall stay in force unless otherwise decided by the President of the Appeal Tribunal or his/her deputy.

The Appellant may submit a request of suspensive effect for the disciplinary decision appealed against within the deadline set out to lodge an appeal.

The Appeal Tribunal may also decide itself for a just cause to grant a suspensive effect to the appeal lodged.

ARTICLE 33 PROCEEDINGS WITH THE APPEAL TRIBUNAL

After having been appointed, the president of the panel shall be in charge of following-up the proceedings, in particular of summoning the Parties and their attorneys, if any, to the hearings. The President of the panel shall also ensure that the proceedings are conducted as quickly as possible.

The procedural rules (Chapter IV) shall apply.

Incomplete procedural rules or queries in their implementation shall be determined by the President and communicated to the Parties.

The President of the Appeal Tribunal shall notify the respondent of the appeal and grant him/her a 21-day period of time to answer in writing with the conclusions, the grounds and the means of proof on which he/she relies. Upon reception of the respondent's statement of case, the President of the Appeal Tribunal shall send it immediately to the appellant.

Before a hearing takes place, the President of the Appeal Tribunal panel shall make sure that the panel has the official procedural file and that all the exhibits have been collected, in particular any audio and video exhibits.

If need be and upon agreement by the Parties and the other members of the Appeal Tribunal, the President of the Appeal Tribunal panel may hear witnesses and/or independent experts.

The President of the Appeal Tribunal panel shall make sure that the Parties have had access to the entire file.

ARTICLE 34 APPEAL TO THE CAS

An appeal against any decision of the Appeal Tribunal, or other decision if provided otherwise in a specific provision, may exclusively be lodged to the Court of Arbitration for Sport in Lausanne (Switzerland), within 21 days from the notification of the decision of the FIG Appeal Tribunal.

The Parties to an appeal to the Appeal Tribunal as well as, in any case, the FIG and the Gymnastics Ethics Foundation shall be authorised to appeal to the CAS.

The rules of the Code of Sports-related Arbitration with regard to sport apply for the proceedings to the Court of Arbitration for Sport.

CHAPTER VII

ENFORCEMENT OF SANCTIONS

ARTICLE 35 GENERAL PROVISIONS

The FIG, via its Executive Committee shall enforce the decisions of the Disciplinary Authorities or shall have them be enforced. It may in particular designate the Federation concerned or a FIG member to enforce them.

ARTICLE 36 ENFORCEABILITY

Any and all sanctions and disciplinary measures shall be effective from the date of the written notification of the decision to the persons or bodies concerned unless mentioned otherwise in the decision of the relevant authority and subject to a possible suspensive effect in case of an appeal.

Any sanctions imposed pursuant to Article 25 must be enforced within 8 years from the date of the decision. Specific doping rules are reserved.

CHAPTER VIII

ADDITIONAL AND FINAL PROVISIONS

This Code of Discipline has been updated by the FIG Council in May 2021 and replaces the version approved by the FIG Congress in December 2018. The changes enter into effect immediately.

Lausanne, May 2021

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Morinari Watanabe
FIG President

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Sylva

Nicolas Buompane
Secretary General

Appendix 1 – Definitions and interpretation

The terms used in this Code of Discipline shall be interpreted as follows:

Code:	Code of Discipline
Congress:	FIG Congress
Council:	FIG Council
FIG:	Fédération Internationale de Gymnastique
FIG Rules:	The FIG Statutes and all Rules, Regulations, Codes, Codes of points, Policies, Guidelines, decisions, as well as all other official documents made by the FIG
(National) Federation:	any FIG affiliated / associated national gymnastics organisation. This term also covers the Continental Unions within the framework of this Code
Secretary General:	FIG Secretary General
Statutes:	Statutes of the FIG
Director:	Director of the Gymnastics Ethics Foundation
Constitution:	Constitution of the Gymnastics Ethics Foundation
Operational Rules:	Operational Rules of the Gymnastics Ethics Foundation

Words referring to the masculine gender shall also include the female gender.